



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 NOVEMBER 2018**

Present:

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Will Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

Staff in attendance:

Ross McLeod	General Manager
Rachel Hensman	Acting Director, Waverley Life
Sam McGuinness	Acting Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.02 pm, those present were as listed above.

At 10.29 pm, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/7.8/18.11 – Bondi Pavilion Restoration and Conservation Project – Concept Design Consultation, and informed the meeting that he works for a company at the Pavilion.
- 2.2 Cr Copeland declared a pecuniary interest in Item CM/7.10/18.11 – Outdoor Cinema at Bondi Pavilion 2019-2020 – Licence Agreement, and informed the meeting that he works for a company at the Pavilion.
- 2.3 Cr Lewis declared a less than significant non-pecuniary interest in Item CM/7.11/18.11 – Waverley Local Planning Panel – Expert Membership, and informed the meeting that Richard Thorp is a family friend.
- 2.4 Cr Lewis declared a less than significant non-pecuniary interest in Item CM/10.1/18.11 – CONFIDENTIAL REPORT – Eastgate Car Park – Agreement with ISPT, and informed the meeting that he resides in one of the Eastgate towers and is a member of the owners corporation.

3. Addresses by Members of the Public

- 3.1 P Rasmussen – CM/7.1/18.11 – Petition – Garden Verge outside 101 Brighton Boulevard, North Bondi.
- 3.2 K McLeod (managing agent of 99 and 103 Brighton Boulevard) – CM/7.1/18.11 – Petition – Garden Verge outside 101 Brighton Boulevard, North Bondi.
- 3.3 S Beram (on behalf of bRU Coffee) – CM/7.1/18.11 – Petition – Garden Verge outside 101 Brighton Boulevard, North Bondi.
- 3.4 N Boaz – CM/7.8/18.11 – Bondi Pavilion Restoration and Conservation Project – Concept Design Consultation.

4. Confirmation and Adoption of Minutes

CM/4.1/18.11 Confirmation of Minutes - Council Meeting - 16 October 2018 (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 16 October 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/18.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 October 2018 (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 25 October 2018 be received and noted, and that the recommendations contained therein be adopted.

5. Mayoral Minutes

CM/5.1/18.11 100-year Anniversary of the Right of Women to Stand for Election to Local Government (A08/0009)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council acknowledges the 100-year anniversary of the right of women to stand for election to local government and erects a plaque at the entrance to the Council building listing all female Councillors and mayors elected to Waverley Council.

CM/5.2/18.11 Strategic Planning and Development Committee – Legal Matters (A17/0514)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council notes the success of the Strategic Planning and Development Committee and investigates requiring all current and pending planning and development-related legal matters to be the subject of monthly reports in sittings of the Committee.

CM/5.3/18.11 Bondi Pavilion Conservation and Restoration Project – Creative and Cultural Element (A15/0272)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council establishes an ongoing creative and cultural element to the Bondi Pavilion Conservation and Restoration Project to highlight the plans and continued community involvement in the future of the building. This will include themed events, installations, displays and incidental performances related to the plans, and/or the cultural and architectural heritage of the building and will commence no later than February 2019.

Cr Copeland was not present for the consideration and vote on this item.

6. Obituaries

Ann Symonds AM
Jeremy Spinak

Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.

7. Reports**CM/7.1/18.11 Petition - Garden Verge outside 101 Brighton Boulevard, North Bondi (A14/0604)****MOTION (WITHDRAWN)**Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the petition requesting that the garden verge outside 101 Brighton Boulevard, North Bondi not be removed, be forwarded to the Executive Manager, Clean and Attractive for consideration.

MOTIONMover: Cr Wakefield
Seconder: Cr Wy Kanak

That this matter be deferred to a future Council meeting for more information.

AT THIS STAGE IN THE PROCEEDINGS, CR LEWIS MOVED A PROCEDURAL MOTION, SECONDED BY CR WY KANAK, THAT THE ITEM LAY ON THE TABLE.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Division

For the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

LATER IN THE MEETING, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR GOLTSMAN, THAT THE ITEM BE TAKEN FROM THE TABLE.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That this petition be deferred to a future Council meeting for:

1. More information.
2. Council to consult bRU Coffee and local residents.

AMENDMENT (WITHDRAWN)

Mover: Cr Goltsman
Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause:

‘That Council retains the existing garden verge currently at 101 Brighton Boulevard and defers all future works to the site until the Campbell Parade Upgrade consultation has been completed and feedback from the community received.’

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. The petition be deferred to a future Council meeting to allow:
 - (a) Councillors to be provided with more information.
 - (b) Council to consult bRU Coffee and local residents.
2. Council defers all future works at the site until the matter is further considered by Council.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/7.2/18.11 North Bondi Civil Infrastructure Renewal (A17/0484)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Proceeds with like-for-like upgrade of the North Bondi civil and coastal infrastructure including:
 - (a) Full reconstruction of North Bondi Stormwater Culvert.
 - (b) Upgrades to North Bondi Toddlers’ Pool.
 - (c) Upgrades to North Bondi Accessible Ramp to Toddlers’ Pool.

- (d) Reconstruction of seawall adjacent to the accessible ramp.
2. Approves the project budget of \$3,500,000 including a Q1 adjustment of \$1,500,000 to cover the funding required for this financial year, with the remainder to be included in the draft 2019–20 Capital Works budget.
 3. Undertakes a media and public awareness campaign about the intended works.
 4. Notes that the North Bondi mosaic mural was installed 30 years ago with significant community participation.
 5. Notes that Council officers have commenced discussions with the original artist, Lloyd Kellerman, regarding the project and the subsequent options for the art work.
 6. Notes that Council officers will engage the services of an art/artefacts conservationist to survey and document the existing mural and provide recommendations on feasibility of conserving all or part of the mural.
 7. Approves Council officers to work with the original artist and local indigenous community to prepare a scoping document for the commissioning of a new artwork if the full restoration is not feasible.
 8. Officers refer the scoping document to the Public Art Committee.

CM/7.3/18.11 Q1 Budget Review - September 2018 (A03/0346)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes that the Executive Manager, Financial Waverley, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2018–19 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 to this report.

CM/7.4/18.11 Annual Report 2017-18 (A17/0625)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council endorses the Annual Report 2017–18 attached to this report.

CM/7.5/18.11 Audited Financial Statements 2017-18 (A18/0184)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. In accordance with section 418 of the *Local Government Act*, Council receives and notes the Auditor's Report on the 2017–18 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).
2. Refers any public submissions on the 2017–18 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to Council's Auditor, NSW Auditor General.
3. Adopts the audited 2017–18 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).

CM/7.6/18.11 Audit Committee's Annual Report to Council 2018 (A09/1105)**MOTION**

Mover: Cr Copeland

Seconder: Cr Wakefield

That Council:

1. Receives and notes the Internal Audit Committee's Annual Report to Council 2018 attached to this report.
2. Requests a further update report from the chairpersons of the Internal Audit Committee (IAC), annotated as appropriate with comments by the General Manager, to address the following matters from page 82 of the Council agenda, in paragraph 4 of the 'Commentary' section of the Committee's Annual Report, and any other matters that the IAC and the General Manager believe are relevant:
 - (a) The report identifies that the same inattention and/or resistance within some areas of Council to implementing changes and improvements was raised in last year's IAC annual report. The update report is to answer the following questions:
 - (i) Can the Council areas to which the IAC is referring be identified?
 - (ii) How does the IAC propose that this not be repeated in the future?

AMENDMENT 1

Mover: Cr Kay

Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause:

'The report indicates that the IAC understands Council has faced significant turnover of staff, organisational restructuring, proposed amalgamations, and other matters which have created a difficult environment in which to ensure commitments are met. The update report is to answer the following questions:

- (i) What significant turnover of staff does the IAC believe has occurred prior to and in the period of the report, in which areas of Council has it occurred, and what have been the impacts?

- (ii) How does the IAC believe that the organisational restructure and proposed amalgamations have impacted staff commitments in the period of the report (September 2017–October 2018)?

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

Against the Amendment: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

AMENDMENT 2

Mover: Cr Kay

Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause:

'The report indicates that impediment issues are being resolved. The update report is to answer the following question:

- (i) Apart from the appointment of the new General Manager, how does the IAC believe that other impediment issues are being resolved, and in what time frame?'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman and Kay.

Against the Amendment: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

Cr Nemesh was not present for the vote on this item.

CM/7.7/18.11 Investment Portfolio Report - October 2018 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Investment Summary Report for October 2018 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.8/18.11 Bondi Pavilion Restoration and Conservation Project - Concept Design Consultation (A15/0272)

Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works for a company at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the community engagement report and analysis relating to the Bondi Pavilion Restoration and Conservation Project Concept Design consultation period of 7 September to 5 October 2018.
2. Receives and notes the Amphitheatre and Outdoor Performance Report from architects Tonkin Zulaikha Greer in response to Council resolution CM/5.4/18.09 to investigate options for the current amphitheatre space.
3. Endorses the Concept Design attached to this report, which includes the following revisions based on community feedback:
 - (a) A variation of the design of the Kiln Room, allowing for a second kiln.
 - (b) Relocation of the Lifeguards Room to outside of the Bondi Pavilion.
 - (c) Allowing for a designated loading/unloading zone in the southern courtyard for users of the High Tide Room, Music Studios, Theatre, Art Gallery, and events.

With these further modifications to the Concept Design:

- (d) Reposition the 'Tourism Centre/Box Office' to the north of the Entrance Foyer consistent with the concepts supported by the Bondi Pavilion Stakeholder Committee
- (e) Indicate all commercial tenancies as large 'shell space' to allow small or large tenancies as demand, structural, and heritage considerations determine.
- (f) Reposition the internal courtyard pedestrian entrance to the Waste Room from the colonnade corridor to the internal face of the Waste Room to separate the activities of the adjacent Pottery Room/Creative Space from the use of the Waste Room
- (g) Consistent with feedback from the community, expand the size of the Pottery Room/Creative Space and decrease the size of adjacent the Waste Room.
- (h) Ensure the first floor servery room is fit for multi-purpose use in association with the adjacent rooms
- (i) Increase the size of the amenities in the Theatre Green Room
- (j) An Aboriginal and Torres Strait Islander 'one-stop shop' enhancing the Bondi Pavilion's community cultural connections with the local traditional owner and broader Sydney Aboriginal islander community be investigated.

4. Approves progression to detail design and submission of an integrated development application.
5. Notes that Council officers will report to December Council meeting with a timetable and costing for early works that can be undertaken with heritage exemption.
6. Notes the previously endorsed Bondi Pavilion Stakeholder Committee recommendations.
7. Notes the Bondi Pavilion Conservation Management Plan and the schedule of intrusive heritage elements, specifically:
 - (a) The internal courtyard amphitheatre, and notes that Option 2a in the report—temporary demountable seating structure—is a suitable option for replacement of the amphitheatre in situ.
 - (b) The glass extension on the north eastern corner of the Pavilion.
8. Notes that the next phase of the Bondi Pavilion Restoration and Conservation Project requires development application assessment framed by the Bondi Pavilion Conservation Management Plan involving independent assessment officers, heritage consultants and the NSW Heritage Office, and that the development assessment will include a 28-day period for public consultation and submissions.
9. Notes that the Bondi Park Cultural Landscape Conservation Management Plan has been submitted to the NSW Heritage Office but has not yet been endorsed.
10. Notes that concept design outcomes in regard to the curtilage of the Bondi Pavilion including the eastern forecourt, the northern, southern and western areas will be the subject of more design and public consultation consistent with the Bondi Park Cultural Landscape Conservation Management Plan after adoption.
11. Notes that the curtilage will include details of outdoor furniture for public and commercial use, amenity requirements, potential for a new outdoor amphitheatre, pedestrian and vehicle access as required, and paving and surface treatment.
12. Prepares materials for an information board in the Bondi Pavilion detailing the adopted concept plans as specified in this resolution, as well as a timetable and works program.

CM/7.9/18.11 Child Care Feasibility Study (A09/0290-02)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Treats the attachment to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Acknowledges the importance of Council's early education services in supporting active workforce participation, community connections and social and economic engagement in the region.

3. Continues its leadership position in the provision of children's services as a 'gap provider' of quality education and care, particularly for 0-2s, families on low to moderate incomes and children with additional needs.
4. Continues to enhance building performance, operational efficiency and educational outcomes in existing Council operated and supported services.
5. Engages a consultant to provide a comprehensive update and analysis of current and projected cost of care, including internal contributions, building maintenance, asset renewal and accommodation options.
6. Notes the Community Tenancy Review would be submitted to Council in mid-2019 and will seek opportunities for further 'community hubs' which can be designed around co-located complimentary services (e.g. Family Day Care, centre based care, playgroups, occasional care, family support), continuing to support flexible, adaptable and cost efficient provision through Council's Family Day Care Scheme.

CM/7.10/18.11 Outdoor Cinema at Bondi Pavilion 2019-2020 - Licence Agreement (A18/0327)

Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works for a company at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council authorises the General Manager, or delegated representative, to negotiate and enter into a license agreement on behalf of Council with Fairfax Events for the delivery of Event Management Services for the Outdoor Cinema Event in 2019 in the Bondi Pavilion courtyard, with an option for a second year in 2020 at the discretion of Council.

CM/7.11/18.11 Waverley Local Planning Panel - Expert Membership (A13/0229)

Cr Lewis declared a less than significant non-pecuniary in this item, and informed the meeting that Richard Thorp is a family friend.

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Appoints the following three additional expert panel members to the Waverley Local Planning Panel:
 - (a) Graham Brown.
 - (b) Jocelyn Jackson.
 - (c) Richard Thorp.
2. Writes to the Minister and the leader of the Opposition informing them of Council's opposition to the

new planning regime imposed upon councils by this State Government.

Division

For the Motion: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

CM/7.12/18.11 Fees and Charges - New Fee for Planning Proposals - Exhibition (A18/0511)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council publicly exhibits the proposed amendments to the Rezoning: Local Environment Plans section of the Pricing Policy, Fees and Charges 2018–19, as set out in Attachment 1 to this report, for a period of 28 days, in accordance with section 610F of the *Local Government Act 1993*.

CM/7.13/18.11 Voluntary Planning Agreement - 362-374 Oxford Street, Bondi Junction (DA-89/2016)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 362-374 Oxford Street, Bondi Junction. The draft Planning Agreement offers a total monetary contribution of \$2,026,313 with \$1,823,681.70 going towards Council's Complete Streets Program and \$202,631.30 going towards Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

For the Motion: Crs Burrill, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Crs Betts, Copeland, Keenan and Wy Kanak.

CM/7.14/18.11 Dockless Share Bikes - Further Legal Advice and New Operator Deployment (A17/0445)**MOTION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes that:
 - (a) Council has received further legal advice from Malcom Craig QC on dockless shared bikes.

- (b) Lime has recently deployed approximately 400 e-bikes in the Waverley local government area under its dockless share bike business model.
 - (c) Some of sites for the initial deployment were poor, but Council is working closely with Lime to ensure improved redeployment.
 - (d) To date, Lime has been very responsive to Council's requests to relocate its bikes.
 - (e) Lime has communicated its intent to work within the parameters of the recently-proclaimed *Impounding (Shared Bicycles and Other Devices) Bill 2018*, including regulations.
 - (f) The General Manager has instructed staff to take a firm enforcement approach under the statutory powers available to Council where Shared Bike operators are not proactively dealing with safety, nuisance and accessibility issues arising from the placement, vandalism or abandonment of shared bikes.
2. Seeks further advice on the legal basis for requiring an approval, permit and/or licence for dockless bicycle and scooter operations using public land to operate their business, noting that the operators vend using footpaths, malls, parkland and Crown land to sell their product.
3. Officers prepare a further report for Council to be tabled at the December 2018 meeting, if possible, including:
- (a) The criteria used by Council to identify barred parking locations and including the list of barred parking locations to Councillors.
 - (b) Lime's 'Code of Practice' and guidelines to users on where and how to park the bikes at their destination.
 - (c) Which additional requirements officers are suggesting be implemented within the Code of Practice.
 - (d) Information relating to Lime's insurance covering injury to the community should they fall over an unattended bike.
 - (e) Data from Lime's data portal showing the bike usage over the first month of operation and data relating to relocated bikes due to being in unsafe locations.
 - (f) Any issues outside the location of the bikes discussed between Lime and Council officers specifically relating to Lime leasing 'open space' from Council to park their bikes.

AMENDMENT (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Goltsman

That the Motion be adopted subject to the addition of the following clause:

'Invites Lime to do a presentation to Councillors at the earliest opportunity on their business model and operational strategy.'

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED THE ADDITION OF A CLAUSE 4 TO THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that:
 - (a) Council has received further legal advice from Malcom Craig QC on dockless shared bikes.
 - (b) Lime has recently deployed approximately 400 e-bikes in the Waverley local government area under its dockless share bike business model.
 - (c) Some of sites for the initial deployment were poor, but Council is working closely with Lime to ensure improved redeployment.
 - (d) To date, Lime has been very responsive to Council's requests to relocate its bikes.
 - (e) Lime has communicated its intent to work within the parameters of the recently-proclaimed *Impounding (Shared Bicycles and Other Devices) Bill 2018*, including regulations.
 - (f) The General Manager has instructed staff to take a firm enforcement approach under the statutory powers available to Council where Shared Bike operators are not proactively dealing with safety, nuisance and accessibility issues arising from the placement, vandalism or abandonment of shared bikes.
2. Seeks further advice on the legal basis for requiring an approval, permit and/or licence for dockless bicycle and scooter operations using public land to operate their business noting that the operators vend using footpaths, malls, parkland and Crown land to sell their product.
3. Officers prepare a further report for Council to be tabled at the December 2018 meeting, if possible, including:
 - (a) The criteria used by Council to identify barred parking locations and including the list of barred parking locations to Councillors.
 - (b) Lime's 'Code of Practice' and guidelines to users on where and how to park the bikes at their destination.
 - (c) Which additional requirements officers are suggesting be implemented within the Code of Practice
 - (d) Information relating to Lime's Insurance covering injury to the community should they fall over an unattended bike.
 - (e) Data from Lime's Data portal showing the bike usage over the first month of operation and data relating to relocated bikes due to being in unsafe locations.
 - (f) Any issues outside the location of the bikes discussed between Lime and Council officers specifically relating to Lime leasing 'open space' from Council to park their bikes.
4. Gives consideration to a presentation from Lime at a future Councillor workshop after receiving the report.

UNANIMOUS DECISION: That the Motion be adopted.

CM/7.15/18.11 Bondi Rescue - Season 14 (A18/0714)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council:

1. Agrees in principle to the request from Cordell Jigsaw Zapruder (CJZ) to film Season 14 of Bondi Rescue during the 2018–19 summer season.
2. Authorises the General Manager to negotiate and enter into contract on behalf of Council with CJZ for the filming of Season 14 of Bondi Rescue on the following terms:
 - (a) CJZ will pay Council a fee of \$115,000 plus 5% of net profits for the series.
 - (b) Filming will last for a total of 10 weeks.

And subject to finalisation of the agreement between CJZ and Council's lifeguards for an additional payment to Council's lifeguards for promotional services.

3. Notes the request from CJZ is to film only one season of Bondi Rescue during the 2018–19 summer and that any further filming proposals must be approved by Council.
4. Authorises the General Manager to apply income from the contract arrangement to activities that broadly improve public safety, lifeguard services or risk management in relation to Waverley's beaches and coastal parks.

CM/7.16/18.11 Military Road, Dover Heights - Speed and Crash Data (A03/0042-04)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Having regard to the low recorded vehicle speed and crash data, takes no action to change traffic conditions in Military Road between Hunter Street and Raleigh Street.
2. Carries out further speed and volume assessments along other locations of Military Road in mid-2019.

CM/7.17/18.11 Schedule of Meeting Dates for Council and its Standing Committees 2019 (A04/1869)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council adopts the Schedule of Meeting Dates for Council and its Standing Committees 2019 attached to this report.

Cr Keenan was not present for the vote on this item.

**CM/7.18/18.11 Minutes - Multicultural Advisory Committee Meeting - 16 August 2018
(A15/0509)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council receives and notes the minutes of the Multicultural Advisory Committee meeting held on 16 August 2018.

Cr Keenan was not present for the consideration and vote on this item.

**CM/7.19/18.11 Tender Evaluation - North Bondi Civil Infrastructure Renewal - Principal
Consultant (SF18/4455)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The matrix contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Cardno (NSW/ACT) Pty Ltd as the preferred tenderer for the supply of principal consultant design services for the North Bondi Civil Infrastructure Renewal project for the sum of \$212,830 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into the contract on behalf of Council with Cardno (NSW/ACT) Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.20/18.11 Tender Evaluation - Public Domain Furniture, Pavers and Fixtures Supply Services
(SF18/3321)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The matrix contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts various companies as preferred tenderers for the supply of Public Domain Furniture, Pavers and Fixtures Supply Services, Categories 1-5 and 7-8.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Austral Masonary Holdings, trading as Urbanstone for the supply of items under Category 1 - Paving for a duration of five years, with options to extend for an additional 2 x 12 month periods.
4. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Tom Stoddart PTY LTD, trading as Town and Park, for the supply of items under Category 2 - Seating for a duration of five years, with options to extend for an additional 2 x 12 month periods.
5. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Agwill Pty Ltd, trading as Civiq for the supply of items under Category 3 - Bicycle Racks for a duration of five years, with options to extend for an additional 2 x 12 month periods.
6. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with EP Draffin Manufacturing Pty Ltd for the supply of items under Category 4 - Bins for a duration of five years, with options to extend for an additional 2 x 12 month periods.
7. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with The Trustee for TR Family Trust, t/a Unisite Group, for the supply of items under Category 5 - Bollards for a duration of five years, with options to extend for an additional 2 x 12 month periods.
8. Authorises the General Manager, or delegated representative, to negotiate with other suppliers for the supply of Category 6 items, Recycled Plastic Furniture, for which there were no conforming bids.
9. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with EP Draffin Manufacturing Pty Ltd for the supply of items under Category 7 Drinking Fountains for a duration of five years, with options to extend for an additional 2 x 12 month periods.
10. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Cunneen and Company Pty Ltd for the supply of items under Category 8 Signage for a duration of five years, with options to extend for an additional 2 x 12 month periods.
11. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.21/18.11 Tender Evaluation - LED Lighting Upgrades - Council Buildings (SF18/3625)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The matrix contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Reallocates \$300,000 from the 2019/20 Main Road Street Lighting Upgrades project budget (CO705) and \$31,605 from the 2018/19 Sustainable Waverley operational budget to the Facilities Sustainable Energy Upgrades budget (C0034), thereby enabling Council to deliver the full scope of this project.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Lowa Lighting as the preferred tenderer for the supply and installation of LED lighting at Council buildings for the sum of \$957,776 (including GST).
4. Authorises the General Manager, or delegated representative, to enter into a contract on behalf of Council with Lowa Lighting for the supply and installation of LED lighting at Council buildings.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

8. Notices of Motion

At 9.41 pm, the meeting adjourned for a short break.

At 9.47 pm, the meeting resumed.

CM/8.1/18.11 Oxford Street Mall and Roscoe Street Markets - Commercial Contracts (A10/0384)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr O'Neill

That Council builds the following requirements into future commercial contracts with market operators for the Oxford Street Mall and Roscoe Street markets:

1. Best practice sustainability operations.
2. No single-use plastics to be permitted under the new contracts.
3. Ongoing monitoring for the duration of the contract to ensure single use plastics are not used.

CM/8.2/18.11 Commercial Photo Shoot and Filming Conditions (A09/0454)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr O'Neill

That Council:

1. Does not allow commercial photo shoots and filming activities that occur in public open spaces and parks to use huts that are for use by residents and visitors.
2. Stipulates in conditions of hire that commercial photo shoots and filming activities must have their own accommodations (by way of small marquee or other such item), if they require costuming facilities, hair and make-up, sun protection or equipment storage for the duration of the activity.

3. Officers, upon approving applications for commercial photo shoots and filming activities, advise applicants of the terms and conditions related to the use of huts in parks and open spaces. This advice is to be provided both verbally and by way of an information sheet detailing hire terms and conditions.

CM/8.3/18.11 Waverley Cemetery - Boundary/Verge Beautification (A02/0658-06)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Investigates undertaking a boundary/verge beautification program in Waverley Cemetery that:
 - (a) Considers an appropriate planting treatment for the verge areas surrounding the external boundaries of the cemetery.
 - (b) Considers the possibility of creating footpaths with suitable kerb and guttering.
 - (c) Considers the possibility of creating appropriate parking bays at various points.
2. Liaises with Randwick Council about undertaking a similar beautification program on the southern boundary of Waverley Cemetery.
3. Officers report back to Council on options, budgets and time frames.

Division

For the Motion: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

CM/8.4/18.11 Bondi Junction Cycleway - Review (A14/0193)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. A review of the current proposed Bondi Junction Cycleway be undertaken by the Mayor and the three Ward Councillors to determine status and progress.
2. An update be provided to Council by way of a status report.

CM/8.5/18.11 Affordable Housing (A13/0385)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan
Seconded: Cr Copeland

That:

1. For the purpose of expanding its potential as an affordable housing facilitator, Council officers investigate and report on options and forms of a housing trading entity such that it can attract investment funding into affordable housing in Waverley.
2. The housing trading entity, trust or company be charged with acquiring and providing affordable housing, and is set up as a commercial operation similar to the City of Port Phillip Bay Housing Trust in Victoria.

CM/8.6/18.11 Land Clearing in NSW and Native Animal Habitat Loss (A05/0878)

At 10.29 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.

MOTION / DECISION

Mover: Cr Keenan
Seconded: Cr Wy Kanak

That:

1. The Mayor writes to the Premier, Gladys Berejiklian, and the Environment Minister, Gabrielle Upton, calling on the Government to immediately:
 - (a) End broad-scale land clearing of remnant native vegetation while assisting rural communities with targeted structural adjustment.
 - (b) Implement legislation preventing habitat loss to stop the unacceptable practice of waiting until a species becomes listed as endangered or threatened before attempting to take action.
2. Officers prepare a report to Council on tree removal applications since 1 January 2016.
3. Notes that the clearing of native vegetation poses the single greatest threat to biodiversity. The majority of remaining native habitat in New South Wales is owned and managed privately, and it is in these intensively used areas that the greatest challenges for biodiversity conservation are found.
4. Also notes that the New South Wales Liberal Government gave permission to clear over 7,000 hectares of native vegetation in 2015–16 (last figures available) the second highest rate of clearing in a decade, while the creation of new conservation areas and restoration of bushland has slumped under the Berejiklian government.

Division

For the Motion: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Goltsman, Kay and Nemesh.

CM/8.7/18.11 Repeal the Kosciuszko Wild Horse Heritage Act 2018 (A02/0666)**MOTION / DECISION**

Mover: Cr Copeland
Seconder: Cr Wy Kanak

That Council:

1. Writes to the NSW Government, including the Minister for the Environment, Gabrielle Upton, and also to the Opposition Shadow for the Environment, Penny Sharpe, as a matter of urgency, requesting the repeal of the *Kosciuszko Wild Horse Heritage Act 2018* (adopted 5 June 2018), and the reactivation of the Kosciuszko National Park Draft Wild Horse Management Plan 2016 as a new starting point.
2. Notes the *Kosciuszko Wild Horse Heritage Act 2018* is unlikely to limit the reduction of feral horse populations in KNP under the guise of heritage, and will allow runaway population increase and environmental destruction.
3. Notes the Kosciuszko National Park Draft Wild Horse Management Plan 2016 contains a number of options, including culling, and all the options are subject to community comment/consultation.
4. Notes that Peter Cochran, former NSW Nationals member for Eden-Monaro and an owner of a horse-trekking business conducted in northern KNP, had instructed a solicitor to draft the original bill. He has seemingly been able to pressure John Barilaro, NSW Nationals leader and member for Eden-Monaro, into introducing the *Kosciuszko Wild Horse Heritage Act 2018*.
5. Notes that destructive feral horses do not have heritage value in KNP, if they did then so would destructive feral foxes, pigs, rabbits, dogs and deer also have heritage value.
6. Notes that feral horses are a pest in KNP as they destroy the habitat of native flora and fauna. Feral horses are everywhere in Australia and there are plenty of them. Conversely, the endangered flora and fauna in KNP are unique and limited in number and range—generally to KNP—which is less than one percent of the Australian land mass.
7. Notes that feral horses suffer substantially, especially as numbers increase, from starvation. It has been observed that they eat into, and from, the stomachs of horses who have died of starvation because there is no other food available.
8. Notes the following background:

Kosciuszko Wild Horse Heritage Act 2018

<https://www.legislation.nsw.gov.au/#/view/act/2018/24>

Kosciuszko National Park Draft Wild Horse Management Plan 2016

<https://www.environment.nsw.gov.au/resources/protectsnowies/knp-wild-horse-plan-draft-160271.pdf>

Save Kosci

<https://savekosci.org>

Why does Kosciuszko National Park need saving?

- An escalation of environmental damage by wild horses over the past five years.
- The passing in June 2018 of legislation by the NSW Parliament that gives wild horses in

Kosciuszko National Park more protection than native animals.

These animals and plants of Kosciuszko National Park are listed by the NSW and/or Commonwealth governments as under threat from wild horses:

- Alpine she-oak skink.
- Alpine tree frog.
- Anenome buttercup.
- Archer's Carex.
- Broad-toothed mouse.
- Corroboree frog.
- Guthega skink.
- Kelton's leek orchid.
- Kiandra leek orchid.
- Leafy anchor plant.
- Max Mueller's burr-daisy.
- Monaro golden daisy, a striking yellow daisy with flowers on 30 cm stalks. It is found in Kosciuszko National Park. Outside the Park, it can be found in fenced areas such as Old Adaminaby Cemetery and the Old Cooma Common Grassland Reserve.
- Raleigh sedge.
- Shining cudweed, a silver-leafed daisy, found in the higher parts of Kosciuszko National Park and in the Victorian Alps. It lives in areas frequented by horses: wet areas near streams, on the edges of bogs, and sod tussock grassland.
- Sphagnum moss.

The history of the debate

In 2016, the NSW National Parks and Wildlife Service published a Draft Wild Horse Management Plan. Extensive consultation had revealed polarised views: some wanted wild horses to remain in Kosciuszko, and others wanted immediate reductions towards a target of zero horses. The draft plan proposed a compromise: a reduction to 3,000 horses in 10 years, and to 600 in 20 years.

Pro-horse groups successfully lobbied the NSW Government for the draft plan to be shelved. In June 2018, the NSW Parliament passed the Kosciuszko Wild Horse Heritage Bill, which requires the NPWS to protect wild horses in the Park and sets up a Wild Horse Community Advisory Panel with a guaranteed majority, under the present NSW government, of pro-horse representatives.

Meanwhile, a NSW government scientific committee has proposed damage by wild horses be listed as a 'key threatening process' to biodiversity in NSW. This proposal is now under consideration by the government. Given the government's passing of the Wild Horse Heritage Bill, it is possible this evidence-based proposal may be rejected or shelved.

The Wild Horse Heritage Bill will be an issue in the March 2019 NSW elections. The 'Save Kosci' walk from Sydney to the summit of Mount Kosciuszko aims to raise awareness among NSW voters, so that they can consider the issue in their voting choices. Every day until then, the environmental damage by the wild horses in Kosciuszko National Park will increase, and the journey to recovery becomes harder.

Some more recent history in the links below.

Six decades ago

<https://www.smh.com.au/environment/conservation/how-a-most-beautiful-plant-helped-turn-the-conservationist-tide-20180608-p4zk98.html>

Impact of feral horses on Kosciuszko National Park Feb 2015

Worboys, GL; Good, RB; Freudenberger, D; Good, R; Pulsford, I; and Banks, S. 2015. 'Our Australian Alps are Changing For the Worse'. Canberra at <https://theaustralialps.wordpress.com/the-alps-partnership/publications-and-research/our-australian-alps-are-changing-for-the-worse/>

Independent Technical Reference Group April 2015

<https://dondriscoll.files.wordpress.com/2017/06/foc-submission-to-itrg-re-horset-apr-2015-finalfinal2.pdf>

Kosciuszko National Park Draft Wild Horse Management Plan 2016

<https://www.environment.nsw.gov.au/protectsnowies/kosciuszko-national-park-draft-wild-horse-management-plan-2016.htm>

New Kosciuszko Wild Horse Heritage Bill proposal

<http://www.abc.net.au/news/2018-05-20/culling-kosciusko-brumbies-banned-under-plan-national-icon/9780558>

Australian Academy of Science letter to John Barilaro, 1 Jun 2018

<https://www.science.org.au/files/userfiles/support/documents/letter-aas-jb-re-kosciuszko-wild-horse-heritage-bill-2018.pdf>

The Guardian, 4 June 2018

<https://www.theguardian.com/australia-news/2018/jun/04/nsw-brumby-plan-makes-kosciusko-conservation-impossible-rspca-says>

Kosciuszko Wild Horse Heritage Bill 2018 adopted on 5 June 2018

<https://www.smh.com.au/environment/conservation/insane-government-gets-its-way-on-wild-horses-despite-protests-from-scientists-20180606-p4zjrn.html>

Driscoll, D; Richie, E; Doherty, T; 7 June 2018. The Conversation at

https://theconversation.com/passing-the-brumby-bill-is-a-backward-step-for-environmental-protection-in-australia-97920?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20June%202018%20-%20103619133&utm_content=Latest%20from%20The%20Conversation%20for%20June%202018%20-%20103619133+CID_d74835281987cfe47bb985c2d651558c&utm_source=campaign_monitor&utm_term=Passing%20the%20brumby%20bill%20is%20a%20backward%20step%20for%20environmental%20protection%20in%20Australia

Resignation of Threatened Species Scientific Committee member 7 June 2018

https://twitter.com/d0ct0r_dave/status/1004537089025662976?lang=en

Peter Cochran initiates the drafting of the Kosciuszko Wild Horse Heritage Act 2018

<https://www.abc.net.au/news/2018-07-04/peter-cochrane-tweet-20-may-2018.jpg/9938382>

Peter Cochran denies he has a conflict of interest

<http://www.abc.net.au/news/2018-07-04/nsw-brumby-protections-a-skilful-use-of-democracy-lobbyist/9931110>

Worboys G. 3 July 2018. 'Kosciuszko. The destruction of a national heritage icon?' Pearls and Irritations at

<https://johnmenadue.com/graeme-worboys-kosciuzko-the-destruction-of-a-national-heritage-icon/>

Video 4 minutes in, John Barilaro and Peter Cochran re Kosciuszko Wild Horse Heritage Act 2018, 4 Jul 2018

<http://www.abc.net.au/7.30/wild-horses-at-the-centre-of-a-controversial-new/9941254>

Penny Sharp, Labor 9 Sep 2018

https://www.facebook.com/pennysharpelabor/posts/2165340837042445?_tn_ =K-R

Video 17 Sep 2018

<https://www.abc.net.au/7.30/learning-how-to-tame-australias-desert-brumbies/10260846>

Division

For the Motion: Crs Copeland, Goltsman, Keenan, Lewis Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Kay and Nemesh.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.8/18.11 Refugees (A02/0436)**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That Council:

1. Acknowledges that the Waverley local government area is a 'Refugee Welcome Zone' and has a well-established commitment to support and encourage refugees to settle here.
2. Welcomes the Federal Government's positive decision to support refugees coming to Australia by announcing a Community Support Program (CSP), with an intake of 1,000 from July 1 2017.
3. Notes with concern that:
 - (a) There are strict priority criteria for refugees applying for the CSP, which include the following:
 - (i) Be aged between 18 and 50.
 - (ii) Have an offer of employment (or a pathway that leads to employment).
 - (iii) Have personal attributes that would enable them to become financially self-sufficient within 12 months of arrival.
 - (iv) Be willing to live and work in regional Australia.
 - (b) In addition to this strict criteria, community sponsors of applicants to the CSP are required to fund:
 - (i) Visa application charges of \$2,680 at the time of application, with no guarantee of success.
 - (ii) An additional \$16,444 for the primary applicant and \$2,680 for each other family member before the visa can be granted.

(iii) Airfares, medical screening and settlement costs.

(c) Although the CSP is a step in the right direction, Council is concerned that:

(i) The rigid criteria will discriminate against those who are most in need.

(ii) High fees, upwards of \$19,000 per first individual, may be prohibitive for potential community supporters.

4. Further notes that:

(a) There have been significant changes to eligibility for the Status Resolution Support Service (SRSS) payment—a reduced payment of 87% of Newstart that can be paid to those waiting for processing of their applications;

(b) Local community groups, such as Refugee Council of Australia are already stretched to provide support to fill the gap left by the changes made to the SRSS payments late last year.

(c) There is little transparency about the new eligibility criteria for the payment—the Federal Department of Home Affairs states simply that eligibility for the SSRS is ‘determined by Department of Home Affairs’.

5. Writes to the new Member for Wentworth, Dr Keryn Phelps MP, and relevant Federal Government parliamentarians to:

(a) Adopt a more humane and affordable visa fee structure for the CSP, to make the program fairer and more accessible.

(b) Make the cap on the Refugee Community Sponsorship program additional to our existing humanitarian intake, in order to recognise the generosity and care of our communities rather than shifting both the costs and the burden of responsibility to them for meeting our international human rights obligations.

(c) Explain these changes to the Status Resolution Support Service payment and to make criteria transparent to assist both Refugees, and those in Our Community, such as Grandmothers Against Detention of Refugee Children to better assist refugees generally.

Division

For the Motion: Crs Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, O’Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts and Nemesh.

Cr Burrill was not present for the consideration and vote on this item.

9. Urgent Business

There were no items of urgent business.

10. Closed Session**CM/10/18.11 Closed Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

CM/10.1/18.11 CONFIDENTIAL REPORT - Eastgate Car Park - Agreement with ISPT

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

At 9.50 pm, Council moved into closed session.

CM/10.1/18.11 CONFIDENTIAL REPORT - Eastgate Car Park - Agreement with ISPT (A17/0530)

Cr Lewis declared a less than significant non-pecuniary interest in this item, and informed the meeting that he resides in one of the Eastgate towers and is a member of the owners corporation.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Approves the terms and conditions for the Lease between Waverley Council (Council) and ISPT Nominees Pty Ltd/ISPT Pty Ltd (ISPT) as contained in this report.
3. Approves the terms and conditions for the Deed of Settlement between Waverley Council (Council) and ISPT Nominees Pty Ltd/ISPT Pty Ltd (ISPT) as contained in this report.
4. Approves the terms and conditions for the Works Deed between Waverley Council (Council) and ISPT

Nominees Pty Ltd/ISPT Pty Ltd (ISPT) as contained in this report.

5. Authorises the General Manager to complete negotiations with ISPT and enter into and execute all documentation required to effect the above resolutions.
6. Following execution of the new agreement, adopts the proposed Eastgate Car Park fees as listed in Table 2 of this report.

11. Resuming in Open Session

CM/11/18.11 Resuming in Open Session

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council resumes in open session.

At 10.01 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 10.38 PM.

.....
SIGNED AND CONFIRMED
MAYOR
11 DECEMBER 2018