



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 11 DECEMBER 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 Paula Masselos	Lawson Ward
Councillor Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

**Staff in attendance:**

Ross McLeod	General Manager
Rachel Jenkin	Acting Director Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.06 pm, those present were as listed above.*

*At 9.30 pm, when the meeting reconvened after a short break, Crs Betts, Nemes and the Mayor, Cr Wakefield, were not present, and they did not return to the meeting. The Deputy Mayor, Cr Wy Kanak, assumed the chair for the remainder of the meeting.*

*At 10.26 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**

Apologies were received and accepted from Cr Lewis.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/7.1/18.12 – Bondi Pavilion Restoration and Conservation Project – Early Works, and informed the meeting that he works for a company based at the Pavilion.
- 2.2 Cr Kay declared a less than significant non-pecuniary interest in Item CM/7.15/18.12 – Minutes – Waverley Cycling Advisory Committee Meeting – 5 September 2018, and informed the meeting that he knows Edna Udovich, the BIKEast representative on the Committee.
- 2.3 Cr Copeland declared a less than significant non-pecuniary interest in Item CM/10.1/18.12 – CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status, and informed the meeting that he knows the organisation’s chairperson.
- 2.4 Cr Keenan declared a less than significant non-pecuniary interest in Item CM/10.1/18.12 – CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status, and informed the meeting that she knows the organisation’s chairperson.
- 2.5 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item CM/10.1/18.12 – CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status, and informed the meeting that he knows the organisation’s chairperson.
- 2.6 Cr Masselos declared a less than significant non-pecuniary interest in Item CM/10.1/18.12 - CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status, and informed the meeting that she knows the organisation’s chairperson.

**3. Addresses by Members of the Public**

- 3.1 M Epstein – CM/7.4/18.12 – Verge Garden at 101 Brighton Boulevard, North Bondi.
- 3.2 P Rasmussen – CM/7.4/18.12 – Verge Garden at 101 Brighton Boulevard, North Bondi.
- 3.3 S Beram-Hall (on behalf of bRU Coffee) – CM/7.4/18.12 – Verge Garden at 101 Brighton Boulevard, North Bondi.
- 3.4 P Droga (on behalf of Waverley Woollahra Arts Centre Co-Operative Ltd) – CM/10.1/18.12 – CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status.
- 3.5 A person on behalf of Waverley Woollahra Arts Centre Co-Operative Ltd – CM/10.1/18.12 – CONFIDENTIAL REPORT – Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi – Lease Status.
- 3.6 B Scaffidi (President, Bronte Surf Life Saving Club) – CM/10.2/18.12 – CONFIDENTIAL REPORT – Bronte Surf Life Saving Club and Council Facilities Building Project – Heads of Agreement.
- 3.7 L Coleman (chief petitioner) – CM/7.12/18.12 – Petition – Traffic Calming in Barracluff Avenue, Bondi Beach.

**4. Confirmation and Adoption of Minutes****CM/4.1/18.12 Confirmation of Minutes - Council Meeting - 20 November 2018 (SF18/215)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the Minutes of the Council meeting held on 20 November 2018 be received and noted, and that such Minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.2/18.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 November 2018 (SF18/241)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Kay

That Part 1 of the Minutes of the Waverley Traffic Committee meeting held on 22 November 2018 be received and noted, and that the recommendations contained therein be adopted, save and except the following:

1. TC/V.05/18.11 Military Road, Dover Heights – Relocation of Bus Stop.

And that this item be dealt with separately below.

**CM/4.2.1/18.12 Adoption of Minutes – Waverley Traffic Committee Meeting – 22 November 2018 – TC/V.05/18.11 – Military Road, Dover Heights – Relocation of Bus Stop**

*This item was saved and excepted by Cr Betts.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts  
Seconder: Cr Nemesh

That the Council Officer's Proposal be adopted subject to the addition of a clause 3 so that the Council Officer's Proposal now reads as follows:

'That Council:

1. Approves the relocation of the existing bus stop from outside 246 Military Road, Dover Heights to the north and installs 30m of 'Bus Zone' as shown in figure 4 of the report.
2. Consults with residents in the general vicinity and should there be no substantial objections to the proposal, the bus stop be relocated and bus shelter installed.
3. Officers consider moving the bus stop to an area to the north, approximately opposite 205 Military Road.'

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

**5. Mayoral Minutes**

There were no mayoral minutes.

**6. Obituaries**

Rob Griggs  
Dr Ernestine Bonita Mabo

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

**7. Reports**

**CM/7.1/18.12 Bondi Pavilion Restoration and Conservation Project - Early Works (A15/0272)**

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works for a company based 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 the item be deferred to February 2019.

**CM/7.2/18.12 Bondi Events - Requests for Support (A17/0607)****MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Allocates a grant of \$2,240 from Council's Small Grants program to Flickerfest to provide street flags on Campbell Parade advertising the 2019 Flickerfest event.
2. Grants up to \$12,450 in financial assistance and additional in-kind support, under section 356 of the *Local Government Act 1993*, to the Bondi Association for Arts and Music to help cover the costs of running the 2019 Latin American Festival.
3. Grants up to \$9,146 in financial assistance, under section 356 of the *Local Government Act 1993*, to the Variety Club to cover the cost of parking for the Bondi to Batt Reef Bash being held in July 2019.

**AMENDMENT**

Mover: Cr Burrill

Seconder: Cr Goltsman

That the Motion be adopted subject to the deletion of clause 1.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division****For the Amendment:** Crs Burrill, Goltsman and Kay.**Against the Amendment:** Crs Copeland, Keenan, Masselos, O'Neill and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.*Cr Burrill requested that it be recorded in the minutes that she voted against the Motion.**Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.***CM/7.3/18.12 Ocean Lovers Festival - Update (SF18/3733)****MOTION / DECISION**

Mover: Cr Goltsman

Seconder: Cr Masselos

That Council:

1. Notes the progress report on programming, event management and delivery plans by the event organiser, Avviso Public Relations, for the Ocean Lovers Festival at Bondi Beach in April 2019.
2. Publicly exhibits for a period of 28 days the proposal to grant \$16,435 in financial assistance to Avviso Public Relations for the use of Council facilities during the Ocean Lovers Festival, in accordance with section 356 of the *Local Government Act 1993*.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.4/18.12            Verge Garden at 101 Brighton Boulevard, North Bondi (SF18/4747)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Wakefield

Seconder:  Cr Wy Kanak

That Council:

1.     Receives and notes the petition to retain the street garden at 101 Brighton Boulevard, North Bondi.
2.     Immediately removes the garden bed and reinstates with turf outside bRU Coffee, 101 Brighton Boulevard, North Bondi.
3.     Notifies all affected stakeholders.

*M Epstein, P Rasmussen and S Beram-Hall (on behalf of bRU Coffee) addressed the meeting.*

**CM/7.5/18.12            Companion and Native Animal Forum (A18/0499)**

**MOTION / DECISION**

Mover:     Cr Keenan

Seconder:  Cr Masselos

That Council:

1.     Holds a Companion and Native Animal Forum in the first quarter of 2019.
2.     Nominates Councillors Keenan, Nemesh and O'Neill to attend the Forum on behalf of Council.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.6/18.12            Waverley Artist Studios Appointments - February 2019 - January 2020 (A18/0142)**

**MOTION / DECISION**

Mover:     Cr Masselos

Seconder:  Cr Burrill

That Council:

1.     Offers the following artists a placement in the Waverley Artist Studios for the period February 2019–January 2020:
  - (a)    Keg De Souza.
  - (b)    Catherine Clayton-Smith.

- (c) Tully Arnot.
- (d) Mojgan Habibi.
- (e) Oliver Wagner.

2. Offers the following artists a reserve placement in the Waverley Artist Studios for the period February 2019–January 2020:

- (a) Josee Vesley-Manning.
- (b) Lisa Patroni.
- (c) Douglas Lance Gibson.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.7/18.12 International Women’s Day 2019 (A17/0660)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council endorses the proposed event program for the International Women’s Day cocktail event on 8 March 2019, as set out in this report.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.8/18.12 Walk for Respect (A17/0517)**

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses the event plan for the Walk for Respect to be held on 3 March 2019, as set out in this report.
2. Allocates a maximum budget of \$25,000 from Council’s General Reserve for the implementation of the Walk for Respect, noting that this increase will be reflected in the Q2 budget review.
3. Makes use of either the rear ‘old’ amphitheatre space (now the parking area) or the south side Dolphin Courtyard amphitheatre to host the speech section of the event.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.9/18.12 NSW State Government Parking Fine Concessions (SF18/5100)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes the recent correspondence received from the Hon. Dominic Perrottet MP regarding Parking Fine Concessions.
2. Notes the initial analysis by Council officers shows a potential budget impact of \$1.45 million per annum should Council opt in to charge lower parking fine amounts for the offence codes listed in the correspondence.
3. Requests officers to prepare a further report for Council consideration on the financial implications and impact on residents and businesses, including the results of any community consultation, to be presented to Council in February 2019 along with the previously requested report on changes to meter parking at Bondi Beach.

**CM/7.10/18.12 Dockless Share Bikes - Response to Queries about Lime Deployment (A17/0445)****MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council receives and notes this report.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.11/18.12 73-89 Ebley Street, Bondi Junction (Grand Hotel) - Liquor Licence Applications (SF18/4554)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Makes a submission to Liquor and Gaming NSW in relation to the *Extended Trading Hours Application* and *Change Licence Conditions Application* for the Grand Hotel at 73-89 Ebley Street, Bondi Junction in accordance with the recommendations contained in this report.
2. Makes no submission to Liquor and Gaming NSW in relation to the proposed *Minors Area Application* and *Change Boundaries of Licensed Area Application* from the same applicant.
3. The submission to Liquor and Gaming NSW should:
  - (a) Reinforce the conditions contained in Council's LEP and DCP with respect to liquor and gaming activities in the Waverley LGA.
  - (b) Consider and reference the Eastern Suburbs Liquor Accord.



4. Officers call an urgent meeting between Sgt Bolt (Eastern Suburbs Area Command), the Mayor, Ward Councillors and the Mill Hill Bondi Junction Precinct Alcohol Representative for a full briefing and input into Council's submission.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.12/18.12          Petition - Traffic Calming in Barracluff Avenue, Bondi Beach (A03/0042-04)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wy Kanak  
Seconder:   Cr Goltsman

That Council refers the petition requesting traffic calming measures in Barracluff Avenue, Bondi Beach, to the Executive Manager, Creating Waverley for consideration.

*L Coleman (chief petitioner) addressed the meeting.*

**CM/7.13/18.12          Status of Mayoral Minutes and Notices of Motions (SF18/691)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wy Kanak  
Seconder:   Cr Copeland

That Council receives and notes this report on the status of mayoral minutes and notices of motions adopted by Council from September 2012 to October 2018.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.14/18.12          Annual Code of Conduct Complaints Statistics (SF17/2821)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wy Kanak  
Seconder:   Cr Masselos

That Council receives and notes the annual report on code of conduct complaints about Councillors and the General Manager for 2017–2018 attached to this report.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.15/18.12            Minutes - Waverley Cycling Advisory Committee Meeting - 5 September 2018  
(A18/0188)**

*Cr Kay declared a less than significant non-pecuniary interest in this item, and informed the meeting that he knows Edna Udovich, a member of the committee.*

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Wy Kanak  
Seconder:  Cr Copeland

That Council:

1.    Receives and notes the minutes of the Cycling Advisory Committee meeting held on 5 September 2018.
2.    Notes that the minutes are available on Council's website.
3.    Notes that committee member Mina Nada has resigned from the Committee.
4.    Appoints Susan Scott as a replacement community member to the Committee.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.16/18.12            Minutes - Waverley Public Art Committee Meeting - 30 July 2018 and 17  
September 2018 (A18/0141)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Masselos  
Seconder:  Cr Keenan

That Council:

1.    Receives and notes the minutes of the Waverley Public Art Committee meetings held on 30 July 2018 and 17 September 2018.
2.    Notes that the minutes will be made available to the public via Council's website.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/7.17/18.12            Truck Wash Services Tender (A18/0619)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Wy Kanak  
Seconder:  Cr Masselos

That Council:

1.    Notes that no tenders were received in response to the Truck Wash Services Tender.
2.    Under clause 178(3)(b) of the *Local Government (General) Regulation 2005*, invites, by open tendering method, fresh tenders using revised specifications.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**8. Notices of Motion****CM/8.1/18.12 Macpherson Street/Albion Street Roundabout - Improved Pedestrian Safety (A03/0042-04)****MOTION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That:

1. Council officers undertake a safety audit at the Macpherson Street/Albion Street roundabout.
2. Officers report back to Council with recommendations to improve pedestrian safety and a proposed costing plan.
3. In the interim, a short-term infrastructure solution be trialled.

**AMENDMENT**

Mover: Cr Burrill  
Seconder: Cr Kay

That the Motion be adopted subject to clause 3 being amended to read as follows:

‘Council investigates if, in the interim, a short-term infrastructure solution could be trialled.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

**Against the Amendment:** Crs Copeland, Keenan, Masselos, O’Neill and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION:** That the Motion be adopted.

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/8.2/18.12 York Road Pedestrian Crossing/Refuge (A03/0892)****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Investigates options for pedestrian crossings or pedestrian refuges along York Road.
2. Consults with relevant stakeholders including the Centennial Park Trust, Randwick Council and the City of Sydney.
3. Sends a delegation of the Mayor and Ward Councillors to meet with the Minister to discuss the safety issues for pedestrians and the installation of additional pedestrian crossings / refuges in York Road.

4. Officers report to Council on options and timelines.
5. Notes that:
  - (a) York Road is a sub-arterial road and RMS and Council share responsibility.
  - (b) A number of years ago, residents raised similar concerns and Council Officers undertook a pedestrian safety audit/study. As a result of this study, pedestrian and vehicle safety devices were constructed. A number of kerb blisters and centre refuges were constructed adjacent to the Centennial Park entry gates to allow pedestrians to safely cross York Road. A total of four refuges were constructed.
  - (c) As the crossing points did not meet the 'RMS warrant' for a pedestrian crossing, RMS would not allow the installation of pedestrian crossings. In addition, a speed hump was constructed on York Road north of York Place, a roundabout constructed at the Birrell Street intersection, a centre barrier kerb constructed on the bend between Ashton Street and Queens Park Road, and Ashton Street closed at York Road to north bound traffic.
  - (d) Council officers affirm that RMS would not support additional works at this location.

**Division**

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

**Against the Motion:** Crs Goltsman and Kay.

*At 10.26 pm, during the consideration of this item, Cr Burrill left the meeting and was not present for the vote.*

*Crs Betts, Nemesh and Wakefield were not present for the consideration and vote on this item.*

**CM/8.3/18.12                      Wikimedia Foundation Donation (A02/0686)**

*This Notice of Motion was withdrawn at the meeting by Cr Wy Kanak.*

**MOTION (WITHDRAWN)**

That Council, on behalf of Waverley residents, investigates how the Wikimedia Foundation group gets its funding, how much they generate, what their costs are and other relevant related information, and reports back to Council to enable a decision to be made about a future funding contribution.

**CM/8.4/18.12                      OpenAustralia Foundation Donation (A02/0686)****MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That Council, on behalf of Waverley residents, investigates how the OpenAustralia Foundation group gets its funding, how much they generate, what their costs are and other relevant related information, and reports back to Council to enable a decision to be made about a future funding contribution.

THE MOTION WAS PUT AND DECLARED LOST.

**Division****For the Motion:** Crs Copeland and Wy Kanak.**Against the Motion:** Crs Goltsman, Kay, Keenan, Masselos and O'Neil.**9. Urgent Business**

There were no items of urgent business.

**10. Closed Session****CM/10/18.12 Closed Session**

*Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.*

**MOTION / DECISION**

Mover: Cr Wakefield  
 Seconder: Cr Nemesh

That:

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

CM/10.1/18.12 CONFIDENTIAL REPORT - Waverley Woollahra Arts Centre Co-Operative Ltd, 138 Bondi Road, Bondi - Lease Status

This matter is considered to be confidential in accordance with Section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CM/10.2/18.12 CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Council Facilities Building Project - Heads of Agreement

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Pursuant to sections 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 8.07 pm, Council moved into closed session.

**CM/10.1/18.12            CONFIDENTIAL REPORT - Waverley Woollahra Arts Centre Co-Operative Ltd,  
138 Bondi Road, Bondi - Lease Status (A03/0173)**

*Crs Copeland, Keenan, Wy Kanak and Masselos each declared a less than significant non-pecuniary interest in this item, and informed the meeting that they know the chairperson of the organisation.*

**MOTION**

Mover:        Cr Wakefield  
Seconder:    Cr O'Neill

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)(c) of the *Local Government Act 1993*. The report 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 long-standing relationship between the Waverley Woollahra Arts Centre Co-operative Ltd (WWAC) and Council and the significant long-term contribution that the WWAC has made to the creative Arts in the Waverley LGA.
3. Approves the officers' recommendation as outlined in this report.

**FORESHADOWED MOTION**

Mover:        Cr Masselos  
Seconder:    Cr Wakefield

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)(c) of the *Local Government Act 1993*. The report 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 long-standing relationship between the Waverley Woollahra Arts Centre Co-operative Ltd (WWAC) and Council and the significant long-term contribution that the WWAC has made to the creative Arts in the Waverley LGA.
3. Delegates to the General Manager and the Mayor the authority to finalise negotiations with the Waverley Woollahra Arts Centre Co-operative Ltd.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 OF THE MOTION SUCH THAT CLAUSE 3 NOW READS AS FOLLOWS:

'Approves the officers' recommendation as outlined in this report, subject to recommendation (a) being changed so that the words "or such rental arrears amounts that have accrued" be inserted immediately before "must be paid by 31 January 2019."'

THE MOTION WAS THEN PUT AND DECLARED LOST.

**Division****For the Motion:** Crs Betts, Burrill, Goltsman, Kay and Nemesh.**Against the Motion:** Crs Copeland, Keenan, Masselos, O'Neill, Wakefield and Wy Kanak.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 AND THE ADDITION OF A CLAUSE 4 SUCH THAT THE SUBSTANTIVE MOTION NOW READS AS FOLLOWS:

That:

1. Council 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)(c) of the *Local Government Act 1993*. The report 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. Council acknowledges the long-standing relationship between the Waverley Woollahra Arts Centre Co-operative Ltd and Council and the significant long-term contribution that the WWAC has made to the creative Arts in the Waverley LGA.
3. Council delegates to the General Manager and the Mayor the authority to finalise negotiations with the Waverley Woollahra Arts Centre Co-operative Ltd prior to 31 January 2019.
4. A status report come back to Council in February 2019, including a recommendation for Council consideration.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division****For the Substantive Motion:** Crs Copeland, Goltsman, Keenan, Masselos, O'Neill, Wakefield and Wy Kanak.**Against the Substantive Motion:** Crs Betts, Burrill, Kay and Nemesh.**DECISION:** That the Substantive Motion be adopted.*P Droga and a representative (both on behalf of the Waverley Woollahra Arts Centre Co-operative Ltd) addressed the meeting.***CM/10.2/18.12                      CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Council Facilities Building Project - Heads of Agreement (A18/0700)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr O'Neill

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)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Endorses the Heads of Agreement between Council and Bronte Surf Life Saving Club for the proposed Bronte Surf Club and Community Facilities Building project (Attachment 1), subject to the following amendments:
  - (a) In clause 5 'Premises', change the first bullet point so that it reads 'Lifeguard facilities including changing rooms, first aid room, and lifeguard tower, with the latter's location within the building or along the escarpment being subject to further investigation and planning assessment.'
  - (b) In clause 10 'Cost Overrun', add the following sentence at the end of the paragraph, to read 'Any design change requested by the Tenant incurring a cost overrun that is agreed by the PCG will be borne wholly by the Tenant.'
  - (c) In clause 13 'Defects', replace 'defects notified by the Tenant' with 'defects identified'.
  - (d) At the end of clause 9 'Funding', add the following new paragraph: 'As the cost of any design change requested by the Tenant and agreed by the PCG, whether incurring a cost overrun or not, will be borne wholly by the Tenant, if it becomes clear that the Tenant is unable to pay the additional project monies sought, the PCG will consider financial options for the Tenant to cover the shortfall if it is necessary at the time of the matter arising.'
3. Approves the General Manager being delegated authority to sign the Heads of Agreement on behalf of Council and forward to the Club for execution.
4. Endorses officers to commence preparation of an Agreement for Lease for the Bronte Surf Life Saving Club Premises with a report to be brought back to Council for approval.
5. Approves officers writing to the Office of Local Government to seek approval to enter into a Public Private Partnership with Bronte Surf Life Saving Club for the Bronte Surf Club and Community Facilities Building project.
6. Approves officers developing of a Probity Plan for the project in accordance with the Council-endorsed Capital Partnership Project Framework Guidelines. With a report to be brought back to Council for approval.
7. Approves the allocation of funding to the cost of the project in the Long Term Financial Plan as outlined in Table 3 of this Report.
8. Notes that the Bronte SLSC has been promised a grant of \$2 million from the Federal Government, and undertakes to assist the Club in preparation of any necessary documentation to ensure receipt of this grant.
9. Notes that the Bronte SLSC currently has a funding shortfall of \$375,000 of their total required funding contribution to the upgrade project.
10. Notes this shortfall represents 4.2% of the total project budget and is within the scope of the budget contingency.
11. Agrees to consider alternate options to close the funding gap if the shortfall is less than 5% at the commencement of construction, including, but not limited to, delayed payment, a loan, or other arrangements in consultation with the Bronte SLSC executive.

*B Scaffidi (President of the Bronte Surf Life Saving Club) addressed the meeting.*



**11. Resuming in Open Session****CM/11/18.12 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council resumes in open session.

*At 9.18 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.*

*At 9.23 pm, following the Chair's announcement of the resolutions to the public, the meeting was adjourned for a short break.*

*At 9.30 pm, when the meeting reconvened, Crs Betts, Nemesh and the Mayor, Cr Wakefield, were not present, and they did not return to the meeting.*

*The Deputy Mayor, Cr Wy Kanak, assumed the chair for the remainder of the meeting.*

**12. Meeting Closure****THE MEETING CLOSED AT 10.35 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**19 FEBRUARY 2019**