



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 19 FEBRUARY 2019**

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

At 11.32 pm, Cr Kay left the meeting and did not return.

At 11.35 pm, Cr Nemesh 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

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

- 2.1 Cr Betts declared a significant non-pecuniary interest in Item CM/7.14/19.02 – Youth Week Funding 2019, and informed that meeting that she is on the board of WAYS, and will leave the Chamber.
- 2.2 Cr Kay declared a less than significant non-pecuniary interest in Item CM/7.17/19.02 – Petition – Clarke Reserve – Preservation of Open Space and Views, and informed the meeting that he knows one of the speakers addressing Council on this item.
- 2.3 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item CM/8.12/19.02 – Sydney Football Stadium Redevelopment – Legal Challenge, and informed the meeting that he has been a member of Local Democracy Matters, and has recently discontinued tribunal action relating to the Community Consultative Committee.
- 2.4 Cr Wakefield declared a less than significant non-pecuniary interest in Item CM/8.12/19.02 – Sydney Football Stadium Redevelopment – Legal Challenge, and informed the meeting that he may be considered a member of Local Democracy Matters.
- 2.5 Cr Copeland declared a less than significant non-pecuniary interest in Item CM/10.1/19.02 – CONFIDENTIAL REPORT – Waverley Woollahra Art School – Lease, and informed the meeting that he knows some of the board members of the Waverley Woollahra Art School.

3. Addresses by Members of the Public

- 3.1 I Aldridge (on behalf of Bondi and Districts Chamber of Commerce) – CM/7.10/19.02 – 15 Minute ‘Drop In’ Zones – Results of Community Consultation.
- 3.2 B Scaffidi (President, Bronte Surf Life Saving Club) – CM/7.13/19.02 – Bronte Cutting Pedestrian Link Project.

- 3.3 C Aaron – CM/7.17/19.02 – Petition – Clarke Reserve – Preservation of Open Space and Views.
- 3.4 V Eastin (chief petitioner on behalf of Friends of Clarke Reserve) – CM/7.17/19.02 – Petition – Clarke Reserve – Preservation of Open Space and Views.
- 3.5 R Nothman – CM/8.12/19.02 – Sydney Football Stadium Redevelopment – Legal Challenge.
- 3.6 D Moskovich – CM/8.12/19.02 – Sydney Football Stadium Redevelopment – Legal Challenge.
- 3.7 C Aaron – CM/8.12/19.02 – Sydney Football Stadium Redevelopment – Legal Challenge.
- 3.8 A Douglass – CM/8.11/19.02 – Australia Day.
- 3.9 R Wallace – CM/8.4/19.02 – Big Bogey Hole, Bronte Beach – Reinstatement of Ladder.

4. Confirmation and Adoption of Minutes

CM/4.1/19.02 Confirmation of Minutes - Council Meeting - 11 December 2018 (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Masselos

That the minutes of the Council Meeting held on 11 December 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

CM/4.2/19.02 Confirmation of Minutes - Extraordinary Council Meeting - 20 December 2018 (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Masselos

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

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

CM/4.3/19.02 Confirmation of Minutes - Extraordinary Council Meeting - 11 January 2019 (SF19/325)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Masselos

That the minutes of the Extraordinary Council Meeting held on 11 January 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

5. Mayoral Minutes

CM/5.1/19.02 Citizenship Ceremonies - Request for Quotations (A19/0093)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council prepares a request for quotations to engage an experienced service provider for venue hire and catering services for citizenship ceremonies to be held in Waverley.

Background

Council has an ever-increasing number of new citizens in the area and we hold 10 ceremonies a year, including Australia Day. There is a need to increase the number of citizenships performed at each ceremony to reduce the growing backlog. The Council Chambers does not have the facilities to accommodate these larger ceremonies.

A preliminary survey has been conducted by the General Manager's office of various venues available for events. We will use this a guide to shortlist a number of venues from this survey and invite applications.

CM/5.2/19.02 Intersection of Old South Head Road, Curlewis Street, O'Sullivan Road and Birriga Road – Vehicle, Bicycle and Pedestrian Movement (A03/0042-04)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council examines options for the improvement of vehicle traffic, bicycles and pedestrian movement at and around the intersection of Old South Head Road, Curlewis Street, Blair Street, Wellington Street, O'Sullivan Road and Birriga Road, and co-ordinates as needed with the Waverley Cycling Advisory Committee and Woollahra Council. This would include, as a matter of urgency, the option of extending the lane markings on Curlewis Street back from the traffic lights as far as Wellington Street to improve traffic throughput.

CM/5.3/19.02 Shared Zones (A19/0154)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Notes that, under current Roads and Maritime Services (RMS) policy, each individual 10 km/h high pedestrian area shared zone must be applied for individually.
2. Investigates the potential for the creation of 10 km/h speed limits in all laneways throughout Waverley through a single, blanket approval process. Actions will include, but not be limited to:
 - (a) Writing to relevant Ministers.

- (b) Writing to the RMS.
 - (c) Lobbying the Member for Coogee and the Member for Vaucluse.
3. Extends this investigation to streets with inadequate footpath provision, if deemed appropriate by Council officers.

CM/5.4/19.02 Resident Parking Schemes (A03/2581)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That:

1. Council undertakes a review of the policy, process and procedures for the creation of resident parking schemes to ensure that the concerns of residents are better balanced with the need to apply a strategic approach to parking scheme management.
2. The two deferred resident parking schemes be used as test models with the new approach established by Council.
3. A future workshop be held to consider options.

6. Obituaries

Annalise Braakensiek
Justin Bull
Steven Glass
Tracey Cooley
Roderick Lappin

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

7. Reports

CM/7.1/19.02 Request for Leave of Absence - Cr Burrill (A03/0029)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Goltsman

That Council grants Cr Burrill leave of absence for medical reasons from Council for the period 19 March 2019 to 17 April 2019.

CM/7.2/19.02 Q2 Budget Review - December 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/7.3/19.02 Six Monthly Progress Report (A17/0229)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes progress to 31 December 2018 with respect to the deliverables detailed in the Delivery Program as per Attachment 1 to this report.

CM/7.4/19.02 Establishment of Audit, Risk and Improvement Committee (A18/0658)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Establishes an Audit, Risk and Improvement Committee to succeed Council's current Audit Committee, to be operational by the end of May 2019.
2. Authorises the General Manager to undertake all necessary actions to establish the Committee and to select an independent Chair and Members to recommend to Council for appointment.
3. Adopts the Audit, Risk and Improvement Committee Charter for the Committee attached to this report, subject to the following amendment:
 - (a) In section 5, under the heading 'Non-voting Members', insert the following sentence:

'Councillors who are not Committee members may attend meetings of the Committee as observers.'
4. Sets the remuneration for the external independent committee members at \$1,500 (Chair) and \$1,300 (Member) per meeting, which includes preparation and travel time.

CM/7.5/19.02 Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes the six-monthly report on Councillor expenses and facilities attached to this report.

CM/7.6/19.02 Precinct Committees - Motions (A04/0038)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes the list of motions received from Precincts for the period February 2018 to December 2018 attached to this report, with the next and subsequent reports to be every six months.

CM/7.7/19.02 Trade Debtors - Debt Write Off (SF17/299)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council writes off bad trade debts amounting to \$6,207.83 as shown in Table 1 of this report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

CM/7.8/19.02 Investment Portfolio Report - November 2018 to January 2019 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Investment Summary Reports for November 2018, December 2018 and January 2019 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/7.9/19.02 Parking Review - Follow-Up Report on Meters in Bondi Beach (SF17/2867)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes this report on the implications of switching off the parking meters in Queen

Elizabeth Drive, Park Drive and/or Campbell Parade after 7 pm, for six months and all-year-round, including an updated financial assessment.

2. Notes the analysis of the effects of the recent changes to metered parking in Bondi Junction including feedback from motorists and businesses.
3. Further promotes the changes to metered parking in the commercial areas of Bondi Junction in order to create awareness among residents, visitors and businesses.
4. Proceeds with:
 - (a) Switching off parking meters in Queen Elizabeth Drive and Park Drive North/Park Drive South after 7 pm all-year-round.
 - (b) Switching off parking meters on Campbell Parade after 7 pm for the six-month winter period of May–October each year, excluding meters in Resident Parking Scheme zones.
 - (c) Changing all three-hour parking zones in the subject area to two-hour zones.

subject to approval by the Waverley Traffic Committee and public exhibition of the fees.

5. Notes the cost of this initiative is estimated at \$150,000 per annum.
6. Officers consider a timed parking zone for Queen Elizabeth Drive and Park Drive North after 7 pm all-year-round.

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/7.10/19.02 15 Minute 'Drop In' Zones - Results of Community Consultation (SF17/2867)

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council implements 15 minute 'drop in' zones at the following locations:

1. Bondi Beach
 - (a) Outside 80 Hall Street (2 spaces).
 - (b) Outside 77–81 Hall Street (1 space).
 - (c) Outside 142 Curlewis Street (2 spaces).
 - (d) Outside 180 Campbell Parade (2 spaces).
 - (e) Corner of Hall Street and Jaques Avenue: existing 10 minute spaces changed to 15 minute spaces (4 spaces).
2. Bondi Junction

- (a) Outside 33–37 Oxford Street (1 space).
- (b) Outside 266 Oxford Street (1 space).
- (c) Outside 35 Spring Street (2 spaces).
- (d) Outside 93 Spring Street (2 spaces).
- (e) Outside 28–32 Bronte Road (1 space).
- (f) Mobility parking space in Spring Street adjacent to 3A Bronte Road (1 space).

3. Charing Cross

- (a) Outside 280–282 Bronte Road (2 spaces).
- (b) Outside 245 Bronte Road (2 spaces).
- (c) Outside 283 Bronte Road (1 space).

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.

I Aldridge (on behalf of Bondi and Districts Chamber of Commerce) addressed the meeting.

CM/7.11/19.02 Bus Shelter Installation Works - Dover Heights (SF18/2209)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

CM/7.12/19.02 NSW State Government Parking Fine Concessions (SF18/2115)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives this report and notes:

1. The analysis of Council officers showing a potential impact of \$1.5 million per annum should Council opt in to charge lower parking fine amounts for the offence codes listed in the correspondence from the NSW Government.

2. The analysis of Council officers that shows in 2017/18, 74% of the infringements impacted by the proposed changes were issued to non-Waverley residents.
3. That, on 31 January 2019, the NSW Government introduced a 10-minute grace period for motorists who pay for at least one hour of parking and display a ticket, and that Council already provides a 10-minute grace period in all timed parking areas.
4. The recent initiatives of Council to switch off parking meters in Bondi Junction, which reduce Council revenue from parking fees and fines by approximately \$460,000.
5. The current proposal to switch off parking meters in Bondi Beach after 7 pm with a potential for a \$150,000 reduction in parking fees and fines.
6. The introduction of 15 minute drop in zones in various locations in Bondi Junction, Bondi Beach and Charing Cross, which included a reduction in revenue of approximately \$50,000.
7. The recent removal of the first hour fee for parking in the Eastgate Car Park.
8. The removal of the fee for the first parking permit for Resident Parking Scheme zones, which resulted in a reduction of revenue of \$204,000.

CM/7.13/19.02 Bronte Cutting Pedestrian Link Project (SF18/3282)

MOTION

Mover: Cr Masselos
Secunder: Cr Keenan

That:

1. Council pursues a 10 km/h shared zone as soon as possible by preparing a report for the Waverley Traffic Committee's consideration.
2. Council further investigates a formalised pedestrian footpath as an option for the Bronte Cutting Pedestrian Link Project.
3. The investigation include design development to resolve disability access issues that respond to the Bronte Plan of Management priorities for the Cutting.
4. Council extends the temporary pilot project until the above investigation has been undertaken and a permanent solution is approved by Council.
5. Council investigates whether additional parking spaces can be identified through standardisation of existing parking bays.

AMENDMENT

Mover: Cr Burrill
Secunder: Cr Goltsman

That the Motion be adopted subject to clause 2 being amended to read as follows:

'Council further investigates the following options for the Bronte Cutting Pedestrian Link Project:

- (a) A formalised pedestrian footpath.

(b) An elevated walkway leading to a viewing platform.'

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.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. Council pursues a 10 km/h zone as soon as possible by preparing a report for the Waverley Traffic Committee's consideration.
2. Council further investigates the following options for the Bronte Cutting Pedestrian Link Project:
 - (a) A formalised pedestrian footpath.
 - (b) Drop-off/pick-up zones.
3. The investigation include design development to resolve disability access issues that respond to the Bronte Plan of Management priorities for the Cutting.
4. Council extends the temporary pilot project until the above investigation has been undertaken and a permanent solution is approved by Council.
5. Council investigates whether additional parking spaces can be identified through standardisation of existing parking bays.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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.

DECISION: That the Motion be adopted.

Note: subsequent to the meeting, before 10 am the following day, a motion to rescind this decision was lodged with the General Manager. The Rescission Motion will be considered by Council at its meeting on 19 March 2019.

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

CM/7.14/19.02 Youth Week Funding 2019 (A03/2784)

Cr Betts declared a significant non-pecuniary interest in this item, and informed that meeting that she is on the board of WAYS. Cr Betts 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, under section 356 of the *Local Government Act*, grants up to \$6,000 in financial assistance to WAYS Youth and Family to run a program of activities during Youth Week 2019, including Bondi Blitz, subject to the State Government Youth Week Grant matching Council's grant.

CM/7.15/19.02 2019 NRL Launch - Bondi Beach Fireworks Display (A17/0607)**MOTION / DECISION**

Mover: Cr Wakefield
Seconder: Cr O'Neill

That Council:

1. Approves a fireworks display at the south end of Bondi Beach, as part of the 2019 National Rugby League (NRL) Launch event on 7 March 2019, subject to any conditions issued by the General Manager, and including the following:
 - (a) Bump-in to commence at 4.30 pm and bump-out to commence by 10.30 pm, with no fireworks after 9.00 pm.
 - (b) The fee being set at \$35,000.
 - (c) The applicant notifying residents of Notts Avenue, at the minimum, by way of letterbox drop no later than 3 March 2019.
2. Authorises the General Manager to execute all necessary documents and to finalise the matter.
3. Donates \$5,000 of the fee to Bondi Beach Cottage, a local domestic violence service, and calls on the NRL to match this donation to Bondi Beach Cottage.

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

CM/7.16/19.02 Bondi Golf and Diggers Club - Emergency Works (A18/0427)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Notes that the General Manager has authorised the commencement of emergency works at the Bondi Golf and Diggers Club under section 55(3)(k) of the *Local Government Act* without undertaking a formal tender process for the works.

2. Allocates \$63,000 from the SAMP Reserve to fund the budget shortfall for the works.

Crs Kay and O'Neill were not present for the vote on this item.

CM/7.17/19.02 Petition - Clarke Reserve - Preservation of Open Space and Views (A04/2119)

Cr Kay declared a less than significant non-pecuniary interest in this item, and informed the meeting that he knows one of the speakers addressing Council on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wakefield

That Council refers the petition requesting the preservation of open space and views of Clarke Reserve to the Executive Manager, Creating Waverley, for consideration.

Crs Kay and O'Neill were not present for the consideration and vote on this item.

C Aaron and V Eastin (chief petitioner on behalf of Friends of Clarke Reserve) addressed the meeting.

CM/7.18/19.02 Syd Einfeld Drive Depot - Lease (A10/0017)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Enters into a five-year lease agreement with the Roads and Maritime Services for the premises known as Lot 1 DP 262916, Area 4, under Syd Einfeld Drive, Bondi Junction, which accommodates Council's Public Place Cleansing Depot, on the terms and conditions detailed in this report.
2. Authorises the General Manager to execute all necessary documents and finalise the matter on behalf of Council.

Crs Kay and O'Neill were not present for the consideration and vote on this item.

CM/7.19/19.02 Tender Evaluation - Heating Ventilation and Air Conditioning (HVAC) Maintenance Services (SF18/2865)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix and Schedule of Rates attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. These documents contain information that would, if disclosed, confer a prejudice the commercial position of the person who supplied it.

2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Katopa Holdings Pty Ltd (trading as CBD Mechanical Electrical) as the preferred tenderer for the supply of Heating, Ventilation and Air Conditioning Services for the sum of \$195,434.24 (excluding GST) for scheduled maintenance and the following schedule of rates for unscheduled maintenance:

Description	Classification	\$ per hour (excl GST)
Service Technician Rate (on site)	Business hours	\$75.00
Service Technician Rate (on site)	Out of business hours	\$105.00
HVAC Service Technician Rate (on site)	Business hours	\$75 .00
HVAC Service Technician Rate (on site)	Out of business hours	\$105.00
Travel	Business hours	\$0
Travel	Out of business hours	\$0
Minimum call out fee	Business hours	\$0
Minimum call out fee	Out of business Hours	\$0

3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.20/19.02 Tender Evaluation - Electrical Switchboards Upgrade Works (A18/0464)

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 the Matrix 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(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Kerfoot Pty Ltd as the preferred tenderer for Electrical Switchboards Upgrade Works for the sum of \$367,846.69 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Kerfoot Pty Ltd for Electrical Switchboards Upgrade Works.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.21/19.02 Tender Evaluation - Truck Washing Services (SF18/5144)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix and Schedule of Rates attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. These documents contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts URM Environmental Services Pty Ltd as the preferred tenderer for the supply of Truck Washing Services at the following schedule of rates:

Vehicle type	Per unit (\$ incl GST)	RMS Registration Wash
Large Waste Compactor	\$200.00	\$247.00
Small Waste Compactor	\$162.00	\$207.00
Light Commercial	\$162.00	\$207.00
1–3 Tonne Truck	\$140.00	\$192.00
Small Road Sweeper	\$123.00	\$164.00
Large Road Sweeper	\$149.00	\$192.00

3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with URM Environmental Services Pty Ltd for three years, with two one-year options to extend.

At 10.41 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.

Crs Burrill and Kay were not present for the vote on this item.

CM/7.22/19.02 Tender Evaluation - Printing Services (SF18/2780)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Under clause 178 of the *Local Government (General) Regulation 2005*, declines to accept any of the tenders for the Printing Services Tender and cancels the proposal for the contract.
2. Notifies all tenderers of the decision, in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

Crs Burrill and Kay were not present for the consideration and vote on this item.

8. Notices of Motion**CM/8.1/19.02 Bronte Pool Water Intake Pipe (A06/0070)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Considers previous work in assessing the water intake pipe, which was undertaken as part of the recent renovation of the Bronte Pool.
2. Investigates options for extending the water intake pipe further out into the ocean to ensure that the pump can work at low tide.
3. Investigates the Wi-Fi pump starting system and gets it working again.
4. Officers report back to Council. The report is to include a budget estimate and timing to have the water intake pipe extended and fitted with suitable filters.

Crs Burrill and Kay were not present for the consideration and vote on this item.

CM/8.2/19.02 Laying of Kerb outside 497 and 499 Bronte Road, Bronte (A16/0755)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Investigates options to improve pedestrian, cyclist, driver and passenger safety on the western side of the entrance to the Bronte Beach Village, outside 499 and 497 Bronte Road.
2. Officers investigate the costs of the various options and report back to Council for consideration.

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

CM/8.3/19.02 Bronte Beach Village Strip - Underground Wires (A16/0755)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That:

1. Council:
 - (a) Investigates the undergrounding of the remaining Ausgrid wires and poles in the Bronte Beach Village block between 459 and 499 Bronte Road, including asking the owners regarding funding.
 - (b) Identifies costs to undertake this work.

2. A report be submitted to Council for its consideration.

Division

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

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

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

CM/8.4/19.02 Big Bogey Hole, Bronte Beach - Reinstatement of Ladder (A03/0910-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. As a matter of urgency, reinstates the ladder into the Big Bogey Hole at Bronte Beach.
2. Ensures that the ladder has rounded edges to mitigate against any potential injury, and consistent with Australian Standards.

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

R Wallace addressed the meeting.

CM/8.5/19.02 Pill Testing - Drug Harm Minimisation (A05/0435)**MOTION**

Mover: Cr Keenan

Seconder: Cr Copeland

That Council:

1. Notes that:
 - (a) There are a large number of music festivals in and around the Waverley local government area each year, including Electric Gardens and Sydney City Limits.
 - (b) Waverley also has a vibrant nightlife, with a concentration of bars, pubs and other venues where young people go out.
 - (c) At these festivals and other venues, it is not uncommon for young people to use recreational drugs, including MDMA.
 - (d) Over the summer, a number of young people have lost their lives at music festivals, leading many young people and their families to call for practical harm reduction measures to be introduced.
2. Writes to the NSW Premier and NSW Health Minister asking for:
 - (a) A trial of pill testing and the introduction of amnesty bins.

- (b) An end to the use of police drugs dogs and strip searches at music festivals.
- (c) Peer-to-peer support services.
- (d) Require festival organisers to provide free cold water, chill out areas, on-site medical tents/services and shaded areas for festival goers.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Betts

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

‘Notes that this is outside the scope of Council’s operational activities.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts and Goltsman.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

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

CM/8.6/19.02 Bondi Junction Interchange - Signage (A08/0261)**MOTION / DECISION**

Mover: Cr Keenan
Seconder: Cr Copeland

That Council:

1. Notes that:
 - (a) There is a lack of information boards providing bus information in relation to bus stands or bus timetables at the Bondi Junction bus/rail interchange.
 - (b) There are no STA customer service staff stationed at the bus/rail interchange to assist passengers with finding the correct bus stands or timetables.
 - (c) Directions to the bus/rail interchange are poorly signposted from the Bondi Junction shopping area for non-residents and tourists.
2. Writes to Transport for NSW (TfNSW) and arranges a meeting with the Mayor, Ward Councillors and senior Sydney Bus management to consider improvements to bus/rail interchange customer service and information.
3. Requests TfNSW to provide signposting in Bondi Junction Mall that is safe and not imposing, to direct bus and train users to both entrances of the bus/rail interchange

4. Requests TfNSW to provide electronic information boards in or around Bondi Junction Mall that is safe and not imposing, to inform bus and train users of the various bus and train departures.

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

CM/8.7/19.02 Cultural Committee (A19/0120)

MOTION

Mover: Cr Keenan
Seconder: Cr Copeland

That Council:

1. Notes that:
 - (a) Council provides a number of large and small arts and cultural events each year.
 - (b) Council has a Public Art Committee; however, there is no overarching cultural committee that oversees or has carriage of the large cultural life of Waverley.
 - (c) Providing such a committee would raise the profile of the vast, exciting and colourful cultural programs in the community.
2. Officers prepare a report providing options in relation to the creation of a Cultural Committee, excluding the Public Art Committee, which would comprise Councillors and members of the local community.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Goltsman

That the Motion be adopted subject to clause 2 being amended to read as follows:

‘Officers prepare a report providing options in relation to the creation of a Cultural Committee, excluding the Public Art Committee and the Multicultural Advisory Committee, which would comprise Councillors and members of the local community.’

AT THIS STAGE IN THE PROCEEDINGS, AT 11.25 PM, CR WAKEFIELD VACATED THE CHAIR AND THE DEPUTY MAYOR, CR WY KANAK, ASSUMED THE CHAIR.

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman and Kay.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

Crs Burrill and Wakefield were not present for the votes on this item.

AT THIS STAGE IN THE PROCEEDINGS, AT 11.30 PM, CR WAKEFIELD ASSUMED THE CHAIR.

At 11.32 pm, after the vote on this item, Cr Kay left the meeting and did not return.

CM/8.8/19.02 Military Road Pedestrian Crossing (A03/0042-04)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

CM/8.9/19.02 Verge/Nature Strip Maintenance Program (A14/0144)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

CM/8.10/19.02 Military Road Bus Stop (A02/0225-02)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

CM/8.11/19.02 Australia Day (A14/0041)**MOTION / DECISION**

Mover: Cr Lewis
Seconded: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemes were not present for the consideration and vote on this item.

A Douglass addressed the meeting.

CM/8.12/19.02 Sydney Football Stadium Redevelopment - Legal Challenge (A03/0943)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he has been a member of Local Democracy Matters, and has recently discontinued tribunal action relating to the Community Consultative Committee.

Cr Wakefield declared a less than significant non-pecuniary interest in this item, and informed the meeting that he may be considered a member of Local Democracy Matters.

MOTION

Mover: Cr Goltsman
Seconded: Cr Kay

That Council:

1. Urgently prepares a brief report for Council consideration on the costs incurred for convening extraordinary Council meetings and taking actions against the Sydney Football Stadium (SFS) Redevelopment including:
 - (a) Legal services by Mr Philip Clay and Wilshire Webb Staunton Beattie.
 - (b) Catering.
 - (c) Security.
 - (d) Staff preparation costs and overtime.
 - (e) Injunction costs.
 - (f) Any other additional costs not specified above.
2. As part of the above report, explains to Councillors under what provisions of the Code of Meeting Practice and Code of Conduct the Mayor appointed himself to the SFS Consultative Committee without the approval of Council.
3. Notes the response to the Mayor's letter from Minister for Planning, Anthony Roberts, dated 1 February 2019 and included fully in the background to this motion, which states in part: 'The assessment report, which I considered in approving the concept proposal, clearly evidences that

design excellence was taken into account.’ It further comments: ‘In the light of this, I cannot see how it would be possible to form a reasonable view that the assessment and consideration of design excellence in the determination of the concept approval would have any adverse impact on the residents and businesses within the Waverley area.’

4. Noting its resolution from the Strategic Planning and Development Committee meeting on 5 February 2019 to pursue an unbudgeted legal challenge against the State Government in the Land and Environment Court without the support from any other Council, ensures that the report mentioned in clause 1 above also includes the following costs to Council:
 - (a) Recent costs incurred by Council in obtaining further legal advice to prepare for the 5 February 2019 urgency motion.
 - (b) Estimated future costs as a result of pursuing legal action, including:
 - (i) Council staff time and resources assigned to this legal case.
 - (ii) Potential consequential costs, such as the State Government’s legal costs, damages and other liabilities to the Waverley community and its ratepayers.
 - (iii) Any reduction in services.
5. Notes that:
 - (a) The Sydney Football Stadium is not in Waverley and its redevelopment will have no impact on Waverley’s residents
 - (b) The City of Sydney, Woollahra and Randwick councils have voted not to pursue legal action against the NSW State Government because the risk to ratepayers’ funds is too great.
 - (c) Waverley Council has not conducted any community consultation with its residents, businesses and community groups to determine if they would support legal action against the NSW State Government, acknowledging the high level of financial risk that would be incurred.
 - (d) A legal challenge by Waverley Council against the NSW State Government, whether in partnership with another Council or not, would expose Council and the Waverley community to the risk of significant costs and damages.
6. Notes that the last Council meeting for 2018 was scheduled on 11 December and the first meeting for 2019 scheduled for 5 February. It is customary for Councillors to take holidays during December and January. Although it was widely known by many councillors that several of them would not be in Sydney over the holiday period, Councillors were not generally consulted to identify if a quorum could be attained. As a result, inquorate meetings were held at financial cost to the community.

AMENDMENT

Mover: Cr Wakefield

Seconder: Cr Lewis

That the Motion be adopted subject to clause 2 being amended to read as follows:

‘Confirms the SFS Consultative Committee appointment of the Mayor with alternates the Deputy Mayor and the Director of Planning.’

AT THIS STAGE IN THE PROCEEDINGS, AT 8.34 PM, THE MEETING WAS ADJOURNED DUE TO DISORDER.

AT 8.42 PM, THE MEETING RESUMED.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

THE AMENDMENT NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1, THE DELETION OF CLAUSES 4, 5 AND 6, AND THE ADDITION OF THREE CLAUSES, SUCH THAT THE SUBSTANTIVE MOTION NOW READS AS FOLLOWS:

That Council:

1. Prepares a brief report for Council's consideration on the costs incurred in taking action against the Sydney Football Stadium (SFS) Redevelopment after completion of the legal case.
2. Confirms the SFS Consultative Committee appointment of the Mayor with alternates the Deputy Mayor and the Director of Planning.
3. Notes the response to the Mayor's letter from Minister for Planning, Anthony Roberts, dated 1 February 2019 and included fully in the background to this motion, which states in part: 'The assessment report, which I considered in approving the concept proposal, clearly evidences that design excellence was taken into account.' It further comments: 'In the light of this, I cannot see how it would be possible to form a reasonable view that the assessment and consideration of design excellence in the determination of the concept approval would have any adverse impact on the residents and businesses within the Waverley area.'
4. Notes the resolution PD/6.1/19.02, and considers the Minister's response unsatisfactory as it fails to deal with the fundamental point that the Minister was required to form an opinion that the concept plan exhibited design excellence.
5. Notes that there are two separate legal opinions that consider that the Minister for Planning has breached the EP&A Act in issuing the consent for the demolition of the Sydney Football Stadium, including the advice from Phillip Clay SC dated 20 December 2018 ('Clay Advice').
6. Notes that Council is designated by the Department of Planning as a significant stakeholder in the SFS redevelopment and has been allocated a representative on the Community Consultative Committee.

AT THIS STAGE IN THE PROCEEDINGS, CR KAY RAISED A POINT OF ORDER THAT CR GOLTSMAN, AS THE MOVER OF THE ORIGINAL MOTION, SHOULD HAVE THE RIGHT OF REPLY.

THE CHAIR DID NOT UPHOLD CR KAY'S POINT OF ORDER.

CR KAY THEN MOVED A MOTION OF DISSENT, SECONDED BY CR BURRILL, ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

Against the Motion of Dissent: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and

Wy Kanak.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Substantive Motion be adopted.

R Nothman, D Moskovich and C Aaron addressed the meeting.

CM/8.13/19.02 United Nations Year of Indigenous Languages and Indigenous Place Names in Waverley (A02/0424)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Keenan

That this item be deferred to the next Committee meeting.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

9. Urgent Business

There were no items of urgent business.

10. Closed Session

CM/10/19.02 Closed Session

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Copeland

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/10.1/19.02 CONFIDENTIAL REPORT - Waverley Woollahra Art School - Lease

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 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 11.33 pm, Council moved into closed session.

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

CM/10.1/19.02 CONFIDENTIAL REPORT - Waverley Woollahra Art School - Lease (A03/0173)

Cr Copeland declared a less than significant non-pecuniary interest in this item, and informed the meeting that he knows some of the board members of the Waverley Woollahra Art School.

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland
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)(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. Approves a new five-year lease plus five-year option to the Waverley Woollahra Arts Centre Co-Operative Ltd on the terms and conditions contained in this report.
3. Authorises the General Manager to conclude negotiations and do all things necessary to finalise the matter and execute the lease on behalf of Council.

At 11.35 pm, during the consideration of this item, Cr Nemesh left the meeting and did not return.

Crs Burrill, Kay and Nemesh were not present for the vote on this item.

11. Resuming in Open Session

CM/11/19.02 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That Council resumes in open session.

Crs Burrill, Kay and Nemesh were not present for the consideration and vote on this item.

At 11.48 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 THIS STAGE IN THE PROCEEDINGS, CR LEWIS MOVED A MOTION, SECONDED BY CR KEENAN, THAT ITEMS CM/7.11/19.02, CM/8.8/19.02, CM/8.9/19.02, CM/8.10/19.02, CM/8.11/19.02 AND CM/8.13/19.02 BE DEFERRED TO THE NEXT COMMITTEE MEETING.

THE MOTION WAS PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Crs Betts and Goltsman.

Crs Burrill, Kay and Nemes were not present for the consideration and vote on this item.

12. Meeting Closure

THE MEETING CLOSED AT 11.52 PM.

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SIGNED AND CONFIRMED
MAYOR
19 MARCH 2019