



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 18 JUNE 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 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
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.02PM, those present were as listed above, with the exception of Cr O'Neill who arrived at 7.57PM.

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 Keenan.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses by Members of the Public

- 3.1 L Coleman – CM/4.2/19.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 May 2019 – TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 3.2 M Caton – CM/4.2/19.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 May 2019 – TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 3.3 D Barnett – CM/4.2/19.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 May 2019 – TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue
- 3.4 G Sheehy – CM/4.2/19.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 May 2019 – TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 3.5 A Bhasin (on behalf of BIKEast) – CM/8.2/19.06 – Cycle Path Upgrade.

4. Confirmation and Adoption of Minutes

CM/4.1/19.06 Confirmation of Minutes - Council Meeting - 21 May 2019 (SF19/325)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council Meeting held on 21 May 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr O'Neill was not present for the consideration and vote on this item.

**CM/4.2/19.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 May 2019
(SF19/328)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 23 May 2019 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue (A03/0042-04)

And that this item be dealt with separately below.

**CM/4.2.1/19.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 May 2019 -
TC/V.01/19.05 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue**

This matter was saved and excepted by Cr Wakefield.

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Wakefield

That Council refers this item to a future meeting of the Traffic Committee when the Traffic Committee will be considering the report on Barracluff Avenue.

Cr O'Neill was not present for the consideration and votes on this item.

L Coleman, M Caton, D Barnett and G Sheehy addressed the meeting.

5. Mayoral Minutes

CM/5.1/19.06 State Planning Controls - Financial Feasibility/Viability (A12/0147)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Recognises that financial feasibility/viability is being increasingly used by the Department of Planning, Industry and Environment, the State Planning Panels and the Greater Sydney Commission as a consideration to changes to planning controls.
2. Is concerned that complex financial feasibility assessments are being used by the development industry to argue for changes to existing planning controls with potentially adverse impacts on the community.

3. Acknowledges that the Environmental Planning and Assessment Act 1979 refers to broader considerations of 'economic effects', 'economic welfare', 'economic use of land' and 'economic impacts', and that there is no mention of financial feasibility/viability in this Act or in the Environmental Planning and Assessment Regulation 2000, Ministerial Directions or Planning Circulars.
4. Is concerned that the consideration of financial feasibility/viability is given undue weight as an 'economic' consideration and that other tangible economic considerations, such as efficient allocation of land use, transport systems and infrastructure, and less tangible economic considerations, such as local character and heritage, are given less or no weight.
5. Develops a methodology that considers the economic effects of proposed changes to planning controls in a more comprehensive and wide-ranging manner including consideration of efficient allocation of land use, transport systems and infrastructure, local character/native title and heritage. The methodology could include consideration of quadruple bottom line analysis.

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

CM/5.2/19.06 Affordable Housing SEPP (A19/0408)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council undertakes an audit of buildings in Waverley that have made use of the Affordable Housing SEPP to ascertain if the aims of the SEPP are being achieved in terms of tenancy, demography and usage, and consideration be given to aspects of enforcing compliance.

CM/5.3/19.06 Supermarkets in B1 Zones (A19/0409)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Notes that in August 2018 the NSW Department of Planning changed the standard planning template permitting supermarkets up to 1,000 square metres in size in the B1 Neighbourhood Centre zone.
2. Notes that this is the size now permitted in Waverley's B1 zone unless specific provision has been made to prescribe a smaller size.
3. Notes Council's Amendment 1 to the Waverley LEP, effective 3 September 2014, to limit the size of retail premises on the former Bronte RSL site to a maximum of 500 square metres.
4. Considers supermarkets greater than 500 square meters as inconsistent with the current and future desired character of Waverley's B1 Neighbourhood Centres.
5. Prepares a report for consideration investigating what actions Council could take, and the desirability and consequences of taking action, to limit the size of supermarkets and retail premises more widely in Waverley's B1 zones.

6. Obituaries

Keith McLeod
Ron Clark
Michael Jones
Leisl Pollak

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

7. Reports

CM/7.1/19.06 **Budget for Financial Year 2019-20 and Long Term Financial Plan (LTFP 5.1) (SF18/4964)**

MOTION

Mover: Cr Wakefield
Seconder: Cr Copeland

That Council:

1. Adopts the budget for the financial year 2019–20, as set out in Attachments 1 and 2 to this report.
2. Receives and notes the Long Term Financial Plan (LTFP 5.1) for an 11-year period from 2019–20 to 2029–30 including Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as set out in Attachment 3 to this report.

AMENDMENT

Mover: Cr Betts
Seconder: Cr Kay

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

1. Notes Council's capital works budget is scheduled to spend \$42.15 m in 2019–20, which will require a transfer of \$11.29 m from reserves to fund this expenditure.
2. Notes that Council faces a number of financial sustainability challenges in sustaining Council's current level of operations and capital program to 2030 (page 13 of the report).
3. Notes that Council anticipates a capital work expenditure of \$397,605,747 over the LTFP 2019–2030, \$103,749,277 of which will come from reserves.
4. Notes that Council's cash and reserves will drop from \$161 m in 2019 to \$66 m in 2025–27 to fund the programs.
5. Notes that Council's internally restricted reserves will be reduced by \$32 m over the LTFP period from \$122 m in 2019.
6. Notes that Council is considering increasing rates in some form to fund its programs, and is exploring options to introduce an Environmental Levy.
7. Surveys all residents and ratepayers in 2019, outlining Council's financial position and its intention to increase ratepayers' contribution to Council in some form or other to deliver its capital works budget, and asks ratepayers for their opinion.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

DECISION: That the Motion be adopted.

Cr Burrill was not present in the chamber for the vote on the Motion.

**CM/7.2/19.06 Operational Plan 2019-20, Pricing Policy and Schedule of Fees and Charges
2019-20 (A18/0477)**

At 8.35 pm, during the consideration of this item, Cr Wakefield vacated the chair. The Deputy Mayor, Cr Wy Kanak, assumed the chair. At 8.38 pm, Cr Wakefield assumed the chair.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the community submissions made in relation to the Operational Plan 2019-20 and Pricing Policy and Schedule of Fees and Charges 2019-20 as in attachment 1 of this report.
2. Amends the subheading to the Statement of Revenue Policy on page 61 of the Draft Operational Plan to read: 'Statement with respect to Rate Levy (section 405(2), *Local Government Act 1993*)'.
3. Amends line 13 of section 1.3.1 Ordinary Rates of the Statement of Revenue Policy on page 62 of the Draft Operational Plan to read: 'with section 548(3), (4) and (5) of the Act in'.
4. Adopts the Operational Plan 2019-20, as amended by clauses 2 and 3 above, including the Statement of Revenue Policy and the Rating Structure for 2019-20 contained on page 63 of the proposed Operational Plan 2019-20 with the marked-up changes at Attachment 2 together with the proposed Pricing Policy and Schedule of Fees and Charges 2019-20 with the marked up changes at Attachment 3. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the *Local Government Act*, the following rates and charges is set for every parcel of rateable land within the Waverley local government area for the period of 1 July 2019 to 30 June 2020:
 - (a) That an ordinary rate of zero point one one five eight nine cents (0.11589) in the dollar subject to a minimum rate in accordance with section 548(3), (4) and (5) of the Act, per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub categorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (b) That an ordinary rate of zero point five four five two seven cents (0.54527) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Ordinary in accordance with section 529 (2)(d) of the Act.
 - (c) That an ordinary rate of zero point eight eight eight one five cents (0.88815) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub

categorised Bondi Junction in accordance with section 529(2)(d) of the Act.

5. Sets the Domestic Waste Management Service Charge at \$562 per service per annum for the period 1 July 2019 to 30 June 2020 in accordance with section 496 of the *Local Government Act*.
6. Sets the Stormwater Management Service Charge contained on page 66 of the draft Operational Plan 2019–20 in accordance with section 496A of the *Local Government Act* for the period of 1 July 2019 to 30 June 2020 as set out below:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

7. Authorises the General Manager to reassign responsibilities for each activity in these documents based on the Organisation Structure in place from time to time.

Cr Betts was not present in the chamber for the vote on this item.

CM/7.3/19.06 Investment Policy - Review (A05/0197)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Seconder: Cr Copeland

That Council adopts the revised Investment Policy attached to this report.

CM/7.4/19.06 Investment Portfolio Report - May 2019 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for May 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/7.5/19.06 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 \$13,020.81 as shown in Table 1 of this report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

CM/7.6/19.06 Code of Conduct and Procedures - Adoption (SF18/4158)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Copeland

That Council:

1. Adopts the following documents attached to this report:
 - (a) Code of Conduct for Councillors (Attachment 1).
 - (b) Code of Conduct for Council Staff (Attachment 2).
 - (c) Code of Conduct for Council Committee Members and other Council Officials (Attachment 3).
 - (d) Procedures for the Administration of the Code of Conduct (Attachment 4).
2. Rescinds the Gifts and Benefits Policy adopted by Council in 2012 (Attachment 5).
3. Arranges appropriate training for Councillors, members of Council staff, members of Council advisory committees and Council volunteers.

CM/7.7/19.06 Code of Meeting Practice - Adoption (SF17/3020)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Adopts the Code of Meeting Practice attached to this report, subject to the public forum section of the document (clauses 4.1 to 4.12, inclusive) being deleted, and the remainder of the clauses in Part 4 being renumbered accordingly.
2. Adopts the new order of business for Council meetings as shown below:
 - Prayer and Acknowledgement of Indigenous Heritage
 - Apologies/Leaves of Absence
 - Declarations of Pecuniary and Non-Pecuniary Interests
 - Obituaries
 - Addresses by Members of the Public
 - Confirmation and Adoption of Minutes
 - Mayoral Minutes

Reports
Notices of Motions
Questions with Notice
Urgent Business
Closed Session
Resuming in Open Session
Meeting Closure

3. Trials a public forum just prior to a Council meeting using draft clauses 4.1 to 4.12, or updated versions of these clauses, as procedures for this trial.
4. Investigates and reports on:
 - (a) Whether public forum procedures should be included within the Code of Meeting Practice or would be better placed in a separate policy document.
 - (b) Better wording for the public forum clauses to determine changes and additions that strengthen the approach taken.

CM/7.8/19.06 Status of Mayoral Minutes and Notices of Motion (SF18/691)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to April 2019.

CM/7.9/19.06 Street Pedestrianisation - Trial of Pilot Streets (A03/0042-04)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That:

1. Council further investigates pilot pedestrianisation schemes in:
 - (a) St James Road, Bondi Junction, north of Gowrie Street/Gowrie Street Reserve.
 - (b) St James Road, Bondi Junction, from York Place to Gowrie Street Reserve.
 - (c) Miller Street, Bondi.
 - (d) Busby Parade, Bronte, from Maroo Avenue to Busby Lane.
 - (e) Cox Avenue, Bondi Beach.
2. A report be submitted to the Waverley Traffic Committee seeking approval in principle of the endorsed roadways being temporarily closed to traffic for the purpose of implementing a pilot pedestrianisation scheme on days of the week and times of the day to be determined.

3. Following approval in principle by the Waverley Traffic Committee to temporarily close the endorsed roadways, Council officers:
 - (a) Survey residents of the endorsed roadways to determine the support or otherwise of the introduction of a pilot pedestrianisation scheme, and, in those streets agreed to by residents for the introduction of a pilot scheme, determine the days of the week and time of the day the majority suggest the roadway be closed.
 - (b) Assess the suitability of the roadway for the scheme and whether or not it requires adapting/modifying with respect to its surfacing, greening, sun protection and any other relevant factors.
 - (c) Consult relevant state authorities and others that may be directly/indirectly affected as a result of the temporary and frequent closing of the roadways.
4. For those roadways receiving positive resident feedback on the introduction of a pilot pedestrianisation scheme, a further report be submitted to Council detailing:
 - (a) An implementation strategy including details of required training of the public to effect the road closures.
 - (b) The goals of the scheme and how it is proposed to measure their success or otherwise.
 - (c) Initial and recurrent costings associated with the temporary road closures.
 - (d) Sources of funding that may support the introduction of pedestrianisation schemes.

CM/7.10/19.06 Appointment of Native Title Manager (A14/0201)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council, in its capacity as the person responsible for land under the *Crown Land Management Act 2016*, appoints Council employee, John Andrews, as Native Title Manager as required by section 8.6 of the *Crown Land Management Act 2016*.

CM/7.11/19.06 Eastgate Car Park - Projects Update (A17/0529)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Burrill

That Council:

1. Notes the upgrades and improved safety measures that have been implemented in all three Council car parks, as outlined in this report.
2. Converts the Spring Street exit from Eastgate Car Park into one lane.
3. Does not convert the Spring Street exit of Eastgate Car Park into retail space due to a lack of suitable space and the close proximity of pedestrians.

4. Relocates the parents with prams parking spaces in Eastgate Car Park to adjacent to the mobility parking spaces.
5. Makes no change to the two-way entry and exit from Eastgate Car Park to Newland Street.

CM/7.12/19.06 Eastgate Car Park - Level 3 Entrance Foyer - Licence Extension to Kmart (A02/0366)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Burrill

That Council:

1. Extends the licence agreement with Kmart Australia Ltd in line with the terms and conditions contained in this report pertaining to the entrance foyer on level 3 of Eastgate Car Park.
2. Authorises the General Manager to finalise the negotiations and execute the licence on behalf of Council.

CM/7.13/19.06 Tender Evaluation - Boot Factory Restoration - Head Consultant (A19/0074)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Wakefield

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 Archer Office Pty Ltd (formerly known as Tomahawk Studios Pty Ltd) as the preferred tenderer for the supply of head consultancy services for the sum of \$344,900 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Archer Office Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.14/19.06 Tender Evaluation - Hugh Bamford Reserve - Fence Upgrade (A19/0071)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Lewis

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. Notes that there is \$335,000 allocated in the 2018/19 and 2019/20 Capital Works Program, with a further \$1,200,000 allocated in the Long Term Financial Plan, and amends the 2019/20 Capital Works Program to bring forward \$175,000 from the allocation in the Long Term Financial Plan.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Wardrope and Carroll Engineering Pty Ltd as the preferred tenderer for the supply, delivery and installation of fencing at Hugh Bamford Reserve for the sum of \$432,319 (excluding GST).
4. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Wardrope and Carroll Engineering Pty Ltd.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

At 9.32 pm, the Chair adjourned the meeting to restore order.

At 9.38 pm, the meeting reconvened.

CM/7.15/19.06 Quotation Evaluation - Courier Services (SF19/2709)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Burrill

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. Enters into contract with Mailplus Pty Ltd for mail collection and distribution services for a period of one year plus a one-year option at a total contract price of \$100,485.00 (including GST).
3. Authorises the General Manager do all things necessary to enter into the contract.

8. Notices of Motion**CM/8.1/19.06 Fossil Fuel Divestment (A05/0197)****MOTION (WITHDRAWN)**

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council:

1. Notes officers' success in progressively divesting fossil fuel lending ADIs from 55% of the investment portfolio in May 2018 to 23% in May 2019, with direct investment in fossil fuels being less than 2% (being potentially part of the TCorp-managed fund).
2. Reviews its Investment Policy with the aim of divesting all its fossil fuel funds by 30 August 2020.
3. Officers prepare progress reports for Council's consideration.

THE CHAIR DECLARED THE MOTION OUT OF ORDER ON THE GROUNDS THAT IT IS SUBSTANTIALLY DIFFERENT FROM THE ORIGINAL MOTION. THE MOVER THEN WITHDREW THE MOTION.

THE FOLLOWING MOTION WAS THEN MOVED:

MOTION

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council divests all its fossil fuel funds from its investments.

AT THIS STAGE IN THE PROCEEDINGS, THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That:

1. Council notes officers' success in progressively divesting fossil fuel lending authorised deposit-taking institutions (ADIs) from 55% of the investment portfolio in May 2018 to 23% in May 2019, with direct investment in fossil fuels being less than 2% (being potentially part of the TCorp-managed fund).
2. Council reviews its Investment Policy with the aim of divesting all its fossil fuel funds by 30 August 2020.
3. Progress reports are prepared for Council's consideration.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

CM/8.2/19.06 Cycle Path Upgrade (A14/0193)**MOTION**

Mover: Cr Lewis
Seconder: Cr Copeland

That Council is provided with a report on options and costings to upgrade the section of the cycle path between Bondi Beach and Bondi Junction from Martins Avenue to Penkivil Street, which will include:

1. Consideration of installing traffic lights at the intersection of Wellington Street and Bondi Road.
2. Investigation of traffic movement through, and adjacent to, the cycle path.
3. Options for improving bike rider safety.
4. A review of options presented to Council in reports of 2015 and 2016.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

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

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Copeland, Lewis, Masselos, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED ON A SHOW OF HANDS 9/1.

DECISION: That the Motion be adopted.

Cr O'Neill was not present for the consideration and votes on this item.

A Bhasin (on behalf of BIKEast) addressed the meeting.

CM/8.3/19.06 Diamond Bay Reserve and Coastal Walk (A03/0946)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Betts

That Council:

1. Officers investigate measures to restrict or deter movement from the Diamond Bay Reserve and the Coastal Boardwalk to the cliff ledge. Such measures to include:
 - (a) Appropriate multilingual signage
 - (b) Further physical barriers to restrict or hinder movement to the cliff ledge.
2. Investigates the cost and appropriateness for CCTV and consults the local police area command.
3. Officers report back to Council by September 2019 with a further investigation to consider the

appropriateness and cost of installing a viewing platform from the coastal boardwalk.

4. Increases the frequency of ranger patrols in the area, in particular on weekends.
5. Installs an additional bin in Diamond Bay Reserve.
6. Informs the Vaucluse/Diamond Bay Precinct of Council's decision.
7. As part of the investigation Council officers liaise with Sydney Water and groups representing recreational fishermen about the access taken along the edge of the cliff to Sydney Water infrastructure by local fishermen.

9. Urgent Business

CM/9.1/19.06 Rosie Batty

MOTION

Mover: Cr Betts
 Seconder: Cr Goltsman

That Council deals with this matter as an item of urgent business.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

10. Closed Session

CM/10/19.06 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 Masselos

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/10.1/19.06 CONFIDENTIAL REPORT - Hotel Ravesis, 118-122 Campbell Parade, Bondi Beach - Airspace Lease to Debilu Pty Ltd

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.

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 10.50PM, Council moved into closed session.

**CM/10.1/19.06 CONFIDENTIAL REPORT - Hotel Ravesis, 118-122 Campbell Parade, Bondi Beach -
Airspace Lease to Debilu Pty Ltd (A02/0328)**

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Wakefield

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 Council is conducting (or proposes to conduct) business.
2. Council defers this matter to get more information about the nature of the tenure and the lease executed with Bondi Pacific.
3. The legal advice covers the question of crown land air indices.

11. Resuming in Open Session

CM/11/19.06 Resuming in Open Session

RECOMMENDATION:

That Council resumes in open session.

At 10.59PM, 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 11.00PM.



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SIGNED AND CONFIRMED
MAYOR
16 JULY 2019