



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION  
ON TUESDAY, 16 JULY 2019**

**Present:**

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor Sally Betts	Hunter 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 Nemes	Hunter 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 7.03 pm, those present were as listed above.*

## **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 Crs Burrill, O'Neill and Wy Kanak.

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

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

- 2.1 Cr Kay declared a less than significant non-pecuniary interest in Item CM/5.2/19.07 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 June 2019 (TC/V.05/19.06 – Military Road, Dover Heights – No Stopping Restrictions near Kippara Road), and informed the meeting that his step-daughter and son-in-law own property in a section of Military Road that is the subject of the report.
- 2.2 Cr Copeland declared a pecuniary interest in Item CM/6.2/19.07 – Bondi Pavilion Restoration and Conservation Project – Commercial Tenants, and informed the meeting that he works part-time at the Pavilion.
- 2.3 Cr Copeland declared a pecuniary interest in Item CM/11.2/19.07 – CONFIDENTIAL REPORT – Bondi Pavilion Restoration and Conservation Project – Temporary Relocation of Facilities during Construction Phase, and informed the meeting that he works part-time at the Pavilion.
- 2.4 Cr Betts declared a significant non-pecuniary interest in Item CM/7.10/19.07 – Community Grants Program 2019-20 and Small Grants Guidelines, and informed the meeting that she is on the board of WAYS, and will leave the Chamber for the consideration and vote on this item.
- 2.5 Cr Goltsman declared a less than significant non-pecuniary interest in Item CM/7.20/19.07 – Clarke Reserve Improvements, and informed the meeting that he lives in Clarke Street.

### **3. Obituaries**

There were no obituaries.

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

#### 4. Addresses by Members of the Public

- 4.1 M Caton – CM/5.2/19.07 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 June 2019 – TC/V.01/19.06 – Barracluff Avenue, Bondi Beach – Pedestrian/Traffic Islands.
- 4.2 G Sheehy – CM/5.2/19.07 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 June 2019 – TC/V.02/19.06 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue – Review.
- 4.3 L Coleman (chief petitioner) – CM/7.5/19.07 – Petition – Barracluff Avenue, Bondi Beach – Conversion into a Cul-de-Sac.
- 4.4 S Darroch (chief petitioner) – CM/7.6/19.07 – Petition – Intersection of Notts Avenue and Campbell Parade, Bondi Beach – Right-hand Turn Ban.
- 4.5 R Nolasco – CM/7.6/19.07 – Petition – Intersection of Notts Avenue and Campbell Parade, Bondi Beach – Right-hand Turn Ban.
- 4.6 L Shavel (chief petitioner) – CM/7.7/19.07 – Petition – Burge Street, Vaucluse – Pedestrian and Vehicle Safety.
- 4.7 A Spigelman (Chair, Sculpture by the Sea Incorporated) – CM/7.9/19.07 – Petition – Marks Park Access Path.
- 4.8 A Spigelman (Chair, Sculpture by the Sea Incorporated) – CM/7.15/19.07 – Sculpture by the Sea – Licence Agreement 2019-2023.
- 4.9 A Ruwald (on behalf of The Bucket List) – CM/11.2/19.07 – CONFIDENTIAL REPORT – Bondi Pavilion Restoration and Conservation Project – Temporary Relocation of Facilities during Construction Phase.

#### 5. Confirmation and Adoption of Minutes

##### **CM/5.1/19.07 Confirmation of Minutes - Council Meeting - 18 June 2019 (SF19/325)**

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
 Seconder: Cr Copeland

That the minutes of the Council Meeting held on 18 June 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### **CM/5.2/19.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 June 2019 (SF19/328)**

*Cr Kay declared a less than significant non-pecuniary interest in Item TC/V.05/19.06 – Military Road, Dover Heights – No Stopping Restrictions near Kippara Road, and informed the meeting that his step-daughter and son-in-law own property in a section of Military Road that is the subject of the report.*

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
 Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 27 June 2019 be received

and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.01/19.06 – Barracluff Avenue, Bondi Beach – Pedestrian/Traffic Islands.
2. TC/V.02/19.06 – Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue – Review.
3. TC/L.01/19.06 – Flood Street and Flood Lane, Bondi – Changes to Parking Restrictions.
4. TC/V.04/19.06 – Military Road – Pinch Point Improvements.

And that these items be dealt with separately below.

*M Caton and G Sheehy addressed the meeting.*

**CM/5.2.1/19.07 Barracluff Avenue, Bondi Beach - Pedestrian/Traffic Islands (A03/0042-04)**

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

**MOTION / DECISION**

Mover: Cr Wakefield  
Seconder: Cr Lewis

That Council defers this item for an investigation into the closure of Barracluff Avenue at the north end, south end or centre.

**CM/5.2.2/19.07 Rickard Avenue, Bondi Beach - Closure at Lamrock Avenue - Review (A03/0042-04)**

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

**MOTION (WITHDRAWN)**

Mover: Cr Wakefield  
Seconder: Cr Masselos

That Council delays any action until the report on the closure of Barracluff Avenue is presented to Council.

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Goltsman

That the Traffic Committee's recommendation be adopted subject to the trial being reduced to six months or until the report on the closure of Barracluff Avenue is presented to Council.

**CM/5.2.3/19.07 Flood Street and Flood Lane, Bondi – Changes to Parking Restrictions (A02/0637-02)**

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

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Wakefield

That:

1. The matter be deferred until Council has consulted local residents and businesses within a minimum of 50 m of the proposed RMS Old South Head Road clearway between Flood Street and Victoria Road on the total of five RMS-proposed timed business parking spaces in Flood Lane (3 x 1/2P spaces) and Flood Street (2 x 2P spaces) to operate on Mon–Fri 6 am–7 pm and Sat & Sun 9 am–6 pm as per the late item TC/L.01/19.06 tabled at the June 2019 Waverley Traffic Committee, with a report to come back to Council.
2. The consultation is to take place shortly after the RMS has implemented the new clearway restrictions on Old South Head Road so that the need for the RMS-proposed timed parking can be properly gauged.
3. Council notes that, in 2018, the RMS consulted the local community on introducing a total of 11 timed parking spaces in Flood Lane (3 x 1/2P spaces) and Flood Street (8 x 2P spaces) as an alternative to the business parking on Old South Head Road being removed by the new clearway, but it is understood that there was only minimal feedback to this proposal.
4. Council notes that the latest RMS proposal, as per clause 1 above, for timed business parking results from its further assessment in April 2019 of the parking occupancy and business visitation in Old South Head Road (during the unrestricted parking times between Flood Street and Victoria Road, weekdays 10 am–4 pm and at weekends), but there has been no consultation on this proposal.
5. Council also notes that the RMS has rejected conclusions from the independent traffic consultant's technical report prepared by Bitzios for Council and provided to the RMS, and the RMS has stated that it is its intention for the RMS-proposed Old South Head Road clearway, operating for the hours in clause 1 above, to be implemented by August 2019. Based on the independent report, Council does not support the proposed RMS clearway.

**CM/5.2.4/19.07 Military Road - Pinch Point Improvements (A16/0524)**

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

**MOTION / DECISION**

Mover: Cr Nemesh  
Seconder: Cr Betts

That the Council Officer's Proposal be adopted subject to the deletion of pinch point location 1, such that the proposal now reads as follows:

'That Council undertakes the proposed works at pinch point locations 2 and 3 along Military Road, in accordance with the drawings attached to this report.'

**Division**

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

**Against the Motion:** Crs Keenan, Lewis, Masselos and Wakefield.

*Immediately after the meeting, a motion to rescind this decision was lodged with the General Manager. The rescission motion will be considered at the next Council meeting.*

## 6. Mayoral Minutes

### CM/6.1/19.07 Bondi Mermaids - 60th Anniversary (A05/0416)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Notes that 2020 is the 60th anniversary of the placement of the Bondi Mermaids on rocks at the northern end of Bondi Beach.
2. Recognises the Bondi Mermaids as an important contribution to modern Australia beach culture and to modern Australian public sculpture.
3. Officers from the Cultural Programs and Outdoor Events Teams investigate options for a series of events and activities that are a suitable commemoration for the 60th anniversary, with 'mermaid-themed' programming in April 2020.
4. In principle, supports the reordering of sites in the Public Art Master Plan to bring Site 10 – Bondi Park forward to Site 5.
5. Gives consideration to the future of the substantial fragment of the work housed in Waverley Library in relation to the Bondi Pavilion Restoration and Conservation Project.
6. Consults the Public Art Committee.
7. Officers report back to Council for the endorsement of the reordering of sites in the Public Art Master Plan, along with a scoped location within Bondi Park for the locating of a new mermaid artwork.

#### Background

One of Waverley Council's most fondly remembered public art installations was at Ben Buckler in North Bondi. In 1960, a local sculptor, Lyle Randolph, installed two mermaids on the rock that were made of rendered concrete and cast over in bronze on the rock now fondly known as mermaid rock. The mermaids were cast in the image of two local women. The mermaids were a local attraction and have become an important part of local history for the community. One of the mermaids was removed from the rock and discovered in the Engineering Faculty of Sydney University. Her return to the rock was funded by a community call-out for funding. Both mermaids suffered badly from a storm in 1974, with one swept off the rock and another losing her tail and arm. The damaged mermaid was eventually removed and the remnant piece, still a worthy art piece, remains on display at Waverley Library.

In 2015, Council adopted a Public Art Master Plan that listed Site 10 – Bondi Park as the site scheduled for the commissioning of a new public artwork that pays homage to the legacy of the past and gives a new life to the Bondi Mermaids.

**CM/6.2/19.07                      Bondi Pavilion Restoration and Conservation Project - Commercial Tenants  
(A15/0272)**

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time 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

That Council:

1.     Notes the imminent expiry of a number of commercial tenants' leases in the Bondi Pavilion.
2.     As soon as practical, and prior to the completion of the Bondi Pavilion Restoration and Conservation Project, initiates an expression of interest process to procure commercial tenants for occupancy of all commercial space in the building.

**Background**

The intention of this resolution is to ensure that tenants are in place in the Bondi Pavilion as soon as possible.

**7.     Reports****CM/7.1/19.07                      Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Goltsman

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 January 2019 to 30 June 2019 attached to this report.

**CM/7.2/19.07                      Local Government NSW Annual Conference 2019 (A13/0314)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Copeland

That Council, in respect of the Local Government NSW Annual Conference 2019:

1.     Nominates the Mayor, Deputy Mayor, Councillor Masselos, Councillor Copeland and Councillor O'Neill as voting delegates for the election of the Board and Office Bearers of Local Government NSW (LGNSW).
2.     Nominates the Mayor, Deputy Mayor, Councillor Masselos, Councillor Copeland and Councillor O'Neill as voting delegates for motions.
3.     Nominates Councillor Lewis and Councillor Keenan as reserve voting delegates for the election of the Board and Office Bearers of LGNSW.
4.     Nominates Councillor Lewis and Councillor Keenan as reserve voting delegates for voting on motions.

5. Nominates Councillor Goltsman to attend the Conference as an observer.
6. Approves the attendance of the General Manager or nominee at the Conference.
7. Considers any proposed motions for submission to the Conference at this meeting.

**CM/7.3/19.07 Investment Portfolio Report - June 2019 (A03/2211)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for June 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/7.4/19.07 NSW Police Vehicle Sponsorship Program (A12/0805)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Sponsors a vehicle for the NSW Police Eastern Suburbs Local Area Command Crime Management Unit for a period of three years.
2. Considers an electric vehicle to be also suitable alongside hybrid and non-hybrid vehicles for sponsorship purposes.
3. Authorises the General Manager to sign an appropriate sponsorship agreement with NSW Police to cover the supply and sponsorship of the vehicle.

**CM/7.5/19.07 Petition - Barracluff Avenue, Bondi Beach - Conversion into a Cul-de-Sac (A03/0566)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Masselos

That Council refers the petition on converting Barracluff Avenue, Bondi Beach, into a cul-de-sac to the Executive Manager, Creating Waverley, for appropriate action.

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



**CM/7.6/19.07            Petition - Intersection of Notts Avenue and Campbell Parade, Bondi Beach - Right-hand Turn Ban (A03/0764)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Wakefield  
Seconder:  Cr Goltsman

That:

1. Council receives the petition against banning right-hand turns out of Notts Avenue into Campbell Parade, Bondi Beach, and investigates a design and public consultation process to create:
  - (a) An intersection that allows a right-hand turn out of Notts Avenue into Campbell Parade.
  - (b) Ensures safer pedestrian outcomes crossing both Notts Avenue and Campbell Parade.
  - (c) Recognises the importance of the location as the entry to Bondi Beach.
  - (d) Gives consideration to public transport improvement in any work.
  - (e) Takes account of potential works on the corner of Francis Street and Campbell Parade.
2. A report come back to Council, after consideration by the Traffic Committee, detailing the design and consultation process.
3. Council informs all petitioners of this resolution.

*S Darroch (chief petitioner) and R Nolasco addressed the meeting.*

**CM/7.7/19.07            Petition - Burge Street, Vaucluse - Pedestrian and Vehicle Safety (A03/0542)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Lewis  
Seconder:  Cr Wakefield

That Council:

1. Refers the petition on improving safety conditions for motorists and pedestrians in Burge Street, Vaucluse, to the Executive Manager, Creating Waverley, for appropriate action.
2. Receives the petition and investigates a design and public consultation process in Burge Street and adjacent streets to improve safety conditions for motorists, residents and pedestrians.
3. Informs all petitioners of this resolution.

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

**CM/7.8/19.07            Petition - Darling Street, Bronte - Installation of 'No Stopping' Restrictions (A02/0637-02)****MOTION**

Mover:        Cr Copeland  
Second:      Cr Masselos

That Council:

1.     Receives the petition and officers review road and pedestrian conditions at the intersection of Darling Street, Andrew Street and Ashley Street, and report back to Council on options to improve pedestrian safety and increase resident parking.
2.     Informs all petitioners of this resolution.

AT THIS STAGE IN THE PROCEEDINGS, CR KAY RAISED A POINT OF ORDER THAT THE MOTION MOVED BY CR COPELAND WAS NOT RELEVANT TO THE SUBJECT OF THE PETITION.

THE CHAIR DID NOT UPHOLD THE POINT OF ORDER AND RULED THAT CR COPELAND'S MOTION WAS RELEVANT. CR KAY THEN MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

**Division**

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

**Against the Motion of Dissent:**    Crs Copeland, Keenan, Lewis, Masselos and Wakefield.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 OF THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1.     That Council receives the petition and officers review road and pedestrian conditions at the intersection of Darling Street, Andrew Street and Ashley Street with reference to the movement of garbage trucks, and report back to Council on options to improve pedestrian safety and increase resident parking.
2.     Informs all petitioners of this resolution.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

**CM/7.9/19.07            Petition - Marks Park Access Path (A05/1638)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield  
Second:      Cr Lewis

That Council refers the petition against the installation of an access path in Marks Park to the Executive Manager, Creating Waverley, and writes to all petitioners providing a fact sheet on the project, with a copy of the fact sheet to all Councillors.

*A Spigelman (Chair, Sculpture by the Sea Incorporated) addressed the meeting.*

**CM/7.10/19.07 Community Grants Program 2019-20 and Small Grants Guidelines (A19/0373)**

*Cr Betts declared a significant non-pecuniary interest in this item, and informed the 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 Keenan

That Council:

1. Under the Community Grants Program 2019–20, grants \$333,673 to the organisations set out in Attachment 1 to this report for the activities and amounts listed.
2. Adopts the following guidelines attached to this report:
  - (a) Small Grants – Community and Cultural Grants Guidelines (Attachment 3).
  - (b) Small Grants – Environmental Grants Guidelines (Attachment 4)
  - (c) Small Grants – Creative Streets Grants Guidelines (Attachment 5).

**CM/7.11/19.07 Venue Hire Grant Application - Friends of Bondi Pavilion (SF19/2004)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Keenan

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2019–20, grants \$5,653 in financial assistance to Friends of Bondi Pavilion for the use of multiple rooms at Bondi Pavilion to accommodate the Salty Arts Festival on 17 November 2019.

**CM/7.12/19.07 Venue Hire Grant Application - Waverley Woollahra Art Centre (SF19/2004)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council defers consideration of the Venue Hire Grant application from the Waverley Woollahra Art Centre to examine options to make the Centre's annual end-of-year exhibition an ongoing, joint collaboration between Council and the Centre.

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wakefield**Against the Motion:** Crs Betts, Goltsman, Kay and Nemesh.

**CM/7.13/19.07 High Impact Events 2019-20 (A17/0607)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconded: Cr Copeland

That Council:

1. Approves the following program of high impact events scheduled for the period 1 July 2019 to 30 June 2020:
  - (a) Bondi Winter Magic.
  - (b) City2Surf.
  - (c) Festival of the Winds.
  - (d) Sculpture by the Sea.
  - (e) Bondi to Bronte Swim.
  - (f) Carols by the Sea.
  - (g) Dudley Page New Year's Eve.
  - (h) Flickerfest.
  - (i) Open Air Cinema.
  - (j) Bowl-A-Rama.
  - (k) Latin American Festival.
  - (l) Ocean Lovers Festival.
  - (m) North Bondi RSL ANZAC Day Dawn Service Ceremony.
  - (n) Bondi Blitz.
  - (o) Global Table.
2. Notes that all scheduled high impact events outlined in Attachment 1 to this report are required to comply with Council's existing Events Policy and Event Management Guidelines.
3. Commences negotiations with the relevant event organisers regarding future contractual and/or procurement arrangements for the delivery of approved high impact events from 2019 onwards in accordance with the next steps outlined in Attachment 1 to this report.

**CM/7.14/19.07 City2Surf Licence Agreement 2019-2023 - Update (SF19/2013)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Notes the acquisition of the City2Surf event by The Ironman Group.
2. Authorises the General Manager, or delegated representative, to finalise and execute a five-year licence agreement with The Ironman Group for the delivery of the City2Surf event from 2019.

**CM/7.15/19.07 Sculpture by the Sea - Licence Agreement 2019-2023 (SF19/3007)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Approves Sculpture by the Sea for 2019, subject to Sculpture by the Sea Incorporated entering into a licence agreement with Council relating to the staging of the event.
2. Offers Sculpture by the Sea Incorporated a further licence authorising Sculpture by the Sea Incorporated to stage the event for five years with an option of a further five years.
3. Authorises the General Manager, or delegated representative, to finalise negotiations and execute a licence agreement with Sculpture by the Sea Incorporated with respect to the Sculpture by the Sea event for 2019 based on the terms set out in this report as modified by this resolution, and for the subsequent proposed licence.
4. Officers consider amending the licence agreement as follows:
  - (a) Insert at the end of clause 3.2.1: 'with the exception of a severe weather event.'
  - (b) Insert at the end of clause 18.4.2(b): 'as required by clause 17.'
  - (c) Insert a new clause 22.4.11: 'Turf remediation of the licensed area, if required.'

*A Spigelman (Chair, Sculpture by the Sea Incorporated) addressed the meeting.*

**CM/7.16/19.07 North Bondi Civil Infrastructure Renewal - Mosaic Recommission (A17/0484)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Recommissions the North Bondi mosaic as a restoration of the original artwork in line with guidance from the conservator.

2. Convenes a workshop with all the artists involved in the original commission so that the original artists can provide feedback and input to the draft CAD plans for the recommissioned work.
3. Ensures all intellectual property and copyright is attributed properly to the original artists in the recommissioned work.
4. Where sections of mosaic artwork, including the conjoining background tiles or individual feature pieces, need to be recommissioned, officers engage the original artists to create the work, where possible.
5. In the event that construction is delayed, makes all attempts to minimise disruption during the summer school holidays.

**CM/7.17/19.07            Minutes - Waverley Public Art Committee Meetings - 12 November 2018 and 25 February 2019 (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 12 November 2018 and 25 February 2019.
2. Notes that the minutes will be made available to the public via Council's website.

**CM/7.18/19.07            Seven Ways Streetscape Upgrade - Budget Allocation (A17/0158)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield  
Seconder:    Cr Lewis

That Council brings forward \$1.6 million from the Long Term Financial Plan 2020/21 Local Village Streetscape Upgrade to fund the delivery of the Seven Ways Streetscape Upgrade in the 2019/20 financial year, and ensures that all work is consistent with Council's water-saving urban design policies.

**CM/7.19/19.07            Bondi Golf and Diggers Club - Emergency Works - Project Update (A18/0427)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield  
Seconder:    Cr Lewis

That Council:

1. Notes that the emergency works have been completed at the Bondi Golf and Diggers Club.
2. Notes that the General Manager has authorised variations to the contract in order to complete these works.
3. Allocates \$100,100 (including GST) from the SAMP Buildings Reserve to fund the budget shortfall for

the works.

**CM/7.20/19.07 Clarke Reserve Improvements (A04/2119)**

*Cr Goltsman declared a less than significant non-pecuniary interest in this item, and informed the meeting that he lives in Clarke Street.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Masselos

That Council:

1. Adopts the Landscape Plan for Clark Reserve – May 2019 attached to this report (Attachment 3), subject to the following amendments to reflect the outcome of community consultation:
  - (a) Reduce the number of trees planted surrounding the playground from 10 to six. This will total four new trees in the reserve. Two existing Banksia trees will be removed.
  - (b) Expand on the play experience of the playground by including equipment in addition to the already procured multi-play piece to cater to a wider range of ages to include either one larger or two pieces of equipment which have low visual impact to the reserve.
  - (c) Repair the rubber soft fall edging and areas which have slumped to ensure the surface achieves Australian Standards for safety, noting that the central rubber softfall will not be replaced. Ensure that the funding to repair the rubber softfall will be allocated from SAMP funding and not from the State Government allocated funding.
  - (d) Vary the current proposal to remove vegetation on the coastal fence boundary such that vegetation on the park side is removed between points A and B on the submitted diagram, thereby creating an approximately 80 m-long clear area so that unrestricted viewing of the ocean, including whale-watching and sailing events, is re-established.
2. Provides the community with a management plan illustrating how Council will assess the effectiveness of the garden barrier fence over the next 12 months.
3. Does not support a shade structure being erected.
4. Removes two further sections of plantings adjacent to the coastal fence and relocates them to the Christison Park hill to stabilise that embankment, if possible.
5. Completes construction within six months.

**CM/7.21/19.07 Level 4 Eastgate Office - Refurbishment (A08/0135)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Refurbishes the Council office located on level 4 of the Eastgate building to accommodate its newly-

established compliance section, in accordance with the plans set out in Attachment 1 to this report.

2. Allocates \$588,000 to the project to be delivered as part of the 2019-20 Capital Works Program, with \$461,000 to be sourced from the Investment Reserve and \$127,000 from the SAMP Building Reserve.

**CM/7.22/19.07 Council's Passenger Fleet - Review (A19/0429)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Receives and notes this report.
2. Receives a progress report on fleet management initiatives in February 2020.
3. Undertakes a lease/buy analysis of passenger vehicles.

**CM/7.23/19.07 Internal Audit Committee's Annual Report to Council 2018 - Update (A09/1105)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council receives and notes the update to the Internal Audit Committee's Annual Report to Council 2018 attached to this report.

**8. Notices of Motions**

**CM/8.1/19.07 Clarke Reserve to Diamond Bay Reserve - Fence Upgrade (A04/2119)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Betts

That Council:

1. Officers investigate bringing forward fence upgrades at the northern end of the local government area (Clarke Reserve to Diamond Bay Reserve) in 2019–20 and report back to Council on the scope of work and estimated costs, with a view to make a Q1 budget adjustment if feasible.
2. Recognises the poor condition of the fencing between Clarke Reserve to Diamond Bay Reserve and the need for its urgent upgrade.



**CM/8.2/19.07                    Parking outside St Patrick's Church, Bondi (A02/0637-02)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Copeland

Seconder:    Cr Keenan

That Council:

1. Investigates the feasibility of modifying the parking arrangements on Wellington Street outside St Patrick's Catholic Church (corner of Bondi Road and Wellington Street).
2. Consults adjacent property-owners and stakeholders, including St Patrick's Catholic Church.
3. Notes that the first two parking spaces on the west side of Wellington Street are dedicated to wedding and funeral vehicles, which are available at any time. However, observations by community members indicate these dedicated spaces are very infrequently used.
4. Notes that a more efficient use of the two spaces might be a conversion to 'P 15 8 am Mon–6 pm Sat', with an additional sign under the control of St Patrick's Church that could be applied over the potential new P15 signs for the duration of particular wedding and funeral activities and removed afterwards.

**CM/8.3/19.07                    Approval of Concept Designs for Major Works (A19/0456)****MOTION**

Mover:        Cr Nemesh

Seconder:    Cr Betts

That Council ensures that final concept designs for all major works (including parks, playgrounds and streetscapes), but excluding SAMP maintenance projects, are submitted to Council for endorsement prior to tender.

**FORESHADOWED MOTION**

Mover:        Cr Lewis

Seconder:    Cr Keenan

That Council notes the General Manager's recommendation for Councillors to participate in a workshop to consider all options that would enable greater participation of Councillors in the design process, including the option to formally endorse all concept designs of major projects prior to tender, and defers consideration of this item until after the workshop.

THE MOTION WAS PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

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

That Council notes the General Manager's recommendation for Councillors to participate in a workshop within eight weeks to consider all options that would enable greater participation of Councillors in the design process, including the option to formally endorse all concept designs of major projects prior to tender.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

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

## 9. Questions with Notice

### CM/9.1/19.07 Sydney Football Stadium - Legal Costs (A03/0943)

#### QUESTION

The following question was submitted by Cr Nemesh.

1. When is Council likely to receive notification about the status of legal costs for its challenge to the State Government over Allianz Stadium?
2. If costs are awarded against Council, will the funds come from our legal budget or will they have to come out of reserves?
3. Will any costs have to be approved through a quarterly budget review?

#### General Manager's answer

1. The matter of costs concerning Council's court case against the Minister for Planning regarding the validity of the planning consent for the Sydney Football Stadium is currently before the Land and Environment Court. All parties have made their submissions concerning costs. Council's submission is that costs should not be awarded against Council as it was acting in the public interest. Various precedents for this argument have been put forward by Council's legal representatives. No time frame has been set by the Court for when this matter will be determined.
2. As no determination concerning the awarding of legal costs has been made, no such allocation has been made in Council's legal budget. If such a determination was made against Council, the funds would be provided from Council's cash reserve (operating surplus).
3. If a determination concerning legal costs was made against Council, a legal obligation to pay these legal costs would exist, requiring them to be paid. Council would have no discretion to approve or not approve the payment. Regarding the budget review process and these potential non-budgeted legal costs, normal processes would apply, with the legal costs being identified as a reason for variation.

**Peter Monks**

**Director, Planning, Environment and Regulatory**

## 10. Urgent Business

There were no items of urgent business.

*At this stage in the proceedings, at 10.40 pm, the meeting adjourned for a short break.*

*At 10.45 pm, the meeting resumed.*

**11. Closed Session****CM/11/19.07 Closed Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

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/11.1/19.07 CONFIDENTIAL REPORT - Officeworks - Lease Extension**

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 Council is conducting (or proposes to conduct) business.

**CM/11.2/19.07 CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Temporary Relocation of Facilities during Construction Phase**

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

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

At 10.47 pm, Council moved into closed session.

**CM/11.1/19.07 CONFIDENTIAL REPORT - Officeworks - Lease Extension (A02/0239)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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 Council is conducting (or proposes to conduct) business.

2. Enters into a three-year lease with Officeworks Ltd for the lease of 14–26 Ebley Street, Bondi Junction, on the terms and conditions contained in this report.
3. Authorises the General Manager to finalise negotiations and execute the lease once finalised.

**CM/11.2/19.07                    CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project -  
Temporary Relocation of Facilities during Construction Phase (A15/0272)**

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time 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 Goltsman

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Endorses the proposed temporary relocation plan detailed in Attachment 1 to this report.
3. Notes the options for temporary food and beverage pop-up style offerings set out in Attachment 2 to this report.
4. Endorses the Action Plan set out in Attachment 3 to this report and authorises the General Manager to take all necessary actions to implement the plan.

*A Ruwald (on behalf of The Bucket List) addressed the meeting.*

**12. Resuming in Open Session**

**CM/12/19.07                    Resuming in Open Session**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council resumes in open session.

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

*At 10.56 pm, Council resumed in open session.*

***Resolutions from closed session made public***

*In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.*

**13. Meeting Closure**

**THE MEETING CLOSED AT 10.58 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**20 AUGUST 2019**