



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 AUGUST 2019**

Present:

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	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
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 7.00 pm, those present were as listed above, with the exception of Cr O'Neill, who arrived at 7.56 pm.

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 Burrill.

CM/1.1/19.08 Request for Leave of Absence - Cr Keenan (A03/0029)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Kay

That Council grants Cr Keenan leave of absence from Council for the meetings of 3 September 2019 and 17 September 2019.

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

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/8.3/19.08 – Bondi Pavilion Construction Plan of Management – Community User Groups and Organisers of Community Cultural Activities, and informed the meeting that he works part-time at the Pavilion, and will leave the Chamber.
- 2.2 Cr Betts declared a significant non-pecuniary interest in Item CM/7.11/19.08 – Venue Hire Grant – WAYS Youth and Family, and informed the meeting that she is on the board of WAYS, and will leave the Chamber.

3. Obituaries

Aunty Pearl Martin
Michael Blaimschein

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 D Walsman – CM/7.9/19.08 – Herbicide Reduction Study – Assessment Report.
- 4.2 R Nothman – CM/7.9/19.08 – Herbicide Reduction Study – Assessment Report.
- 4.3 S Rogers – CM/8.7/19.08 – Paul Street and Kenilworth Street Traffic Study.
- 4.4 M Salval (on behalf of Tamarama Surf Life Saving Club) – CM/11.2/19.08 – CONFIDENTIAL REPORT – Tamarama Surf Life Saving Club – Building Upgrade Project – Heads of Agreement.
- 4.5 R Nothman – CM/11.4/19.08 – CONFIDENTIAL REPORT – Coastal Risk Management – Diamond Bay Reserve and Coastal Walkway and Other Areas.

5. Confirmation and Adoption of Minutes**CM/5.1/19.08 Confirmation of Minutes - Council Meeting - 16 July 2019 (SF19/325)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 16 July 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/5.2/19.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 July 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 25 July 2019 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

- 1. TC/C.01/19.07 – Arden Street, Bronte – Macpherson Street to Varna Street – Safety Review and Concept Design.

And that this item be dealt with separately below.

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

CM/5.2.1/19.08 Arden Street, Bronte - Macpherson Street to Varna Street - Safety Review and Concept Design (SF18/779)

This item was saved and excepted by Cr Masselos.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the Traffic Committee's recommendation be adopted subject to referring the proposal to the relevant Council team for soft surface beautification.

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

6. Mayoral Minutes**CM/6.1/19.08 Aunty Pearl Martin (A02/0017)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council honours the passing of Aunty Pearl Martin and proceeds to frame and mount her gift for the people of Waverley of her husband's hand-carved wood craft piece with the words 'Te Aroha' meaning 'love'. An explanatory plaque be attached and a suitable location be allocated in the Council Chambers or Council Library for display of the gift in remembrance of Aunty Pearl.

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

CM/6.2/19.08 Neighbourhood Amenity Fund - Waverley's Local Climate Response (A02/0760)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That:

1. Council notes the ongoing Strategic Asset Management Plan.
2. Council notes the current preparation of a Tree Canopy Study.
3. Council notes the Urban Forest Strategy.
4. Council notes Theme 8, Sustainable Environment, of Council's Community Strategic Plan 2018–2029.
5. Council notes 8.3.3 of the Community Strategic Plan: 'Increase the quantity of trees and plants in our public spaces, parks and streets.'
6. Council notes that the measure of success is an increase in canopy and shrubs with a baseline of 23.9% increasing to 29.9% target in 2029
7. Council investigates allocating up to \$1 million each year over the life of the current Long Term Financial Plan to a newly established Neighbourhood Amenity Fund.

8. Council notes that Council was successful in two applications for funding under the Five Million Trees for Greater Sydney Grant program.
9. The aim of the Neighbourhood Amenity Fund is to improve local urban and residential amenity, increase tree canopy and landscaping, capture and keep rain where it falls, and lower street level temperature while improving residential amenity in all areas of Waverley.
10. Council establishes criteria to be used for the allocation of monies from this Fund and a process for the optimum allocation of the Fund to achieve the goal of reducing concrete surfaces and increasing landscaping and tree canopy on footpaths, roads, traffic islands, blisters and other public spaces, as deemed appropriate
11. Amenity improvement elements will include landscaping, pavement treatment, water sensitive urban design (WSUD) and lighting, as appropriate.
12. All traffic, road, footpath and landscaping works, including relevant SAMP projects, maintenance works and new capital projects, will have access to the Residential Amenity Fund and be assessed against the criterion of residential amenity improvement.
13. The Neighbourhood Amenity Fund will be used to top up base projects and not for full funding of projects.
14. A report will be prepared for the September 2019 Council meeting analysing the financial viability of this project.

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

CM/6.3/19.08 WorldPride 2023 (A19/0568)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That:

1. Council supports in-principle the proposed high-impact event to take place at Bondi Beach for the Sydney Gay and Lesbian Mardi Gras Committee's bid to host WorldPride 2023.
2. Council notes a detailed high-impact event proposal will be brought to Council for approval in due course.
3. The Mayor writes to the Sydney Gay and Lesbian Mardi Gras (Sydney Mardi Gras) Committee expressing Council's support in principle.
4. Council investigates options for assisting in the winning of the bid.

Background

As a part of the Sydney WorldPride 2023 hosting bid, the Sydney Gay and Lesbian Mardi Gras (Sydney Mardi Gras) Committee has proposed a Beach Party at Bondi Beach.

The Bondi Beach Party is proposed to run from sunset to midnight on 26 February 2023. The program includes live performances, local and international entertainment, food and beverage outlets and beach sports, including the International WorldPride Beach Volley-Ball Competition—a fully inclusive event for

teams of all skills.

The Bondi Beach Party would be one of a host of events proposed over a nine-day period in February–March 2023, which includes:

- The 45th Anniversary Mardi Gras Parade and famous Mardi Gras After Party.
- InterPride Reception.
- Human rights and health conference.
- WorldPride march.
- Mardi Gras International Arts Festival.
- WorldPride opening and closing ceremonies.

The WorldPride event provides an opportunity to promote Pride globally, encourage diverse communities to hold and attend Pride events and to be a voice for the LGBTQI community around the world. The inaugural WorldPride was held in Rome in 2000. Cities that have hosted WorldPride include Rome, Jerusalem, London, Toronto, Madrid and New York City. WorldPride 2021 will be hosted by Copenhagen.

Sydney Mardi Gras has obtained grant funding to support the WorldPride 2023 bid from both the NSW and Federal Governments. The bid for Sydney WorldPride 2023 has received letters of support from:

- NSW Premier, Gladys Berejiklian.
- NSW Minister for the Arts, Don Harwin.
- NSW Minister for Tourism, Stuart Ayres.
- Lord Mayor of Sydney, Clover Moore.
- Alex Greenwich, Member for Sydney.
- Executive General Manager, Events Tourism Australia, Penny Lion.

Support for the World Pride Event 2023 would build on Council's previous support for the LGBTQI community, such as rainbow pride flags being displayed on the Bondi Pavilion and Council Chambers during the marriage equality debate, and Council's support for the ACON memorial project in Marks Park.

The event would also provide an opportunity to showcase the finished Bondi Pavilion Restoration and Conservation project to an international audience and would support an event that would benefit the local economy through increased visitation.

Alignment with Waverley Community Strategic Plan is as follows:

- 1.1.3: Provide a program of recreational and entertainment events that balances community and visitor expectations.
- 2.3: Strengthen people's inclusion in community life, promote diversity and celebrate. Aboriginal and Torres Strait Islander culture past, present and future.
- 4.3: Encourage tourism to support the local economy and contribute to local amenity.
- 4.3.1: Ensure tourism contributes to natural and cultural attractions and local amenity.
- 4.3.2: Support and enhance the tourist economy.

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

CM/6.4/19.08 Sydney Children's Hospital, Randwick - Cardiac Surgical Services (A02/0065)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council:

1. Requests the Mayor to write to the NSW Premier, The Hon. Gladys Berejiklian, MP, and the NSW Minister for Health, The Hon. Brad Hazzard, MP (as soon as possible), requesting that the NSW State Government maintain a fully comprehensive children's hospital, with an appropriately funded cardiac surgical program, at the Sydney Children's Hospital, Randwick.
2. Circulates a copy of the above letter to the Councillors for their reference and information.
3. Approaches SSROC requesting that they canvas other Councils to support cardiac surgical services at Sydney Children's Hospital, Randwick.
4. Furnishes a copy of the letter prepared by the Mayor to Ms Gabrielle Upton, MP, Member for Vacluse; Dr Marjorie O'Neill, MP, Member for Coogee; Mr Alex Greenwich, MP, Member for Sydney; and Mr Dave Sharma, MP, Member for Wentworth.

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

7. Reports**CM/7.1/19.08 Six Monthly Progress Report (A17/0229)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes progress to 30 June 2019 with respect to the deliverables detailed in the Delivery Program, as set out in Attachment 1 to this report.

CM/7.2/19.08 Budget Carry Over - 2018/19 to 2019/20 (A03/0346)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council carries over budget funds from the 2018/19 financial year to the 2019/20 financial year, as set out in Attachment 1 to this report.

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

CM/7.3/19.08 Investment Portfolio Report - July 2019 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for July 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.

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

CM/7.4/19.08 Petition - Waverley Crescent, Bondi Junction - Resident Parking Scheme (A12/0276)**MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Copeland

That Council refers the petition on introducing a resident parking scheme in Waverley Crescent, Bondi Junction, to the Executive Manager, Creating Waverley, for appropriate action, and a report come back to Council.

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

CM/7.5/19.08 Petition - 'Not Welcome to Bondi' Mural (A08/1287-02)**MOTION (WITHDRAWN)**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council refers the petition on retaining the 'Not Welcome to Bondi' Mural on the Bondi Beach Sea Wall to the Executive Manager, Engaging Waverley, for appropriate action, and that a report come back to Council.

AMENDMENT (WITHDRAWN)

Mover: Cr Goltsman

Seconder: Cr Kay

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

'Notes that the following petition wording, "a politically-motivated campaign to remove this mural, by Waverley's Liberal Councillors", is not accurate and that no Liberal Councillors were involved in setting up a petition.'

AT THIS STAGE IN THE PROCEEDINGS, THE MOVER OF THE AMENDMENT WITHDREW THE AMENDMENT AND THE MOVER OF THE MOTION WITHDREW THE MOTION.

THE FOLLOWING MOTION WAS THEN MOVED, SECONDED AND DECLARED CARRIED UNANIMOUSLY:

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council notes the petition.

CM/7.6/19.08 Draft Innovate Reconciliation Action Plan 2019–2021 (A14/0173)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Endorses the draft Innovate Reconciliation Action Plan 2019–2021 (RAP) attached to this report for public exhibition.
2. Notes that the draft RAP has been endorsed by Reconciliation Australia.
3. Notes that a further report summarising consultation feedback will include a resourcing strategy to enable implementation of the RAP.
4. Notes that preliminary costing of cross organisation delivery of proposed RAP actions is estimated to be \$79,000.
5. Calls for expressions of interest for an artwork from an Indigenous artist to be featured on the cover of the RAP, and that the Public Art Committee review and choose the successful applicant and artwork.

CM/7.7/19.08 Festive Activation Program 2019 (A18/0548)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That:

1. Council defers this motion pending consideration of the following:
 - (a) The inclusion of a decorated Christmas tree in Bondi Junction Mall.
 - (b) Fairy lights in trees at various locations; for example, the trees along Bondi Road from Council Chambers to Park Parade; trees in Bondi Junction; trees in Bondi; and the rest of the trees in Norman Place.
 - (c) Lights strung across the street at various shopping precincts; for example, Charing Cross shopping precinct and in Hunter Ward (need to specify a site).
 - (d) Banners along Campbell Parade, Bondi Junction and around Council Chambers.
 - (e) Christmas decorations that can be hung from light poles down Bondi Road that will not obstruct line of sight for traffic.

- (f) Budget costing.
2. A report come back to the September 2019 meeting.

CM/7.8/19.08 Resident Parking Schemes - Review of Policy, Process and Procedures - Methodology (A03/2581)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council adopts the following approach for the review of resident parking schemes:

1. A working party of appropriate Council officers, the Mayor or alternate, the Deputy Mayor or alternate and Cr Kay or alternate be formed to undertake the review.
2. The working party, once formed, meet on a fortnightly basis and report back to Council on the outcome of the review.

CM/7.9/19.08 Herbicide Reduction Study - Assessment Report (A06/0333)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Aims to protect the environment, humans and animals in any area where weeding is taking place, as well as achieving the most efficient weeding practices.
2. Receives and notes the Herbicide Reduction Study Assessment Report by NGH Environmental attached to this report.
3. Immediately ceases the use of glyphosate (diluted and undiluted) in identified 'Sensitive Places' and 'Chemically Sensitive Places'. These locations are to be mapped and the map made publicly available. Locations where glyphosate (diluted and undiluted) will be prohibited from use will include:
 - (a) Playgrounds.
 - (b) Areas around schools and parks adjacent to schools.
 - (c) Bondi Beach Park, including Campbell Parade, Queen Elizabeth Drive, Park Drive and Biddigal Reserve; Bronte Park and Gully, including upper Bronte Gully; Tamarama Park and Gully.
 - (d) Sports playing fields under the management responsibility of Council.
 - (e) Other areas that property owners request.
4. Immediately begins using non-glyphosate (diluted and undiluted) treatments for controlling weeds, including hand weeding, brush cutting, chipping, mulching and suppression of seed heads and mowing.

5. Phases out any rostered, scheduled glyphosate (diluted and undiluted) applications to Council's footpaths, kerb and gutters and stormwater infrastructure and implements the management options outlined in clause 4 above as they become available and feasible.
6. Commits by 2020/21 to reducing the amount of glyphosate (diluted and undiluted) used across Council operations by 100% based on Council's 2018 usage, and achieves this through alternative treatment methods, including alternative herbicides and non-herbicide techniques.
7. Ensures Council staff and subcontractors are trained in weed identification, weed plant lifecycles and are knowledgeable of the appropriate treatment methods.
8. Ensures Council staff and contractors using glyphosate (diluted and undiluted) are supplied with and wear personal protective equipment (PPE) that is appropriate for the job. The selection of PPE is dependent on a detailed risk assessment. The risk assessment should consider the work situation, the physical form of the chemical, the handling methods and environmental factors.
9. Updates weed policies and strategies to specifically address the objective of reducing and eliminating glyphosate (diluted and undiluted) use.
10. Develops a community information and communication plan to inform the public on reducing and eliminating herbicide use by Council, but also within the community.
11. Reports back to Council by June 2020 on glyphosate (diluted and undiluted) use for 2019/20, and the weed management program for 2019–20.
12. Prepares a further report that includes:
 - (a) Further scientific evidence that shows if glyphosate is more harmful than alternative methods, and under what circumstances, or that proves glyphosate can be used safely, and in what manner.
 - (b) An updated comparison between using organic alternatives and glyphosate (overall outcomes and environmental effects for each) to that provided in Appendix L of the Assessment Report.
 - (c) Protocols and processes that ensure Council workers follow all necessary directions for using glyphosate as per specified use, including wearing PPE clothing, and to eliminate community safety concerns; ensure their ChemCert Certificates are updated accordingly.
 - (d) Further investigation into alternative application methods for using weed wands and paint brushes to limit glyphosate use and eliminate any drift and run off, as identified in Appendix L of the Assessment Report.
 - (e) Consideration of a simple hierarchy of weed management until a total ban of glyphosate is introduced.
 - (f) Weed control standards as Council moves towards a ban of glyphosate in the local government area, and what effects this ban might have on those suffering from allergies or other respiratory conditions.
 - (g) Updated information on which countries and Australian councils have banned or significantly reduced glyphosate use and their outcomes based on environmental experiences following the ban.
 - (h) How, and in what time frame, would Council need to update the design and maintenance of its

open spaces to better facilitate a total ban.

- (i) Identifying if Council has a liability when using glyphosate and, if so, measures to eliminate it while glyphosate is still used, noting that Council's Pesticide Use and Notification Plan will assist.
 - (j) How are the approximately \$790,000 per year costs to be funded from Council's 2019/20 budget and Long-Term Financial Plan (LTFP).
13. Develops a policy for the designing and/or redesigning of outdoor spaces and gardens that facilitates weed resistance.

D Walsman and R Nothman addressed the meeting.

CM/7.10/19.08 Hugh Bamford Reserve and Williams Park - Plan of Management (A18/0191)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Secunder: Cr Nemesh

That Council:

1. Treats Attachment 1 to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Places the draft Hugh Bamford and Williams Park Plan of Management attached to this report on public exhibition for the period of 42 days during which submissions may be made to Council in accordance with section 38 of the *Local Government Act 1993*.
3. Notes that the NSW Department of Planning, Industry and Environment (Crown Lands NSW) will receive a copy of the draft Plan of Management.
4. Notes that officers will provide a further report to Council following public exhibition seeking adoption of the Plan of Management.

CM/7.11/19.08 Venue Hire Grant - WAYS Youth and Family (A19/0203)

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
 Secunder: Cr Wy Kanak

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2019–20, grants \$7,620 in financial assistance to WAYS Youth and Family for the use of the indoor sports court at the Margaret Whitlam Recreation Centre up to 30 June 2020.

CM/7.12/19.08 Voluntary Planning Agreement - 41 O'Donnell Street, North Bondi (DA-164/2015/B)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 41 O'Donnell Street, North Bondi. The draft Planning Agreement offers a total monetary contribution of \$58,459, with \$52,613 (90%) to go towards the improvement and regeneration of parks and reserves in the Bondi area and \$5,845 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division**For the Motion:** Crs Betts, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.**Against the Motion:** Crs Keenan and Wy Kanak.**CM/7.13/19.08 Minutes - Access Advisory Committee - 11 July 2019 (SF19/1990)****MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan

Seconder: Cr Nemesh

That Council receives and notes the minutes of the Access Advisory Committee meeting held on 11 July 2019 attached to this report.

CM/7.14/19.08 Cleaning Contract for Council Facilities - Extension (A13/0228)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Notes that a tender for cleaning services of Council facilities is currently being prepared.
2. Notes that its current cleaning services contract with Challenger Services Group Pty Ltd (CSG) expires on 30 August 2019.
3. Extends its contract with CSG to 29 March 2020 to allow for the completion of the tender process.
4. Notes that the contract price for the period of extension is estimated to be \$640,000, with the funds existing in the 2019-20 operational budget.
5. Notes that the current contract will be varied to include a transition plan to ensure the effective transition to a new supplier, should that be the outcome of the tender.

**CM/7.15/19.08 Tender Evaluation - Margaret Whitlam Recreation Centre Remedial Repairs
(A19/0306)****MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill
Seconder: Cr Copeland

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. Transfers \$274,200 from the SAMP Buildings Reserve to cover the shortfall in the budget for the Margaret Whitlam Recreation Centre Remedial Works.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts RMA Contracting Pty Ltd as the preferred tenderer for the Margaret Whitlam Recreation Centre Remedial Repairs for the sum of \$417,977 (excluding GST).
4. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with RMA Contracting Pty Ltd.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.16/19.08 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 2019 to June 2019 attached to this report.

8. Notices of Motions**CM/8.1/19.08 RESCISSION MOTION - CM/5.2.4/19.07 - Military Road - Pinch Point Improvements (A16/0524)****MOTION**

Mover: Cr Lewis
Seconder: Cr Wakefield

That resolution CM/5.2.4/19.07 – Military Road – Pinch Point Improvements, passed at the Council meeting on 16 July 2019, be rescinded.

FORESHADOWED MOTION

Mover: Cr Lewis
Seconder: Cr Wakefield

That Council undertakes the proposed works at pinch point locations 1, 2 and 3 along Military Road, in accordance with the drawings attached to the June Traffic Committee report.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Rescission Motion be adopted.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

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

CM/8.2/19.08 Treaty on the Prohibition of Nuclear Weapons (A02/0267)**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland
Seconder: Cr Keenan

That Council:

1. Welcomes and endorses the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017 and calls on our national government to sign and ratify it without delay.
2. Notes that our municipality is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.
3. Notes that the following distinguished Australians have signed the appeal to the Australian government to support a global ban on nuclear weapons:

- (a) Rt Hon Doug Anthony AC.
- (b) Hon Peter Baume AC.
- (c) Hon Sir Gerald Brennan AC, KBE, QC.
- (d) Ita Buttrose AO, CBE.
- (e) John Coates AC.
- (f) Tony Eggleton AO.
- (g) Prof Allan Fels AO.
- (h) Air Vice Marshall James Flemming AO.
- (i) Rt Hon. Malcolm Fraser AC.
- (j) Margaret Fulton OAM.
- (k) Hon Dame Margaret Guilfoyle AC, DBE.
- (l) Rt Rev Dr Peter Hollingsworth AC, CBE.
- (m) Janet Holmes à Court AC.
- (n) Hon T.E.F. Hughes AO, QC.
- (o) Maj-Gen Michael Jeffery AC, CVO, MC.
- (p) Vice Adm. David Leach AC, CBE.
- (q) Hon. Sir Anthony Mason AC, KBE, QC.
- (r) Baillieu Meyer AC.
- (s) Sir Eric Neal AC.
- (t) Sir Gustav Nossal AC, CBE.
- (u) Hon. Andrew Peacock AC.
- (v) Air Vice Marshall Robert Richardson AO, AFC.
- (w) Hon. Kevin Rozzoli AM.
- (x) Rt Hon. Sir Ninian Stephen KG, AK, GCMG, GCVO, KBE.
- (y) Carla Zampatti AC.

CM/8.3/19.08 Bondi Pavilion Construction Plan of Management - Community User Groups and Organisers of Community Cultural Activities (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 Wy Kanak

Seconder: Cr Keenan

That:

1. In preparation of the Construction Plan of Management for the proposed renovation works at Bondi Pavilion, Council includes measures to maintain continuity of delivery of community cultural activities currently accommodated in the Pavilion.
2. Council convenes a meeting of community user groups and organisers of community-based cultural activities as soon as possible, and before October 2019, to:
 - (a) Provide them with information and likely time frame for the proposed works.
 - (b) Seek any reasonable requirements for alternative community space over the likely period of proposed works.
 - (c) Support and assist with the provision of alternative spaces to match requirements, as identified at the meeting.
3. Council notes the Director's comments that the motion's requested actions are already being actioned within the time frame indicated above.

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

CM/8.4/19.08 Standing Committee on the Environment and Energy Inquiry (A02/0267)**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That Council:

1. Notes that the Energy Minister, Mr Angus Taylor, MP, has tasked the Standing Committee on the Environment and Energy to investigate the use of nuclear energy in Australia. This is also the first time the Australian Parliament has ever undertaken such an inquiry.
2. Notes that the Waverley local government area has been a nuclear-free zone for decades and any move to nuclear energy generation is highly concerning.
3. Writes to the Chair of the Standing Committee, Mr Ted O'Brien, MP, outlining Council's serious concerns and objecting to any lifting of the moratorium on nuclear energy generation in Australia.
4. Writes also to the Shadow Minister for Climate Change and Energy, Mr Mark Butler, MP, outlining Council's serious concerns and objecting to any lifting of the moratorium on nuclear energy generation in Australia.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Kay

That the Motion be adopted subject to the deletion of clause 2.

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

DECISION: That the Motion be adopted.

CM/8.5/19.08 Bronte Beach Village Upgrade - Café Footpath Seating (A16/0755)

At 10.10 pm, during the consideration of this item, Cr Wakefield vacated the chair. The Deputy Mayor, Cr Wy Kanak, assumed the chair. At 10.14 pm, Cr Wakefield assumed chair.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Recognises the disruption to Bronte Beach cafés that will be caused by the footpath upgrade.
2. Understands that the upgrade of the footpath in front of the Bronte Beach Village cafés may take up to six weeks.
3. Acknowledges that, during this time, the cafés will not be able to use the footpath for their dining for a short period of time, for which they pay Council a monthly fee.
4. Considers providing financial assistance under section 356 of the *Local Government Act 1993* to the businesses affected by the works by means of a credit applied to the accounts of each of the impacted businesses for the full value of the footpath fees for a four-week period.
5. Places the proposal for financial assistance to the affected businesses on public exhibition for a period of 28 days before final consideration of the proposal.

CM/8.6/19.08 Bondi Beach Sea Wall Murals (A08/1287-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconded: Cr Kay

That Council:

1. Condemns the illegal defacing of the mural painted by Luke Cornish on the Bondi Beach Sea Wall that was identified on the morning of Wednesday, 7 August 2019.
2. Notes that no Councillors were involved in the selection of the Cornish mural.
3. Officers re-assess and update, where necessary, the sea wall mural guidelines and curatorial processes to ensure that they:
 - (a) Align with Waverley's Community Strategic Plan Vision Statement, which states 'Waverley: connecting the city and the sea. A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage.'
 - (b) Provide an equitable process for all sea wall mural applicants, including:
 - (i) The requirement that a concept design of all artwork is prepared by the artist and approved by the Council officer curatorial panel against the updated guidelines prior to it being painted.
 - (ii) The duration for the mural to be retained on the sea wall.
 - (iii) When it is appropriate for the mural to be aligned with an exhibition and event at Bondi Beach.
4. Officers consult the Waverley Public Art Committee on any proposed new guidelines and curatorial processes, and a recommendation from this Committee be presented in a report for Council consideration.
5. Encourages freedom of expression, subject to all artwork in the public domain complying with Council's guidelines, processes, plans and policies.

CM/8.7/19.08 Paul Street and Kenilworth Street Traffic Study (A19/0532)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay

Seconded: Cr Betts

That Council:

1. Officers immediately consult residents of the 'Hilltop' unit block at the intersection of Paul Street and Kenilworth Street to identify simple solutions, maybe temporary, which might include physical barriers, that can improve pedestrian, vehicle and local infrastructure safety at the intersection while the traffic study is being performed. Action to be taken promptly.
2. Expedites the traffic study for the area around the intersection of Paul Street and Kenilworth Street, Bondi Junction.

3. Sources funding for the traffic study from Creating Waverley's 2019/20 'Consultants and Technical Assistance' contingency budget, as indicated in the General Manager's comment.

S Rogers addressed the meeting.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

CM/10.1/19.08 Coastal Risk Management - Diamond Bay Reserve and Coastal Walkway and Other Areas (A03/0946)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Kay

That Council deals with this matter as an item of urgent business for the following reasons:

1. The recent tragic loss of life at Diamond Bay Reserve.
2. Ongoing behaviour from members of the public creating potential risks to life.
3. The need for Council to consider possible further action in relation to the above.

Council subsequently resolved to deal with this matter in closed session.

11. Closed Session

CM/11/19.08 Closed Session

MOTION / UNANIMOUS 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/11.1/19.08 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)(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.

CM/11.2/19.08 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club - Building Upgrade Project - Heads of Agreement

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.3/19.08 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee

This matter is considered to be confidential in accordance with section 10A(2)(a) 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 personnel matters concerning a particular individual (other than a councillor).

CM/11.4/19.08 CONFIDENTIAL REPORT - Coastal Risk Management - Diamond Bay Reserve and Coastal Walkway and Other Areas

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 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 10.27 pm, Council moved into closed session.

CM/11.1/19.08 CONFIDENTIAL REPORT - Hotel Ravesis, 118-122 Campbell Parade, Bondi Beach - Airspace Lease to Debilu Pty Ltd (A19/0250)

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Notes the information in this report relating to the tenure and the lease executed with Bondi Pacific.
3. Notes the legal advice contained in this report regarding Crown Land air indices.
4. Enters into a lease with Debilu Pty Ltd for the balcony airspace associated with Hotel Ravesis, 118–122 Campbell Parade, Bondi Beach, on the terms and conditions contained in this report.
5. Authorises the General Manager to finalise the negotiations and execute all necessary documents to complete the matter.

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

Cr Kanak requested that it be recorded in the minutes that he voted against the Motion.

CM/11.2/19.08 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club - Building Upgrade Project - Heads of Agreement (A19/0445)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr O'Neill

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Endorses the Heads of Agreement between Council and Tamarama Surf Life Saving Club attached to this report for the proposed Tamarama Surf Life Saving Club Building Upgrade Project.
3. Authorises the General Manager to do all things necessary to finalise and enter into the Heads of Agreement.
4. Prepares an Agreement for Lease for the Tamarama Surf Life Saving Club to include both the upgraded club building plus the surf club storage facility located in Tamarama Park, with a report to come back to Council for approval.
5. Writes to the Office of Local Government to seek approval to enter into a Public Private Partnership with Tamarama Surf Life Saving Club for the proposed Tamarama Surf Life Saving Club Building Upgrade Project.
6. Notes that the Council's funding contribution to the cost of the project, as outlined in Table 1 of this report, has been allocated in the draft Long Term Financial Plan 2019/20–2029/30.

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

M Salval (on behalf of Tamarama Surf Life Saving Club) addressed the meeting.

CM/11.3/19.08 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee (P18/0052)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconded: Cr Wy Kanak

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)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning a particular individual (other than a councillor).
2. Receives and notes the minutes of the Performance Review Committee meeting held on 13 August 2019 attached to this report.
3. Endorses the decisions made by the Committee.

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

CM/11.4/19.08 CONFIDENTIAL REPORT - Coastal Risk Management - Diamond Bay Reserve and Coastal Walkway and Other Areas (A03/0946)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconded: 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)(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. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Diamond Bay Reserve on Saturday, 17 August 2019.
3. Notes the action taken and underway in response to Council resolution CM/8.3/19.06.
4. Notes the additional action undertaken by Council following the tragic events of 17 August 2019.
5. Notes the legal advice and summary of issues set out in the report.
6. Endorses the carrying out of an independent coastal risk review by suitably qualified assessors to guide further decision making on risk management along the Waverley local government area coastline. Diamond Bay Reserve is to be a priority, with an interim report to be presented to Council as soon as possible.
7. Urgently explores and takes appropriate action related to:
 - (a) Installing additional temporary barriers.
 - (b) Signage.

- (c) Social media messaging, including on WeChat, Weibo and similar channels.
 - (d) Internet sites, tourist sites and other PR outlets, including TripAdvisor.
 - (e) Compliance action.
 - (f) Investigating legal remedies, including trespass.
8. Investigates action related to:
- (a) Community education.
 - (b) Licensing and other legal options.
 - (c) CCTV.
 - (d) Identifiable commercial operators, such as photographic businesses.
 - (e) Parking regulations in the immediate vicinity.
 - (f) Activities by other Councils in managing similar locations.
9. Contacts the State Member for Vacluse, Gabrielle Upton, MP, to seek assistance in this matter.
10. Requests the Diamond Bay/Vacluse and Dover Heights Precincts to provide input.

R Nothman addressed the meeting.

AT THIS STAGE IN THE PROCEEDINGS, AT 11.25 PM, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR WAKEFIELD, TO EXTEND THE TIME OF THE MEETING.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

12. Resuming in Open Session

CM/12/19.08 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council resumes in open session.

At 11.28 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 11.35 PM.

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SIGNED AND CONFIRMED
MAYOR
17 SEPTEMBER 2019