



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 17 SEPTEMBER 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 Leon Goltsman | Bondi 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 |
| Teena Su | Acting 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 7.49 pm.

At 10.57 pm, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Kay.

Cr Keenan was previously granted leave of absence by Council for this meeting.

CM/1.1/19.09 Request for Leave of Absence - Cr Copeland (A03/0029)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council grants Cr Copeland leave of absence from Council for the meeting of 17 September 2019.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Betts declared a significant non-pecuniary interest in item CM/11.3/19.09 – CONFIDENTIAL REPORT – Eastern Suburbs Cricket Club – Indoor Cricket Nets Facility Project – Heads of Agreement, and informed the meeting that she is on the board of the Club, and will leave the Chamber for the consideration and vote on this item.

3. Obituaries

Peter Moscott
Peter McCallum
Marie Curtis

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 A Douglas – CM/8.2/19.09 – Belgrave Street Reserve – Play Equipment.
- 4.2 H Woolf – CM/8.5/19.09 – Rat Control in Bondi Junction.
- 4.3 M Lawrance (on behalf of Eastern Suburbs Cricket Club) – CM/11.3/19.09 – CONFIDENTIAL REPORT – Eastern Suburbs Cricket Club – Indoor Cricket Nets Facility Project – Heads of Agreement.

5. Confirmation and Adoption of Minutes**CM/5.1/19.09 Confirmation of Minutes - Council Meeting - 20 August 2019 (SF19/325)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council Meeting held on 20 August 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/19.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 August 2019 (SF19/328)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Goltsman

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 22 August 2019 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.03/19.08 – Seven Ways, Bondi Beach – Public Domain Upgrade Project.

And that this item be dealt with separately below.

CM/5.2.1/19.09 Seven Ways, Bondi Beach - Public Domain Upgrade Project (A03/0042-04)

This item was saved and excepted by Cr Wakefield.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That the Traffic Committee's recommendation be adopted subject to clause 1(d) being amended to read as follows:

'Retaining the current single on-street parking space on the southern side of Blair Street, east of Glenayr Avenue, and installing appropriate kerb blisters immediately to the east of this parking space to improve pedestrian access and safety, and converts the parking space to a 15-minute drop-in zone.'

Such that the Traffic Committee's recommendation now reads as follows:

That Council:

1. In accordance with Drawing No. L-161 dated 9 August 2018 attached to this report, approves:
 - (a) The closure of Warners Lane to vehicular traffic and removal of the vehicular crossings/driveways at its Glenayr Avenue and Blair Street ends.
 - (b) The loss of four parking spaces from Warners Lane.
 - (c) The gain of one new parking space on Blair Street as a result of the closure of the driveway on Warners Lane at its western end.
 - (d) Retaining the current single on-street parking space on the southern side of Blair Street, east of Glenayr Avenue, and installing appropriate kerb blisters immediately to the east of this parking space to improve pedestrian access and safety, and converts the parking space to a 15-minute drop-in zone.
2. Installs four timed parking spaces on the north eastern side of Glenayr Lane.
3. Submits a Traffic Management Plan for the closure of Warners Lane to RMS.

6. Mayoral Minutes

CM/6.1/19.09 Crowded Space Safety - Funding (A02/0421)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council approaches the Federal and the State Governments to contribute a third each of the \$10 million estimated to be required to institute project infrastructure to improve safety in crowded places.

Background

In April 2019, Council received a report from RiskGroup security consultants on hostile vehicle mitigation and options for control measures in relation to crowded space safety. In response, Council resolved to proceed to concept development and engineering design on public safety measures, and authorised the General Manager to seek grant funding from State and Commonwealth Governments to assist in funding the recommended measures.

Over the past few months, further work has been undertaken with RiskGroup, including staff and Councillor briefings and the installation of temporary measures at Bondi Beach, while permanent solutions are designed and funding is identified. The Mayor and Council officers have also met with the Member for Wentworth to thank the Government for funding for CCTV at Bondi Beach, and to signal the need for assistance with the wider security project.

The purpose of this motion is to confirm Council's need for funding in relation to crowded space security and to put forward a funding model that results in an even co-contribution from all levels of government. Shared responsibility for funding the solution to this issue allows Council to approach Federal and State Governments with a more balanced request and confirms Council's commitment to contributing funds and providing a safe and secure environment for the public.

CM/6.2/19.09 Bondi Junction Cycleway - Response to Construction (A14/0193)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council:

1. Acknowledges the disruption being experienced by the current construction of the cycleway in Bondi Junction.
2. Acknowledges the concerns raised by a number of local businesses and their customers regarding the cycleway project and notes that a number of measures have already been implemented to assist in minimising the disruption, including the relocation of an existing community pick-up area and the installation of a 15-minute parking drop-off area near Denison Street.
3. Notes that the Bondi Junction cycleway is primarily a State Government funded project as part of a regional cycleway plan connecting Bondi Beach and Bondi Junction to the Sydney CBD.
4. Notes that the cycleway is one element of a wider footpath, landscaping and seating upgrade.
5. Implements, for the period of the construction, a rolling program of changes to parking meters in the streets immediately surrounding the cycleway construction to assist local businesses and their customers by:
 - (a) Switching off the parking meters in Denison Street (between Ebley Street and Oxford Street), Spring Street (between Newland Street and Denison Street) and Newland Street (between Ebley Street and Oxford Street) during Stage 2 of the construction.
 - (b) Switching off the parking meters in Bronte Road (between Ebley Street and Oxford Street), Spring Street (between Newland Street and Bronte Road) and Newland Street (between Ebley Street and Oxford Street) during Stage 3 of the construction.
 - (c) Continuing the same pattern of rolling parking meter changes during later stages of the project, with implementation at the discretion of the General Manager.
 - (d) Continuing to enforce the parking restrictions on the streets where parking meters are switched off to ensure turnover of spaces.
6. Immediately implements a number of changes to the operation of Council's three car parks to further assist local businesses and their customers by:
 - (a) Amending the two-hour free period at the Library car park to include all customers.
 - (b) Amending the hours of operation at the Eastgate, Hollywood and Library car parks to open at 5 am.
 - (c) Amending the hours of operation at the Hollywood and Library car parks to close at 11 pm.
7. Immediately installs temporary directional signage in the area immediately surrounding the cycleway construction to assist road users in seeking alternative parking opportunities, particularly in Council's car parks located at Eastgate Shopping Centre, with existing one-hour free parking, and Waverley Library, with two-hour free parking.
8. Investigates longer-term permanent signage that guides road users to available parking within Council's car parks (similar to the sign currently opposite Hollywood car park).

9. Implements the above list of changes as soon as practically possible and writes to local businesses to advise them of the additional measures being put in place by Council.

Background

Revenue impact on parking meters

Stage 2 – Average cost per month \$9,900:

- Denison Street (between Ebley Street and Oxford Street) – Average per month \$7,800 (based on FY 18/19).
- Spring Street (between Newland Street and Denison Street) – This revenue will not be realised as the majority of parking has been removed as part of the project, and therefore not included in the total impact for Stage 2 – Average per month \$13,300 (based on FY 18/19).
- Newland Street (between Ebley Street and Oxford Street) – Average per month \$2,100 (based on FY 18/19).

Stage 3 – Average cost per month \$4,300:

- Bronte Road (between Ebley Street and Oxford Street) – Average per month \$2,200 (based on FY 18/19).
- Spring Street (between Newland Street and Bronte Road) – This revenue will not be realised as the majority of parking has been removed as part of the project, and therefore not included in the total impact for Stage 3 – Average per month \$3,400 (based on FY 18/19).
- Newland Street (between Ebley Street and Oxford Street) – Average per month \$2,100 (based on FY 18/19).

Revenue impact on car parks

Library – This is more difficult to estimate, as anecdotal evidence suggests that the current validation scheme in place at the Library is already widely used by non-Library patrons. Current average revenue is approximately \$20,000 per month and the average length of stay is almost four hours (based on the last eight months). Loss of revenue could therefore be approximately \$10,000 per month. It should be noted that the current value of validated tickets is approximately \$28,000 per month (based on last 12 months data)

The additional hours of operation may, however, see an increase in revenue at all three car parks

Minor additional costs

There are also a number of minor additional costs, including the covering of parking meters; changes to parking meter and car park software; and changing rate boards at the car parks, which will be covered by the project itself.

CM/6.3/19.09 2019 NRL Finals Series - Support for Sydney Roosters (A03/0416)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council:

1. Congratulates the Sydney Roosters on reaching the NRL Finals to be played over the next four weeks, and wishes the team the best of luck.
2. Notes that the Sydney Roosters have requested for the Sydney Roosters flags to be displayed for the period of the finals series, including the Grand Final on Sunday, 6 October, should the Sydney Roosters be successful in reaching the Grand Final.
3. Meets the costs of displaying the street flags from Council's marketing and promotions budgets.
4. Notes that, in 2013 and 2018, when the Sydney Roosters won the Grand Final, the police closed Spring Street and Bronte Road, with several thousand people gathering on the streets to celebrate.
5. Authorises officers to provide the relevant support and assistance to both the Easts Leagues Club and the police to accommodate similar events should the Sydney Roosters team be successful in the Finals Series and the Grand Final.

7. Reports**CM/7.1/19.09 Draft 2018/19 Financial Statements (A19/0124)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2019:
 - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
4. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special purpose Financial Statements, be signed by the Mayor, a Councillor, the

General Manager and the Responsible Accounting Officer.

5. The financial statements be referred to Council's auditor for audit.
6. Arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
7. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
8. The audited financial statements be presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.
9. Public notice of the meeting to be held on Tuesday, 19 November 2019, be published in newspapers in the week commencing 11 November 2019, including the publication of all documents required under section 418 of the *Local Government Act 1993*.
10. Council notes that, at the meeting to be held on Tuesday, 19 November 2019, Council will present its Audited Financial Report and Auditor's Report to the public.

CM/7.2/19.09 Investment Portfolio Report - August 2019 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Investment Summary Report for August 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/7.3/19.09 Fees and Charges 2019-20 - Minor Amendments - Exhibition (A18/0511)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council publicly exhibits the proposed amendments to the early education centre and waste service fees in the Fees and Charges 2019–20, as set out in Tables 2 and 3 in this report, for a period of 28 days, in accordance with section 610F of the *Local Government Act 1993*.

**CM/7.4/19.09 Resolution to Engage NSW Electoral Commission to Conduct Council Elections
(A18/0817)**

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Wakefield

That Waverley Council ('the Council') resolves:

1. Pursuant to sections 296(2), (3) and (5A) of the *Local Government Act 1993* ('the Act'), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to sections 296(2), (3) and (5A) of the Act, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to sections 296(2), (3) and (5A) of the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**CM/7.5/19.09 Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges
(A19/0573)**

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Nemes

That Council:

1. Notes the current status of actions to improve safety along the coastal cliff edge outlined in this report.
2. Considers and investigates the cost and feasibility of installing a viewing platform at Diamond Bay Reserve as part of any works proposed on the Diamond Bay boardwalk, following consideration of the boardwalk condition assessment.
3. Officers report back to Council with the results of the investigation.

CM/7.6/19.09 Petition - Tree Replacement outside 13 Craig Avenue, Vaucluse (A03/0946)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemes
Seconder: Cr Masselos

That Council refers the petition requesting the replacement of trees outside 13 Craig Avenue, Vaucluse, to the Director, Community, Assets and Operations, for appropriate action, and delegates authority to the General Manager to select replacement trees.

CM/7.7/19.09 Child Safe Policy - Exhibition (SF19/1354)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Publicly exhibits the draft Child Safe Policy attached to this report for a period of 28 days.
2. Notes that a further report summarising internal and external feedback will be prepared for Council's consideration.

CM/7.8/19.09 Local Hero Awards - Review (A19/0200)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Holds the Local Hero Awards every two years, starting in 2021.
2. Officers amend the criteria for the Young Local Hero Award to recognise excellence in areas including, but not limited to, environment, business, volunteering, fundraising, sports, arts and culture, innovation and leadership.
3. Notes that the Best of Best award will continue unchanged.

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

CM/7.9/19.09 Neighbourhood Amenity Fund - Financial Analysis (A03/0346)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the financial analysis for the establishment of a Neighbourhood Amenity Fund.
2. Approves the establishment of the 'Neighbourhood Amenity Fund – Waverley's Local Climate Response.'
3. Adjusts the Long Term Financial Plan Reserve Balances at the next available opportunity to incorporate the Neighbourhood Amenity Fund, to the amount of up to \$1 million per year.
4. Proceeds to develop the 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.

5. Determines that 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. Amenity improvement elements will include landscaping, pavement treatment, water sensitive urban design (WSUD) and lighting, as appropriate. The Neighbourhood Amenity Fund will only be used to top up base projects and not for full funding of projects.
6. Makes reference to allocated use of the funds through specific projects as they occur and are reported to Council.
7. Notes that Waverley has already received \$146,775 as part of the NSW Government Five Million Trees project in 2018/19, but has not yet utilised this funding in the York Road Green Links area.

Division

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

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

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

CM/7.10/19.09 Sculpture by the Sea - Licence Agreement (SF19/3007)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Notes the update on negotiations with Sculpture by the Sea Incorporated set out in this report for the licence agreement for the 2019 Sculpture by the Sea event.
2. Notes that the resolution of the July Council meeting granting approval for Sculpture by the Sea for 2019 is subject to Sculpture by the Sea Incorporated entering into a licence agreement with Council relating to the staging of the event.
3. Notes that, while it was anticipated that an agreement would be in place by early September, as of 17 September the agreement has still not been signed.

CM/7.11/19.09 2A Edmund Street, Queens Park - Feasibility Study Outcome (A18/0175)**MOTION (WITHDRAWN)**

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council:

1. Resolves to demolish and rebuild the building at 2A Edmund Street, Queens Park (Option 4 in the feasibility study attached to this report).
2. In order to fund the project, brings forward the following amounts from the Social Housing Reserve as part of the annual Long Term Financial Plan update 2020/21–2030/31:

- (a) \$350,000 in design funding to the 2020/21 financial year.
- (b) \$1.85 million in construction funding to the 2021/22 financial year.

FORESHADOWED MOTION (WITHDRAWN)

Mover: Cr Betts

That Council:

1. Defers the item to further investigate the use of the Affordable Rental Housing SEPP, which provides a potential bonus for developments providing social and affordable housing, with the aim of demolishing the existing building and building a three-storey building.
2. Notes that 2A Edmund abuts 23 Victoria Street, which is a three storey multi-unit dwelling.
3. Allocates funding for the project as follows should the planning issues for the third floor be resolved. Brings forward the following amounts from the Social Housing Reserve as part of the annual Long Term Financial Plan update 2020/21 -2030/31:
 - (a) \$350,000 in design funding to the 2020/21 financial year.
 - (b) \$1.85 million in construction funding to the 2021/22 financial year.
 - (c) The required funding for the third story to be allocated from the Affordable Housing Reserve.
4. Resolves to demolish and rebuild a two-storey building, with the relevant funding in clauses 3(a) and (b) above, should the creation of a third storey not be feasible.

AT THIS STAGE IN THE PROCEEDINGS, THE MOTION AND FORESHADOWED MOTION WERE WITHDRAWN.

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

MOTION / DECISION

Mover: Cr Wakefield
 Seconder: Cr Masselos

That Council defers this item in order to hold a Councillor workshop to discuss alternative options for this property.

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

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

CM/7.12/19.09 Tender Evaluation - Seven Ways Streetscape Upgrade (A19/0307)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
 Seconder: Cr Goltsman

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 Hibernian Pty Ltd as the preferred tenderer for head contracting services for the Seven Ways Streetscape Upgrade for the sum of \$1,499,467 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Hibernian Pty Ltd for head contracting services for the Seven Ways Streetscape Upgrade.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.13/19.09 Tender Evaluation - Catering Services (SF19/199)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrices attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A (2)(d)(i) of the *Local Government Act 1993*. The Matrices contain commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts the nominated companies for appointment to a panel of preferred suppliers for catering services as follows:
 - (a) Recommended supplier panel – Package A – Workshops and meetings:
 - (i) Fresh Catering.
 - (ii) Laissez-Faire Catering.
 - (iii) Dan the Man Cooking.
 - (iv) Feedback Deli Pty Ltd.
 - (b) Recommended supplier panel – Package B – Corporate catering:
 - (i) Fresh Catering.
 - (ii) Laissez-Faire Catering.
 - (iii) Peter Rowland Group.
 - (iv) Spring Street Café Pty Ltd.
 - (c) Recommended supplier panel – Package C – Ad hoc functions and events:

- (i) Fresh Catering.
 - (ii) Laissez-Faire Catering.
 - (iii) Peter Rowland Group.
3. Authorises the General Manager, or delegated representative, to enter into contracts on behalf of Council with the approved appointees to panels for a term of three years and an option for an additional two years.
 4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.14/19.09 Tender Evaluation - Security Services (A18/0631)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix and Schedule of Rates attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A (2)(d)(i) of the *Local Government Act 1993*. These documents contain information that would, if disclosed, confer a prejudice the commercial position of the person who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Akbar Enterprises Pty Ltd, trading as ECS Security and Investigations, as the preferred tenderer for the supply of security services for the sum of \$1,801,541 (excluding GST) for scheduled maintenance and services and the following schedule of rates for unscheduled maintenance and services:

| Day/time | Rate | Unit |
|---|------------------|----------|
| Business hours (Mon–Fri) per hour | \$65.00 plus GST | Per hour |
| After business hours (Mon–Fri) per hour | \$85.00 plus GST | Per hour |
| Saturday per hour | \$85.00 plus GST | Per hour |
| Sunday per hour | \$85.00 plus GST | Per hour |
| Public holidays per hour | \$85.00 plus GST | Per hour |

3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Akbar Enterprises Pty Ltd, trading as ECS Security and Investigations, for a three-year term with two two-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.15/19.09 Audit, Risk and Improvement Committee - Appointment of External Independent Members (A18/0658)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Seconder: Cr Wy Kanak

That Council:

1. Appoints Elizabeth Gavey, Kath Roach and John Gordon as the external independent members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024, with their appointments beyond 31 December 2020 being subject to Council being satisfied with their performance at a performance review to be conducted in or prior to December 2020.
2. Appoints Elizabeth Gavey as Chair of the Committee during the period of her appointment.

8. Notices of Motions

CM/8.1/19.09 RESCISSION MOTION - CM/8.1/19.08 - RESCISSION MOTION - CM/5.2.4/19.07 - Military Road - Pinch Point Improvements (A16/0524)

MOTION

Mover: Cr Betts
 Seconder: Cr Nemesh

That resolution CM/8.1/19.08 – RESCISSION MOTION – CM/5.2.4/19.07 – Military Road – Pinch Point Improvements, passed at the Council meeting on 20 August 2019, be rescinded.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.2/19.09 Belgrave Street Reserve - Play Equipment (A12/0171)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
 Seconder: Cr Burrill

That:

1. Council officers urgently investigate the condition of the Belgrave Street Reserve play space equipment from a health, safety and usability viewpoint and determine whether the equipment can be maintained or needs replacement, what ancillary upgrades may be required for the Reserve’s landscaping, and in what time frame the work can be performed.
2. Council consults the Bronte Precinct.
3. Where play equipment is deemed unusable and/or unmaintainable, Council officers are to make the necessary repairs and/or replacements with minimal delay, as funds become available.
4. Council notes the General Manager’s comment that an on-site inspection of the Belgrave Street

Reserve playground was conducted in 2016. Following this inspection, Council undertook additional landscaping and seat replacement at the Reserve.

5. Council notes that the playground is due for replacement within the next two to three years and is aligned with the Council-adopted Play Strategy and the Long Term Financial Plan.
6. Council notes that, each year, Council undertakes a safety compliance audit of all of our playgrounds to ensure they are safe and equipment is compliant. This audit was completed in December 2018, at which these inspections deemed all equipment within this Reserve to be safe for continued use.

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

A Douglas addressed the meeting.

CM/8.3/19.09 Oxford Street Mall - Cosmetic Upgrade and Maintenance (A14/0404)

MOTION

Mover: Cr Masselos
Seconder: Cr O'Neill

That:

1. Council undertakes maintenance and a cosmetic short-term upgrade of Oxford Street Mall, as this is a strategic entry point into Bondi Junction and the Waverley local government area.
2. Such short-term cosmetic upgrades and maintenance to include (but not be limited to):
 - (a) Replacement of 'sails' and/or cleaning, as appropriate.
 - (b) Repair any broken/misplaced paving.
 - (c) Neaten the areas directly under the trees in the Mall.
 - (d) Design and construct garden features in various locations in the Mall.
 - (e) Any other small beautifications deemed suitable and appropriate.
 - (f) Addition of signage to provide an interpretation of the Tram History Walk.
3. Council notes that there is existing budget to cover the cost of the maintenance and cosmetic upgrade and, as such, the works be undertaken before the end of the 2019/20 financial year.
4. Council notes that the Waverley LGA Restoration Program is allocated a total budget of \$10 million in the current LTFP with \$8.8 million allocated to a full upgrade of Oxford Street Mall in 2026/7 and 2027/28 financial years.

AMENDMENT

Mover: Cr Burrill
Seconder: Cr Goltsman

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

'Design and construct removeable temporary garden features in various locations.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

CM/8.4/19.09 Cliff Walk - Route Adjustment (A03/1331-05)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Nemesh

That Council adjusts the Cliff Walk such that it follows along Weonga Road between Military Road and Weonga Reserve in place of that section along Blake Street.

CM/8.5/19.09 Rat Control in Bondi Junction (A14/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill

Seconder: Cr Goltsman

That:

1. Council's Compliance Team contracts a pest control company to install a program of rat baits in the public domain across the Bondi Junction commercial area, including the West Oxford Street shopping strip, using their pest control budget.
2. Council notes that the Compliance Team is already sourcing quotes from pest control providers in response to earlier complaints from residents about rats in Bondi Junction.
3. Council's Planning, Environment and Regulatory department investigates a specific development control clause relevant to rodent control in the approval of development applications.

H Woolf addressed the meeting.

CM/8.6/19.09 Swooping Magpies (A14/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council:

1. Identifies timing and locations for annual nesting magpies in parks, reserves and nature strips within the municipality.
2. Puts in place a process to warn residents and visitors, including Council's website, social media and

signage.

3. Immediately installs warning signage in Bronte Park, between Bayview Street and the playground, and other locations reported to Council.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session

CM/11/19.09 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.

During the debate on this item, Cr Betts, having earlier declared a significant non-pecuniary interest in item CM/11.3/19.09, left the Chamber, and was not present at, or in sight of, the meeting for the remaining consideration and vote on this item.

MOTION

Mover: Cr Wakefield
 Seconder: Cr Wy Kanak

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/11.1/19.09 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) 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 competitor of the council.

CM/11.2/19.09 CONFIDENTIAL REPORT - Bondi Surf Bathers Life Saving Club - Conservation and Upgrade Project - Head Consultant Procurement

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.

CM/11.3/19.09 CONFIDENTIAL REPORT - Eastern Suburbs Cricket Club - Indoor Cricket Nets Facility Project - Heads of Agreement

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

2. Pursuant to 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*.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Burrill

That the Motion be adopted subject to item CM/11.3/19.09 being considered in open session.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Burrill, Goltsman and Nemesh.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

At 10.16 pm, Council moved into closed session.

CM/11.1/19.09 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange (A13/0061)

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Goltsman

That Council defers this item in order to hold a Councillor workshop.

CM/11.2/19.09 CONFIDENTIAL REPORT - Bondi Surf Bathers Life Saving Club - Conservation and Upgrade Project - Head Consultant Procurement (A19/0172)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: 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)(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. Notes that, under section 55(3)(m) of the *Local Government Act*, Council is not required to invite tenders before entering into a contract if it has entered into a public-private partnership.
3. Authorises the General Manager to negotiate directly with Lockhart-Krause Architects for head consultant services for the design documentation for the Bondi Surf Bathers Life Saving Club (BSBLSC) Conservation and Upgrade project, in accordance with the legal advice and probity advice attached to this report.
4. Notes that any contract resulting from the direct negotiations will be between Council and BSBLSC jointly, and Lockhart-Krause Architects.

At 10.57 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.

CM/11.3/19.09 CONFIDENTIAL REPORT - Eastern Suburbs Cricket Club - Indoor Cricket Nets Facility Project - Heads of Agreement (A11/0790)

Cr Betts declared a significant non-pecuniary in this item, and informed the meeting that she is on the board of the Club. 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 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. Endorses the Heads of Agreement between Council and Eastern Suburbs Cricket Club (Waverley) Incorporated attached to this report for the proposed Indoor Cricket Nets Facility Project.
3. Authorises the General Manager to sign the Heads of Agreement on behalf of Council and to forward to Eastern Suburbs Cricket Club (Waverley) Incorporated for execution.
4. Prepares an Agreement for Variation to Licence with Eastern Suburbs Cricket Club (Waverley) Incorporated, with a report to be brought back to Council for approval.

5. Writes to the Office of Local Government to seek formal approval to enter into a Public-Private Partnership with Eastern Suburbs Cricket Club (Waverley) Incorporated for the Indoor Cricket Nets Facility Building Project.
6. Contributes the amount of funding to the project set out in Table 1 of this report.
7. Officers report back to Council on the recommended funding sources and the proposed expenditure program either as part of the Q1 review of the 2019/20 Capital Works Program or via a separate report, and as part of the next Long Term Financial Plan adjustment.
8. Undertakes community consultation as soon as possible.

M Lawrance (on behalf of Eastern Suburbs Cricket Club) addressed the meeting.

12. Resuming in Open Session

CM/12/19.09 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That Council resumes in open session.

At 10.58 pm, Council resumed in open session.

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

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 11.02 PM.



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SIGNED AND CONFIRMED
MAYOR
10 OCTOBER 2019