



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 10 DECEMBER 2019**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi 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 Wakefield, who arrived at 7.11 pm, and Cr O'Neill, who arrived at 9.22 pm.

At 11.05 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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/7.11/19.12 – Bondi Pavilion Restoration and Conservation Project – Expression of Interest, and informed the meeting that he works part-time at the Pavilion.

3. Obituaries

Uncle Sam Watson
Victims of the White Island eruption
Allan Croft

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 I Rose (chief petitioner, on behalf of Climate Action Sydney Eastern Suburbs) – CM/7.4/19.12 – Petition – Renewable Energy Target.
- 4.2 L Payne – CM/8.6/19.12 – State of Climate and Biodiversity Emergency.

5. Confirmation and Adoption of Minutes

CM/5.1/19.12 Confirmation of Minutes - Council Meeting - 19 November 2019 (SF19/325)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 19 November 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/5.2/19.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 November 2019 (SF19/328)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 November 2019 be received and noted, and that the recommendations contained therein be adopted.

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

6. Mayoral Minutes

CM/6.1/19.12 International Women's Day 2020 and Oral History Project (A06/1761)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Celebrates International Women's Day (IWD) 2020 with an evening event similar to the 2019 Cocktail and Conversation evening.
2. Commences an oral history project of women councillors who have served on Waverley Council since its proclamation, and that:
 - (a) Documents the women's stories of achievement, challenges, successes and insights.
 - (b) Photographs the women.
 - (c) At the IWD Cocktails and Conversations event, an announcement is made that this project will be exhibited at a curated event by July 2020.
3. Notes that the project is to be resourced internally and within operational budget.

Background

In 2019, Council celebrated International Women's Day with a Cocktails and Conversation event at the Bondi Pavilion. This event was a huge success with over 200 women in attendance to hear high-profile

Aboriginal women's stories of empowerment and achievement. Given the number of accomplished women in the Waverley local government area, celebrating IWD 2020 would be expected of a progressive Council.

To coincide with IWD 2020, an oral history and photographic exhibition of the Waverley councillors celebrated in the 100 years of women project is to be undertaken by Waverley Library and Communications staff. The interviews should focus on the achievements of these women, highlighting:

- Some key moments in the history of Waverley and their role in these events.
- Insights into the challenges and role of elected women in local government, their experiences and learnings.
- Leadership and empowerment of elected women in local government.

The exhibition is to be curated and included as part of the celebration of IWD. After the exhibition, a space is to be found within Waverley's civic buildings where this exhibition can be permanently displayed.

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

CM/6.2/19.12 Plan to Save our Recycling (A15/0392)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
2. Endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:
 - (a) Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling management.
 - (b) Supporting the State-led development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.
 - (c) Support to prioritise recycled materials in procurement by all levels of government, to help create new markets.
 - (d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the correct way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
3. Recognises initiatives and projects taken within the Waverley local government area to help achieve this goal, including:
 - (a) Joining a regional Memorandum of Understanding (MoU) to prioritise recycled materials in procurement, which has had unanimous support from all 11 Southern Sydney Regional Organisation of Councils (SSROC) member councils and the NSW Minister for Environment and Energy, the Hon. Matthew Kean, MP.

- (b) Jointly advising on, and undertaking, a major project through SSROC on metropolitan Sydney Waste Data and Infrastructure Planning to identify necessary waste data and projected material flows to make informed policy and infrastructure decisions.
4. Writes to the local State Members, the Hon. Gabriel Upton, MP, Member for Vaucluse, and Marjorie O'Neill, MP, Member for Coogee; the Minister for Energy and Environment, the Hon. Matthew Kean, MP; the Local Government Minister, the Hon. Shelley Hancock, MP; the NSW Treasurer, the Hon. Dominic Perrottet, MP; the Premier, the Hon. Gladys Berejiklian, MP; the Opposition Leader, Jodi McKay, MP; the Shadow Minister for Environment and Heritage, Kate Washington, MP; and the Shadow Minister for Local Government, Greg Warren, MP, to:
- (a) Confirm support for recycling and outline the urgent need to educate, innovate and invest in local and regional waste and recycling programs and infrastructure via the Waste Levy.
- (b) Fund councils to develop regional-scale plans and projects to effectively address the management of waste and recycling.
- (c) Seek a commitment from the State Government to lead and fund the development of priority waste and recycling infrastructure, particularly where a market failure has been identified.
5. Advises LGNSW President, Linda Scott, of the passage of this Mayoral Minute.
6. Shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.

Background

Local Government NSW's report, *At the Crossroads: The State of Waste and Recycling in NSW* highlights the need for the local government sector to support the Save Our Recycling campaign.

The NSW Government collects revenue from licensed waste facilities in NSW via a Waste levy to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018–19 .

Revenue from the Waste levy is expected to increase by about 70 percent from 2012–13 to 2022–23. By the end of this period, the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion—less than one fifth—of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered. A Waste Infrastructure Plan and a new State Waste Strategy are also overdue.

The Government is also likely to miss key targets in its existing *Waste Avoidance and Resource Recovery Strategy 2014–21*. Its latest 2017–18 Progress Report shows that in NSW:

- Household recycling rates are decreasing.
- Less waste per person is being diverted from landfill.
- The amount of waste being generated is expected to grow by 36 percent by 2036—which is well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of recyclables from countries like Australia are also making it more challenging to find markets for recycled materials.

The combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a poor state.

Local councils in NSW are advocating for the NSW Government to invest the funds collected from the Waste Levy to address the current state of waste management in NSW.

The Local Government NSW Save our Recycling campaign outlines ways the State Government can work with councils to develop, fund and deliver the waste and recycling programs our communities deserve. It is a blueprint for the NSW Government to reinvest the money it collects from the Waste Levy to help fix the State's ailing waste and recycling services and build a circular economy in NSW.

The Save our Recycling campaign focuses on the following key areas for NSW Government action:

- Education: fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign, community by community.
- Innovation: greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow.
- Investment: reinvest the Waste Levy in council-led regional waste and recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste infrastructure and programs. The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis that could be delivered in partnership with local government. The proposed solutions are outlined in the wording of this Mayoral Minute, and include:

- State Government Funding to support regional waste plans for the future of waste and resource recovery.
- State Government Funding for priority infrastructure and local government projects necessary to deliver these regional-scale plans, particularly where market failure has been identified
- Increased local and state government procurement of recycled goods made with domestic content; for example:
 - Recycled content targets to help drive demand and provide incentives to deliver on these targets.
 - Research, develop and deliver recycling technologies and products generated from recyclables, particularly by local or regional councils.

This Mayoral Minute recommends that Council supports the Save our Recycling Campaign, which is being coordinated on behalf of councils by LGNSW.

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

7. Reports

CM/7.1/19.12 Fees and Charges 2019-20 - Minor Amendments - Adoption (A19/0783)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts:

1. The fees for early education and care services set out in Table 1 in this report.
2. The fees for waste services set out in Table 2 in this report.

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

CM/7.2/19.12 Fees and Charges 2019-20 - Amendment - Early Education and Care Services - Exhibition (A19/0783)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses for public exhibition the proposal for amended fees for Council's early education and care services to enable Council to achieve full cost recovery of services, as per the Pricing Policy.
2. Publicly exhibits the proposed \$12 increase to early education and care service fees for the extended period of 11 December 2019 to 31 January 2020.
3. Officers report back to Council on the results of the public exhibition at the February Council meeting.
4. Notes that, in addition to the proposed fee increase, Council officers are investigating various strategies to optimise staffing and improve efficiencies in response to emerging needs and trends.

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

CM/7.3/19.12 Hugh Bamford and Williams Park - Plan of Management - Leases and Licences (A18/0191)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Pending approval from Crown Lands, publicly exhibits the amended draft Hugh Bamford and Williams Park Plan of Management attached to this report for a period of 42 days.
2. Authorises the Director, Community, Assets and Operations, to approve any minor amendments requested by Crown Lands prior to public exhibition.

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

CM/7.4/19.12 Petition - Renewable Energy Target (A02/0131)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland

Seconder: Cr Masselos

That Council refers the petition requesting Council to set a target of 100% renewable energy by 2030 to the Director, Planning, Environment and Regulatory, for appropriate action, and a report come back to Council.

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

I Rose (chief petitioner, on behalf of Climate Action Sydney Eastern Suburbs) addressed the meeting.

CM/7.5/19.12 Bondi Festival 2020 - Proposal (A19/0057)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Endorses the event concept for the Bondi Festival as outlined in this report, bringing together the Bondi Winter Magic and Bondi Feast programs.
2. Endorses the initial draft budget for the Bondi Festival 2020 proposal for inclusion in the 2020–21 budget process, noting a final budget and event concept will be submitted to Council at a future date, as some costs may be reduced following further planning and cost analysis.
3. Endorses the creative lighting installation component and associated budget for the trial creative lighting offering in 2020 for inclusion in the 2020–21 budget process.
4. Continues to undertake stakeholder engagement and consultation throughout the process, including with the Bondi Chamber of Commerce on how best to implement the integrated concept.

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

CM/7.6/19.12 Events - Requests for Financial Assistance (A17/0607)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council, under section 356 of the *Local Government Act*:

1. Grants up to \$2,310 (excluding GST) in financial assistance and additional in-kind support to Flickerfest to help cover the costs of running the 29th Annual Flickerfest Short Film Festival in 2020.
2. Grants up to \$9,500 (excluding GST) in financial assistance and additional in-kind support to the

Bondi Association for Arts and Music to help cover the costs of running the 2020 Latin American Festival.

3. Grants up to \$12,123 (excluding GST) in financial assistance and additional in-kind support to Ocean Lovers Alliance to help cover the costs of running the 2020 Ocean Lovers Festival.
4. Grants \$1,325 (excluding GST) in financial assistance to the Dover Heights Shule to cover event fees associated with holding the Chanukah Festival.

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

CM/7.7/19.12 Eastern Reserve - Slope Stabilisation (A19/0683)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Nemesh

That Council:

1. Enters into contract with EB Group Pty Ltd for the stabilisation of the slope at Eastern Reserve for the sum of \$124,363 (excluding GST).
2. Allocates \$40,000 from the SAMP Parks Infrastructure Reserve to fund the budget shortfall for the works.

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

CM/7.8/19.12 Bondi Lifeguard Facilities and Bondi Park Southern Amenities Projects - Update (A18/0028)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes this update on the Bondi Park Southern Amenities and Lifeguard Facilities projects.
2. Notes the outcomes of the consultation completed in April 2019.
3. Endorses the updated design for the Lifeguard Facilities project attached to this report.
4. Progresses to a request for tender following receipt of integrated development application approval.

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

CM/7.9/19.12 Voluntary Planning Agreement - 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction (SF18/2505)**MOTION / DECISION**

Mover: Cr Lewis
Seconder: Cr Wakefield

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 87–99 Oxford Street and 16–22 Spring Street, Bondi Junction.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.
3. Notes that the VPA is for the provision of floor space, and that, generally, Council’s policy is that monetary VPA contributions are spent in the immediate vicinity of the development to which they relate.
4. Investigates allocating 15–25% of any monies generated by the VPA to affordable housing, and that a report comes back to Council.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Lewis, Masselos, Nemesh and Wakefield.

Against the Motion: Crs Keenan and Wy Kanak.

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

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

CM/7.10/19.12 Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse (SF19/5740)

At 9.04 pm, during the consideration of this item, the meeting adjourned for a short break.

At 9.12 pm, the meeting resumed.

MOTION

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 701–707 Old South Head Road, Vaucluse. The draft Planning Agreement offers a total monetary contribution of \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (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.
3. Notes that Council’s policy is that VPA contributions are spent in the immediate vicinity of the development to which they relate.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR LEWIS AND SECONDED BY CR KEENAN:

That debate on this item be adjourned to the February Council meeting.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr O'Neill was not present for the consideration and vote on the procedural motion.

CM/7.11/19.12 Bondi Pavilion Restoration and Conservation Project - Expression of Interest (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 Wy Kanak

That Council:

1. Treats the EOI Summary and Recommendation and the Evaluation Matrix 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)(c) of the *Local Government Act 1993*. The attachments contain information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Endorses the proposed shortlisting of submitters to be invited to tender for the Bondi Pavilion Restoration and Conservation Project as set out in the confidential EOI Summary and Recommendation attached to this report.
3. Notifies unsuccessful submitters of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.12/19.12 SSROC Supplier Panel - Supply and Delivery of Road Vehicle Brooms, Brushes and Spare Parts (SF19/3620)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Nemesh

That Council:

1. Treats the attachment to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Adopts the SSROC-approved suppliers below as a supplier panel for the supply and delivery of road vehicle brooms, brushes and spare parts for three years with two one-year options:
 - (a) Rylepair Pty Ltd (trading as BSB Brushes & Signs).
 - (b) Industrial Brushware Pty Ltd.

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

CM/7.13/19.12 Bondi Beach Sea Wall Murals - Revised Guidelines and Terms and Conditions (A18/0144)

MOTION

Mover: Cr Masselos
 Seconder: Cr Keenan

That Council adopts the revised Guidelines and Terms and Conditions attached to this report (Attachment 2) for artists applying to paint murals on the Bondi Beach Sea Wall subject to the following:

1. Include a new paragraph in the 'Context' section: 'Bondi Beach is one of the most recognised locations around the world and is the second most popular tourist destination in Sydney. It attracts a diverse range of locals and visitors, including families and tourists (both domestic and international).'
2. In the 'Note: Memorial Murals' section, replace 'No further memorial murals will be approved' with 'To prevent the wall from becoming static, no further permanent memorial murals will be approved.'
3. In the 'Summary of the Application and Curatorial Process' section:
 - (a) Change the first bullet point to 'Submit mural application and artwork image/concept design online.'
 - (b) Amend the last bullet point so that it now reads 'Subject to submission of a mural proposal that meets the guidelines and terms and conditions, Council may allow murals associated with other exhibitions or events at Bondi Beach to be added outside the normal application process.'
4. In the 'General Conditions' section, change the last bullet point so that it now reads 'Unauthorised murals that do not comply with Council's Bondi Beach Sea Wall Guidelines and Terms and Conditions will be removed within 24–48 hours where possible.'

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Goltsman
 Seconder: Cr Burrill

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

5. In the 'Guidelines for Artistic Use of the Site' section, change the beginning words of the third bullet point to read 'Offensive and divisive work is not permitted, including that which is racist, sexist, ... etc.'

AMENDMENT 2

Mover: Cr Burrill
 Seconder: Cr Kay

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

5. In the 'Guidelines for Artistic Use of the Site' section, change the beginning words of the third bullet point to read 'Offensive work is not permitted, including that which is racist, sexist, ... etc.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the revised Guidelines and Terms and Conditions attached to this report (Attachment 2) for artists applying to paint murals on the Bondi Beach Sea Wall subject to the following:
 - (a) Include a new paragraph in the 'Context' section: 'Bondi Beach is one of the most recognised locations around the world and is the second most popular tourist destination in Sydney. It attracts a diverse range of locals and visitors, including families and tourists (both domestic and international).'
 - (b) In the 'Note: Memorial Murals' section, replace 'No further memorial murals will be approved' with 'To prevent the wall from becoming static, no further permanent memorial murals will be approved.'
 - (c) In the 'Summary of the Application and Curatorial Process' section:
 - (i) Change the first bullet point to 'Submit mural application and artwork image/concept design online.'
 - (ii) Amend the last bullet point so that it now reads 'Subject to submission of a mural proposal that meets the guidelines and terms and conditions, Council may allow murals associated with other exhibitions or events at Bondi Beach to be added outside the normal application process.'
 - (d) In the 'General Conditions' section, change the last bullet point so that it now reads 'Unauthorised murals that do not comply with Council's Bondi Beach Sea Wall Guidelines and Terms and Conditions will be removed within 24–48 hours where possible.'
2. Has a link to the Guidelines and Terms and Conditions on its website.

DECISION: That the Motion be adopted.

CM/7.14/19.12 Stronger Communities Fund - Progress Report (A19/0224)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council receives and notes the progress report on the Stronger Communities Fund.

8. Notices of Motions**CM/8.1/19.12 Alcohol Free Zones and Alcohol Prohibited Areas - Improving Community Safety and Amenity (A03/0099)**

This matter was last considered by Council at its meeting on 19 November 2019. Debate on the item was adjourned to this meeting.

MOTION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council:

1. Increases Council Ranger patrols and personnel in our Alcohol Free Zones and Alcohol Prohibited Areas as per our existing practice during the summer season to:
 - (a) More effectively enforce the restrictions.
 - (b) Improve the monitoring of people's anti-social behaviour.
 - (c) Better educate visitors on the alcohol restrictions.
 - (d) Increase contact with the NSW Police.
 - (e) Improve community safety and amenity overall.
2. Organises regular family-friendly activities, such as bouncing castles, a mobile library and surf demonstrations, in Biddigal Reserve and Tamarama Park, subject to budget availability.
3. Prepares a debriefing report for the April 2020 Council meeting that summaries Council's actions, and those of the NSW Police, during the summer season within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas, and recommendations for the 2020–21 summer period.

AT THIS STAGE IN THE PROCEEDINGS, CR KAY MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

FORESHADOWED MOTION

Mover: Cr Wakefield

That Council receives a report at the February 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR

WAKEFIELD AND SECONDED BY CR LEWIS:

That debate on this matter be adjourned to the December Council meeting to enable Council to receive further information.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and Wakefield.

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

Cr Burrill was not present for the vote on the procedural motion.

FOLLOWING THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council:

1. Increases Council Ranger patrols and personnel in our Alcohol Free Zones and Alcohol Prohibited Areas as per our existing practice during the summer season.
2. Officers make recommendations to Council for improvements in Council's responses and other actions, including organising regular family-friendly activities, such as bouncing castles, a mobile library and surf demonstrations, in Biddigal Reserve and Tamarama Park, subject to budget availability.
3. Prepares a debriefing report, including outcomes from clause 2 above, for the March 2020 Operations and Community Services Committee meeting that summaries Council's staff resourcing and actions, and those of the NSW Police, to anti-social behaviour and alcohol-related issues during the summer season within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour at licensed premises that are in the vicinity of Council's Alcohol Free Zones and Alcohol Prohibited Areas, and provides recommendations for the 2020–21 summer period.

AT THIS STAGE IN THE PROCEEDINGS, CR LEWIS MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

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

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

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

THE FORESHADOWED MOTION NOW BECAME THE MOTION AND WAS MOVED AS FOLLOWS:

MOTION

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council receives a report at the February 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

AT THIS STAGE IN THE PROCEEDINGS, AT 10.09 PM, THE CHAIR ADJOURNED THE MEETING DUE TO DISORDER.

AT 10.15 PM, THE MEETING RESUMED.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE DATE IN THE FIRST PARAGRAPH OF THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council receives a report at the March 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/8.2/19.12 Increasing On-street Parking (A15/0235)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Investigates ways to increase on-street parking in the Waverley local government area, including but not limited to:
 - (a) When sufficient permanent staff resources become available, as recommended in the General Manager's comment, reducing the regulatory 'No Stopping' setback restrictions at unsignalised intersections, pedestrian crossings and traffic islands, using such measures as kerb blisters, kerb extensions, and Waverley Traffic Committee approval via the appropriate RMS Technical Direction.
 - (b) Adopting an enforcement protocol that is flexible, fair and consistent, yet at the discretion of Council's Parking Patrol Officers.
 - (c) Contacting Australia Post to identify 24/7 mail zones that can be permanently removed,

time limited for postal vehicles, or converted to post boxes without mail zone signage.

- (d) Ensuring future Waverley Traffic Committee report proposals identify opportunities to minimise on-street parking loss and, where possible, increase on-street parking.
 - (e) Time-limiting funeral and wedding parking, or other options, to release on-street parking to the community when funerals and weddings are not taking place.
2. Officers institute changes as opportunities arise.
 3. Notes that the investigatory work required in clauses 1(c) and 1(e) above is relatively simple, low cost, and can be performed with existing staff resources, further noting that proposals would be referred to the Waverley Traffic Committee.
 4. Notes that the requirement in clause 1(d) to ensure on-street parking consideration should be current practice for any Waverley Traffic Committee report.
 5. In the interim, noting the General Manager's comment about the lack of available permanent staff resources to perform the full extent of the required investigation in clause 1(a) at this time, considers short-term parking outcomes that can be achieved easily and simply, with minimal funding and little effort by staff resources and, in this regard, invites Councillors, Waverley residents and other interested parties to suggest locations where on-street parking may be improved. Council officers would briefly assess these suggestions and determine what can be investigated now and what should be deferred to a later time when permanent staff resources become available.

Division

For the Motion: Crs Betts, Burrill, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Crs Copeland, Keenan and Wy Kanak.

CM/8.3/19.12 Old South Head Road between Penkivil Street and Flood Street, Bondi - Bus Lane (A04/0458)

This matter was last considered by Council at its meeting on 19 November 2019. Debate on the item was adjourned to this meeting.

MOTION

Mover: Cr Kay

Seconder: Cr Betts

That Council writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, the Member for Vacluse, the Hon. Gabrielle Upton, MP, and Roads and Maritime Services requesting that the westbound Old South Head Road bus lane between Penkivil Street and Flood Street not be reinstated.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR KAY:

That debate on this matter be adjourned to the December Council meeting to allow Council to receive any available statistics on bus movements.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr Burrill was not present for the consideration and vote on the procedural motion.

FOLLOWING THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council:

1. Writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, the Member for Vaucluse, the Hon. Gabrielle Upton, MP, and Transport for NSW requesting that consideration be given to the westbound Old South Head Road bus lane between Penkivil Street and Flood Street not being reinstated.
2. Notes that the above clause has been amended following dissolution of the RMS and transfer of RMS functions to Transport for NSW in November 2019.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR COPELAND:

The debate on this item be adjourned until the PTIPS statistics and analysis are made available by RMS.

THE MOVER OF THE PROCEDURAL MOTION THEN WITHDREW THE PROCEDURAL MOTION.

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

That Council:

1. Writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, requesting that the PTIPS statistics and analysis be made available to Council prior to any decision being made in regard to the trial of the bus lane westbound on Old South Head Road between Penkivil Street and Flood Street.
2. Notes that the above clause has been amended following dissolution of the RMS and transfer of RMS functions to Transport for NSW in November 2019.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

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

CM/8.4/19.12 Marks Park - Protecting Children (A03/0450)

MOTION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Ensures that Rangers regularly enforce the dog restrictions in Marks Park to make sure that dogs are under effective control by their owners, as determined by the *Companion Animals Act 1998*. This includes monitoring the daily 4.30 pm–8.30 am off-leash times, dogs on-leash at all other times, and dogs being at least 10 m from the children’s play equipment in the recently upgraded play space.

2. Urgently investigates what further physical measures should be implemented at the perimeter of the recently upgraded play space to ensure protection of the children from off-leash dogs.
3. Investigates what activities, such as bikes and skateboards, should be formally banned from the new concrete access path, so that users of the access path can feel safe.
4. Officers report back to Council in February 2020 with outcomes of the above investigations, to include an estimated budget and timing, and proposed funding sources to implement the works, noting that for the works to be completed in the 2019–20 financial year it would be dependent on the quarterly budget review process.

AMENDMENT

Mover: Cr Keenan

Seconder: Cr O'Neill

That the Motion be adopted subject to the deletion of clause 3.

AT THIS STAGE IN THE PROCEEDINGS, AT 11.27 PM, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR WY KANAK, TO EXTEND THE TIME OF THE MEETING.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That Council:

1. Ensures that Rangers regularly enforce the dog restrictions in Marks Park to make sure that dogs are under effective control by their owners, as determined by the *Companion Animals Act 1998*. This includes monitoring the daily 4.30 pm–8.30 am off-leash times, dogs on-leash at all other times, and dogs being at least 10 m from the children's play equipment in the recently upgraded play space.
2. Urgently investigates what further physical measures should be implemented at the perimeter of the recently upgraded play space to ensure protection of the children from off-leash dogs.
3. Officers report back to Council in February 2020 with outcomes of the above investigations, to include an estimated budget and timing, and proposed funding sources to implement the works, noting that for the works to be completed in the 2019–20 financial year it would be dependent on the quarterly budget review process.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD MOVED A MOTION, SECONDED BY CR GOLTSMAN, THAT ITEMS CM/8.5/19.12, CM/8.7/19.12, CM/8.8/19.12, CM/8.9/19.12, CM/8.10/19.12, CM/8.11/19.12 and CM/9.2/19.12 BE DEFERRED TO THE NEXT COUNCIL MEETING.

THE MOTION WAS PUT AND DECLARED CARRIED.

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

CM/8.5/19.12 Queens Park Pedestrian and Cycle Path (A18/0523)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.6/19.12 State of Climate and Biodiversity Emergency (A09/1017)**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland

Seconder: Cr Masselos

That Council:

1. Declares that we are in a State of Climate and Biodiversity Emergency that requires urgent action by all levels of government, that human induced climate change and biodiversity loss represents existential threats to human civilisation, other species and the life-supporting capacity of air, water, soil, and ecosystems, and that it is still possible to prevent the most catastrophic economic, social and environmental impacts if, and only if, societies take Emergency Action.
2. Calls on the Federal Government, State Governments, all Australian Councils and LGNSW to Declare a State of Climate and Biodiversity Emergency to show solidarity with over 900 governments worldwide, including the United Kingdom, the Australian Capital Territory and 76 Australian councils as at 19 June 2019, who have Declared a Climate Emergency.
3. Calls on the Federal Government to put a direct price on carbon emissions and implement the just transition from coal mines, liquid natural gas and coal seam gas to renewable energy, and notes the Federal Government's latest (2018) emissions data show we are increasing, not reducing, our carbon emissions.
4. Calls on the NSW Government to take immediate steps to amend the *Environmental Planning and Assessment Act 1979*, and relevant State Environmental Planning Policies to ensure that all new development is required to meet the highest environmental standards, and funding sources are made available to local government to address the impact of climate change and biodiversity loss.
5. Recognises that First Nation traditional owners are the caretakers of land, water and sky (air) with a spiritual, social, cultural and economic relationship with their traditional lands, water and sky, and that this custodianship extends to looking after biodiversity and its related climate.
6. Provides a summary/update bulletin on Council's website to succinctly inform the Waverley Community what Council is doing/ has done recently (over the last three or four years) in our municipality to address the climate and biodiversity emergency in the following areas, including but not limited to: Water, Biodiversity, Renewable Energy, Carbon Emissions (reduction from building design and construction). Noting that Council already has an Environmental Sustainability Program in line with Council policy and budget provision, currently reports on our environmental progress through the Environmental Action Plan 2018–2030 and reports to Council, Operational Plan progress reports and annual reports.
7. Writes to the Prime Minister, Deputy Prime Minister, Federal Minister for the Environment, NSW Premier, NSW Deputy Premier, NSW Minister for the Environment, their shadows, and Local

Government NSW informing them that Waverley Council has declared a State of Climate and Biodiversity Emergency.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak

Against the Motion: Nil.

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

L Payne addressed the meeting.

CM/8.7/19.12 Council Apps (A15/0210)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.8/19.12 Right to Free Speech and Protest (A18/0601)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.9/19.12 Acknowledgement of Country in Email Signatures (A02/0424)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.10/19.12 Water Tank Rebate Scheme (A06/2074)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.11/19.12 Hollywood Avenue Car Park - Resident Rate for Overnight Use (A18/0477)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/8.12/19.12 Varna Park - Stormwater Harvesting System (A06/0739)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconder: Cr Kay

That Council investigates the feasibility of stormwater harvesting and reuse and/or water sensitive urban design (WSUD) options for Varna Park in maintaining the reserve, and that a report come back to Council in May 2020.

CM/8.13/19.12 Clovelly Public School - Arden Street Crossing (SF18/779)

At 11.05 pm, following the vote on this item, Cr Burrill left the meeting and did not return.

MOTION

Mover: Cr Burrill
Seconder: Cr Goltsman

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. Investigates:
 - (a) Installing advisory signs around the signalised pedestrian crossing.
 - (b) Installing a temporary traffic island in the position of those approved by Traffic Committee such as water filled barriers and/or painted islands until the works are undertaken next year
 - (c) Providing a grant to the Clovelly School to cover the cost of a traffic warden during school terms until the safety improvement works are undertaken next year
 - (d) Taking any other steps to improve safety at this crossing

AMENDMENT

Mover: Cr Keenan
Seconder: Cr Masselos

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

‘On completion of these works, undertakes a safety audit to ascertain any additional works that are required.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

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

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. On completion of these works, undertakes a safety audit to ascertain any additional works that are required.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THREE CLAUSES SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. On completion of these works, undertakes a safety audit to ascertain any additional works that are required.
3. Notes that officers are currently preparing works in regard to the relocation of traffic signals and crossing, footpath and kerb and gutter construction, installation of traffic islands, bus stop relocation and other works.
4. Further notes that RMS failed to provide funding for these works.
5. Notes that officers are currently considering temporary measures to improve safety at this location, including temporary traffic islands and advisory signs.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

9. Questions with Notice

CM/9.1/19.12 Policies and Strategies (A09/0450)

QUESTION

The following question was submitted by Cr Nemesh:

1. How many current Council-approved policy or strategy documents does Council have?
2. How many current Council-approved plan documents does Council have?
3. What percentage of the above documents is mandated by the State Government and what percentage has been generated by Council?

General Manager's answer

The General Manager has recently reviewed Council's processes for managing policy work, which was largely neglected during the amalgamation period. This review includes an assessment of the status of all Council's policy documents, which is currently being undertaken by Directors. Following this work, all Council policy documents will be gradually reviewed and updated and reported to Council as necessary.

Currently, Council's website contains:

1. 37 Council-approved policies and seven Council-approved strategy documents.
2. 33 Council-approved plans.

Regarding clause 3:

- 29% of Council-approved policies are mandated by the State government.
- 42% of Council-approved strategies are mandated by the State government.
- 36% of Council-approved plans are mandated by the State government.

The General Manager will be in a position to respond in more detail to this question early next year once the above work is further progressed.

John Clark

Director, Customer Service and Organisation Improvement

CM/9.2/19.12 On-street Parking Losses (A15/0235)

QUESTION

The following question was submitted by Cr Nemes:

Since October 2017, how many on-street parking spaces within the local government area have been removed by Council?

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

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

CM/9.3/19.12 North Bondi Children's Pool Mosaic (A17/0484)**QUESTION**

The following question was submitted by Cr Burrill:

That Council advises an itemised breakdown of the costs of the recommissioning and installation of the mosaic wall public artwork at the North Bondi Kids' Pool.

General Manager's answer

The budget for the North Bondi Civil Infrastructure Asset Renewal project has an allowance of \$250,000–\$300,000 for the North Bondi Children's Pool Mosaic.

Expenditure to date is as follows:

ITEM	COST
Conservators report	\$15,700
Artist workshop	\$3,900
Detailed documentation of mosaic	\$40,000
Commissioning temporary mural artwork	\$14,000
TOTAL	\$73,600

Officers are awaiting an expert report detailing options and approaches for completion of the mosaic artwork as set out in previous Council motions. Once the preferred approach is determined, a more accurate budget figure can be determined.

John Clark

Director, Customer Service and Organisation Improvement

10. Urgent Business

There were no items of urgent business.

11. Closed Session**CM/11/19.12 Closed Session**

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Kay
 Seconder: Cr Wakefield

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

CM/11.1/19.12 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange

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.

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

At 11.31 pm, Council moved into closed session.

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

**CM/11.1/19.12 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange
(A13/0061)**

MOTION

Mover: Cr Masselos
 Seconder: Cr Lewis

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. Resolves to sell Lots 1, 2 and 3 of DP 1238821 (formerly Rowe Street) subject to appropriate conditions and commercial terms, including:
 - (a) A satisfactory legal framework that ensures any development on the site adheres to strict design outcomes that require a new direct and permanent public access to the Bondi Junction Transport Interchange from Oxford Street Mall.
 - (b) An agreement between the purchaser and Zondaro for the purchase of the adjoining Zondaro landholdings.
3. Officers undertake the next steps outlined in this report, including:
 - (a) Liaising with key stakeholders, including TfNSW, RailCorp, Meriton and Zondaro.
 - (b) Undertaking further investigations, as required.
 - (c) Corresponding with TfNSW to understand technical requirements and management/ownership of transport infrastructure within the proposed pedestrian link.

- (d) Procuring necessary consultants and preparing the relevant sales materials and legal documents to enable the site to be put to market for acquisition and development.
 - (e) Placing the property on the market via an EOI process.
4. Receives a further report following the evaluation of offers received to allow decision making on whether to proceed with a sale, noting that officers will recommend against sale should satisfactory price and design outcomes not be achieved.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause before clause 3(e):

‘Organising an external peer review of the sales and legal documentation, including a risk assessment of the legal requirements not being fully met and the consequences of this occurring, with a Councillor workshop and a report being prepared for Council consideration prior to any EOI process.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemesch.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

Crs Betts, Kay and Wy Kanak requested that it be recorded in the minutes that they voted against the Motion.

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

12. Resuming in Open Session

CM/12/19.12 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council resumes in open session.

At 11.46 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 11.49 PM.

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SIGNED AND CONFIRMED
MAYOR
18 FEBRUARY 2020