



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 15 NOVEMBER 2016**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Joy Clayton	Bondi Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewe	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Peter Brown	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Manager, Internal Ombudsman's Office

At the commencement of proceedings at 6.30PM those present were as listed above, with the exception of Cr Wakefield who arrived at 6.52PM.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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.

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 were received:

- 2.1 Cr KAY declared a significant non pecuniary interest in Item CM/8.1/16.11 – ABORIGINAL MURAL AT CHAPEL BY THE SEA and informed the meeting that his cousin was one of the artists who painted the mural. Cr Kay advised the meeting that he will leave the chamber for the debate and vote on the item.
- 2.2 Cr KAY declared a less than significant non pecuniary interest in Item CM/9.1/16.11 – CONFIDENTIAL REPORT - WESTCONNEX COMPENSATION CLAIM and informed the meeting that he knows the Valuer mentioned in the report from his adult years in London.
- 2.3 Cr MOUROUKAS declared a pecuniary interest in Item CM/7.12/16.11 WAVERLEY DEVELOPMENT ASSESSMENT PANEL – ADDITIONAL MEMBERS FOR POOL and informed the meeting that he is a party to a development application currently with Council and that will be determined by the Panel. Cr Mouroukas advised the meeting that he will leave the chamber for the debate and vote on the item.
- 2.4 Cr CLAYTON declared a less than significant non pecuniary interest in the items regarding the Bondi Pavilion and informed the meeting that she is a user of the Pavilion.
- 2.5 Cr WY KANAK declared a less than significant non pecuniary interest in the items regarding the Bondi Pavilion and informed the meeting that he is a user of the Pavilion.
- 2.6 Cr WY KANAK declared a less than significant non pecuniary interest in Item CM/8.1/16.11 – ABORIGINAL MURAL AT CHAPEL BY THE SEA and informed the meeting that he has worked with objectors on their submissions.
- 2.7 Cr MOUROUKAS declared a less than significant non pecuniary interest in Item CM/9.1/16.11 – CONFIDENTIAL REPORT - WESTCONNEX COMPENSATION CLAIM and informed the meeting that he knows the Valuer mentioned in the report.

3. Addresses to Council by Members of the Public

- 3.1 N Boaz – CM/7.1/16.11 – Bondi Pavilion Upgrade & Conservation Project – Consultation & Engagement Report.

- 3.2 L Kulakauskas – CM/7.1/16.11 – Bondi Pavilion Upgrade & Conservation Project – Consultation & Engagement Report.
- 3.3 L Kulakauskas – CM/7.2/16.11 – Bondi Pavilion Upgrade & Conservation Project - Staged Approach.
- 3.4 P Winkler – CM/7.2/16.11 – Bondi Pavilion Upgrade & Conservation Project - Staged Approach.
- 3.5 P Paech – CM/7.14/16.11 – Bondi Park Reserve Trust and Crown Lands Legislation.
- 3.6 L Hajnal – CM/8.2/16.11 – Infringing vehicles parked on private property covered by a strata scheme under new legislation.
- 3.7 J Levey – CM/8.4/16.11 – NSW Crown Land Management Bill.
- 3.8 E Morel – CM/8.8/16.11 – Bondi Park and Pavilion Plan of Management - Implementation of Management Structure.

4. Confirmation and Adoption of Minutes

CM/4.1/16.11 Confirmation of Minutes - Council Meeting - 18 October 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 18 October 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/16.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 October 2016 (SF16/158)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Mouroukas

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 27 October 2016 be received and noted, and that the recommendations contained therein be adopted.

5. Mayoral Minute

Nil.

6. Obituaries

Gloria Dawn Cecilia Mortimer-Dunn OAM
Patty Hadley
Uncle Rae Lewis
Shirley Lynette Haines

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

7. Reports

CM/7.1/16.11 Bondi Pavilion Upgrade & Conservation Project - Consultation & Engagement Report (A15/0272)

Subsequent to the meeting a Motion to rescind this resolution was lodged with the General Manager. The Rescission Motion will be considered by Council at its next meeting.

Crs Clayton and Wy Kanak declared less than significant non pecuniary interests in this item and informed the meeting that they are users of the Pavilion.

MOTION

Mover: Cr Betts

Seconder: Cr Goltsman

That Council:

1. Thanks all participants in the Bondi Pavilion Upgrade & Conservation consultation and engagement period which took place in July – September 2016.
2. Notes that the report on the further consultation and engagement will inform future Council decisions about the project.
3. Notes that this is the third consultation undertaken on the Bondi Pavilion, including the Plan of Management.
4. Notes that this report aligns more closely with community sentiment than previous Council reports and the direction of Council.

AMENDMENT

Mover: Cr Wakefield

Seconder: Cr Masselos

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

'A report be prepared by officers detailing how the current proposal, including staging and the alternative shelved proposals, fulfils community expectations as represented in the KJA report.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Cr Wy Kanak was not present for the vote on the Substantive Motion.

N Boaz and L Kulakauskas addressed the meeting.

CM/7.2/16.11 Bondi Pavilion Upgrade & Conservation Project - Staged Approach (A15/0272)

Subsequent to the meeting a Motion to rescind this resolution was lodged with the General Manager. The Rescission Motion will be considered by Council at its next meeting.

Crs Clayton and Wy Kanak declared less than significant non pecuniary interests in this item and informed the meeting that they are users of the Pavilion.

MOTION

Mover: Cr Betts

Seconder: Cr Cusack

That Council:

1. Treats Attachments 3 and 4 to this report as confidential as they relate to matters 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 the Council is conducting (or proposes to conduct) business.
2. Agrees to proceed with the staged approach to the Bondi Pavilion Upgrade & Conservation Project in accordance with "Staging Plan – Stage 1 Ground Floor plan" dated February 2016 (page 4, figure 1) including:
 - Construction of new public toilets and amenities
 - Construction of expanded community space/s adjoining the northern courtyard which will include a relocated pottery studio (including a kiln) and space allocated for a music/recording studio
 - Internal colonnades and landscaping of the northern courtyard sufficiently wide to accommodate passenger traffic and a small outdoor seating area
 - Loading dock and relocated improved waste arrangements
 - Heritage works including removal of front façade modern addition
 - Renovation of the northern commercial space facing the beach, with the flexibility of this being a single commercial tenancy or a two tenancy area as shown on the current concept plan.
 - Solar panels and other environmental sustainable design measures
 - Any other necessary works located on the ground floor northern side of the building including providing a footing for the proposed relocated fire stair for improved access to the first floor.
3. Convenes a councillor workshop in the first quarter of 2017 prior to submission of DA documentation to review design progress, internal courtyard landscaping, toilet safety, fire risk assessment and the options for an alternate vehicle access for waste collection with a second councillor workshop to be organised if required.
4. Once the above work is completed the following work to proceed to complete phase one:
 - Original toilet area to be converted to a gallery/exhibition/museum space
 - The internal amphitheatre to be removed and replaced with paving – ensuring that Flickerfest is still able to use the space as an outdoor cinema within the walls of the Pavilion

- Renovation of the heritage façade facing Beach Road to form a grand entrance and pedestrian access to the beach through the courtyard in keeping with the Master Plan.
5. Decisions of any further phases of the project, including the use of the top floor and any relocation of the theatre, will take place after the Council elections, currently scheduled for September 2017.
 6. Notes the incoming Council will be assisted in their decision making by the consultation report, and the forthcoming technical documents including the:
 - a. Business case
 - b. Cultural and Community Impact assessment
 - c. Proposed Fair use Policy
 - d. Proposed theatre programming and hire framework
 - e. A report on appropriate future technology for the Bondi Pavilion music studio facility and
 - f. A report on commercial tenancy spaces and processes
 7. Reissues “Staging Plan – Stage 1 Ground Floor plan” dated February 2016 expanding the stage one area to incorporate the demolition of the amphitheatre and works on the rear entrance.

AMENDMENT

Mover: Cr Clayton
 Seconder: Cr Strewe

That the Motion be adopted subject to clause 2, dot point 1, being amended to read as follows:

‘Construction of additional public toilets and amenities, but that officers investigate how best to modify Stage 1 in order to maximise the use of existing services and sewerage (with a view to minimising additional cost), for example through converting the existing male and female central toilet facility to all-female facility, and converting the existing rear Bucket List extension to a male public toilet and amenity facility. This may allow the existing pottery studio to remain in its current location.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.
Against the Amendment: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT

Mover: Cr Clayton
 Seconder: Cr Wakefield

That the Motion be adopted subject to clause 2, dot point 5, being amended to read as follows:

‘Retain the modern front addition to the Bucket List tenancy.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.
Against the Amendment: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT (WITHDRAWN)

Mover: Cr Wakefield
 Seconder: Cr Clayton

That the Motion be adopted subject to Council holding a preliminary councillor workshop to address security and other concerns in the current design of the toilet block.

AMENDMENT

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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

‘Notes that at the councillor workshop on 8 November 2016, it was indicated that officers did not support the recommendation to stage the redevelopment of the Pavilion’.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Amendment:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

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

Division**For the Motion:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.**Against the Motion:** Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

P Winkler and L Kulakauskas addressed the meeting.

CM/7.3/16.11 Q1 Budget Review - September 2016 (A03/0346)**MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Kay

That Council adopts the variations to the Operating and Capital budgets in accordance with Attachment 1 and Attachment 2 to this report, with the following amendments:

1. Delete the \$48,000 increase to Art Services and associated \$22,300 Cultural Programs increase.
2. Allocate \$70,300 to the Centralised Reserve, for future allocation to the Bondi Pavilion Upgrade & Conservation Project, to be allocated to equipment for the pottery studio, recording studio and gallery/exhibition space.

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

Division**For the Motion:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.**Against the Motion:** Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.**CM/7.4/16.11 Annual Report 2015/16 (A15/0196)****MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council endorses the Annual Report 2015/16 attached to this report.

Cr Guttman-Jones was not present for the vote on this item.

CM/7.5/16.11 Audited Financial Statements for the year ended 30 June 2016 (A15/0244)**MOTION / DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. In accordance with Section 418 of the Local Government Act, Council receive and note the Auditor's Report on the 2015/16 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules)
2. Any public submissions on the 2015/16 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) be referred to Council's Auditor, Hill Rogers.

Cr Guttman-Jones was not present for the vote on this item.

CM/7.6/16.11 Investment Portfolio Report - September 2016 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – September 2016.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the Local Government Act 1993 and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.

Cr Guttman-Jones was not present for the vote on this item.

CM/7.7/16.11 Planning Agreement for 91-93 Glenayr Ave, Bondi Beach (DA-169/2015)**MOTION / DECISION**

Mover: Cr Kay
Seconder: Cr Goltsman

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 91-93 Glenayr Avenue, Bondi Beach that contributes \$425,151 to Council for public domain upgrades associated with the intersection ("Seven Ways") and park in the immediate vicinity of the development.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Cr Guttman-Jones was not present for the vote on this item.

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

CM/7.8/16.11 Implementation of Smoke Free Zone at Bondi Beach (A04/0512)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Amends the Smoke Free Zone in Bondi Beach, to be on both sides of Hall Street Bondi Beach from the southern side of Glenayr Avenue to Campbell Parade, between 7.00am and 9.00pm, to commence in March 2017.
2. Notes the implementation will require additional and ongoing resources which are recommended for approval in the 2016/17 First Quarter Budget Review.

Cr Guttman-Jones was not present for the vote on this item.

CM/7.9/16.11 Alcohol Free Zone - Bondi Junction (A13/0186)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill
Seconder: Cr Clayton

That Council endorse the re-establishment of an Alcohol Free Zone within Bondi Junction as set out in the report.

CM/7.10/16.11 Purchase of Three Resource Recovery Trucks (A16/0333)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Notes that units offered by the combination of Hino/Garwood are suitable for Waverley Council and meet all essential and desirable components of the specifications.
2. Approves the purchase of an additional three (3) Resource Recovery trucks as per the Plant Replacement Schedule 2016-2017.

CM/7.11/16.11 Fleet Wash Facility and Services - Evaluation of Tender (A16/0577)**MOTION / DECISION**

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluation of Findings report attached to Council's file as confidential as it contains information of the kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with

United Resource Management Environment Pty Ltd for the Fleet Washing Facility and Services for 12 months with an option to extend for an additional 12 months.

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

**CM/7.12/16.11 Waverley Development Assessment Panel - Additional Members for Pool
(A13/0229)**

Cr Mouroukas declared a pecuniary interest in this item and informed the meeting that he is a party to a development application currently with Council and that will be determined by the Panel. Cr Mouroukas was not in, or in sight of, the chamber for the debate and vote.

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Burrill

That:

1. Council approves of an increase to the Waverley Development Assessment Panel membership pool.
2. The following persons be added as members:
 - Michael Staunton – Barrister
 - Annelise Tuor – Professional expert
 - James Phillips - Professional expert
 - David Crofts - Professional expert
 - Charles Hill - Professional expert
 - Matthew Taylor - Professional expert
 - Sandra Robinson – Community representative/expert

Crs Masselos, Strewe and Wy Kanak asked that it be recorded in the minutes that they voted against the Motion.

CM/7.13/16.11 Transition Project Unit update (A16/0054)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council receives and notes this report.

CM/7.14/16.11 Bondi Park Reserve Trust and Crown Lands Legislation (A03/1909)

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Kay

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)(di) of the Local

Government Act 1993. The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Notes the information provided in this report, and requests that a Councillor workshop and community information session be held on the new Crown Lands Management Act and the impact on the community, Councils and on Council responsibilities.

P Paech addressed the meeting.

8. Notices of Motion

CM/8.1/16.11 Aboriginal Mural at Chapel by the Sea (DA-428/2016)

Cr Kay declared a significant non pecuniary interest in this item and informed the meeting that his cousin was one of the artists who painted the mural. Cr Kay was not in, or in sight of, the chamber for the debate and vote.

Cr Wy Kanak declared a less than significant non pecuniary interest in this item and informed the meeting that he has worked with objectors on their submissions.

MOTION / DECISION

Mover: Cr Wy Kanak
 Seconder: Cr Wakefield

That Council readvertise another Public Notification period for the Development Application affecting the Aboriginal Mural at Chapel by the Sea to allow the community extended time in which to put submissions which would ensure that this piece of important public reconciliation art is kept intact in situ.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Mouroukas and Strewe.

CM/8.2/16.11 Infringing vehicles parked on private property covered buy a strata scheme under new legislation (A16/0667)

MOTION / UNANIMOUS DECISION

Mover: Cr Mouroukas
 Seconder: Cr Kay

That Council:

1. Investigates the new provisions of the Strata Schemes Management Act 2015 and the Local Government Act 1993 as they apply to the management of unauthorised parking on private property through a commercial arrangement between a local council and an Owners' Corporation.
2. Identifies the feasibility of whether it should and can provide this service to Owners Corporations, and how the service could operate, considering staff resources and priorities.
3. Identifies how a similar service could operate for Company Title Home Units.
4. Receives a report on the above matters.

L Hajnal addressed the meeting.

**CM/8.3/16.11 Enhancing Ausgrid processes when trees are pruned to meet safety standard
(A16/0670)**

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Cusack

That:

1. Council requests Ausgrid ensure that Council is always fully informed about their tree pruning and lopping maintenance schedule in the Waverley area.
2. Council monitors the scheduled work to determine priorities for assessing the symmetry and aesthetics of street trees after the Ausgrid pruning has been completed, providing feedback to Ausgrid as appropriate.
3. Council advocates for Ausgrid to consult with LGNSW, SSROC, and Greater Sydney councils on changes to Ausgrid's Tree Safety Management Plan, including enhanced pruning specifications, improvement to council and resident notification, and measures to identify Ausgrid contractors who are doing the work.
4. Council requests Ausgrid to distribute information to all Waverley residents covering safety issues, clearances, and trimming techniques for street trees and vegetation on private property as required by and in accordance with Ausgrid's Tree Safety Management Plan.
5. The Mayor writes to the NSW Minister for the Environment and Heritage Mark Speakman and Minister for Local Government Paul Toole. A copy of the letter is to be forwarded to the local state members Gabrielle Upton and Bruce Notley-Smith, and relevant local government agencies.

CM/8.4/16.11 NSW Crown Land Management Bill (A03/1909)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council:

1. Notes that the NSW Government's Crown Land Management Act will have significant impacts on the management of Crown Lands in NSW and on councils in their roles as trustees and as planning authorities.
2. Notes that the Act had no formal consultation processing of the Bill with councils or other stakeholders, and:
3. Notes that the Government has mostly ignored the recommendations of the comprehensive Upper House inquiry into Crown Land management.
4. Notes that the changes will facilitate the privatisation of Crown Land and reduce the protection of biodiversity and heritage values of those lands.

- Writes to the Deputy Premier; the Minister for Primary Industry and Lands, Niall Blair; and the Premier expressing Council's disappointment with the passage of the Bill.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

J Levey addressed the meeting.

CM/8.5/16.11 Living Walls and Green Infrastructure (A16/0286)

MOTION / DECISION

Mover: Cr Goltsman

Seconder: Cr Mouroukas

That Council officers investigate expanding Council's program for installing green walls and green roofs on Council infrastructure, and a report be prepared for Council's consideration.

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

CM/8.6/16.11 Traffic calming in Barracluff and Rickard Avenues, Bondi (A03/0566)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

- Notes that in 2006 plans were prepared for Barracluff and Rickard Avenues to reduce traffic speed and provide more parking (angle parking and refuges). Based on residents' responses the Waverley Traffic Committee determined to not implement these plans.
- Notes that in April 2014 the Waverley Traffic Committee concluded that no action be taken on Barracluff Avenue traffic calming due to reported speed counts at the time.
- Notes that an incident occurred in Barracluff Avenue on 22 October 2016. The Police are investigating the circumstances of the matter to determine its classification.
- Notes that a speed counter has been installed around mid-block in Barracluff Avenue, near Rickard Avenue, and results will be available in a few weeks.
- Continues the investigation into traffic calming in Barracluff Avenue subject to speed count results, including a reassessment of the 2006 plans and other traffic calming measures.

CM/8.7/16.11 Alternative options for the upgrade of the Bondi Pavilion - Investigation into process (A15/0272)

THIS MOTION WAS WITHDRAWN BY THE CRS WHO SUBMITTED IT

That Council undertakes an investigation to determine whether the decision to proceed with 1 of the 3 options developed for the Bondi Pavilion upgrade was made in accordance with the relevant delegations.

CM/8.8/16.11 Bondi Park and Pavilion Plan of Management - Implementation of management structure (A15/0272)

Crs Clayton and Wy Kanak declared less than significant non pecuniary interests in this item and informed the meeting that they are users of the Pavilion.

MOTION

Mover: Cr Wakefield
 Seconder: Cr Strewe

That the General Manager prepares a report to identify which of the following requirements relating to the Bondi Pavilion management structure as contained in the Bondi Park and Pavilion Plan of Management have been implemented:

From the Plan of Management (page 116):

“Pavilion Management: The proposed improvement works associated with the Pavilion are substantial, ranging from physical refurbishment projects to the less tangible aspects of managing the various events, programs and businesses within the space. The responsibility of caring for the Pavilion and implementing these actions, falls within several Council divisions. To ensure that the Pavilion is well looked after and is able to become the vibrant, attractive and welcoming hub that is envisaged, coordination between key stakeholders within and external to Council is essential. For this purpose, it is recommended that the management of these groups as well as proposed upgrade works, be coordinated by a Project Manager.

In addition to providing a management structure to achieve these desired outcomes, some key planning works will need to be in place prior to any upgrades or refurbishments taking place. These works include:

- 1. Appointment of Project Manager*
- 2. Reform the Bondi Pavilion working group*
- 3. Undertake a feasibility study*
- 4. Develop a business plan*
- 5. Undertake a cost benefit analysis*
- 6. Decide on best mix of community / business enterprises with the Pavilion*
- 7. Engage an architect to review the building structure and layout to provide the appropriate amenities*
- 8. Seek funding through grant applications and partnership projects*
- 9. Plan a detailed sequence of works to upgrade/refurbish the Pavilion and develop a detailed action plan*
- 10. Proceed with upgrade projects.”*

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

E Morel addressed the meeting.

CM/8.9/16.11 NSW Crown Land Management Bill - Community Consultation (A03/1909)**MOTION (LAPSED DUE TO ABSENCE OF SECONDER)** Mover: Cr Wy Kanak

That:

1. Waverley Council undertakes an officers' examination with public community consultation on the impacts of the proposed NSW Crown Land Management Bill to all Waverley crown land management, especially in relation to the Bondi Park and Pavilion Plan of Management, in order to prepare a Public Report.
2. The consultation includes the Aboriginal Land Council network.
3. Council joins Randwick and Woollahra Councils in a similar Crown Land community consultation.

CM/8.10/16.11 Amalgamation - Plebiscites (A16/0054)**MOTION** Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council puts to the NSW State Government that amalgamation not proceed without local plebiscites.

THE MOTION WAS PUT AND DECLARED LOST.

Division**For the Motion:** Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.**9. Urgent Business****CM/9.1/16.11 CONFIDENTIAL REPORT - Westconnex Compensation Claim (A15/0096)****MOTION / DECISION** Mover: Cr Goltsman
Seconder: Cr Mouroukas

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

*Council decided to deal with this item in closed session (see item CM/9.1/16.11 below).***10. Closed Session****CM/10/16.11 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 and none were received.***MOTION / DECISION** Mover: Cr Kay
Seconder: Cr Mouroukas

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under the provisions of Section 10A (2) of the Local Government Act 1993 for the reasons specified:

CM/9.1/16.11 CONFIDENTIAL REPORT - Westconnex Compensation Claim

This matter is considered to be confidential in accordance with Section 10A(2)(d)i and (d)ii of the Local Government Act, and the 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; AND information that would, if disclosed, confer a commercial advantage on a competitor of the council.

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 confidential under the provisions of Section 10A(2) of the Local Government Act 1993.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the Local Government Act 1993.

At 10.27PM Council moved into Closed Session.

CM/9.1/16.11 CONFIDENTIAL REPORT - Westconnex Compensation Claim (A15/0096)

Cr Kay declared a less than significant non pecuniary interest in this item and informed the meeting that he knows the Valuer mentioned in the report from his adult years in London.

Cr Mouroukas declared a less than significant non pecuniary interest in this item and informed the meeting that he knows the Valuer mentioned in the report.

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Kay

That Council:

1. Treats this report as confidential as it relates to matters specified in section 10A(2)(d)i and (d)ii 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; AND information that would, if disclosed, confer a commercial advantage on a competitor of the council.
2. Authorise the General Manager to accept the compensation offer by Roads & Maritime Service & WestConnex for part Lot 16 DP 270785, Alexandria Integrated Facility, 67a Bourke Road, Alexandria on the terms and conditions as detailed within this report.
3. Authorise the Mayor and General Manager to finalise all documentation and affix the Council seal where necessary.

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

11. Resuming in Open Session

CM/11/16.11 Resuming in Open Session

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That Council resumes in Open Session.

At 10.45PM Council resumed in Open Session.

Resolutions from Closed Session made public

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 10.46PM.

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SIGNED AND CONFIRMED
MAYOR
6 DECEMBER 2016