



W A V E R L E Y  
C O U N C I L

## **OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING**

A meeting of the OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held at  
Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.00 PM, TUESDAY 2 APRIL 2019**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**General Manager**

Waverley Council  
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## Delegations of the Waverley Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Waverley Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
  - (a) The appointment of a general manager.
  - (b) The making of a rate.
  - (c) A determination under section 549 as to the levying of a rate.
  - (d) The making of a charge.
  - (e) The fixing of a fee
  - (f) The borrowing of money.
  - (g) The voting of money for expenditure on its works, services or operations.
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
  - (j) The adoption of an operational plan under section 405.
  - (k) The adoption of a financial statement included in an annual financial report.
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
  - (t) This power of delegation.
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will 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

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

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

#### 4. Confirmation of Minutes

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#### 5. Reports

OC/5.1/19.04	Bondi Pavilion Restoration and Conservation Project - Early Works with Heritage Exemption .....	12
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OC/5.3/19.04	Bondi Winter Magic Ferris Wheel 2019-2021 - Licence.....	23
OC/5.4/19.04	Tender Evaluation - Marks Park Playground and Landscape Upgrade .....	27

#### 6. Urgent Business

#### 7. Closed Session ..... 31

The following matter is proposed to be dealt with in Closed Session and has been distributed to Councillors separately with the Agenda:

OC/7.1/19.04	CONFIDENTIAL REPORT - 55 Grafton Street, Bondi Junction - Lease
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#### 8. Resuming Open Session ..... 33

#### 9. Meeting Closure

## CONFIRMATION OF MINUTES

### OC/4.1/19.04



**Subject:** Confirmation of Minutes - Operations and Community Services Committee Meeting - 5 March 2019

**TRIM No.:** SF19/326

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

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#### RECOMMENDATION:

That the minutes of the Operations and Community Services Committee Meeting held on 5 March 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

#### Introduction/Background

The minutes of the Operations and Community Services Committee meeting must be submitted to Operations and Community Services Committee for confirmation, in accordance with clause 266 of the *Local Government (General) Regulation 2005*.

#### Attachments

1. Operations and Community Services Committee Meeting Minutes - 5 March 2019



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 5 MARCH 2019**

**Present:**

Councillor George Copeland (Chair)	Waverley Ward
Councillor John Wakefield (Mayor)	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 Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Will Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

**Staff in attendance:**

Ross McLeod	General Manager
Rachel Hensman	Acting Director Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.06 PM, those present were as listed above.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair 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**

Apologies were received and accepted from Crs Lewis and Masselos.

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

The Chair called for declarations of interest and none were received.

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Confirmation of Minutes**

**OC/4.1/19.03                      Confirmation of Minutes - Operations and Community Services Committee Meeting - 5 February 2019 (SF19/326)**

**MOTION / UNANIMOUS DECISION**

Mover:                      Cr Copeland  
Seconder:                      Cr Wakefield

That the minutes of the Operations and Community Services Committee Meeting held on 5 February 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**5. Reports****OC/5.1/19.03 Minutes - Multicultural Advisory Committee Meeting - 4 October 2018 (A15/0509)****MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland  
Seconder: Cr Keenan

That Council receives and notes the minutes of the Multicultural Advisory Committee meeting held on 4 October 2018.

**OC/5.2/19.03 Tender Evaluation - Waverley Cemetery Building Repairs (A18/0591)****MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland  
Seconder: Cr Keenan

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 Contracting Pty Ltd as the preferred tenderer to carry out repair works at multiple buildings within Waverley Cemetery for the sum of \$198,452 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Hibernian Contracting Pty Ltd to carry out repair works at multiple buildings within Waverley Cemetery.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**OC/5.3/19.03 Boat and Trailer Parking - Vaucluse (A14/0127)****MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland  
Seconder: Cr Wakefield

That Council does not proceed with the installation of '4P 8 am–6 pm Friday' parking restrictions in Young Street, Tower Street, Burge Street, Clarke Street, Jensen Avenue, Marne Street, Mons Street, MacDonald Street and Chris Bang Crescent.

**OC/5.4/19.03                    Ewell Street, Bondi and North Bondi Area 10 Resident Parking Scheme Surveys - Additional Information (A03/2581)****MOTION (WITHDRAWN)**

Mover:            Cr Copeland  
Seconder:        Cr Kay

That Council:

1. Not introduce a resident parking scheme in Ewell Street, Bondi.
2. Not proceed with expanding the boundaries of Resident Parking Scheme Area 10.

**MOTION**

Mover:            Cr O'Neill  
Seconder:        Cr Wakefield

That Council:

1. Receives and notes the report.
2. Defers a decision on introducing a Resident Parking Scheme in Ewell Street Bondi and on expanding the Resident Parking Scheme Area 10.
3. Request that the General Manager or appropriate officer undertake consultation with Councillors and prepare a report on the formation and modification of Resident Parking Schemes.

THE MOTION WAS PUT AND DECLARED LOST.

AT THIS STAGE IN THE PROCEEDINGS THERE BEING NO OUTCOME ON THE MATTER THE GENERAL MANAGER ADVISED THE MEETING THAT HE WILL PLACE THE MATTER ON THE MARCH COUNCIL AGENDA FOR DETERMINATION.

**OC/5.5/19.03                    Bus Shelter Installation Works - Dover Heights (SF18/2209)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

**MOTION / UNANIMOUS DECISION**

Mover:            Cr Betts  
Seconder:        Cr Nemesh

That Council:

1. Installs two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.
2. Approves the existing bus stop outside 246 Military Road, Dover Heights to remain in the existing position.



**OC/5.6/19.03                    Military Road Bus Stop (A02/0225-02)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

*The Motion was withdrawn at the meeting by Cr Nemesh.*

**MOTION (WITHDRAWN)**

That Council:

1. Officers consider the relocation of the proposed bus stop from outside 197 Military Road, Dover Heights, further to the north, approximately outside 211 Military Road.
2. Consults with residents in the general vicinity and the Dover Heights precinct.
3. Refers the matter to the Waverley Traffic Committee.

**OC/5.7/19.03                    Military Road Pedestrian Crossing (A03/0042-04)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

**MOTION / UNANIMOUS DECISION**

Mover:            Cr Nemesh  
Seconder:        Cr Betts

That Council:

1. Investigates the possibility of installing a pedestrian crossing or alternative pedestrian safety treatment, like a traffic island, on Military Road between Lancaster Road and Blake Street, with consideration given to:
  - (a) Location of the crossing or safety treatment, with specific regard to pedestrian sight lines.
  - (b) Cost.
  - (c) Impact on parking.
2. Officers report back to Council with recommendations by June 2019, and initiates community consultation with the Dover Heights precinct and local residents.

**OC/5.8/19.03                    Verge/Nature Strip Maintenance Program (A14/0144)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

**MOTION / UNANIMOUS DECISION**

Mover:            Cr Nemesh  
Seconder:        Cr Betts

That Council:

1. Investigates the possibility of Council maintaining additional nature strips across the local government area.
2. Officers report back to Council on the feasibility of such a proposal, with recommendations as to the

following:

- (a) Cost and resourcing needed.
  - (b) Frequency of maintenance schedule.
  - (c) Additional locations, including whether the maintenance of verges in local village areas be extended alongside commercial properties into residential streets.
- 3. Reports back to Council by April 2019 and then initiates community consultation.
  - 4. Reports back to Council as soon as practical and then initiates community consultation.

**OC/5.9/19.03                    Australia Day (A14/0041)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

**MOTION**

Mover:            Cr Goltsman  
Seconder:        Cr Nemesh

That Council continues to celebrate Australia Day on 26 January and:

- 1. Supports the achievements of our great nation.
- 2. Recognises our Aboriginal and Torres Strait Islander people, who have been here for more than 65,000 years.
- 3. Acknowledges the contribution that every Australian makes to our contemporary and dynamic country.
- 4. Notes that Council has held Citizenship ceremonies on Australia Day for at least the last twenty years to the most recent in 2019.

**AMENDMENT**

Mover:            Cr Wy Kanak  
Seconder:        Cr Wakefield

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

- 1. Notes:
  - (a) That only since 1994 the Australia Day public holiday has been on 26 January throughout Australia.
  - (b) The indigenous child mortality rate is 2.4 times the mortality rate for non-indigenous children.
  - (c) The target to close the gap in life expectancy for indigenous Australians is not on track.
  - (d) The national indigenous employment rate has not improved and the gap with the non-indigenous employment rate has widened over the past decade.
  - (e) The rate of indigenous incarceration has increased by 45% since 2008.

- (f) Aboriginal and Torres Strait Islander Australians make up 2% of the total population but 28% of the adult prison population.
- (g) Indigenous children make up 7% of the general youth population but 54% of those in youth detention – 97% in the Northern Territory.
- (h) The Australian Human Rights Commission reports that 43% of Indigenous Australians experienced at least one form of racial prejudice in the last six months, while 1 in 3 Aboriginal and Torres Strait Islander people experienced at least one form of verbal racial abuse.

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

**Division:**

**For the Amendment:** Crs Copeland, Keenan, O'Neill, Wakefield and Wy Kanak.

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

*At 7.59 pm, the meeting was adjourned to allow the Strategic Planning and Development Committee meeting to be held.*

*At 8.50 pm the meeting reconvened.*

THE MOVER AND SECONDER OF THE MOTION AS AMENDED THEN ACCEPTED AMENDMENTS TO CLAUSE 5, SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council continues to celebrate Australia Day on 26 January and:

1. Supports the achievements of our great nation.
2. Recognises our Aboriginal and Torres Strait Islander people, who have been here for more than 65,000 years.
3. Acknowledges the contribution that every Australian makes to our contemporary and dynamic country.
4. Notes that Council has held Citizenship ceremonies on Australia Day for at least the last twenty years to the most recent in 2019.
5. Notes:
  - (a) That only since 1994 the Australia Day public holiday has been on 26 January throughout Australia.
  - (b) That Australia Day has its origins since 1835.
  - (c) The indigenous child mortality rate is 2.4 times the mortality rate for non-indigenous children.
  - (d) The target to close the gap in life expectancy for indigenous Australians is not on track, and that 95% of all indigenous 4 year olds are on track to be enrolled in Early Childhood education by 2025.
  - (e) The national indigenous employment rate has not improved and the gap with the non-indigenous employment rate has widened over the past decade.
  - (e) The rate of indigenous incarceration has increased by 45% since 2008.

- (f) Aboriginal and Torres Strait Islander Australians make up 2% of the total population but 28% of the adult prison population.
- (g) Indigenous children make up 7% of the general youth population but 54% of those in youth detention – 97% in the Northern Territory.
- (h) The Australian Human Rights Commission reports that 43% of Indigenous Australians experienced at least one form of racial prejudice in the last six months, while 1 in 3 Aboriginal and Torres Strait Islander people experienced at least one form of verbal racial abuse.
- (i) That Australia is one of the most multicultural and harmonious countries on earth.
- (j) That there are a number of days to celebrate the contribution of indigenous Australians throughout the year like Mabo Day, Reconciliation Week and NAIDOC Week.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

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

**OC/5.10/19.03                      United Nations Year of Indigenous Languages and Indigenous Place Names in Waverley (A02/0424)**

*This item is a Notice of Motion deferred to this meeting by Council on 19 February 2019.*

**MOTION / UNANIMOUS DECISION**

Mover:                      Cr Wy Kanak  
Seconder:                      Cr Keenan

That Council:

1. Notes the United Nations has declared 2019 as the International Year of Indigenous Languages with the stated purpose being 'to raise awareness of them, not only to benefit the people who speak these languages, but also for others to appreciate the important contribution they make to our world's rich cultural diversity.'
2. Notes 'This Place', a project of ABC's Indigenous Strategy, which invites Aboriginal and Torres Strait Islander peoples to create a short video about a place name, and the story behind it.
3. Promotes the 'This Place' project on its website and social media platforms.
4. In consultation with the First Nations community, identifies Indigenous place/s and Indigenous place name/s within the Waverley Municipality for consideration for dual naming and/or renaming, where appropriate, so that it may be celebrated during NAIDOC week 7–14 July 2019.
5. Publicly highlights the 2019 United Nations Year of Indigenous Languages and this intended consultation research in a joint Mayor and Deputy Mayor media release.
6. Facilitates Aboriginal First Nations community 'This Place' projects in partnership with the ABC.
7. Conducts an ongoing focused social media campaign for increasing community awareness of the subject of Indigenous languages.

8. Refers this resolution for further discussion at the Eastern Region Local Government Aboriginal Torres Strait Islander Forum (ERLGATSIF) and the Multicultural Advisory Committee, as well as referral to any agencies, such as the Local Government Aboriginal Network (LGAN) and Local Government NSW, involved in similarly participating in the focused awareness of the UN Year of Indigenous Languages.
9. Adds a recognition of the UN International Year of Indigenous Languages in the Mayor's 2019 speeches given at Waverley's citizenship ceremonies, and through operational re/allocations potentially funds and invites available Aboriginal language speakers to 'greet' new citizens of Waverley in an Indigenous language.

**6. Urgent Business**

Nil.

**7. Meeting Closure**

**THE MEETING CLOSED AT 9.10PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**2 APRIL 2019**

## REPORT

### OC/5.1/19.04



**Subject:** Bondi Pavilion Restoration and Conservation Project - Early Works with Heritage Exemption

**TRIM No:** A15/0272

**Author:** Sharon Cassidy, Executive Manager, Project Waverley

**Director:** Emily Scott, Director, Waverley Renewal

#### RECOMMENDATION:

That Council further investigates the program and budget feasibility of re-roofing the Gatehouse with heritage exemption.

#### 1. Executive Summary

The purpose of this report is to provide an update on options for early works that can be undertaken with heritage exemption in advance of the main works for the Bondi Pavilion Restoration and Conservation Project.

A report was presented to the Council meeting on 11 December 2018 on permissible exempt works under the NSW *Heritage Act*, as well as façade works, and to provide an overview of the work packages that could be undertaken, advantages, disadvantages and approximate costs. The matter was deferred.

This report provides an updated recommendation to investigate the feasibility of re-roofing the Gatehouse.

#### 2. Introduction/Background

In September 2018, Council resolved to prepare a timetable and costing for works to the façade that can be undertaken with heritage exemption. Refer to the attached report for details of permissible exempt works, an overview of the work packages that could be undertaken, advantages, disadvantages and approximate costs.

Council officers previously recommended not proceeding with early works due to a concern regarding a potential delay to the primary Bondi Pavilion Restoration and Conservation project. However, officers now recommend investigating the re-roofing of the Gatehouse.

Since the report was deferred in December 2018, the focus has been on completing the documentation for the development application.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 11 December 2018	CM/7.1/18.12	That the item be deferred to February 2019.
Council	CM/5.4/18.09	That Council, in regard to the Bondi Pavilion Restoration and

27 September 2018		<p>Conservation Project, undertakes the following actions:</p> <ol style="list-style-type: none"> <li>1. Façade. Prepares a timetable and costing for works to the façade that can be undertaken with heritage exemption.</li> <li>2. Amphitheatre/outdoor performance space. Prepares concept designs, costings and a heritage impact assessment for: <ol style="list-style-type: none"> <li>(a) Retaining and renovating the amphitheatre in its current location.</li> <li>(b) Building a new amphitheatre in the central courtyard possibly sunken and tiered, with a retractable floor at grade.</li> <li>(c) Facilitating performances in the southern curtilage (Dolphin Courtyard) area.</li> <li>(d) Facilitating performances in the western curtilage adjacent to the Gatehouse.</li> </ol> </li> <li>3. Prepares a draft report detailing the above with additional information on the level of use of the current amphitheatre</li> <li>4. Convenes a meeting of the Bondi Pavilion Stakeholder Committee to review this draft report for update by Council officers before presentation to Council.</li> </ol>
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#### 4. Discussion

The development application documentation is progressing well with lodgement planned in early April. Assuming a six-month approval period, we anticipate commencing construction in early 2020. Therefore, the ability to undertake a large package of works under heritage exemption would not be feasible.

However, a discrete package of works relating to re-roofing the Gatehouse could be considered. This would have the advantage of testing the roof design and demonstrating the improvement the new roof will bring to the Pavilion.

#### 5. Financial impact statement/Timeframe/Consultation

If early works are approved, investigation into the scope and costs will be undertaken and an amendment made to the draft 2019–20 Capital Works Plan, as required.

If feasible, works would be undertaken though winter 2019.

#### 6. Conclusion

Gatehouse re-roofing works, if undertaken, would have the advantage of testing the roof design and demonstrating the improvement the new roof will bring to the Pavilion. If feasible, works could undertaken though winter 2019.

**7. Attachments**

1. Council report - Bondi Pavilion Restoration and Conservation Project - Early Works - 11 December 2018 [↓](#) .



**REPORT  
CM/7.1/18.12**

**Subject:** Bondi Pavilion Restoration and Conservation Project - Early Works

**TRIM No:** A15/0272

**Author:** Sharon Cassidy, Executive Manager, Project Waverley

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Notes the scope of early works that can be undertaken with a heritage exemption.
2. Notes that Officers do not recommend proceeding with early works due to a concern regarding a potential delay to the primary Bondi Pavilion Restoration and Conservation project.
3. Should it deem early works to be a priority, proceeds with the gatehouse restoration and that a \$500,000 budget amendment be made at the Q2 budget review, resulting in a \$100,000 overall increase to the total project cost in the Long Term Financial Plan.

**1. Executive Summary**

The purpose of this report is to present options for early works that can be undertaken in advance of the main works for the Bondi Pavilion Restoration and Conservation Project.

The report presents permissible exempt works under the NSW *Heritage Act* and as well as façade works and to provide an overview of the work packages that could be undertaken, advantages, disadvantages and approximate costs.

Of the options presented the Gatehouse restoration would have moderate impact which could be carefully managed and would be a very positive demonstration of the outcomes that can be achieved through the restoration. Undertaking the structural repairs and arcade timber linings replacement could also be managed to mitigate disturbance to the tenants and community users.

**2. Introduction/Background**

In September 2018, Council resolved to prepare a timetable and costing for works to the façade that can be undertaken with heritage exemption.

The permissible exempt works under the section 57(2) of NSW *Heritage Act* include:

- Maintenance and cleaning.
- Repairs.
- Painting.
- Restoration.

Repairs to the façade would come under these permissible works. A review of additional options has also been undertaken.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 27 September 2018	CM/5.4/18.09	<p>That Council, in regard to the Bondi Pavilion Restoration and Conservation Project, undertakes the following actions:</p> <ol style="list-style-type: none"> <li>1. Façade. Prepares a timetable and costing for works to the façade that can be undertaken with heritage exemption.</li> <li>2. Amphitheatre/outdoor performance space. Prepares concept designs, costings and a heritage impact assessment for: <ol style="list-style-type: none"> <li>(a) Retaining and renovating the amphitheatre in its current location.</li> <li>(b) Building a new amphitheatre in the central courtyard possibly sunken and tiered, with a retractable floor at grade.</li> <li>(c) Facilitating performances in the southern curtilage (Dolphin Courtyard) area.</li> <li>(d) Facilitating performances in the western curtilage adjacent to the Gatehouse.</li> </ol> </li> <li>3. Prepares a draft report detailing the above with additional information on the level of use of the current amphitheatre</li> <li>4. Convenes a meeting of the Bondi Pavilion Stakeholder Committee to review this draft report for update by Council officers before presentation to Council.</li> </ol>

### 4. Discussion

The following table provides an overview of the work packages that could be undertaken, advantages, disadvantages and approximate costs.

Scope	Advantage	Disadvantage	Cost
<b>Façade restoration</b>	Prevent further deterioration of façade and great aesthetic improvement	Difficult to delineate the façade restoration scope from future works e.g. changes to openings in the façade and upgrades to joinery Significant* <sup>1</sup> disruption to the buildings tenants and community users due to the erection of	\$1,400,000 (includes 10% uplift on concept design cost plan additional to

Council Agenda

11 December 2018

		scaffolding around the building; Potential additional cost to complete the project in multiple stages.	allocated budget)
<b>Gatehouse restoration</b> Include retiling of the roof, façade restoration and painting	Could be a very positive demonstration of the outcomes that can be achieved though the restoration	Moderate* <sup>2</sup> disruption to tenants and community users. Potential additional cost to complete the project in multiple stages.	\$1,100,000 (includes 10% uplift on concept design cost plan additional to allocated budget)
<b>Roof restoration</b> Restoration and retiling of the entire existing roof including the replacement of rainwater accessories	These works would ensure that the building is watertight and provide great aesthetic improvement.	Significant disruption to tenant and community users. Potential additional cost to complete the project in multiple stages	\$2,400,000 (includes 10% uplift on concept design cost plan additional to allocated budget)
<b>Structural repairs</b> Concrete cancer and structural repairs	Progress the crucial part of the face restoration required to be undertaken. Can be undertaken by a specialist remediation contractor and therefore no additional costs to the project.	Moderate disruption to tenants and community users	TBC following detailed inspection.
<b>Arcade timber linings</b> Removal and replacement of all external timber linings within the arcades to allow inspection of structure of services	Can be undertaken by a specialist remediation contractor. If commercial tenancies excluded could be straightforward to coordinate.	Minor disruption to tenants and community users.	TBC following detailed inspection.
<b>Asbestos removal</b> Removal of all asbestos within the building as per the hazmat report	Can be undertaken by a specialist asbestos removal contractor.	Moderate to significant disruption to tenants and community users. High risk works more suited to when building under head contractors control	TBC following detailed inspection.

\*<sup>1</sup> - Significant impact could include loss of income due to the potential for tenancy's having to be closed whilst works are being undertaken;

\*<sup>2</sup> -Moderate impact would involve isolated which while noisy should allow tenant and community use to continue.

It should be noted that all of these works may lead to the perception that the construction works continue for a longer period.

CM/7.1/18.12

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Of the options presented above the Gatehouse restoration would have moderate impact which could be carefully managed and would be a very positive demonstration of the outcomes that can be achieved through the restoration. Undertaking the structural repairs and arcade timber linings replacement could also be managed to mitigate disturbance to the tenants and community users.

It is not recommended that the full façade restoration or roof replacement is undertaken particularly due to the impacts these works would have on the tenants and community users and increased cost to complete the project in multiple stages.

#### **5. Financial impact statement/Timeframe/Consultation**

If early works are approved a Q2 adjustment would be made to fund these works in this financial year. In addition there would be some overall increase to the project costs for the restoration of the gatehouse. We have estimated a 10% increase in the costs included in the concept design cost plan or \$100,000. The other items should not result in an increase in cost as would be undertaken by specialist contractors. The project is funded from the Investment Strategy and General Reserves. Any additional funding would be sourced from these Reserves.

Additional project management resource would be required to manage the delivery of the project. Additional consultant resources would also be required to develop the packages or work for construction in parallel with the DA documentation work. There is a risk that may lead to a delay in the DA documentation process which would need to be carefully managed.

#### **6. Conclusion**

Gatehouse restoration works if undertaken would have moderate impact which could be carefully managed and would be a very positive demonstration of the outcomes that can be achieved through the restoration. Undertaking the structural repairs and arcade timber linings replacement could also be managed to mitigate disturbance to the tenants and community users.

It is not recommended that the full façade or restoration or roof replacement is undertaken particularly due to the impacts these works would have on the tenants and community users.

#### **7. Attachments**

Nil.

## REPORT

### OC/5.2/19.04



**Subject:** Bus Stops and Shelters at 185 and 246 Military Road, Dover Heights

**TRIM No:** SF18/2209

**Author:** Jordan Laverty, Project Manager

**Director:** Emily Scott, Director, Waverley Renewal

#### RECOMMENDATION:

That Council:

1. Installs two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.
2. Approves the existing bus stop outside 246 Military Road, Dover Heights, to remain in the existing position.

#### 1. Executive Summary

Council officers seek approval from Council to proceed with the installations of the two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.

#### 2. Introduction/Background

Transport for NSW recently made changes to bus stops within the Waverley local government area (LGA). These changes were made to improve services under the *Bus Priority Improvement Program* and *On Time Running Program*. These changes included decommissioning of some existing bus stops and installation of new bus stops.

As a result of these changes, a number of bus shelters from decommissioned bus stops have been removed. Transport for NSW has provided funding to Waverley Council to reinstate four new shelters across the LGA to provide Council with no net loss to the total number of bus shelters in the LGA.

The State Transit Authority has recently been provided with new information to the location of a fatality on Lancaster Road, near Military Road (it was previously reported to Council this incident occurred at the intersection of Myuna/Military Road). The State Transit Authority was requested to review the relocation of the bus stops having regard to this information.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 March 2018	CM/9.1/19.03	That Council: <ol style="list-style-type: none"> <li>1. Council notes that there is a difference of opinion between Council and Sydney Buses and local residents about the actual location of the fatality in Military Road on 26 December 2018.</li> </ol>

		<ol style="list-style-type: none"> <li>2. Council notes that there is photographic proof that the fatality took place near Lancaster Road and not Myuna Road, therefore having negligible impact on where bus stops and shelters are placed two or three blocks away, as stated by Sydney Buses.</li> <li>3. Council agrees that all construction and installation works to install bus stops and shelters at 185 and 246 Military Road be postponed until further investigation takes place in view of the incorrect assumptions used by Sydney Buses in its decision-making process regarding the relocation of these two bus stops and shelters.</li> <li>4. A report comes back to Council with a recommendation.</li> </ol>
Council 11 December 2018	CM/4.2.1/18.12	<p>That the Council Officer's Proposal be adopted subject to the addition of a Clause 3 so that the Council Officer's Proposal now reads as follows:</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Approves the relocation of the existing bus stop from outside 246 Military Road, Dover Heights to the north and installs 30m of 'Bus Zone' as shown in figure 4 of the report.</li> <li>2. Consults with residents in the general vicinity and should there be no substantial objections to the proposal, the bus stop be relocated and bus shelter installed.</li> <li>3. Officers consider moving the bus stop to an area to the north, approximately opposite 205 Military Road.</li> </ol>
Traffic Committee 22 November 2018 (saved and excepted; see above)	TC/V.05/18.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Approves the relocation of the existing bus stop from outside 246 Military Road, Dover Heights to the north and installs 30m of 'Bus Zone' as shown in figure 4 of this report.</li> <li>2. Consults with residents in the general vicinity and should there be no substantial objections to the proposal, the bus stop be relocated and bus shelter installed.</li> </ol>
Council 17 April 2018	CM/5.2/18.04	<p>That Council notes the current tender for the installation of bus shelters in Waverley expires in 2020 and, in preparing new tender documents for the future installation and maintenance of bus shelters, includes a requirement for additional bus shelters to be provided throughout Waverley than those at present.</p>

Traffic Committee 23 February 2017	TC/TEAV.01/17.02	<p>That the Council Officer's Proposal be adopted, subject to the following amendments:</p> <ol style="list-style-type: none"> <li>1. The Council Officer's report be renamed 'RMS On-time Running Program – Sydney Buses Routes 333, 380 and 389.'</li> <li>2. The addition of clause (x) as follows: <ul style="list-style-type: none"> <li>(x) The existing 'Bus Zone' signs at location 9, TSN 202678, Wairoa Ave near Murriverie Rd (inbound) on removal being replaced with unrestricted parking, not 'No Stopping' as proposed.</li> </ul> </li> </ol>
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#### 4. Discussion

In November 2018, Project Waverley notified residents surrounding these four bus stop locations of the proposed civil works and installation of the bus shelters. At 185 and 246 Military Road, this notification was met with opposition from residents, flagging a safety concern of limiting site distances when exiting driveways. No objection was received for the proposed bus stops at 305 Military Road or Queens Park Road, Queens Park. These shelters were installed following notification.

Council officers have undertaken a review of the bus stops at 185 and 246 Military Road in consultation with the State Transit Authority, and the below has been determined.

For the bus stop outside 185 Military Road:

- Council officers investigated moving the bus stop outside 185 Military road to opposite Dudley page reserve. Sydney Buses and the Roads and Maritime Services did not endorse the relocation of this bus stop as it would be in contradiction to their bus stop location policy.

For the bus stop outside 246 Military Road:

- Council officers investigated moving the bus stop outside 246 Military road to the frontage of Dudley Page reserve. Traffic committee and Sydney busses endorsed this option at the 22 Nov WTC. The proposed relocation was made to address resident's aesthetic concerns and not as a result of any safety issues.
- Following the WTC recommendation, Council resolved to investigate moving the stop a further 15m to the north. Sydney buses did not endorse this additional change as it would be in contradiction to their bus stop location policy.
- On 26 December 2018, there was a fatality on Military Road. It was originally reported to Council that this fatality occurred at the intersection of Myuna/Military Road. It has since been confirmed that this incident occurred in Lancaster Road, near Military Road. This new information has been passed onto STA for their consideration in relocating the existing bus stops.

On 21 March 2019, the State Transit Authority was contacted and made aware of the location of the fatality, and have since advised that:

*'STA strongly oppose the relocation of these bus stops. STA recently reviewed all bus stop locations across Waverley and made changes. The locations now comply with our Style Guide (standard requirements for bus location). Therefore we do not support relocation.'*

**5. Financial impact statement/Timeframe/Consultation**

A contractor has been appointed to supply and install these bus shelters (including associated civil works). Two bus shelters have already been fabricated for installation. Removing these locations from the scope of works could result in significant variations and cost to Council.

**6. Conclusion**

Council officers seek approval from Council to proceed with the installations of the two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.

**7. Attachments**

Nil.



**REPORT**  
**OC/5.3/19.04**

**Subject:** Bondi Winter Magic Ferris Wheel 2019-2021 - Licence

**TRIM No:** A18/0329

**Author:** Shaun Munro, Acting Manager, Outdoor and Flagship Events

**Director:** Rachel Hensman, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Authorises the General Manager, or delegated representative, to negotiate and enter into a licence agreement on behalf of Council with Joyland Amusements Pty Limited for the delivery of event management services for the Bondi Winter Magic Ferris Wheel each year for four weeks during and after the July school holidays for the period 2019 to 2021 at the Bondi Pavilion Dolphin Court.
2. Notes that the agreement will include a provision to vary the location of the Ferris wheel during the Bondi Pavilion restoration project, and that officers will work with the event provider, in consultation with Ward Councillors, to identify a suitable location for the Ferris wheel each year.

**1. Executive Summary**

In July 2018, Council resolved to commence negotiations regarding future contractual and/or procurement arrangements for the delivery of Bondi Winter Magic which includes the provision of a Ferris wheel event. The event has been a much-loved and an integral part of Bondi Winter Magic since 2017.

An open request for quotations (RFQ) process was established by Council officers to invite applications from event management companies for the delivery of the event each year for four weeks during and after the July school holidays for the period 2019 to 2021 at the Bondi Pavilion Dolphin Court.

**2. Introduction/Background**

Bondi Winter Magic will celebrate its tenth year in 2019. The event is co-presented along with the Bondi and Districts Chamber of Commerce as a part of a place activation strategy to support the local business economy during the quieter winter months. The Ferris wheel event has been a key contributing factor in the success of drawing residents and visitors to the beach throughout the July school holiday period. It is a well-established event, has been an integral part of Bondi Winter Magic and a much loved and well attended event by community and visitors of all ages since 2017.

The Ferris wheel will operate daily for approximately four weeks during July each year to coincide with both private and public school holidays and will offer residents and visitors a unique experience viewing Bondi Beach from atop the 22 metre Bondi Vista Ferris wheel.

The Ferris wheel will form part of a broader overall program for Bondi Winter Magic that includes other major attractions, such as the Ice Rink and the Fringe Festival Bondi Feast.

Event management services for the Ferris wheel event have previously been sourced and negotiated on a year by year basis.

It was resolved by Council in July 2018 that officers establish an open RFQ process for this event and then enter into a three-year licence agreement for the successful event management company to deliver the event for the period 2019 to 2021 at the Bondi Pavilion Dolphin Court.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 17 July 2018	CM/7.9/18.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the program of high impact events scheduled for the period 1 July 2018 to 30 June 2019 and the current approval process, as set out in Attachment 1 to this report.</li> <li>Notes that all scheduled high impact events are required to comply with Council's existing Events Policy and Event Management Guidelines.</li> <li>Commences negotiations with the relevant event organisers regarding future contractual and/or procurement arrangements for the delivery of the following events from 2019 onwards in accordance with the next steps outlined in Attachment 1 to this report: <ol style="list-style-type: none"> <li>City2Surf.</li> <li>Sculptures by the Sea.</li> <li>Bowl-A-Rama.</li> <li>Open Air Cinema, to be held within the Bondi Pavilion internal courtyard area.</li> <li>Flickerfest.</li> <li>Bondi Winter Magic.</li> <li>Latin American Festival. Consideration be given to making this festival a more wide-ranging, multicultural event.</li> </ol> </li> <li>Notes that all contractual/procurement arrangements will be brought back to Council for final approval.</li> </ol>

### 4. Discussion

A report to Council in July 2018 recommended conducting an expression of interest process for the procuring of event delivery services for the Bondi Winter Magic Ferris Wheel for a three-year period.

An expression of interest (EOI) for the Ferris wheel event was advertised on 5 December 2018 and closed on 27 December 2018.

A single expression of interest was received from Joyland Amusements Pty Limited.

Council Officers determined the application was of merit and suitable to undertake the services under the RFQ. The panel agreed that Joyland Amusements Pty Limited had extensive experience undertaking this and other similar projects, provided a professional and safe service and met all requirements of the RFQ.

A licence agreement will be developed which will include the following elements:

- Occupation period.
- Maximum occupancy.
- Conditions of use.
- Fees payable and reimbursement of Council costs and expenses.
- Event management and delivery planning.
- Stakeholder communications.
- WHS, safety and security.
- Insurance and indemnity.
- Public and other user access to the Bondi Pavilion.
- Pedestrian/not event attendee site access.
- Other event delivery details.

The licence-holder will be required to comply with all requirements set out in the Events Policy and Event Management Guidelines.

## **5. Financial impact statement/Timeframe/Consultation**

### **Financial impact statement**

The financial model with Joyland Amusements Pty Limited will be a commission-based agreement. Fifteen per cent return of gross turnover will be provided to Council. Anticipated commission based on the previous two years is \$25,000 to \$35,000.

The revenue will be allocated to the Bondi Winter Magic budget.

### **Timeframe**

The Bondi Winter Magic Ice Rink event in 2019 will be hosted at the Bondi Pavilion forecourt from Thursday 28 June to Sunday 21 July 2019.

To ensure event planning timelines can be met finalisation of the licence agreement will commence immediately following Council endorsement.

### **Consultation**

The tenancies within Bondi Pavilion will all be notified of the event dates well in advance. We will continue to work with all relevant Bondi Pavilion stakeholders to ensure impact from this event is minimised.

## **6. Conclusion**

The EOI Evaluation Panel recommends that Council enters into a three-year licence agreement with Joyland Amusements Pty Limited for the delivery of event management services for the Bondi Winter Magic Ferris wheel for the period 2019 to 2021 at the Bondi Pavilion forecourt.

**7. Attachments**

Nil.

**REPORT**  
**OC/5.4/19.04**

**Subject:** Tender Evaluation - Marks Park Playground and Landscape Upgrade

**TRIM No:** SF19/454

**Author:** Richa Bohara, Project Manager

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

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 it 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 who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts GJs Landscapes Pty Ltd as the preferred tenderer to carry out playground and landscape upgrade works for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with GJs Landscapes Pty Ltd for playground and landscape upgrade works at Marks Park, Tamarama.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The purpose of this report is to seek Council's approval for the appointment GJs Landscapes Pty Ltd to carry out playground and landscape upgrade works at Marks Park, Tamarama as recommended by the Tender Evaluation Committee (TEC).

**2. Introduction/Background**

Marks Park is one of Waverley's most popular open spaces. The park offers a panoramic view of the ocean, and is connected to Bondi Beach and Tamarama Beach by the highly successful Coastal Walk. Annually, the park hosts the world-renowned Sculpture by the Sea event, attracting visitors from around the world. This year, Sculpture by the Sea will be held from 24 October to 10 November 2019. The proposed works are scheduled to be completed prior to the event commencing.

The park's amenities block has recently been upgraded, and there are additional works programmed in 2019 to provide an accessible path to key viewpoints.

In addition to the playground, amenities building, and grand views, the park serves as the local dog park accommodated by timed off leash arrangements.

In the interests of improving the park and to continue to provide a safe space to the local community for outdoor enjoyment, the park requires necessary upgrade works. The upgrade works include replacement and renewal of park furniture, play equipment, and tree and garden planting. The final design has responded to feedback from the community received during our consultation program conducted in 2018. The landscape and playground upgrades are part of the ongoing works identified in the adopted Play Space Strategy to ensure that Council has sufficient play provisions, and that play spaces are equipped with facilities in compliance with Australian Standards so they are best practice.

### **3. Relevant Council Resolutions**

Nil.

### **4. Discussion**

#### **Invitation to tender**

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Robert Sabato, Senior Project Manager.
- Richa Bohara, Project Manager.
- Jack Farag, Project Officer.
- Andrew Chau, Senior Landscape Architect.
- Shahrouz Goharshahi, Tendering and Contracts Officer.

An RFT Evaluation and Probity Plan was developed and approved by the Evaluation Panel. Tenders for the Marks Park playground and landscape works were called on 26 February 2019.

Tenders closed on 19 March 2019.

The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tender offered the best value for money in the provision of playground and landscape upgrade works at Marks Park to Council.

#### **Tenders received**

The following tenders were received:

- GJs Landscapes Pty Ltd.
- Glascott Landscape and Civil.
- Growth Civil Landscapes Pty Ltd.
- Synthetic Grass Rubber Surfaces Aust Pty Ltd.
- Trimcon Civil Contractors.

#### *Late tenders*

Nil.

#### *Non-conforming tenders*

- Synthetic Grass Rubber Surfaces Aust Pty Ltd. The tender did not submit returnable schedules, program and evidence of insurance details, which are the mandatory criteria for the tender.

*Alternative tenders*

Nil.

Four out of five tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

<b>CONFORMING TENDERS EVALUATED</b>
GJs Landscapes Pty Ltd
Glascott Landscapes and Civil
Growth Civil Landscapes Pty Ltd
Trimcon Civil Contractors

**Tender evaluation**

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the Tendering Guidelines for NSW Local Government 2009 issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

<b>Advertised Evaluation Criteria</b>	<b>Weighting</b>
Project Understanding and Proposed Methodology	30%
Key personnel qualifications, skills and expertise	20%
Experience with similar projects	10%
Capacity to work within proposed timeframes	10%
Price	30%
Total	100%

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

**Evaluation Panel's recommendation**

Following a rigorous evaluation of the tenders, the Evaluation Panel recommends that the services offered by GJs Landscapes Pty Ltd provides the best value to Council. Personnel qualifications of GJs Landscapes Pty Ltd are well suited to Council's requirements. GJs worked very well on North Bondi Picnic Area Upgrade, which was delivered within time and budget. GJs Landscapes Pty Ltd has extensive experience working in playground and landscape upgrade works and the pricing offered was within budget providing an excellent value for money outcome to Council.

**5. Financial impact statement/Timeframe/Consultation****Financial impact statement**

The budget for Marks Park Playground and Landscape upgrade works is from C0359.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for Marks Park playground and landscape upgrade works is \$730,000 (excluding GST).

The total budget allocation for the Marks Park playground and landscape upgrade works is currently \$738,000 (excluding GST). \$200,000 is allocated in this financial year, with \$538,000 included in the draft 2019–20 Capital Works Plan, noting that this amount was deferred as part of the Q2 budget amendment.

There are sufficient funds to cover the price tendered by the recommended tenderer, and sufficient funds in this year's budget to cover the works planned to be undertaken prior to the end of the financial year.

### **Timeframe**

The repair works will commence in May 2019 for 15 weeks.

### **Consultation**

Internal stakeholders have been consulted throughout the initial and procurement processes.

## **6. Conclusion**

The Tender Evaluation Panel recommends that Council enters into contract with GJs Landscapes Pty Ltd for the Marks Park playground and landscape upgrade works.

## **7. Attachments**

1. Tender Evaluation Matrix (confidential) .



**CLOSED SESSION**  
**OC/7/19.04****Subject:** Moving into Closed Session**Author:** Ross McLeod, General Manager**WAVERLEY**  
COUNCIL**RECOMMENDATION:**

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:

OC/7.1/19.04      CONFIDENTIAL REPORT - 55 Grafton Street, Bondi Junction - Lease

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*.

**Introduction/Background**

In accordance with section 10A(2) of the Act, a Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clause 252 of the *Local Government (General) Regulation*, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION OC/8/19.04**

**Subject:** Resuming in Open Session  
**Author:** Ross McLeod, General Manager



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 253 of the *Local Government (General) Regulation 2005*, when the meeting resumes in open session the Chair will announce 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.