



**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON MONDAY, 21 DECEMBER 2020**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Steven Lewis	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Risk

At the commencement of proceedings at 6.04 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Crs Betts, Burrill, Kay and Nemesh.

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. Closed Session

CM/4/20.12E Closed Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That:

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

CM/4.1/20.12E CONFIDENTIAL REPORT - Surfsh Cafe, Shop 1A, Bondi Pavilion - 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.

CM/4.2/20.12E CONFIDENTIAL REPORT - Disposal of General Waste (Non-putrescible) - Procurement Exemption

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/4.3/20.12E CONFIDENTIAL REPORT - Senior Staff Appointment

This matter is considered to be confidential in accordance with section 10A(2)(a) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

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

At 6.06 pm, Council moved into closed session.

ITEMS BY EXCEPTION

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That the recommendations for the following items be adopted as recommended in the business paper:

CM/4.1/20.12E CONFIDENTIAL REPORT - Surfsh Cafe, Shop 1A, Bondi Pavilion - Lease.

CM/4.2/20.12E CONFIDENTIAL REPORT - Disposal of General Waste (Non-putrescible) - Procurement Exemption.

CM/4.3/20.12E CONFIDENTIAL REPORT - Senior Staff Appointment.

Cr Goltsman requested that it be recorded in the minutes that he voted against item CM/4.3/20.12E.

CM/4.1/20.12E CONFIDENTIAL REPORT - Surfsh Cafe, Shop 1A, Bondi Pavilion - Lease (A06/1246)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Authorises the General Manager to finalise negotiations, agree terms and execute all necessary documentation in relation to the existing lease with Posidon Pty Ltd for Shop 1A, Bondi Pavilion.
3. Approves a further five-year lease being awarded to Posidon Pty Ltd for Shop 1A, Bondi Pavilion.
- 4.. Publicly exhibits the further lease for a minimum of 28 days in accordance with section 47A of the *Local Government Act*.
5. Officers report back to Council at the end of the exhibition period if submissions objecting to the proposal are received.
6. Authorises the General Manager to finalise and execute the further lease at the end of the exhibition period if no submissions objecting to the proposal are received.

CM/4.2/20.12E CONFIDENTIAL REPORT - Disposal of General Waste (Non-putrescible) - Procurement Exemption (A19/0820)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Authorises a procurement exemption to engage Veolia Environmental Services for the disposal of general waste (non-putrescible) materials required for Council's residential clean-up service and public place cleansing services to cover the period through to 28 February 2021 while the tender for disposal services for general waste (non-putrescible) materials is finalised.

CM/4.3/20.12E CONFIDENTIAL REPORT - Senior Staff Appointment (A20/0501)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning particular individuals (other than councillors).
2. Receives and notes the report of the General Manager on the appointment of the Director, Planning, Environment and Regulatory.

Cr Goltsman requested that it be recorded in the minutes that he voted against the motion.

5. Resuming in Open Session**CM/5/20.12E Resuming in Open Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council resumes in open session.

At 6.16 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

6. Meeting Closure**THE MEETING CLOSED AT 6.16 PM.**.....
SIGNED AND CONFIRMED**MAYOR****16 FEBRUARY 2021**