



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT THE WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION
ON TUESDAY, 17 MAY 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 Strewé	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 6.30 pm, those present were as listed above, with the exception of Cr Wakefield who arrived at 6.33 pm, and Cr Cusack.

AT 12.48AM, DURING CONSIDERATION OF ITEM CM/8.13/16.05 - BONDI PAVILION TRUST, CR KAY MOVED A MOTION, SECONDED BY CR GOLTSMAN, THAT THE MEETING BE ADJOURNED DUE TO THE LATE HOUR. THE MOTION FOR ADJOURNMENT WAS DECLARED CARRIED AND THE MEETING WAS ADJOURNED AT 12.50AM.

IN ACCORDANCE WITH 14.1(3) OF COUNCIL'S CODE OF MEETING PRACTICE, THE GENERAL MANAGER ANNOUNCED THAT THE MEETING WOULD RECONVENE AT 6.30PM ON TUESDAY 24 MAY 2016 IN THE COUNCIL CHAMBERS TO DEAL WITH THE UNRESOLVED AGENDA ITEMS.

AT 6.30PM ON TUESDAY 24 MAY 2016 THE MEETING RECONVENED IN THE COUNCIL CHAMBERS WITH ALL COUNCILLORS PRESENT AND RESUMED ITS CONSIDERATION OF ITEM CM/8.13/16.05 - BONDI PAVILION TRUST.

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.

AT THIS STAGE IN THE PROCEEDINGS CR WY KANAK MOVED A MOTION, SECONDED BY CR MASSELOS, THAT URGENT BUSINESS BE BROUGHT FORWARD TO ALLOW AN ADDITIONAL MATTER TO BE RAISED. THE MOTION WAS PUT AND DECLARED LOST ON A DIVISION:

Division

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

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Cusack.

Cr Cusack was in attendance at the reconvened meeting held on 24 May 2016.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Burrill declared a significant, non-pecuniary interest in Item CM/7.3/16.05 – Small Grants Program 2015-16 (Round 2) and informed the meeting that the grant applicant My Asana Yoga Studio is the business of my close friend and neighbour, and that she would leave the chamber for the debate and vote on this item.
- 2.2 Cr Kay declared a significant, non-pecuniary interest in Item CM/7.3/16.05 – Small Grants Program 2015-16 (Round 2) and informed the meeting that the musical director for the Daydream Believers Choir grant application is the brother of a close friend, and that he would leave the chamber for the debate and vote on this item.
- 2.3 Cr Betts declared a significant, non-pecuniary interest in Item CM/7.3/16.05 – Small Grants Program 2015-16 (Round 2) and informed the meeting that she is on the Board of WAYS, and that she would leave the chamber for the debate and vote on this item.
- 2.4 Cr Clayton declared a less than significant, non-pecuniary interest in Item CM/7.3/16.05 – Small Grants Program 2015-16 (Round 2) and informed the meeting that in relation to the grant applicant Club Bondi Junction Lawn Bowls Club, she is a member of the Bondi Junction RSL.

- 2.5 Cr Clayton declared a less than significant, non-pecuniary interests in items relating to the Bondi Pavilion as a Bondi Pavilion user and a patron of the businesses there.
- 2.6 Cr Wy Kanak declared a less than significant, non-pecuniary interests in items relating to the Bondi Pavilion as a Bondi Pavilion user and a patron of the businesses there.
- 2.7 Cr Wy Kanak declared a less than significant, non-pecuniary interests in item CM/7.5/16.05 – Road Closure Application - Rowe Street and part of Grosvenor Lane and informed the meeting that he made a public submission on the road closure.

3. Addresses to Council by Members of the Public

- 3.1 J Sullivan – Item CM/5.1/16.05 – Bondi Beach National Surfing Reserve.
- 3.2 N Boaz – Item CM/8.1/16.05 – Council Decision Making During Merger Proposal Periods.
- 3.3 Representative of the Eastern Suburbs Heritage Society – Item CM/8.3/16.05 – Waverley Aboriginal Cultural Heritage Study.
- 3.4 P Paech – Item CM/8.7/16.05 – Gay Bashing Victims’ Monument.
- 3.5 P Paech – Item CM/8.8/16.05 – Marriage Equality.
- 3.6 P Paech – Item CM/8.13/16.05 – Bondi Pavilion Trust.
- 3.7 P Winkler – Item CM/8.12/16.05 – Bondi Pavilion Upgrade – Breakdown of Costing Components for the \$38 Million Allocation.
- 3.8 C Maltby – Item CM/8.15/16.05– Recording of Council and Committee Meetings.
- 3.9 C Maltby – Item CM/8.16/16.05– Addresses to Council by Members of the Public.
- 3.10 A Pappas – Item CM/8.18/16.05 – Motorbike Parking in Bondi Junction.
- 3.11 L Kulakauskas (on behalf of Bondi Beach Precinct) – Item CM/8.11/16.05 – Training for the Mayor and Deputy Mayor.
- 3.12 M Cox – Item CM/8.13/16.05 – Bondi Pavilion Trust.

4. Confirmation and Adoption of Minutes

CM/4.1/16.05 Confirmation of Minutes - Council Meeting - 19 April 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Clayton

That the Minutes of the Council Meeting held on 19 April 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr Cusack was not present for the debate and vote on this item.

**CM/4.2/16.05 Confirmation of Minutes - Extraordinary Council Meeting - 30 April 2016
(SF16/406)**

MOTION / DECISION

**Mover: Cr Goltsman
Seconded: Cr Burrill**

That the Minutes of the Extraordinary Council Meeting held on 30 April 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr Cusack was not present for the debate and vote on this item.

**CM/4.3/16.05 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 April 2016
(SF16/158)**

MOTION / DECISION

**Mover: Cr Kay
Seconded: Cr Mouroukas**

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 28 April 2016 be received and noted, and that the recommendations contained therein be adopted.

Cr Cusack was not present for the debate and vote on this item.

5. Mayoral Minute

CM/5.1/16.05 Bondi Beach National Surfing Reserve (SF16/406)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts

That Council:

1. Supports the nomination of Bondi Beach as a National Surfing Reserve and where applicable provide a letter of support as part of the nomination process.
2. Notes that a surfing reserve does not attempt to exclude any user group and there are no statutory provisions associated with it.

Background

Following the successful visit of the Peruvian World Surfing Reserve (WSR) group to Bondi in February this year and the construction of the 'caballito de totora' Waverley Council was recently approached by Mr John Sullivan to discuss the nomination of Bondi Beach as a WSR. A group of local surfers have done some research and agreed the appropriate path would be to initially seek National Surfing Reserve (NSR) status and then follow up with WSR status for the coastal strip from Bondi to Maroubra. Maroubra Beach already has NSR status.

According to the National Surfing Reserves website, National Surfing Reserves is a voluntary collaboration formed in Sydney in 2005, dedicated to recognizing iconic surfing sites in Australia and assisting NSR sites globally.

National Surfing Reserves are described as 'iconic' places of intrinsic environmental, heritage, sporting and cultural value to a nation. NSR embrace all peoples to enjoy, understand and protect special coastal

environments of universal value to the surfing world.

A Surfing Reserve does not attempt to exclude any user group and there are no statutory provisions associated with it.

There are presently 18 National Surfing Reserves in Australia.

The criteria for a National Surfing Reserve are:

- Quality of the waves (i.e. a national class surfing break);
- A place considered sacred by the local and national surfing community
- Long term usage of the beach and wave environment by local and national surfing community, e.g. long term surf lifesaving club and/or boardriders club with significant history

Bondi Beach is an iconic and much loved beach with very important surfing and surf lifesaving history and heritage. Bondi Beach should clearly satisfy the criteria above.

Cr Cusack was not present for the debate and vote on this item.

J Sullivan addressed the meeting.

6. Obituaries

Frank Galvin
Dr John Kaye

Council rose for a minute's silence as a mark of respect for the deceased and for the souls of people generally who have died in our Local Government area.

7. Reports

CM/7.1/16.05 3rd Quarter 2015/16 Budget Review - March 2016 (A03/0346)

MOTION / DECISION

**Mover: Cr Burrill
Seconder: Cr Kay**

That Council adopts the variations to the 2015/16 Operating and Capital budgets in accordance with attachments 1 and 2 of this report.

Cr Cusack was not present for the debate and vote on this item.

AT THIS STAGE IN PROCEEDINGS CR WAKEFIELD, SECONDED BY CR WY KANAK, MOVED A MOTION THAT THOSE NOTICES OF MOTIONS ON THE AGENDA THAT WERE ADDRESSED BY MEMBERS OF THE PUBLIC BE BROUGHT FORWARD. THE MOTION WAS LOST ON A DIVISION:

Division

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

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

CM/7.2/16.05 Investment Portfolio Report - March 2016 (A03/2211)**MOTION / DECISION****Mover: Cr Burrill****Seconder: Cr Kay**

That Council:

1. Receives the investment Portfolio Report – March 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 Cusack was not present for the debate and vote on this item.

CM/7.3/16.05 Small Grants Program 2015-16 (Round 2) (A15/0623)

Cr Clayton declared a less than significant, non-pecuniary interest in this matter and informed the meeting that in relation to the grant applicant Club Bondi Junction Lawn Bowls Club, she is a member of the Bondi Junction RSL.

Cr Burrill declared a significant, non-pecuniary interest in this matter and informed the meeting that the grant applicant My Asana Yoga Studio is the business of my close friend and neighbour. Cr Burrill was not present at, or in sight of, the meeting during the consideration and vote on this matter.

Cr Kay declared a significant, non-pecuniary interest in this matter and informed the meeting that the musical director for the Daydream Believers Choir grant application is the brother of a close friend. Cr Kay was not present at, or in sight of, the meeting during the consideration and vote on this matter.

Cr Betts declared a significant, non-pecuniary interest in this matter and informed the meeting that she is on the Board of WAYS. Cr Betts relinquished the Chair and was not present at, or in sight of, the meeting during the consideration and vote on this matter.

Cr Guttman-Jones was elected by those councillors present to assume the Chair for this matter.

MOTION / UNANIMOUS DECISION**Mover: Cr Goltsman****Seconder: Cr Mouroukas**

That Council approves the Small Grants Program 2015/16 (Round 2) grants to the organisations and individuals as set out in Table 2 of this report.

AMENDMENT**Mover: Cr Wy Kanak****Seconder: Cr Wakefield**

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

“That Council's Small Grants allocation be amended to offer in-kind support to all existing community programmes at Bondi Pavilion Cultural and Community Centre from now until the next local government election”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

Cr Guttman-Jones then relinquished the Chair and Cr Betts assumed the Chair.

Cr Cusack was not present for the debate and vote on this item.

CM/7.4/16.05 Tender Evaluation Report - Bondi Park Picnic Shelters (A15/0436)

Subsequent to the adjournment of this meeting a motion to rescind this decision was lodged with the General Manager. The Rescission Motion was considered by Council at its Extraordinary Meeting on 23 May 2016.

MOTION (WITHDRAWN)

Mover: Cr Clayton

Seconder: Cr Betts

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified 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, Fleetwood Urban Pty Ltd for Principal Construction services for the Bondi Park Picnic Shelters.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Guttman-Jones

That the matter be deferred so detailed schematic plans and detailed costing can be provided to Councillors for their consideration, in addition to the information and image already distributed to Councillors in the April 2016 Information Bulletin, and that the same information be distributed to the Waverley precincts for consultation and feedback.

Division

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

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

CM/7.5/16.05 Road Closure Application - Rowe Street and part of Grosvenor Lane (A13/0061)

Cr Wy Kanak declared a less than significant, non-pecuniary interest in this matter and informed the meeting that he made a public submission on the road closure.

MOTION / DECISION

Mover: Cr Burrill

Seconder: Cr Mouroukas

That Council:

1. Endorses the Road Closure Application for Rowe Street and part of Grosvenor Lane and subsequently authorises the General Manager to sign off the final application, as well as any necessary easements on the land for infrastructure services, to enable the eventual upgrade of pedestrian access to Bondi Junction Transport Interchange.

2. Endorses the final Road Closure Plan, once approved by NSW Department of Primary Industries - Lands, to be sent to NSW Land and Property Information to create the new lots.
3. Officers enforce the DA approval for the ramp's construction.

Division

For the Motion: Crs Betts, Burrill, Clayton, Goltsman, Guttman-Jones, Kay, Mouroukas and Strewe.

Against the Motion: Crs Masselos, Wakefield and Wy Kanak.

CM/7.6/16.05 Waverley Artist Studios August 2016 - January 2017 (A15/0089)**MOTION / DECISION**

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council endorses the recommendations that:

1. Greg Semu, Caroline Garcia, Tully Arnot, Alex Kiers and Adam Norton are offered a place in the August 2016 - January 2017 Waverley Artist Studios.
2. Leahlani Johnson, Natasha Frisch and Elyssa Sykes-Smith are placed on the waiting list for the August 2016 - January 2017 Waverley Artist Studios.

Cr Cusack was not present for the debate and vote on this item.

CM/7.7/16.05 LGSA NSW Election of Board of Directors - Nomination of Voting Delegates (A02/0764)**MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Kay

That Council nominates the Mayor, Cr Sally Betts, the Deputy Mayor, Cr Tony Kay, and Crs Angela Burrill, Leon Goltsman and Bill Mouroukas to vote on behalf of Waverley Council in the 2016 election of persons to the Board of the Local Government and Shires Association of New South Wales.

Crs Masselos and Wy Kanak requested that their vote against the Motion be recorded in the Minutes.

Cr Cusack was not present for the debate and vote on this item.

8. Notices of Motion

**CM/8.1/16.05 Amalgamations - Council decision making during merger proposal periods
(A16/0054)**

MOTION**Mover: Cr Wakefield****Seconder: Cr Masselos**

That Council:

1. Seeks legal advice on its responsibilities and scope of action now that Waverley Council is the subject of a Boundaries Commission review for merger.

On 18 December 2015 the Minister for Local Government issued guidelines entitled "Council decision making during merger proposal periods". These guidelines, issued under Section 23A of the Act, provide guidance to Councils which are the subject of merger proposals on the appropriate exercise of their functions during the period in which a merger proposal is under consideration. Waverley Council is subject to a merger proposal and is therefore required to consider these Guidelines when exercising its functions.

Under the Guidelines, Councils need to act in the best interests of their community and for the purposes of meeting the needs of that community. Councils should not make decisions that needlessly impose an avoidable cost on a new (merged) Council.

The Guidelines require Councils to ensure that they do not make decisions during the merger proposal period which would (inter alia) impede the operational effectiveness of a new Council by:

- Making significant and/or ongoing financial commitments that will be binding on a new Council;
- Making other significant undertakings or commitments that will be binding on a new Council; and
- Making decisions that are designed to limit the flexibility or discretion of a new Council.

2. In particular, seeks legal advice giving interpretation of these Guidelines in relation to two major projects: the development of the Bondi Junction Civic Precinct and the upgrade of the Bondi Pavilion.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

N Boaz addressed the meeting.

CM/8.2/16.05 Amalgamations - Submission to Minister for Local Government about current councillors forming interim committee (A16/0054)

Subsequent to the adjournment of this meeting a motion to rescind this decision was lodged with the General Manager. The Rescission Motion was considered by Council at its Extraordinary Meeting on 23 May 2016. At that meeting Council deferred the matter to the reconvened part of this meeting held on 24 May 2016 and was dealt with as urgent business under section 9.1 below.

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council:

1. Notes the Minister for Local Government's recent request for Expressions of Interest from Councillors in regard to future merged councils.
2. Makes a submission to the Minister for Local Government stating that:
 - (a) Council believes that community outcomes would be best served by the current Councillors forming a "committee of the whole" as an interim arrangement to oversee any merger.
 - (b) This Interim Committee would operate until the next Local Government Election.

Division

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

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

CM/8.3/16.05 Waverley Aboriginal Cultural Heritage Study (A07/1307-02)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Goltsman

That Waverley Council fully adopts all the recommendations from the Waverley Aboriginal Cultural Heritage Study into its Local Environment Plan and Development Control Plan.

FORESHADOWED MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Kay

That Council:

1. Notes that a number of recommendations from the Waverley Aboriginal Cultural Heritage Study prepared by Dominic Steele in 2009 have been adopted in the Waverley Development Control Plan (WDCP). They are currently included in WDCP B9 9.15 'Aboriginal Sites', as well as a standard condition of consent.
2. Further notes that earlier this year, as part of the review of the WDCP Housekeeping Amendment No. 5, the Waverley Aboriginal Cultural Heritage Study was again reviewed following Reconciliation Action Plan recommendations. This review has led to a number of additional amendments being proposed to the WDCP, and these will be detailed in the report scheduled for the June 2016 Operations Committee meeting.

THE MOTION WAS PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND DECLARED CARRIED.

Division

For the Substantive Motion: Crs Betts, Burrill, Clayton, Goltsman, Guttman-Jones, Kay and Mouroukas.

Against the Substantive Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

A representative of the Eastern Suburbs Heritage Society addressed the meeting.

CM/8.4/16.05 Waste Education Officers (A04/0430)**MOTION / UNANIMOUS DECISION**

Mover: Cr Strewe

Seconder: Cr Burrill

That Councillors receive a report on:

1. How many waste education officers Council employs.
2. How many waste compliance officers Council employs.
3. What is the current waste education and compliance program to help households better manage waste.
4. Whether this program has been reduced.

Cr Cusack was not present for the debate and vote on this item.

CM/8.5/16.05 Poll on Merger (A16/0054)

Subsequent to the adjournment of this meeting a motion to rescind this decision was lodged with the General Manager. The Rescission Motion was considered by Council at its Extraordinary Meeting on 23 May 2016.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Strewe

That Council:

1. Undertakes a Poll as defined in the *Local Government Act 1993* of all eligible voters as soon as practical.
2. The wording of the Poll to be "Do you want Waverley Municipal Council to amalgamate with another Council?"
3. Writes to the Premier and the relevant Boundaries Commission Delegate to inform them of our decision.
4. Writes to the Hon Malcolm Turnbull MP, Member for Wentworth and Prime Minister and the Australian Electoral Commission to ask them about the facility to hold a poll on this issue at the same time as the Federal Election.

Division**For the Motion:** Crs Clayton, Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman, Kay and Mouroukas.**CM/8.6/16.05 Minister's Guidelines (A16/0054)**

Subsequent to the adjournment of this meeting a motion to rescind this decision was lodged with the General Manager. The Rescission Motion was considered by Council at its Extraordinary Meeting on 23 May 2016.

MOTION / DECISION**Mover: Cr Wakefield****Seconder: Cr Masselos**

That Council:

1. Provides detailed information to the Minister for Local Government to inform him of the Bondi Pavilion proposal. This information will be made available to all Councillors and the public.
2. Seeks clarification from the Minister whether the Bondi Pavilion proposal is consistent with the Guidelines "Council Decision Making During Merger Proposal Periods" issued on 18th December 2015. These guidelines, issued under Section 23A of the Act, provide guidance to Councils which are the subject of merger proposals on the appropriate exercise of their functions during the period in which a merger proposal is under consideration. Waverley Council is subject to a merger proposal and is therefore required to consider these Guidelines when exercising its functions.

Under the Guidelines, Councils need to act in the best interests of their community and for the purposes of meeting the needs of that community. Councils should not make decisions that needlessly impose an avoidable cost on a new (merged) Council.

The Guidelines require Councils to ensure that they do not make decisions during the merger proposal period which would (inter alia) impede the operational effectiveness of a new Council by:

- Making significant and/or ongoing financial commitments that will be binding on a new Council;
- Making other significant undertakings or commitments that will be binding on a new Council; and
- Making decisions that are designed to limit the flexibility or discretion of a new Council;

3. Invites Woollahra and Randwick Council to make submissions to the Minister in regard to the Bondi Pavilion proposal.
4. Reports on the advice provided by the Minister.

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

CM/8.7/16.05 Gay Bashing Victims Monument (A02/0276)**MOTION (WITHDRAWN)****Mover: Cr Wakefield****Seconder: Cr Burrill**

That Council:

1. Brings forward the plan of management and/or landscape plan for Hunter Park so as to allow for the installation of a memorial artwork to commemorate the gay men who were murdered in the "Bondi Badlands" murders at Bondi and Marks Park in the 1980s.
2. Endorses in principle the commissioning of a public artwork for Hunter Sculpture Park in remembrance of these victims of violence.
3. Writes to ACON and the Kirby Institute informing them of the decision.
4. Notes that Hunter Park is not an accessible location to hold a memorial event due to the steep grade of the site.

MOTION / UNANIMOUS DECISION**Mover: Cr Strewe****Seconder: Cr Goltsman**

That Council:

1. Brings forward the redoing of the Hunter Park Plan of Management if necessary (as per the previous Council resolution).
2. If not necessary, Council proceeds with the installation of a memorial artwork to commemorate the gays who were murdered as referenced in the 'Bondi Badlands' book between Bondi and Marks Park in the 1980s.
3. Endorses in principle the commissioning for the artwork for Hunter Park or other appropriate place.
4. Notes that ACON has agreed to fundraise for the sculpture, and would like to work with Council on the design.

Crs Burrill and Cusack were not in the chamber for the debate and vote on this item.

P Paech addressed the meeting.

CM/8.8/16.05 Marriage Equality (A03/2248)**MOTION / DECISION****Mover: Cr Wakefield****Seconder: Cr Masselos**

That Council reaffirms its support for marriage equality and flies the rainbow flag on the Bondi Pavilion and the Council Chambers until marriage equality in Australia is achieved.

Crs Burrill and Cusack were not in the chamber for the debate and vote on this item.

P Paech addressed the meeting.

CM/8.9/16.05 Bondi Pavilion square meterage (A15/0272)**MOTION / UNANIMOUS DECISION****Mover: Cr Wakefield
Seconder: Cr Masselos**

That Council:

1. Reviews its information regarding the size of rooms and facilities in the Existing and the Proposed Bondi Pavilion.
2. Clarifies the measures of space uses within the Existing and the Proposed Bondi Pavilion.

Crs Burrill and Cusack were not in the chamber for the debate and vote on this item.

CM/8.10/16.05 Withdraw 'Name the New Council' program (A16/0054)**MOTION****Mover: Cr Wakefield
Seconder: Cr Masselos**

That:

1. The current program being conducted by Waverley Council to 'Name the New Council' will be withdrawn until a decision is handed down by the Minister in regard to Council merging.
2. All materials related to the program will be removed from public circulation including the URL <http://haveyoursaywaverley.com.au/nameyourcouncil>

THE MOTION WAS PUT AND DECLARED LOST.

CM/8.11/16.05 Training for the Mayor and Deputy Mayor (A02/0649)**MOTION / UNANIMOUS DECISION****Mover: Cr Wakefield
Seconder: Cr Masselos**

That all councillors undertake training in Council's Code of Meeting Practice to better fulfil their responsibilities to Council and the community.

L Kulakaukus (on behalf of the Bondi Beach Precinct Committee) addressed the meeting.

CM/8.12/16.05 Bondi Pavilion Upgrade – Breakdown of costing components for the \$38 million allocation (A15/0272)

Subsequent to the adjournment of this meeting a motion to rescind this decision was lodged with the General Manager. The Rescission Motion was considered by Council at its Extraordinary Meeting on 23 May 2016.

MOTION / DECISION**Mover: Cr Masselos
Seconder: Cr Guttman-Jones**

That:

1. The detailed cost estimate be updated and provided to Councillors under confidential cover, with the detailed cost estimate also providing information in relevant categories such as:
 - i. The main Pavilion building renovation.
 - ii. The construction and furnishing of the multi-purpose theatre including dressing rooms and covered walkway to access theatre.
 - iii. The garden and community spaces and amphitheatre.
 - iv. Itemisation and costing of all other components not highlighted in i, ii, and iii above.
 - v. All existing available reports are issued to Council immediately. Any reports requiring commissioning be initiated after 10 am on 18 May 2016.
2. Council notes that a detailed quantity surveyor cost estimate for the Bondi Pavilion Upgrade and Conservation Project by Altus Page Kirkland was provided to councillors under confidential cover on 29 February 2016.
3. Details all assessments undertaken of the Bondi Pavilion's existing structural integrity, geotechnical reports, demolition reports and any other relevant reports that are material to the renovation and costing of the Pavilion.
4. Councillors are provided with access to all technical reports completed so far that are relevant to the design and costing of the Bondi Pavilion Upgrade and Conservation Project.

Division

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

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

P Winkler addressed the meeting.

CM/8.13/16.05 Bondi Pavilion Trust (A03/0090)

MOTION (WITHDRAWN)

Mover: Cr Masselos

That:

1. Council investigates a range of different Trust or similar models which may be suitable for application to the Bondi Pavilion.
2. As part of the investigations, consideration be given to the Trust managing the Bondi Pavilion in co-operation with Waverley Council or any new amalgamated entity.
3. Investigations should include consideration of community membership on the Board of the Trust.
4. A report on the above come to the June meeting of Council.
5. Should the Trust model prove feasible, that following the June meeting of Council, the community be consulted on the nature of this Trust, its establishment and membership.

MOTION (WITHDRAWN)

Mover: Cr Masselos

That:

1. As Waverley Council is the appointed Reserve Trust manager under the Crown Lands Act, Council investigates the establishment of a delegated sub-committee, with the Minister's consent, to include community representation and actively engage and involve the community.
2. The report to Council makes suggestions as how the delegated sub-committee can assist Waverley Council or any new amalgamated entity with the management of the Bondi Pavilion
3. That should the delegated sub-committee model prove feasible, that following the June meeting of Council, the community be consulted on the potential roles of the sub-committee, its membership and establishment.
4. Applications of community membership of the delegated sub-committee are to be advertised in the local media, Council's website and through the precincts. Applications are to be assessed and suitable candidates be recommended to Waverley Council or the newly amalgamated entity, by an independent selection committee.

MOTION**Mover: Cr Masselos****Seconder: Cr Strewe**

That:

1. As Waverley Council is the appointed Reserve Trust manager under the *Crown Lands Act*, Council investigates the establishment of a delegated sub-committee under section 97A of the *Crown Lands Act* or other trust models that may be suitable for the Bondi Pavilion, with the Minister's consent, to include community representation and report to Council.
2. The report to Council also makes suggestions as how the delegated sub-committee or other trust models can assist Waverley Council or the new amalgamated entity, with the management of the Bondi Pavilion.

THE MOTION WAS PUT AND DECLARED LOST.

Division**For the Motion:** Crs Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Cusack, Clayton, Goltsman, Kay and Mouroukas.*P Paech and M Cox addressed the meeting.***CM/8.14/16.05 Trees in Public Spaces Removal Policy (A02/0760-03)****MOTION / UNANIMOUS DECISION****Mover: Cr Masselos****Seconder: Cr Cusack**

That Council updates the current tree policy guidelines where appropriate for tree removal in public spaces as follows:

1. Council's Public Open Space team ensures that all trees in public places identified for removal in accordance with Section 1.8 of the Tree Management Policy *Public Tree Removal and Notification* are marked with appropriate high visibility tape and an accompanying sign explaining why the tree is being removed, the planned date of removal and any intended follow up action such as tree replacement. This would be subject to clause 2 below.

2. Council notes that trees that could cause a serious safety issue (e.g. Coral Trees) may need to be removed immediately. In this situation, and for street trees only, adjacent residents should be notified to inform them of the reasons for the tree removal and what replacement trees are to be planted.
3. That, with the exception of trees categorised in clause 2 above, prior to the final decision to remove a tree in a public space appropriate Ward Councillors be notified.
4. Where a tree in a public space has not been authorised by Council, Council has the authority to remove it following a notification process.

CM/8.15/16.05 Recording of Council and Committee Meetings (A02/0649)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council amends clause 17.4(5) of the Waverley Council Code of Meeting Practice "Recording of council and committee meetings" to read as follows:

"A person including members of the public and media may use an audio and/or image recording device to record the public proceedings of a meeting of Council or a committee of Council unless otherwise determined by resolution of Council or the Council committee that all or part of the meeting not be so recorded".

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

C Maltby addressed the meeting.

CM/8.16/16.05 Addresses to Council by members of the public (A02/0649)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council amends clause 10.1(3) of the Waverley Council Code of Meeting Practice "Addresses to council by members of the public" to read as follows:

"The mayor or chairperson will call members of the public to address the meeting in accordance with the order of business. Any individual address should be for no more than 3 minutes duration. If there are 2 or more people speaking on the same matter, they shall be limited to a total of 12 minutes with that time divided between speakers for and against the matter. An additional period of 1 minute for each speaker for questions of clarification by Councillors on matters raised by the speaker shall be available if required".

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

C Maltby addressed the meeting.

CM/8.17/16.05 Bronte Pool Pump (A06/0070)

MOTION / UNANIMOUS DECISION

Mover: Cr Strewe

Seconder: Cr Burrill

That Councillors be informed about the replacement of the Bronte Pool pump, in particular:

1. When the pump is to be replaced.
2. The cost of the replacement pump and associated works.
3. The cost of the temporary pump.

CM/8.18/16.05 Motorbike Parking in Bondi Junction (A02/0637-02)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill

Seconder: Cr Cusack

That Council investigates the provision of additional motorbike parking in the following locations including the consideration of more flexible, longer time restrictions:

1. Ebley Street adjacent to Clementson Park.
2. Bronte Road between Birrell Street and Ebley Street, or Allens Parade.
3. Oxford Street between Denison Street and Newland Street.
4. Gray Street.
5. In the vicinity of Hollywood Avenue and Waverley Street, or on the intersection of Ebley Street East and Hollywood Avenue.

A Pappas addressed the meeting.

9. Urgent Business

CM/9.1/16.05 RESCISSION MOTION - CM/8.2/16.05 - Amalgamations - Submission to Minister for Local Government about current councillors forming interim committee (A15/0054)

At the Extraordinary Council Meeting held on 23 May 2016, Council deferred this matter to the reconvened part of this meeting. In doing so, Council has determined, in accordance with clause 16.3 (11) of Council's Code of Meeting Practice, that the matter be dealt with as urgent business.

MOTION / DECISION

Mover: Cr Betts

Seconder: Cr Cusack

That the Rescission Motion be adopted.

Division

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

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

10. Closed Session

There were no matters dealt with in closed session.

CM/10.1/16.05 CONFIDENTIAL REPORT - Affordable Housing - Mou Bridge, Prospect for Purchase, and Other options (A14/0349)

This matter was dealt with by Council at its Extraordinary Meeting on 23 May 2016.

11. Resuming in Open Session

There were no matters dealt with in closed session

12. Meeting Closure

THE RECONVENED MEETING OF 24 MAY 2016 CLOSED AT 8.36 PM.

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SIGNED AND CONFIRMED
MAYOR
21 JUNE 2016