



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 10 OCTOBER 2017**

Present:

| | |
|--|---------------|
| Councillor John Wakefield (Mayor) (Chair) | Bondi Ward |
| Councillor Dominic Wy Kanak (Deputy Mayor) | Bondi Ward |
| Councillor Sally Betts | Hunter Ward |
| Councillor George Copeland | Waverley Ward |
| Councillor Leon Goltsman | Bondi Ward |
| Councillor Tony Kay | Waverley Ward |
| Councillor Elaine Keenan | Lawson Ward |
| Councillor Steven Lewis | Hunter Ward |
| Councillor Paula Masselos | Lawson Ward |
| Councillor Will Nemes | Hunter Ward |
| Councillor Marjorie O'Neill | Waverley Ward |

Staff in attendance:

| | |
|-----------------|--------------------------------|
| Cathy Henderson | Acting General Manager |
| Rachel Jenkin | Acting Director, Waverley Life |
| Peter Monks | Director, Waverley Futures |
| Emily Scott | Director, Waverley Renewal |
| Jane Worthy | Internal Ombudsman |

At the commencement of proceedings at 6.36 pm, those present were as listed above.

At 9.04 pm, immediately before the consideration of Item CM/7.4/17.10, the Mayor, Cr Wakefield, vacated the Chair and the Deputy Mayor, Cr Wy Kanak, assumed the Chair. At 9.08 pm, after the vote on Item CM/7.5/17.10, Cr Wy Kanak vacated the Chair and Cr Wakefield assumed the Chair.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Acting 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.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR GOLTSMAN AND SECONDED BY CR WY KANAK:

That the audio recording of this meeting be uploaded in its entirety to Council's website and made available to the public within seven days of the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Burrill.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in Item CM/4.3/17.10 – Adoption of Minutes – Waverley Traffic Committee – 28 September 2017 (TC/V.05/17.09 – Campbell Parade, Bondi Beach – Works Zone), and informed the meeting that his mother-in-law owns property close to the subject site. Cr Kay advised that he will leave the Chamber for the consideration and vote on the minutes.
- 2.2 Cr Kay declared a less than significant non-pecuniary interest in Item CM/4.3/17.10 – Adoption of Minutes – Waverley Traffic Committee – 28 September 2017 (TC/V.01/17.09 – Niblick Street, North Bondi – Works Zone), and informed the meeting that he lives close to the subject site. Cr Kay advised that he will leave the Chamber for the consideration and vote on the minutes.
- 2.3 Cr Masselos declared a significant non-pecuniary interest in Item CM/7.9/17.10 – Small Grants Program 2017/18 – Round 1, and informed the meeting that she closely mentored one of the applicants for a Small Grants Program in an unpaid capacity. Cr Masselos advised that she will leave the Chamber for this item.
- 2.4 Cr Betts declared a significant non-pecuniary interest in Item CM/7.10/17.10 – Youth Week 2018, and informed the meeting that she is on the board of management of WAYS. Cr Betts advised that she will leave the Chamber for this item.

- 2.5 Cr Wakefield declared a less than significant non-pecuniary interest in Item CM/8.3/17.10 – Bike-sharing, and informed the meeting that the member of the public who addressed Council on the item was number two on his ticket at the last Council election.

3. Addresses to Council by Members of the Public

- 3.1 B Hyamson – CM/4.3/17.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 September 2017.
- 3.2 A resident – CM/4.3/17.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 September 2017.
- 3.3 L Kulakauskas – CM/8.3/17.10 – Bike-sharing.
- 3.4 M Cox – CM/8.5/17.10 – Footpath Gardens.
- 3.5 P Mora (on behalf of Residents for Waverley Cemetery) – CM/8.6/17.10 – Waverley Cemetery.

4. Confirmation and Adoption of Minutes

CM/4.1/17.10 Confirmation of Minutes - Council Meeting - 8 August 2017 (SF17/81)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That the minutes of the Council Meeting held on 8 August 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

CM/4.2/17.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 August 2017 (SF17/98)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 August 2017 be received and noted, and that the recommendations contained therein be adopted.

CM/4.3/17.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 September 2017 (SF17/98)

Cr Kay declared a pecuniary interest in Item TC/V.05/17.09, and informed the meeting that his mother-in-law owns property close to the subject site. Cr Kay also declared a less than significant non-pecuniary interest in Item TC/V.01/17.09, and informed the meeting that he lives close to the subject site. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on the minutes.

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Nemesh

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 September 2017 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.02/17.09 – Bon Accord Avenue, Bondi Junction - Introduction of Resident Parking Restrictions.
2. TC/V.08/17.09 – Wairoa Avenue, North Bondi – ‘P - Motorbikes Only’.

And that these items be dealt with separately below.

B Hyamson and a resident addressed the meeting.

CM/4.2.1/17.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 September 2017 - TC/V.02/17.09 - Bon Accord Avenue, Bondi Junction - Introduction of Resident Parking Restrictions (A03/2581)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr O'Neill

That Council adopts the Council Officer's proposal as set out on page 39 of the Council Meeting agenda.

CM/4.2.2/17.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 September 2017 - TC/V.08/17.09 - Wairoa Avenue, North Bondi - 'P - Motorbikes Only' (A02/0637-02)**MOTION / DECISION**

Mover: Cr Betts
Seconder: Cr Nemesh

That Council not approve the installation of motorbike parking between 19 Wairoa Avenue and 8–12 Frederick Street.

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

5. Mayoral Minutes**CM/5.1/17.10 Recruitment of General Manager (A13/0558)****MOTION / DECISION**

Mover: Cr Wakefield

That Council:

1. Resolves to commence a recruitment process by an independent, outside company for the position of General Manager immediately.
2. Appoints a selection panel of Mayor, Deputy Mayor and Crs Betts, Keenan and Masselos to manage the recruitment, including the appointment of an external recruitment agency to facilitate the process.
3. At the conclusion of the selection process, considers a report from the Executive Manager, People & Culture, and endorsed by the selection panel, to appoint a General Manager.

CM/5.2/17.10 Parking Fees (A17/0529)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That:

1. Council reopens negotiations with the adjacent shopping centre owner with a view to remove the first hour fee for parking in Eastgate.
2. Council receives a report, by the March 2018 Council meeting at the latest, outlining the implications of and options for:
 - (a) Removing the fee for the first parking residential permit.
 - (b) Removing the fee for residents' beach permits.
 - (c) Turning off meters in Bondi Beach at 7 pm and Bondi Junction at 6 pm daily, year-round.
3. The report should detail timing of potential changes, including increased inflow and increased movement; resource and financial implications; benefits to residential amenity; and impacts on the future operation of the respective parking systems.

CM/5.3/17.10 Bondi Park - Underground Car Park (A12/0445)**MOTION / DECISION**

Mover: Cr Wakefield

That Council not proceed with the feasibility study for an underground car park in Bondi Park, and Council's budgets and plans be adjusted accordingly.

Division**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Goltsman, Kay and Nemesh.**CM/5.4/2017 Interim Heritage Order - 1 Sir Thomas Mitchell Road, Bondi Beach (DA-13/2017)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council:

1. Makes an Interim Heritage Order in relation to 1 Sir Thomas Mitchell Road, Bondi Beach, to enable a heritage assessment to be undertaken by an independent heritage consultant.
2. Subject to the outcome of the heritage assessment, either amends the *Waverley Local Environmental Plan 2012* to include 1 Sir Thomas Mitchell Road on Schedule 5 – Environmental Heritage or allows the Interim Heritage Order to lapse.

Background

A DA for the demolition of the existing residential flat building plus the brick out-building and the construction of a five-storey building was received by Council on 13 January 2017. The application was notified and 23 submissions were received. The main issues of contention relate to the proposed demolition of the three-storey residential flat building of inter-war style. Other issues include bulk and scale, particularly building height and setbacks; non-compliance with the Apartment Design Guide; and internal amenity, visual privacy and streetscape.

Heritage status of the site

1 Sir Thomas Mitchell Road is not listed in Part 1 – Heritage Items in Schedule 5 – Environmental Heritage of the *Waverley LEP 2012* as a heritage item, but is included in Part 2 – Heritage Conservation Areas, as it is situated within the Bondi Beach Conservation Area – General. The building is not identified in the LEP as having contributory significance to the Bondi Beach Conservation Area, but a subsequent review by Council's Heritage Officers considers that it does in fact contribute to the significance of the Conservation Area. The WLEP 2012 map identifies this conservation area as C2. As a result, the proposed development is affected by clause 5.10 (Heritage conservation) of WLEP 2012, requiring development consent for demolition.

Current status of the DA

Following a deemed refusal filed against Council on 31 March 2017, the DA for Sir Thomas Mitchell Road is currently under appeal. A section 34 conciliation conference was held on 15 August 2017 and terminated as the parties did not agree. The hearing is scheduled for 18–19 December 2017.

The comments relating to the heritage issues for the development made the following recommendations:

The existing building should be retained as a contributory element in the Conservation Area and the immediate streetscape.

Retention of the existing building as a restored façade [in depth] with an additional cohesive floor to the upper level of the building would be supported if well detailed and designed in a manner maintaining the historic relationship of the original building to the Conservation Area and the related Cairo Mansions.

DA issues relating to heritage significance

Community interest in 1 Sir Thomas Mitchell Road has raised concern that it has heritage significance to Waverley and therefore should not be demolished.

A community-led nomination for heritage listing of the building by the Bondi Beach Precinct Committee has been prepared. It presents information that supports the fact that 1 Sir Thomas Mitchell Road has local heritage significance and should be retained with the view to including it in Schedule 5 – Environmental Heritage of the *Waverley LEP 2012* as a heritage item.

Waverley Council has authorisation from the Minister to make an Interim Heritage Order (IHO) in its government area. Council has the ability to make an IHO pursuant to section 25 of the *Heritage Act 1977*. The purpose of the interim heritage order is to provide a ‘breathing space’ of no more than six months, during which a full heritage assessment can be completed. It is understood, however, that the IHO investigation would not prevent the LEC appeal from proceeding and being determined, although this matter would be a factor to be taken into account.

By resolving to pursue an Interim heritage order, Council clearly conveys its views to the Land and Environment Court that it considers the heritage matters are of significance and should be taken into account.

6. Obituaries

CM/6.1/17.10 Obituaries - October 2017 (A02/0017)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Wy Kanak

Graeme Kerr
Judith Cantor
Dr Evelyn Scott

That a letter of sympathy be forwarded to the families of the deceased named expressing the condolences of the Mayor, Councillors and staff in the bereavement they have experienced.

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/7.1/17.10 Confirmation of Minutes - Council Meeting (Mayoral Election) - 26 September 2017 (SF17/81)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That the minutes of the Council Meeting (Mayoral Election) held on 26 September 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/7.2/17.10 New Standing Committees (A17/0514)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Revokes all previous delegations to the Operations Committee.
2. Delegates to the Operations and Community Services Committee the functions listed in Attachment 1 to this report.
3. Delegates to the Strategic Planning and Development Committee the functions listed in Attachment 2 to this report.
4. Authorises the Mayor to execute the instruments of delegation for each committee.
5. Holds the Operations and Community Services Committee on the first Tuesday of each month (except January) at 7.00 pm and the Strategic Planning and Development Committee on the first Tuesday of each month (except January) at 7.30 pm.
6. Amends the starting time for Council meetings to 7.00 pm.
7. Adopts the Order of Business for the Operations and Community Services Committee and the Strategic Planning and Development Committee as set out in Attachment 3 to this report.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Betts

That the Motion be adopted subject to clause 6 being amended to read as follows:

‘Amends the starting time for Council meetings to 7.00 pm, and acknowledges clause 14.1(1)(b) of the Code of Meeting Practice regarding adjournments that a meeting of Council or a committee of Council may be adjourned if the business listed on the meeting agenda has not been dealt with by 11.30 pm.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/7.3/17.10 Draft 2016/17 Financial Statements (A17/0252)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2017:
 - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records.
 - (c) Council is unaware of any matter that would render the financial statements false or misleading in anyway.
2. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.
3. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special purpose Financial Statements, be signed by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. The financial statements be referred to Council's auditors for audit.
5. Arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
6. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
7. The audited financial statements be presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.
8. Public notice of the meeting to be held on Tuesday, 21 November 2017, be given to newspapers to be published in the week commencing 13 November 2017, including the publication of all documents required under section 418 of the *Local Government Act 1993*.
9. Council resolves that at the meeting of Council scheduled for Tuesday, 21 November 2017, Council will present its Audited Financial Report and Auditor's Report to the public.

CM/7.4/17.10 Investment Portfolio Report – July and August 2017 (A03/2211)

At 9.04 pm, immediately before the consideration of this item, the Mayor, Cr Wakefield, vacated the Chair and the Deputy Mayor, Cr Wy Kanak, assumed the Chair.

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Masselos

That Council:

1. Receives the Investment Portfolio Reports for July and August 2017.
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.

Crs Wakefield and Goltsman were not present for the consideration and vote on this item.

CM/7.5/17.10 Waverley Council Audit Committee - Report to Council (A09/1105)

At 9.08 pm, after the vote on this item, the Deputy Mayor, Cr Wy Kanak, vacated the Chair and the Mayor, Cr Wakefield, assumed the Chair.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council receives and notes the Waverley Council Audit Committee's Report to Council 2017 from the Chairs of the Committee attached to this report.

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

CM/7.6/17.10 Waverley Council Audit Committee - Short-term Reappointment of Independent Members (A09/1105)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Kay

That Council:

1. Appoints Mr Noel Hall and Mr Martin Bass as the two independent members to the Waverley Council Audit Committee until the end of March 2018.
2. Undertakes a review of the operation of the Waverley Council Audit Committee to incorporate the new requirements of the *Local Government Act 1993* requiring all Council's to appoint an Audit, Risk and Improvement Committee prior to the end of March 2018.

CM/7.7/17.10 Local Government NSW Annual Conference 2017 and Board Elections (A13/0314)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council, in respect of the Local Government NSW Annual Conference 2017:

1. Nominates the Mayor, Deputy Mayor, Cr Keenan, Cr O'Neill and Cr Masselos as voting delegates for the election of the Board and Office bearers of Local Government NSW (LGNSW).
2. Nominates the Mayor, Deputy Mayor, Cr Keenan, Cr O'Neill and Cr Masselos as voting delegates for motions.
3. Nominates Cr Lewis and Cr Copeland as reserve voting delegates for the election of the Board and Office Bearers of LGNSW.
4. Nominates Cr Lewis and Cr Copeland as reserve voting delegates for voting on motions.
5. Nominates Crs Nemesh and Goltsman to attend the Conference as observers.
6. Approves the Acting General Manager's attendance at the Conference.
7. Considers any proposed motions for submission to the Conference at this meeting.

CM/7.8/17.10 Disability Inclusion Action Plan (DIAP) and Framework (A16/0674)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council endorses the Randwick and Waverley Regional Disability Inclusion Framework and Action Plan (DIAP) 2017–2021 attached to this report.

Cr Wy Kanak was not present for the vote on this item.

CM/7.9/17.10 Small Grants Program 2017/18 - Round 1 (A17/0401)

Cr Masselos declared a significant non-pecuniary interest in this item, and informed the meeting that she closely mentored one of the applicants for a Small Grants Program in an unpaid capacity. Cr Masselos was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Lewis

That Council approves grants to the total value of \$46,184, under its Small Grants Program (Round 1) 2017/18, to organisations and individuals as set out in this report, with conditions where specified in Attachment 1.

CM/7.10/17.10 Youth Week 2018 (A03/2784)

Cr Betts declared a significant non-pecuniary interest in this item, and informed the meeting that she is on the board of management of WAYS. Cr Betts was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Wy Kanak

That Council:

1. Approves a grant to WAYS Youth Services of up to \$3,500, subject to confirmation of the State Government Youth Week Grant matching Council funds, to run a program of activities in Youth Week 2018.
2. Provides financial assistance under section 356 of the *Local Government Act 1993* to WAYS Youth Services to cover the costs associated with the operation of Bondi Blitz in Youth Week 2018.
3. Notes that:
 - (a) In accordance with the funding agreement, Youth Week activities must be developed through a collaborative approach with young people.
 - (b) Partnership opportunities will be explored to enhance Bondi Blitz and other youth focused Council initiatives in 2018.
 - (c) The format for Youth Week 2019 is likely to be refreshed following consultation with young people to increase engagement in the activities.

CM/7.11/17.10 Evaluation of Tender - Compost and Worm Farm Stock and Delivery (A17/0203)**MOTION / DECISION**

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council defers this item.

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

CM/7.12/17.10 Appointment of Panel of Code of Conduct Reviewers (A09/0294)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats Attachment 1 and Attachment 2 to this report as confidential as they relate to matters specified in section 10A(2)(c) of the *Local Government Act 1993*. Attachments 1 and 2 contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Adopts the SSROC Code of Conduct Reviewers Preferred Suppliers Panel listed below as the Code of Conduct Reviewers Panel for Waverley Council, for a period of four years to 30 June 2021:
- (a) Centium Group.
 - (b) Nemesis Consulting.
 - (c) O'Connor Marsden.
 - (d) PKF Forensic & Risk.
 - (e) Prevention Partners.
 - (f) SINC Solutions.
 - (g) Strategic Risk Solutions.
 - (h) Train Reaction.

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

CM/7.13/17.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A17/0427)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Nemesh

That Council receives and notes the returns by Councillors and Designated Persons disclosing interests.

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

8. Notices of Motion

CM/8.1/17.10 Bondi Pavilion Upgrade and Conservation Project and Committees (A15/0272)

This matter was last considered at the Extraordinary Council Meeting on 3 October 2017.

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That:

1. Council acknowledges the community support for Bondi Pavilion to undergo a refurbishment that retains the Pavilion as a community and cultural centre, and that will not reduce community space.
2. Council receives a report on the current state of the development application for the refurbishment of the Bondi Pavilion and advice on how the current plans can be modified or whether the project of redevelopment of the Pavilion should be completely reassessed.
3. Council establishes an internal Bondi Pavilion Project Committee, including the three Bondi Ward

Councillors, to thoroughly review current plans, Council's community research, business plan and public submissions, Council's project management record to date and its future capacity, and preferred stage options for refurbishment; and makes its recommendations public.

4. Council establishes a Bondi Pavilion Stakeholder Committee by public expression of interest tasked with articulating future cultural and community programs and artistic direction of the Pavilion; and that the selection of committee members and the chair of this committee be transparent and open.
 - (a) The Bondi Pavilion Stakeholder Committee (BPSC) will comprise a maximum of 12 members consisting of a maximum of seven members appointed following the EOI campaign plus one delegate from the Bondi Beach Precinct and one delegate from the Friends of Bondi Pavilion, and all Bondi Ward Councillors. The Mayor and Deputy Mayor will be alternate chairs for the Committee.
 - (b) The Expression of Interest campaign will commence 11 October 2017 and run for a period of four weeks.
 - (c) The Mayor and Deputy Mayor, in consultation with the General Manager, will recommend membership of the BPSC consistent with the above clauses.
 - (d) A report will come to Council on 21 November 2017 establishing membership and Terms of Reference of the BPSC for Council's approval, including a list of unsuccessful applicants.
 - (e) The Terms of Reference will establish the necessary reporting outcome which must include the establishment by the BPSC of a matrix of recommended and desired uses and functions of the Pavilion.
 - (f) The first meeting of the BPSC will be held on 25 November 2017 with two subsequent weekly meetings and, if necessary, a plenary meeting immediately thereafter.
 - (g) A report will be prepared detailing the deliberations of the BPSC for the 6 February 2018 Council committee meeting.
 - (h) The BPSC will reconvene after this initial phase to consider cultural and arts programming for the Pavilion on an ongoing basis.
5. Both the Bondi Pavilion Project Committee and the Bondi Pavilion Stakeholder Committee be supported by senior Council staff and appropriate managers supplying appropriate material on all matters relating to the Pavilion, and include a secretariat for accurate minute-taking.
6. Council receives the Bondi Beach Cultural Landscape Conservation Management Plan prepared for Council in December 2016 by architect Jean Rice at the inaugural meeting of the Strategic Planning and Development Committee.
7. Council notes that the following reports should be tabled at the same meeting as the report requested in clause 2 above:
 - (a) Fair Use Policy.
 - (b) Additions to the Bondi Pavilion Cultural and Community Use Impact Assessment (adopted on 4 July 2017).

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Betts

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

‘Council notes that the DA currently being assessed by Council officers provides for additional community space than is currently available.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/8.2/17.10 RESCISSION MOTION - CM/7.15/17.08 - Bondi Pavilion Project Communications - Council Meeting - 8 August 2017 (A15/0272)

This Notice of Motion was withdrawn at the meeting by Crs Wakefield and Masselos.

MOTION (WITHDRAWN)

That the Rescission Motion be adopted.

Cr Wy Kanak was not present for the consideration of this item.

CM/8.3/17.10 Bike-sharing (A17/0445)

Cr Wakefield declared a less than significant non-pecuniary interest in this item, and informed the meeting that the member of the public who addressed Council on the item was number two on his ticket at the last Council election.

MOTION

Mover: Cr Betts

Seconder: Cr Goltsman

That Council:

1. Makes a further attempt to work with Reddy Go and OBiKe bike-share companies, who are operating in Waverley at present, to improve their distribution and collection systems but in particular to introduce an education program for bike users for their safe deposit at the end of their journey.
2. Prepares a report for November 2017 Council that includes a criteria and process for impounding bikes, and how penalties can be applied to companies who are unable to demonstrate appropriate management measures to improve their operations. The report should also identify locations for increased bike storage in particular at our beaches and bus interchange, and recommend measures to address any shortfall.

FORESHADOWED MOTION

Mover: Cr Lewis

That Council prepares a report for the first Council meeting of 2018 regarding commercial bike-sharing in Waverley addressing the following:

1. An assessment of the demand for such services and whether that demand is being met by the current providers.
2. The number and nature of current complaints from residents and others, and the action taken by rangers in response.
3. Recommendations for enforcement of the current commercial terms with approved providers.
4. Recommended guidelines for operators and users.
5. Recommendations for additional enforcement terms if required including, but not limited to, financial penalties and impoundment.
6. Any further issues officers believe relevant.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

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

SUBSTANTIVE MOTION

Mover: Cr Lewis

Secunder: Cr Wy Kanak

That Council prepares a report for the first Council meeting of 2018 regarding commercial bike-sharing in Waverley addressing the following:

1. An assessment of the demand for such services and whether that demand is being met by the current providers.
2. The number and nature of current complaints from residents and others, and the action taken by rangers in response.
3. Recommended guidelines for operators and users.
4. Recommendations for additional enforcement terms if required including, but not limited to, financial penalties and impoundment.
5. Any further issues officers believe relevant.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION THEN ACCEPTED AMENDMENTS TO THE SUBSTANTIVE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That Council prepares a report for the December 2017 Council Meeting regarding commercial bike-sharing in Waverley addressing the following:

1. An assessment of the demand for such services and whether that demand is being met by the current providers.
2. The number and nature of current complaints from residents and others, and the action taken by rangers in response.
3. Recommended guidelines for operators and users.
4. Recommendations for additional enforcement terms if required including, but not limited to, financial penalties and impoundment.
5. Any further issues officers believe relevant, including the identification of locations for increased bike storage, in particular at our beaches and bus interchange, and recommended measures to address any shortfall.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Goltsman

That the Substantive Motion be adopted subject to clause 5 being amended to read as follows:

‘Any further issues officers believe relevant, including:

- (a) The identification of locations for increased bike storage, in particular at our beaches and bus interchange, and recommended measures to address any shortfall.
- (b) An education program for bike users on the safe deposit of bikes at the end of their journey.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Substantive Motion be adopted.

L Kulakauskas addressed the meeting.

CM/8.4/17.10 Surf Life Saving Clubs (A17/0516)**MOTION**

Mover: Cr Betts
Seconder: Cr Kay

That Council:

1. Undertakes an assessment of operational grants currently given to our four surf clubs with a view to better aligning Council’s annual contribution to the clubs with those provided by adjacent Councils, in particular Randwick Council. As part of the assessment, Council officers need to consult with the four clubs to consider their current and future operating needs and then recommend what Council grants would be appropriate over the next five years at least in addition to other benefits that they may already receive from Council.

2. Establishes a surf club building reserve as part of the next quarterly budget review to set aside capital funds over a period of time for the renewal and refurbishment of surf club buildings and facilities, and an initial contribution of \$750,000 for each of the four clubs totalling \$3 million allocated to the reserve fund in the 2017/18 financial year.

FORESHADOWED MOTION

Mover: Cr O'Neill

That:

1. A meeting of Council's Surf Life Saving Committee be held in early December 2017.
2. Staff prepare a report for this December meeting detailing:
 - (a) All Council-provided financial assistance received by each SLSC in the Waverley Council area in the last five years.
 - (b) An analysis from each club as to their:
 - (i) Membership numbers.
 - (ii) Diversity breakdown.
 - (iii) Range and nature of community services.
 - (iv) Financial position.
 - (v) Other initiatives deemed relevant by the SLSCs.

THE MOTION WAS PUT AND DECLARED LOST.

Division**For the Motion:** Crs Betts, Goltsman, Kay and Nemesh.**Against the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION THEN ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

SUBSTANTIVE MOTION

Mover: Cr O'Neill

Secunder: Cr Keenan

That:

1. A meeting of Council's Surf Life Saving Committee be held in early December 2017.
2. Staff prepare a report for this December meeting detailing:
 - (a) All Council-provided financial assistance received by each SLSC in the Waverley Council area in the last five years.
 - (b) An analysis from each club as to their:
 - (i) Membership numbers.

- (ii) Diversity breakdown.
 - (iii) Range and nature of community services.
 - (iv) Financial position.
 - (v) Other initiatives deemed relevant by the SLSCs.
3. Council uses this information to derive future budgetary allocations in a fair and balanced way to each club.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Substantive Motion be adopted.

CM/8.5/17.10 Footpath Gardens (A13/0054)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Updates the Public Gardens Policy and Street Garden Guidelines to make it easier and quicker for residents to apply for a verge garden outside their property.
2. Assesses its current measures to promote street gardens and identifies ways to improve uptake by residents, including a process for faster approvals.
3. Notes that there is no street garden application fee to the resident.
4. Ensures that existing street gardens in the public domain are not removed without first consultation with adjacent residents.
5. Prepares a report on the above matters for consideration, including progress and achievements to date from the Council resolution CM/7.7/16.09 on street gardens and residential verges.

M Cox addressed the meeting.

CM/8.6/17.10 Waverley Cemetery (A02/0658-06)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That:

1. A progress report be submitted to the November 2017 Council meeting on the work to date about the:
 - (a) Development of the public register of significant graves and monuments of the Waverley Cemetery, which is to be incorporated into an app for visitors to the site.

- (b) Status of the investigation in to the establishment of a foundation to secure the financial future of the Waverley Cemetery.
 - (c) Listing of Waverley Cemetery on the National Heritage Register.
2. An education and visitors program be developed in consultation with the Residents for Waverley Cemetery.

P Mora (on behalf of Residents for Waverley Cemetery) addressed the meeting.

CM/8.7/17.10 Bronte Park (A16/0168)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Copeland

That:

1. Council works on the implementation of the Bronte Park Plan of Management (POM), with the exception of the 2017/18 Capital Works projects underway in Bronte Park, be immediately paused and be reviewed.
2. A meeting be held with interested Councillors to review the current Bronte Park and Beach Plan of Management and address concerns.
3. An amended Bronte Park and Beach Plan of Management addressing these concerns come back to Council for endorsement as soon as practicable.

CM/8.8/17.10 Walk for Respect (A17/0517)

MOTION

Mover: Cr Masselos

Seconder: Cr Betts

That:

1. A Walk for Respect be undertaken early in 2018 in recognition of community harmony and celebration of multiculturalism.
2. The Walk for Respect be referred to the Multicultural Advisory Committee for immediate consideration and implementation.
3. The budget be scoped and allocated to cover logistical costs associated with its organisation.

AMENDMENT (WITHDRAWN)

Mover: Cr Nemesh

Seconder: Cr Goltsman

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

‘The Walk for Respect be referred to the Multicultural Advisory Committee for immediate consideration and implementation, and that the Committee invites the Moving Forward Together Association to attend its first Committee meeting.’

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That:

1. A Walk for Respect be undertaken early in 2018 in recognition of community harmony and celebration of multiculturalism.
2. The Walk for Respect be referred to the Multicultural Advisory Committee for consideration and implementation.
3. The budget be scoped and allocated to cover logistical costs associated with its organisation.
4. The working relationship between the Multicultural Advisory Committee and other similar organisations, including the Moving Forward Together Association, be considered at the first meeting of the Committee.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/8.9/17.10 Legislative Changes to Planning Decisions (A17/0518)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Secunder: Cr Masselos

That Council officers prepare a report and provide a briefing to Councillors on NSW Government changes to planning decision-making and their impacts on Waverley Council.

CM/8.10/17.10 Innovation and Knowledge Hub - Boot Factory and Waverley Library (A14/0299)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Secunder: Cr Goltsman

That:

1. Council investigates the restoration and adaptive reuse of the Boot Factory, including:
 - (a) Options for establishing a maker space, creative industries incubator and/or innovation hub at the Boot Factory that aligns with the establishment of a knowledge and innovation hub at Waverley Library.
 - (b) Technology and facilities required.
 - (c) Potential project plan for implementation.
 - (d) Scoping of potential budget requirements.
 - (e) Any potential sources of State and Federal funding that are available through innovation funds or heritage restoration grants.

- (f) Investigations into the possibility of gaining state heritage listing for the Boot Factory.
2. Council investigates options for the establishment of an innovation and knowledge hub at Waverley Library, to align with the Boot Factory project, with the investigation to include:
 - (a) Options about the establishment of an innovation and knowledge hub at Waverley Library in conjunction with the Bondi Junction Boot Factory.
 - (b) Work undertaken so far, including review of the Waverley Library 'My Amazing Library' Strategic Plan 2014–2017.
 - (c) Additional technology and facilities required.
 - (d) Potential project plan for implementation.
 - (e) Scoping of potential budget requirements.
 - (f) Any potential relevant sources of State and Federal funding that may be available, including but not limited to the NSW Public Library Infrastructure Grant.
 3. An Innovation and Knowledge Hub Steering Group be established to plan and advise on oversight of the above projects, with the group to include the three Lawson Ward Councillors, community representatives, technical experts and relevant staff, and to be chaired by Cr Masselos.
 4. Officers prepare a report for the November Operations and Community Services Committee setting out a proposed charter for the Steering Group.
 5. Officers commence the preparation of information to assist the work of the Steering Group.
 6. An appropriate budget be allocated for this first investigative phase of the project, with this to be included in the first quarterly budget review for Council approval.

9. Urgent Business

There were no items of urgent business.

10. Closed Session

There were no matters dealt with in closed session.

11. Meeting Closure

THE MEETING CLOSED AT 10.15 PM.

.....
SIGNED AND CONFIRMED
MAYOR
21 NOVEMBER 2017