

MINUTES OF THE WAVERLEY  
COUNCIL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBERS  
ON TUESDAY, 19 NOVEMBER 2013

**PRESENT**

Councillor Betts (Mayor) (Chair)  
Councillors Burrill, Clayton, Cusack, Goltsman, Guttman-Jones,  
Kanak, Kay, Masselos, Mouroukas, Strewe and Wakefield.

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At the commencement of proceedings at 7.02pm, those present were as listed above with the exception of Cr Strewe who arrived at 7.04 and Cr Wakefield who arrived at 7.17pm.

At 11.11pm, prior to the consideration and vote on Item 1311.18.1 – CONFIDENTIAL REPORT – Draft Community Tenancy Policy – Further Analysis, the Mayor, Cr Betts, relinquished the Chair and the Deputy Mayor, Cr Kay, assumed the Chair.

At 11.21pm, after the consideration and vote on Item 1311.18.1 – CONFIDENTIAL REPORT – Draft Community Tenancy Policy – Further Analysis, the Deputy Mayor, Cr Kay, relinquished the Chair and the Mayor, Cr Betts, assumed the Chair.

At 11.35pm, prior to the announcement of the resolution made by Council in closed session on Item 1311.18.1 – CONFIDENTIAL REPORT – Draft Community Tenancy Policy – Further Analysis, the Mayor, Cr Betts, relinquished the Chair and the Deputy Mayor, Cr Kay, assumed the Chair. The Mayor, Cr Betts, did not return to the meeting.

**1311.1      OPENING PRAYER & ACKNOWLEDGMENT OF INDIGENOUS HERITAGE**

The Mayor read the following Opening Prayer and Acknowledgment 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.”*

## **1311.2        LEAVES OF ABSENCE AND APOLOGIES**

There were no leaves of absence or apologies for this meeting

## **1311.3        DECLARATIONS OF INTEREST**

1. Cr Betts declared a significant non pecuniary interest in Item 1311.18.1 – CONFIDENTIAL REPORT – Draft Community Tenancy Policy – Further Analysis (A11/0237, A02/0237) and informed the meeting that one of the community tenants is WAYS and as she is on the Management Committee of WAYS she will vacate the Chamber during the consideration and vote on this item.

## **1311.4        CONFIRMATION OF MINUTES**

### **1311.4.1 Council Meeting – 15 October 2013**

#### **MOTION / DECISION (Goltsman / Mouroukas)**

That the Minutes of the Council meeting of 15 October 2013 be received and noted, and that such Minutes be confirmed as a true record of the proceedings of that meeting.

### **1311.4.2 Reconvened Council Meeting – 22 October 2013**

#### **MOTION / DECISION (Goltsman / Cusack)**

That the Minutes of the Reconvened Council meeting of 22 October 2013 be received and noted, and that such Minutes be confirmed as a true record of the proceedings of that meeting.

## **1311.5        ADDRESSES TO COUNCIL BY MEMBERS OF THE PUBLIC**

1. G. Tonnet of Leighton Properties (the Applicant) – Item 1311.12.7 – 241-247 Oxford Street and 2 and 2A Waverley Street, Bondi Junction – Demolition of existing buildings, construction of a mixed use building with basement car park (DA-81/2013).
2. Prof P. Webber (on behalf of the Applicant) – Item 1311.12.7 – 241-247 Oxford Street and 2 and 2A Waverley Street, Bondi Junction – Demolition of existing buildings, construction of a mixed use building with basement car park (DA-81/2013).

3. M. Worthington (in support of the recommendation) – Item 1311.12.12 – Draft Waverley Bike Plan (A11/0612).
4. C. Boyd (in support of the recommendation) – Item 1311.13.2 – Finance, Ethics & Strategic Planning Committee Meeting – 5 November 2013 – Clause F-1311.11 – 105 Wellington Street, Bondi (Bondi Tennis Centre), Planning Proposal submitted by Urbis Pty Ltd (PP-5/2013).
5. R. Wheeler (against the recommendation) – Item 1311.13.3 – Community, Housing, Environmental Services & Public Works Committee Meeting – 5 November 2013 – Clause C-1311.1 – Waverley Traffic Committee Meeting Minutes 26 September 2013 – Clause WTC-1309.C10 – 16-20 Wallace Street, Waverley – P10 Minute Parking at Proposed Child Care Centre (DA-212/2013).
6. A. Thomson (against the recommendation) – Item 1311.13.3 – Community, Housing, Environmental Services & Public Works Committee Meeting – 5 November 2013 – Clause C-1311.1 – Waverley Traffic Committee Meeting Minutes 26 September 2013 – Clause WTC-1309.C10 – 16-20 Wallace Street, Waverley – P10 Minute Parking at Proposed Child Care Centre (DA-212/2013).

## **1311.6        MAYORAL MINUTE**

### **1311.6.1**

#### **Sculptures on loan (A02/0459-10)**

#### **MOTION / UNANIMOUS DECISION (Betts / Burrill)**

That Council:

1. Note the kind offer by artists via Sculptures by the Sea for loans of sculptures as follows:
  - 'Returning to the Sea' by Peter Lundberg, on an approximately 12 month loan, and
  - 'Ocean Cathedral' by Debbie Harding, on an approximately 6 month loan.
2. Note and endorse the placement of these sculptures at Marks Park for the duration of the temporary loan
3. Note and endorse the temporary placement of 'Twice Twist Bands' by Keizo Ushio at Calga Reserve as a 12 month trial.

#### **BACKGROUND**

At the completion of the 2013 Sculpture by the Sea in November 2013, artists generously offered loans of their sculptures to Waverley Council as follows:

Returning to the Sea (Peter Lundberg), a large bronze sculpture approximately 6.8 metres long. Peter Lundberg is a US sculptor well known for his monumental sculptures. His works

are inspired by patterns in nature, casting shapes in the earth. Being bronze, the sculpture is extremely durable. It has been offered on a twelve month loan.

Ocean Cathedral (Debbie Harding), a bamboo sculpture approximately 4.5 metres high. Sculpture by the Sea notes describe 'Ocean Cathedral' as "a sculpture integral to the Bondi land/rock and seascape. Although it suggests the stability of stone window tracery, it is transitory and ephemeral; the structure sways and bends with the wind; it is created on-site and then similarly disassembled. The view is like looking through the magnificence of stained glass in a high vaulted cathedral, but is actually of the real, sparkling deeply coloured powerful ocean, and vault of the sky." It is expected the sculpture will deteriorate over time and will be disassembled after six months (or earlier if needed).

In addition, a further artist generously offered a sculpture for loan in November 2013. Officers advised that due to the nature of this sculpture it was likely to be difficult for Waverley Council to retain and maintain.

Also, in October 2012 after the 2012 Sculpture by the Sea exhibition, distinguished Japanese artist Keizo Ushio kindly offered a temporary loan of his granite sculpture 'Twice Twist Bands' for 12 months. This was reported to Council and the sculpture remained in Marks Park for approximately twelve months.

In late September 2013 the Keizo Ushio sculpture was offered on a permanent loan, and Waverley Council had to quickly make the decision whether to accept this or not. Councillors were invited to suggest locations for the sculpture and after discussion by Waverley Public Art Committee, the location of Calga Reserve was proposed for a 12 month trial. Residents were advised and feedback has been invited throughout the 12 month trial. Four residents have provided feedback so far, all very positive about the sculpture itself, with some suggestions of moving it to a more prominent location at Calga Reserve and removing other signage. Officers oversaw the installation of the sculpture at Calga Reserve in October 2013.

All these very generous loans from internationally renowned artists, via Sculpture by the Sea, provide benefits to the Waverley community and to visitors all year round. These sculptures relate to our distinctive and beautiful ocean cliffs and are very appropriate for these sites at Waverley. They also demonstrate our ongoing commitment to public art - and will assist Waverley Council (with the expert help of Waverley Public Art Committee) to grow our reputation as a place for outstanding public art.

#### **1311.7      OBITUARIES (A02/0017)**

Julian Bures

Gus Larkin

#### **MOTION / DECISION (Goltsman / Betts)**

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

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

## **1311.8            QUESTIONS BY COUNCILLORS WITH NOTICE**

### **1311.8.1 Public Art Policy (A05/0416)**

The following question was submitted by Cr Strewe:

The Public Art Policy makes it clear that community consultation will be undertaken on decisions about art work (Public Art Policies 2.) and that for solicited and unsolicited art 'Final artist selection rests with Council' (Public Art Policies 3.). It appears to me that this policy may not have been followed in the recent relocation of a sculpture to Calga Reserve. Can an explanation please be provided of how the Public Art Policy was followed in this instance?

The Director of Community and Recreation Services replied:

Yes, the Public Art Policy was followed in this instance of this generous loan of the sculpture. The sculpture was offered on permanent loan in September 2013. Councillors were invited to suggest locations for the sculpture and were invited to the Public Art Committee which discussed locations. Following that Public Art Committee meeting, officers chose a preliminary location of Calga Reserve and there was a letterboxing of local residents prior to the installation of the sculpture. Feedback was received before the sculpture was installed which was generally supportive and did suggest some changes to the location, which resulted in changes to where we actually put the sculpture and some changes that will eventuate to nearby signage. So community consultation is continuing as part of the trial and at the end of the trial a decision will be made by Council. So in all of the ways outlined, the Public Art Policy was fulfilled.

### **1311.8.2 Climate Change Preparedness Policy (A09/1017)**

The following questions were submitted by Cr Strewe:

1. Does Council have a Climate Change Preparedness Policy?
2. Does Council know and share the information available, to the State Government, in its Preparedness Policy with Waverley residents and staff, including impacts on health, flora and fauna and increased wind, fire, drought and erosion?
3. Impact on vegetation - In Sydney there is expected to be a 10% to 20% increase in evaporation. Does Council have a plan to ensure that trees on grass verges do not die and are the trees Council plants appropriate for the changes expected in the climate?

4. Is there a plan for grass verges which are increasingly drying out and is there a solution?
5. Recreation - It would appear that there will not be enough shade at beaches. At Bronte there are not enough trees further back around the picnic shelters which are currently full on hot days and people are backed back up along the slopes and under the pines and palms. On hot days areas with accessible shade are completely full. Will Council have strategies in place to manage increasing use of beaches after dark on very hot nights?
6. Heat stress - Is increased stress on elderly and small children a Council responsibility?
7. Does Council share Beat the Heat information with residents and visitors?
8. Outdoor staff - Does Council have a strategy in place, or is Council planning one, for managing staff especially outdoor staff in extreme temperatures, including but not limited to smoke, such as earlier starts, shorter shifts, rest periods, night work and will there be times when no work is permitted?
9. Planning - How is Council progressing in planning and approving more roof and wall gardens, less hard surfaces, more light coloured roofs?
10. Are we prepared in any way for great societal change?

The Director, Planning and Environmental Services provided the following information in response:

#### Climate Change Adaptation Progress to Date

In 2012, Council prepared a Climate Change Adaptation Risk Assessment as a requirement of the Office of Environment and Heritage and following the release of the NSW Government guidelines on risk assessment. This involved a workshop with all relevant Council staff. The next step is for Council to consider completing a Climate Change Adaptation Plan which is not currently a legislative requirement. The NSW Government is currently running workshops with NSW Councils (of which we are an active participant) to prepare Resilient Sydney a climate change adaptation plan for the Sydney metro area. The outcomes of this will assist Council in our future plan development.

At the same time, Council was completing the Coastal Risks and Hazards Vulnerability Study with Worley Parsons (one of the first Councils to prepare such a detailed study on coastal risk). From this, Council adopted the Coastal Risk Management Policy and got legal advice on private property risk and Section 149 Certificates. The recommendations of the study have been integrated into the DCP, the Strategic Asset Management Plan, and Section 149 Certificates where applicable. Council has endorsed the integration of these recommendations into the relevant POMs for the affected park. This was recently done with the Bondi POM.

#### Response to Questions

All of these questions need to be answered as part of the NSW Government planning process that is currently underway. Council will also be required to address these strategies within our own plans and policies. This will include but will not be limited to plans to deal with vegetation, heat stress, workplace safety and urban heat island impacts. Council Officers will provide Councillors with a progress report in 2014 when Resilient Sydney is released.

### **1311.8.3**

#### **Hunter Sculpture Park (A03/2480)**

The following question was submitted by Cr Strewe:

Before the Hunter Sculpture Park was created there was a slide and a small stone fort in the park, these pieces would not have impinged on any sculpture placement and would have encouraged visitation. Was there a particular reason for their removal?

The Director of Community and Recreation Services replied:

I understand that Council endorsed a Master Plan for Hunter Park in late 2005 and that the Master Plan did include the removal of the playground equipment. I understand that the rationale for that was that the playground equipment was believed to be not well used

### **1311.8.4**

#### **Margaret Whitlam Recreation Centre Play Equipment (A02/0781)**

The following question was submitted by Cr Wakefield:

The small lawn outside the Margaret Whitlam Recreation Centre cafe entrance is very well used by parents with babies and toddlers, it is a good meeting place. In the plans for this area Council proposed, when money becomes available, to have play equipment installed. It is possible this would spoil something that is working really well? What would need to be done to ascertain the value of the current arrangement and to keep it as it is, if desirable?

The Director of Community and Recreation Services replied:

The Waverley Park Plan of Management was approved by Council last year following extensive community consultation and Council debate. The adopted plan does include an action to design and construct a new toddlers' playground in the green space near the kiosk. Council could resolve to review that aspect of the Plan of Management through community consultation and officer reinvestigation. If Council then wished to change the Plan of Management this would require Council resolution, public exhibition and submission to Crown Lands Division. Alternatively, Council could decide not to fund the project or pursue funding for the project. However, I do advise Councillors that a grant application for this project has already been made in line with the approved Plan of Management endorsed by Council last year.

### **1311.8.5**

#### **Bronte Road Bus Terminus (A02/0225-02)**

The following question was submitted by Cr Masselos:

At the Council meeting of 21 May 2013, I moved a motion requesting information be made available to Councillors on the previous trial move of the bus terminus from the south side of Bronte Road to the actual terminus; this motion was altered to read planned trial. A report was also requested to investigate the widening of the footpath and removal of the bus setdown from the southern side of Bronte Road to the terminus on weekends.

As I have not received any of this requested information, I would like an indication as to when this will occur.

The Director of Corporate and Technical Services replied:

If it is admissible I will treat this question and the next question with the one answer as it would seem to me that they are a pigeon pair?

Cr Masselos acceded to this request.

#### **1311.8.6**

#### **Bronte Road Bus Terminus – 378 bus route passenger usage (A02/0225-02)**

The following question was submitted by Cr Masselos:

At the Council meeting of 21 May 2013, I moved a motion requesting information be made available to Councillors on the previous trial move of the bus terminus from the south side of Bronte Road to the actual terminus.

To help Councillors better understand the matter I would like this additional information:

1. What are the numbers of passengers disembarking at the 378 bus terminus on Bronte Road at the following times:
  - 6.00 am - 10.00 am weekdays
  - 6.00 am - 10.00 am weekends
  - 4.00 pm - 7.00 pm weekdays
  - 4.00 pm - 7.00 pm weekends?
2. What are the number of passengers embarking at the 378 bus terminus at the old tram shed on Bronte Road at the following times:
  - 6.00 am - 10.00 am weekdays
  - 6.00 am - 10.00 am weekends
  - 4.00 pm - 7.00 pm weekdays
  - 4.00 pm - 7.00 pm weekends?
3. What are the total number of passengers disembarking at the 378 Bronte Road bus terminus:
  - for each weekday
  - for Saturday and for Sunday?
4. What are the total number of passengers embarking at the 378 Bronte Road bus terminus at the old tram shed:
  - for each weekday
  - for Saturday and for Sunday?

The Director of Corporate and Technical Services replied:



Sydney Buses operates the 378 bus service from Bronte Beach to Railway Square via Waverley, Bondi Junction, Paddington, Darlinghurst and return. In regard to the trial move of the terminating 378 bus stop from the south side of Bronte Road outside the Bronte Beach Café to the bus terminus, staff is not aware of this trial and have been unable to locate a report. The matter of moving the bus stop was last considered by Waverley Traffic Committee and Council in 2009. Sydney Buses wrote that they were not supportive of the proposal and rejected a trial for the following reasons:

- That the current bus terminus does not have sufficient space to allow for buses to set down passengers near the curb and then park the vehicle to allow the driver to take his heavy vehicle driver rest period and then be able to manoeuvre the vehicle to a space to take up passengers.
- That also, due to the number of trips afforded to this route, while one bus is resting another will arrive to commence the next trip on this route and there would not be sufficient space to complete this without a set down area at the terminus as currently the resting bus is parked on the southern wall of the terminus, a space that could not be reached if vehicles are required to set down within the current terminus.

Mr Eric Graham, who is the Regional Traffic and Services Manager of the Eastern Region Sydney Buses, was recently contacted about the matter and confirmed in the strongest terms that they would oppose the Bronte Beach set down being in the terminus as they believe it would be very dangerous.

As for the patronage data for dropping off at the bus stop and picking up at the terminus, that has been requested from Sydney Buses and we are still awaiting this information. This was requested sometime ago. A copy of that report, when received, will be made available.

#### **1311.9            QUESTIONS BY COUNCILLORS TO THE MAYOR WITHOUT NOTICE**

***Note from the General Manager: In accordance with Council's adopted procedures, each Councillor may ask the Mayor one question without notice. Councillors are requested to submit their question in writing to the Mayor at the time the question is asked.***

There were no questions by Councillors to the Mayor without notice.

#### **1311.10           PUBLICATIONS RECEIVED**

##### **MOTION / DECISION (Goltsman / Kay)**

That Council receive and note the following publication received from public bodies:

1. Government News – Volume 33 – Issue 5 – October / November 2013.

## **1311.11      NOTICES OF MOTION SUBMITTED BY COUNCILLORS**

***Note from the General Manager: Council should note that for the purposes of budgetary control and planning, any Notices of Motion received and endorsed by Council, will be assessed for budgetary implications.***

***If they cannot be achieved within existing allocations they will be referred to the Finance, Ethics & Strategic Planning Committee for its consideration of budget implications, in conjunction with the budget estimates or at a quarterly review of the budget.***

***The report to Council about progress in achieving Council's Motions will also highlight whether budget issues are involved.***

### **1311.11.1 Waverley Cemetery (A02/0658-06)**

The following is a Notice of Motion submitted by Cr Masselos:

#### **MOTION / UNANIMOUS DECISION (Masselos / Cusack)**

That Council Officers:

1. Investigate what is required for the listing of Waverley Cemetery on either the State or National Heritage Register, or both.
2. Include in the investigation research of all heritage options for listing, what information is required for heritage listing and Council's obligations once listed.
3. Prepare a report of findings for consideration by the Visioning Committee as part of its deliberations.
4. Invite a cemetery heritage expert to address the visioning workshop about the value of listing.

#### **BACKGROUND**

Waverley Cemetery is considered to be one of the most important heritage cemeteries in Australia, given the significant number of high profile, famous and influential people buried here. A number of those buried have played an important role in the development of Australia including:

- Albert Family - music publishers and builders of Boomerang Mansion in Sydney
- Arthur Tauchert - star of the silent movie classic "The Sentimental Bloke"
- Dorothea Mackellar - poet
- Henry Lawson - poet
- Henry Kendall - writer and poet
- Edmund Resch - beer brewer
- George and Charlotte Sargent - meat pie bakers
- Major George Johnston - RUM Corp soldier and pioneer
- Harold Hardwick - champion swimmer and boxer

- Jules Francoise Archibald - founder and editor of The Bulletin, public benefactor and provider for the Archibald Prize
- John Sands - greeting card manufacturer
- Laurence Foley - boxer
- Laurence Hargrave - inventor and aviator
- Oscar Eliason - Dante the Great (magician and conjurer)
- Sarah (Fanny) Durak - Olympic gold medal swimmer
- Sir Frances Forbes - 1st Chief Justice of NSW
- Sir James Martin - Judge, politician and Chief Justice of NSW
- Victor Trumper - test cricketer
- William Dymock - bookseller

There are also a number of memorials of significance such as that of the Irish Martyrs and of the American Civil War.

While the cemetery is listed in Waverley's LEP, there is merit in considering state and or national heritage listing given the scope of eminent people buried here. Listing of this nature will also pave the way for potential additional funding sources for the cemetery and for its ongoing maintenance.

#### **1311.11.2**

##### **Hunter Sculpture Park (A03/2480)**

The following is a revised Notice of Motion submitted by Cr Strewe:

##### **MOTION / DECISION (Strewe / Masselos)**

That:

1. Hunter Sculpture Park is signposted on its two frontages the Coastal Walk and Bondi Road / Campbell Parade.
2. Council investigates the requirements for the signposting of other parks in relation to public art.

##### **BACKGROUND:**

Waverley Council's Sculpture Park remains without a sign post and it would appear that many long term residents and most visitors are unaware of its existence. This is unfortunate, as it is a beautiful space with fabulous views. The very lovely 'Chapel' is there, as well as the sculpture, celebrating the centenary of Surf Life Saving in Australia.

#### **1311.11.3**

##### **Boot Factory (A08/1326)**

The following Notice of Motion was submitted by Crs Masselos, Strewe and Wakefield:

##### **MOTION (Wakefield / Strewe)**

That Council:

1. Receive and note the report from Dennis Bunt Consulting Engineers written by consultant engineer Dr Smith.
2. In the light of the conclusions of this report on the condition of the Boot Factory, Council
  - (a) Does not proceed with lodging an application to demolish the building.
  - (b) Undertakes the investigations outlined in the Dennis Bunt Consulting Engineers report.
  - (c) Prepares a preliminary plan to restore the historic structure.
  - (d) Investigates funding models including but not limited to realising the value of the air rights over the property; State and Federal grants; external borrowings, and internal funding.

**AMENDMENT (Cusack / Burrill)**

That clause 2 of the Motion be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE AMENDMENT NOW BECAME THE SUBSTANTIVE MOTION AND READS AS FOLLOWS:

That Council receive and note the report from Dennis Bunt Consulting Engineers written by consultant engineer Dr Smith.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED.

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

**BACKGROUND**

Councillors were assured the heritage listed Boot Factory was in danger of collapse. It would appear that comprehensive investigations were not undertaken to establish this and it would also appear that the building is able to be refurbished. Government responsibility to protect publicly owned heritage listed buildings for current and future generations is greater than the private sectors duty, as the laws in regard to heritage are made by government.

**1311.11.4**

**Public Open Space (A04/1096)**

The following is a revised Notice of Motion submitted by Cr Kanak:

**MOTION / DECISION (Kanak / Masselos)**

“That Council requests that Council Officers circulate information to Councillors on:

- (a) Any change in the amount of public open space under Council control since 2001/02; and
- (b) Pressures on Council owned public open space.

#### **1311.11.5**

#### **Bondi Pavilion – Space vacated by the Marine Discover Centre (A02/0280-09)**

The following is a Notice of Motion submitted by Cr Kanak:

#### **MOTION (Kanak / Wakefield)**

That:

1. Council notes an expression of interest process has taken place for the temporary occupancy of the former Marine Discovery Centre space in Bondi Pavilion.
2. The terms of any future tender for the long-term use of the former Marine Discovery Centre space be brought back to a Council meeting for approval prior to such a tender being advertised.
3. Any future tender for the long-term use of the former Marine Discovery Centre space footprint be aimed at not-for-profit and community-based uses and organisations.

#### **BACKGROUND**

Bondi Pavilion is a Community Cultural Centre. A balance between community use and commercial use needs to be retained. In the long term, the space vacated by the Marine Discovery Centre should be used for not-for-profit and community uses.

THE MOTION WAS PUT AND DECLARED LOST.

**DECISION:** That the Motion not be adopted.

#### **Division**

#### **For the Motion:**

Crs Kanak, Masselos, Strewe and Wakefield.

#### **Against the Motion:**

Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

#### **1311.11.6**

#### **Library – DVD Collection (A05/0327)**

The following is a revised Notice of Motion submitted by Cr Kanak:

#### **MOTION / DECISION (Kanak / Wakefield)**

That:

1. Council officers, in cooperation with Council's Multicultural Committee, prepare a report wherein community harmony building and anti-discrimination based strategies and programs can be run at Council and community venues such as Waverley Library,

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MAYOR

Bondi Pavilion and the Margaret Whitlam Recreation Centre and, where appropriate, these programs promote items from Waverley Library's DVD collection that have a theme of multicultural education and community harmony building messages.

2. Council's practice of featuring themed booklists and genre sheets for library browsers/users be expanded to include lists for Waverley Library DVDs depicting examinations and explorations of multicultural community harmony building educational themes.
3. Council officers liaise with International Film Festival organisers in Sydney to procure multicultural community harmony building educative DVDs for the benefit of Waverley's library patrons as these Film Festivals often feature films/documentaries around the themes of dispelling cultural myths and debunking stereotypes.
4. Council requests it's Multicultural Advisory Committee to assist Council staff in:
  - (a) Selecting other suitable titles for the Waverley Library catalogue relating to harmony building education within our community.
  - (b) Preparing a report wherein community harmony building and anti-discrimination based strategies and programs which can be run at Council and community venues such as Waverley Library, Bondi Pavilion and the Margaret Whitlam Recreation Centre and, where appropriate, these programs promote items from Waverley Library's DVD collection that have a theme of multicultural education and community harmony build messages.

**Division**

**For the Motion:** Crs Betts, Burrill, Kanak, Kay, Masselos, Strewe and Wakefield.

**Against the Motion:** Crs Cusack, Goltsman, Guttman-Jones and Mouroukas.

**1311.12 ADDITIONAL MATTERS FOR CONSIDERATION**

**1311.12.1**

**Final Audit Report for the Year Ended 30 June 2013 (A02/0647-09)**

Report dated 6 November 2013 from the Director, Corporate & Technical Services in relation to Council's 2012/13 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).

**MOTION / UNANIMOUS DECISION (Cusack / Betts)**

That:

1. In accordance with Section 419 of the Local Government Act, Council receive and note the Auditor's Report on the Annual Financial Statements for 2012/13 (including General and Special Purpose Financial Statements and Special Schedules).

2. Any public submissions on the Annual Financial Statements for 2012/13 (including General and Special Purpose Financial Statements and Special Schedules) be referred to Council's Auditor, Hill Rogers Spencer Steer, Chartered Accountants.

#### **1311.12.2**

##### **Budget Review (A03/0346)**

Report dated 7 November 2013 from the Director, Corporate & Technical Services on Council's 1st Quarter Budget Review for financial year 2013/14.

##### **MOTION / DECISION (Cusack / Burrill)**

That Council:

1. Note this report on the 1st Quarter Budget Review for 2013/14.
2. Note and receive the Quarterly Budget Review Statement (QBRS) for the 1st quarter 2013/14.
3. Vary the allocations to the recurrent and capital works budget in accordance with the review documents.

#### **1311.12.3**

##### **Reporting on Council's 2012-2013 Annual Report (A13/0240)**

Report dated 31 October 2013 from the Director, Corporate & Technical Services on the production of Council's Annual Report 2012-13.

##### **MOTION / DECISION (Cusack / Burrill)**

That Council:

1. Receive and note the Annual Report 2012-13
2. Agree that a copy of the Annual Report 2012-13 be forwarded to the Minister of Local Government as required under Section 428 of the Local Government Act 1993.

#### **1311.12.4**

##### **Review of Council's Sponsorship, Grants and Donations Policy (A06/1396)**

Report dated 10 October 2013 from the Director, Corporate & Technical Services on the review of Council's Sponsorship, Grants and Donations Policy.

##### **MOTION / DECISION (Kay / Mouroukas)**

That Council:

1. Receive and note this report.
2. Adopt the revised Sponsorships, Grants and Donations Policy subject to the following:
  - (a) The headings in the section entitled 'Definitions' be amended to read:
    - i. "Sponsorship received by Council
    - ii. Grant provided by Council
    - iii. Donation received by Council (including unconditional gift, bequest or endowment.)"
  - (b) The section entitled 'Where Council is being asked for a grant' be amended to read:

"Where Council is being asked for a grant, it will be to help a community organisation conduct:

    - Events
    - Activities
    - Programs, or
    - Provide Facilities

that have direct benefits to the residents, owners and businesses within the Waverley Local Government Area."
  - (c) The first paragraph of the section entitled 'Where Council is seeking sponsorship' be amended to read:

"Where Council is seeking sponsorship, it may be possible to connect the sponsorship with Council's:

    - Events
    - Activities
    - Programs
    - Assets
    - Services"
  - (d) The third paragraph of the section entitled 'Where Council is seeking sponsorship' be amended to read:

"This contribution could be via a cash payment, providing 'in kind' resources, or a combination of the two. The activity or project may be carried out as a joint venture with Council or as a commitment to totally fund the works. The works could be simple and low cost (eg a mural), or moderately complex with low – medium cost (eg park, play area upgrade or public art)."
  - (e) The first bullet point of the section entitled 'Unsuitable Proposals' be amended to read:

"Conflict with the Community's long term vision, direction and strategies as set out in the Community Strategic Plan (*Waverley Together*) or other Council policies and plans (eg Plans of Management, Arts Plus Plan)."



- (f) The tenth bullet point of the section entitled 'Unsuitable Proposals' be amended to read:

"Requests that seek permission to install obtrusive signage or other undesirable visual clutter which is contrary to Council guidelines on memorials and signage, Plans of Management or other Council Policies."

- (g) The section entitled 'Retainment of discretion to reject sponsorship' be amended to read:

"RETAINMENT OF DISCRETION TO REJECT SPONSORSHIPS AND DONATIONS

Waverley Council retains the discretion not to accept sponsorships or donations from any entity for any reason."

- (h) The sole paragraph in the section entitled 'Transparency of Information' be amended to read:

"Information about sponsorships, grants and donations will be available to the public on request. Council will maintain a register on sponsorships, grants and donations and will report on these in its Annual Report."

- (i) The seventh bullet point of the section entitled 'Other Policies and Legislation', sub section 'General' be amended to read:

"Plans of Management for parks, reserves and beaches."

#### **1311.12.5**

**570-588 Oxford Street, Bondi Junction - Demolition of existing buildings, construction of a 19 storey residential tower (133 apartments, including 14 for affordable housing), ground level retail and basement parking (DA-501/2012)**

Report dated 12 November 2013 from the Development & Building Unit.

#### **MOTION (Burrill / Cusack)**

That Council:

1. Receives the report and notes that it will be forwarded to the Joint Regional Planning Panel for its meeting on 28 November 2013.
2. Makes the following submissions to the Joint Regional Planning Panel:

That:

- (a) Council does not support Condition 5(a) being the reduction of car parking provision and that the 133 spaces requested by the applicant be approved.

- (b) Council does not support Condition 5(b) being the number of visitor car parking spaces being 17 and suggests to increase the number of visitors' car parking to 23 car parking spaces for the parking of resident visitor cars. Details of the location of the visitor parking be submitted to Council prior to the release of the Construction Certificate.
- (c) The applicant be required to install CCTV cameras in consultation with the local police command to improve community safety around the building.

**AMENDMENT (Wakefield / Strewe)**

That a preamble statement be included in the submissions proposed to be made that states that the original report written by Council's Planning Department indicate conditions contrary to those being added.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

**Division**

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

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

**1311.12.6**

**363-367 Bronte Road, Bronte - Demolition of existing buildings, excavation and construction of a new residential aged care facility containing 98 beds, with associated facilities and basement car parking (DA 274/2013)**

Report dated 12 November 2013 from the Development and Building Unit.

**MOTION / UNANIMOUS DECISION (Burrill / Cusack)**

That Council:

1. Receives the report and notes that it will be forwarded to the Joint Regional Planning Panel for its meeting on 28 November 2013.
2. Supports the recommendation of Council's Development and Building Unit.

**Division**

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

**Against the Motion:** Nil.

**1311.12.7**

**241-247 Oxford Street and 2 and 2A Waverley Street, Bondi Junction - Demolition of existing buildings, construction of a mixed use building with basement car park (DA-81/2013)**

Report dated 12 November 2013 from the Development and Building Unit.

**MOTION (Cusack / Betts)**

That Council:

1. Receives the report and notes that it will be forwarded to the Joint Regional Planning Panel for its meeting on 28 November 2013.
2. That Council makes a submission to the Joint Regional Planning Panel advising as follows:
  - (a) Council notes the support of the proposed design from the Randwick/Waverley SEPP 65 Design Review panel and, having regard to the individual circumstances and merits of this case, is also supportive of the building design as proposed and that a Deferred Commencement Consent should be granted in accordance with the draft conditions.

Whilst the proposal does not provide the required 6 metre tower setback in the Waverley DCP 2012, the design takes into consideration the prominent corner location and provides an appropriate visual appearance that achieves a strong built form to the street corner and public domain.

- (b) Council agrees to accept the applicant's proposed Voluntary Planning Agreement should the Joint Regional Planning Panel approve the application.
- (c) Council supports the proposed variations to height and FSR and notes that the assessment report also supports these variations having regard to the limited environmental impacts and the public benefit that will be achieved from the Voluntary Planning Agreement.
- (d) That part of the funds from the Voluntary Planning Agreement will be spent on upgrading the public spaces in Waverley Mall.
- (e) That the applicant be required to install CCTV cameras in consultation with the local police command to improve community safety around the building.

**AMENDMENT (Wakefield / Strewe)**

That the reduction of the setback of 6 metres is not accepted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

**Division**

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

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

*G. Tonnet of Leighton Properties (the Applicant) and Prof. P. Webber (on behalf of the Applicant) addressed the meeting.*

**1311.12.8**

**Boot Factory (A08/1326)**

Report dated 12 November 2013 from the Director, Corporate & Technical Services updating Council about the Boot Factory building at 27 Spring Street, Bondi Junction.

**MOTION / DECISION (Cusack / Betts)**

That Council:

1. Receive and note this report.
2. Note that a briefing of Councillors will be organised on the details of the materials prepared for a Development Application for demolition of the Boot Factory prior to lodgment of any DA.
3. Note that a Councillor briefing will also be provided on the benefits or otherwise of augmenting the DA process to allow for consideration of more alternatives for funding and retaining the building in some form.

**AMENDMENT (Wakefield / Strewe)**

That:

1. Clause 2 of the Motion be deleted.
2. A new Clause 2 be added that reads as follows:  
"Council withdraws its application to demolish the Boot Factory."

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

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This is page 20 of the Minutes of the Council Meeting held on Tuesday, 19 November 2013.

MAYOR

**Division**

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

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

**1311.12.9****Draft Community Tenancy Policy (A11/0237, A02/0237)**

Report dated 24 October 2013 from the Director, Community & Recreation Services about Council's new draft Community Tenancy Policy which is presented to Council for endorsement to go to public exhibition.

**MOTION / DECISION (Betts / Clayton)**

That Council

1. Receive and note the report.
2. Endorse the draft policy for public exhibition.

*A further report on this item was dealt with in Closed Session.*

**1311.12.10****Request for the calling of Tenders for South Bondi Public Toilets Refurbishment and Upgrade works (A13/0567)**

Report dated 6 November 2013 from the Director, Corporate & Technical Services seeking approval to proceed to tender for South Bondi Public Toilets refurbishment and upgrade works.

**MOTION / DECISION (Clayton / Goltsman)**

That Council approves the calling of tenders for South Bondi Public Toilets refurbishment and upgrade works.

**1311.12.11****Bronte House (A13/0573)**

Report dated 4 November 2013 from the Director, Corporate & Technical Services, about tendering for the upgrade and major works at Bronte House.

**MOTION / DECISION (Burrill / Cusack)**

That Council approves the issue of a public tender for upgrade and major works at Bronte House.

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

### **1311.12.12**

#### **Draft Waverley Bike Plan (A11/0612)**

Report dated 11 November 2013 from the Director, Planning & Environmental Services about the Draft Waverley Bike Plan which specifies a package of infrastructure and behavioural strategies to improve the environment for cycling in the Waverley LGA. The Draft Waverley Bike Plan has been prepared in accordance with the actions specified by the Waverley Transport Plan.

#### **MOTION / DECISION (Goltsman / Burrill)**

That Council:

1. Consider all submissions received during the exhibition of the Draft Waverley Bike Plan.
2. Adopt the draft Waverley Bike Plan, subject to the amendments outlined in this report.
3. Implement the recommendations 1 – 3 as outlined in Table 1.

#### **Division**

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

**Against the Motion:** Cr Cusack.

*M. Worthington (in support of the recommendation) addressed the meeting.*

### **1311.12.13**

#### **Bondi Winter Magic Ice Rink (A07/0497-08)**

Report dated 1 November 2013 from the Director, Community & Recreation Services seeking approval for the provision of a Bondi Winter Magic Ice Rink.

#### **MOTION / DECISION (Clayton / Goltsman)**

That Council agree to enter into a two year agreement for the provision of an ice rink for the 2014 and 2015 Bondi Winter Magic campaigns.

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

### **1311.12.14**

#### **Request for the Calling of Tenders for the Remediation of the Existing Council Depot (A13/0620)**

Report dated 8 November 2103 from the Director, Public Works & Services seeking to proceed to tender for the remediation of the site of the existing Council Depot at 97-115 Portman Street, Zetland.

### **MOTION / DECISION (Betts / Strewe)**

That Council approves the calling of a tender for the remediation of the existing Council Depot site.

### **1311.12.15**

#### **Flickerfest Event Application (A03/0073)**

Report dated 3 November 2013 from the Director, Recreation & Community Services on the Flickerfest 2013 event to be held in the Bondi Pavilion Amphitheatre from 10-19 January 2014.

### **MOTION / DECISION (Clayton / Strewe)**

That Council:

1. Approve Flickerfest to proceed as planned in the Bondi Pavilion for 10-19 January 2014;
2. Note the event fee will be set as per Council's 2013-14 Pricing Policy, Fees and Charges.

### **1311.13      ADOPTION OF COMMITTEE MINUTES**

#### **1311.13.1**

#### **Waverley Traffic Committee Meeting – 24 October 2013**

### **MOTION / DECISION (Kay / Mouroukas)**

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting of 24 October 2013 be received and noted, and that the recommendations contained in Clauses WTC-1310.C1 to WTC-1310.C3, WTC-1310.V1 to WTC-1310.V4 and WTC-1310.L1 and WTC-1310.L2 be adopted.

Save and except the following:

1. Waverley Traffic Committee Meeting Minutes – 24 October 2013 – Clause WTC – 1310.L1 – Beach Road, Bondi Beach – Construction Zone (A03/2514-03).
2. Waverley Traffic Committee Meeting Minutes – 24 October 2013 – Clause WTC – 1310.L2 – Queen Elizabeth Drive and Park Drive, Bondi Beach – P Ticket area 7am-12Midnight (A02/0638)

And that these items be dealt with separately.

**1311.13.1.1**

**Waverley Traffic Committee Meeting Minutes – 24 October 2013 - WTC – 1310.L1 – Beach Road, Bondi Beach – Construction Zone (A03/2514-03).**

*Cr Kay was not in the Chamber during the consideration and vote on this Item.*

This matter was saved and excepted by Cr Kanak.

**MOTION (Kanak / Masselos)**

That this matter be deferred to allow community consultation to take place with affected residents and commercial operators in Gould Street.

THE MOTION WAS PUT AND DECLARED LOST.

AT THIS STAGE IN THE PROCEEDINGS THERE BEING NO SUBSTANTIVE MOTION BEFORE THE CHAIR THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED:

**MOTION / DECISION (Burrill / Cusack)**

That Council:

1. Install a 45 m long 'No Parking 7am-5pm Mon-Fri 8am-3pm Sat Council Authorised Vehicles Excepted' zone in Beach Road, outside 180-186 Campbell Parade, Bondi Beach.
2. Delegates Authority to the Divisional Manager, Technical Services to extend the duration of the Construction Zones, as necessary.

**1311.13.1.2**

**Waverley Traffic Committee Meeting Minutes – 24 October 2013 – Clause WTC – 1310.L2 – Queen Elizabeth Drive and Park Drive, Bondi Beach – P Ticket area 7am-12Midnight (A02/0638)**

This matter was saved and excepted by Cr Kanak.

**MOTION / DECISION (Kanak / Burrill)**

That Council proceed with the installation of 'Bondi Beach Parking Area, P Ticket 7am-12Midnight, Except As Signed' parking in Queen Elizabeth Drive and Park Drive, Bondi Beach.



### **1311.13.2**

#### **Finance, Ethics & Strategic Planning Committee Meeting – 5 November 2013**

#### **MOTION / DECISION (Cusack / Burrill)**

That the Minutes of the Finance, Ethics & Strategic Planning Committee Meeting of 5 November 2013 be received and that such Minutes be confirmed as a true record of the proceedings of that Meeting and that the decisions contained in Clauses F-1311.1 and F-1311.3. be received and noted and the recommendations contained in Clauses F-1311.2 and F-1311.4 to F-1311.11 be adopted.

*C. Boyd (in support of the recommendation in Clause F-1311.11 – 105 Wellington Street, Bondi (Bondi Tennis Centre), Planning Proposal submitted by Urbis Pty. Ltd.) addressed the meeting.*

### **1311.13.3**

#### **Community, Housing, Environmental Services & Public Works Committee Meeting – 5 November 2013**

#### **MOTION / DECISION (Mouroukas )**

That the Minutes of the Community, Housing, Environmental Services & Public Works Committee Meeting of 5 November 2013 be received and that such Minutes be confirmed as a true record of the proceedings of that Meeting and that the recommendations contained in Clauses C-1311.1 and C-1311.2 be adopted.

Save and except the following:

1. Community, Housing, Environmental Services & Public Works Committee Meeting Minutes – 5 November 2013 – Clause C-1311.1 – Waverley Traffic Committee Meeting Minutes – 26 September 2013 – Clause WTC-1309.C10 – 16-20 Wallace Street, Waverley – P10 Minute Parking at a Proposed Child Care Centre (DA-212/2013)

And that this item be dealt with separately.

### **1311.13.3.1**

#### **Community, Housing, Environmental Services & Public Works Committee Meeting Minutes – 5 November 2013 – Clause C-1311.1 – Waverley Traffic Committee Meeting Minutes – 26 September 2013 – Clause WTC-1309.C10 – 16-20 Wallace Street, Waverley – P10 Minute Parking at a Proposed Child Care Centre (DA-212/2013)**

This matter was saved and excepted by Cr Masselos.

#### **MOTION (Masselos / Strewe)**

That Council:

1. Receive and note this information.

2. Commission an independent traffic study taking into account both Albion Lane and Wallace Street.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

AT THIS STAGE IN THE PROCEEDINGS THERE BEING NO MOTION BEFORE THE CHAIR THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED.

**MOTION / DECISION (Kay / Strewe)**

That Council:

1. Receive and note this information.
2. Adopt the recommendation of the Waverley Traffic Committee meeting held on 26 September 2013.

**MOTION OF DISSENT (Kanak)**

Cr Kanak moved a Motion of Dissent on the Chair's ruling (that a Division could not be called as the meeting had moved to the next item on the agenda).

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

**DECISION:** That the Chair's ruling be upheld.

*R. Wheeler and A. Thomson (against the recommendation) addressed the meeting*

**1311.14      GENERAL MANAGER'S REPORT**

**1311.14.1**

**Schedule of Meeting Dates for Council and its Standing Committees 2014 (A04/1869)**

The schedule of meeting dates for Council and its Standing Committees for 2014 was attached for Council's consideration.

The dates proposed in the Schedule take into account public holidays and Christian and Jewish Holy Days throughout the year.

**MOTION / DECISION (Betts / Clayton)**

That Council adopts the Schedule of Meeting Dates for Council and its Standing Committees 2014.

**1311.15      PETITIONS**

No petitions have been received.

**1311.16      QUESTIONS BY COUNCILLORS FOR NEXT COUNCIL MEETING**

There were no questions by Councillors for the next Council meeting.

**1311.17      URGENT BUSINESS**

There were no urgent business items.

**1311.18      MATTERS TO BE DEALT WITH IN CLOSED SESSION**

*Note from the General Manager: It is my opinion that the business listed under this section 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.*

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

- (a) personnel matters concerning particular individuals.
- (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.

Pursuant to section 10A(4) of the Act and clause 252 of the 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.

*Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed and none were received.*

#### **MOTION / DECISION (Mouroukas / Goltsman)**

That:

1. Council move into closed session to deal with these matters which are classified as confidential under the provisions of Section 10A (2) (c ) and (d) of the Local Government Act 1993 for the following reasons:
  - (a) The information at Items 1311.18.1, 1311.18.2, 1311.18.3, 1311.18.4 and 1311.18.5 if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.  
  
It is not in the public interest to reveal details of Council's position with regard to these matters as doing so would place Council at a commercial disadvantage.
  - (b) The information at Items 1311.18.3 and 1311.18.4 contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of a person who supplied it.  
  
It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.
2. Pursuant to Section 10A(1), 10A(2) and 10A(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Local Government Act 1993.

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

At 11.08pm Council moved into closed session and resumed in open session at 11.25pm.

#### **1311.18.1**

#### **CONFIDENTIAL REPORT – Draft Community Tenancy Policy – Further Analysis (A11/0237, A02/0237)**

*Cr Betts declared a significant non pecuniary interest in this item and informed the meeting that one of the community tenants is WAYS and as she is on the Management Committee of WAYS Cr Betts then vacated the chamber and was not present at, or in sight of, the meeting during the consideration and vote on this item.*

Confidential Report dated 24 October 2013 from the Director, Community & Recreation Services providing additional information about Council's new draft Community Tenancy Policy and the impact on local services.

#### **MOTION / DECISION (Burrill / Clayton)**

That:

1. The report be treated 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) of the Local Government Act 1993.
2. Council endorse suggested outcomes contained in this report for consultation with Grace Child Care, Junction House, WAYS, and Waverley Woollahra Arts Centre.
3. Following release of the draft community tenancy policy, individual organisations be immediately updated on the expected impact of the policy, taking into account suggested actions contained in this report.
4. Active consultation occur with all groups while the draft tenancy policy is on exhibition to determine final recommendations to Council.

#### **Division**

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

**Against the Motion:** Kanak, Masselos, Strewe and Wakefield.

#### **1311.18.2**

#### **CONFIDENTIAL REPORT - Former Marine Discovery Centre Space - Temporary Use (A13/0571)**

Report dated 8 November 2013 from the Director, Community & Recreation Services recommending the temporary use of the vacated Marine Discovery Centre site.

## **MOTION / DECISION (Goltsman / Clayton)**

That:

1. The report be treated 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) of the Local Government Act 1993.
2. Council notes that Marine Discovery Centre Bondi Beach Inc has surrendered their licence for their licensed area in the Bondi Pavilion.
3. The negotiation of new licence arrangements for the temporary use of the former Marine Discovery Centre site be approved as set out in this report.
4. The term of new temporary licence arrangements be approved as set out in the Call for Expression of Interest, being an initial term of three months, with the licence to roll over by mutual agreement on a monthly basis, during which one month's written notice may be given by either party if the licence is to be terminated.
5. The General Manager or delegate be authorised to finalise negotiations, sign and execute the necessary temporary licence documentation.
6. Council note that the longer term use of the site will be the subject of a further report to Council, prior to any tender process commencing.

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

### **1311.18.3**

#### **CONFIDENTIAL REPORT - Evaluation of Tender – SSROC – Cleaning and Inspection of Gross Pollutant Traps and associated services (A13/0575)**

Report dated 29 October 2013 from the Director, Public Works & Services about the findings from the Assessment Panel created to evaluate the tender for SSROC – Cleaning and Inspection of Gross Pollutant Traps and Associated Services.

## **MOTION / DECISION (Goltsman / Mouroukas)**

That:

1. The report be treated 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) of the Local Government Act 1993.
2. Council enters into a supply agreement under Clause 178 of the Local Government (General) Regulation 2005 with a panel of two (2) providers, Total Drain Cleaning Pty Ltd and Bell Environmental for a contract period of 3 years with an option to extend for further 2 years for the Cleaning and Inspection of Gross Pollutant Traps and Associated Services.

**1311.18.4****CONFIDENTIAL REPORT – Evaluation of Tender – Supply and Lay of Asphalt and Associated Services (A13/0508)**

Confidential Report dated 8 November 2013 from the Director, Public Works & Services about the findings from the Assessment Panel created to evaluate the tender for Supply and Lay of Asphalt and Associated Services.

**MOTION / DECISION (Mouroukas / Goltsman)**

That:

1. The report be treated 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) of the Local Government Act 1993.
2. Council endorses the recommendation to enter into a contract with Downer EDI Works Pty Ltd for Supply and Lay of Asphalt and Associated Services (A13/0508).
3. Council notify unsuccessful tenderers of the decision.

**1311.18.5****CONFIDENTIAL REPORT - Affordable Housing Program – Update on Reserves and Proposals for Expenditure (A13/0385)**

Confidential Report dated 29 October 2013 from the Director, Community and Recreation Services providing an update on Affordable Housing Reserves and proposals for their expenditure.

**MOTION / DECISION (Clayton / Goltsman)**

That:

1. The Report be treated 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) of the Local Government Act 1993.
2. Council note the advice from Community Housing NSW that the proposed renewal of 91-93 O'Brien Street is unlikely to proceed.
3. Council note that the \$1 million previously allocated by Waverley Council to the 91-93 O'Brien Street renewal will require reallocation to future Waverley Council affordable housing projects.
4. Council endorse the development of a Draft Memorandum of Understanding between Waverley Council and Bridge Housing for the purpose of purchasing a residential flat building in Waverley for the provision of affordable housing, as per the proposal set out in this report, with the Draft Memorandum of Understanding to be brought back to Council for final approval.

### **1311.RMP**

#### **Resolutions from closed session made public**

In accordance with Clause 253 of the Local Government (general) Regulation 2005, when the meeting resumed in open session the Deputy Mayor announced the resolution made by Council in Item 1311.18.1 and the Mayor announced the resolutions made by Council in Items 1311.18.2, 1311.18.3, 1311.18.4 and 1311.18.5, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

### **1311.19      SUBMISSION OF RESCISSION MOTIONS**

***Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.***

***Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with Section 372 of the Local Government Act and Council's Code of Meeting Practice.***

***Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.***

***Rescission motions will generally be dealt with at the next Council meeting.***

The Chair called for the submission of any rescission motions and none were received.

**THE MEETING CLOSED AT 11.28PM.**

**SIGNED AND CONFIRMED      MAYOR  
10 DECEMBER 2013**