



WAVERLEY
COUNCIL

**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS,, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 6 AUGUST 2019**

Present:

Councillor George Copeland (Chair)	Waverley Ward
Councillor John Wakefield (Mayor)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Angela Burrill	Lawson 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

Staff in attendance:

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Richard Coelho	Acting Internal Ombudsman
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer

At the commencement of proceedings at 7.00 pm, those present were as listed above.

At 7.33 pm, the meeting was adjourned to allow the Strategic Planning and Development Committee meeting to commence.

At 7.36 pm, the meeting reconvened.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Betts and O'Neill.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses by Members of the Public

3.1 B Scaffidi – OC/5.1/19.08 – High Impact Event - Bronte Surf Life Saving Club Fundraiser.

3.2 P Applebaum – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.3 D Jeffrey – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.4 K Von Muenster – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.5 E Teuben – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.6 E Kleiner – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

4. Confirmation of Minutes

OC/4.1/19.08 Confirmation of Minutes - Operations and Community Services Committee Meeting - 4 June 2019 (SF19/326)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland

Seconder: Cr Lewis

That the minutes of the Operations and Community Services Committee Meeting held on 4 June 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

OC/5.1/19.08 High Impact Event - Bronte Surf Life Saving Club Fundraiser (A17/0607)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. Council approves the proposal for Bronte Surf Life Saving Club to hold an outdoor dining experience event on Bronte Promenade to raise money for the upgrade of the Surf Club buildings on 19 October 2019 as a one-off event.
2. The General Manager enters into an appropriate Event Venue Hire Agreement with Bronte Surf Life Saving Club for the event.

Division

For the Motion: Crs Burrill, Goltsman, Kay, Lewis, Masselos and Wakefield.

Against the Motion: Crs Copeland, Keenan and Wy Kanak.

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

B Scaffidi addressed the meeting.

OC/5.2/19.08 Welcoming Cities Initiative (A15/0509)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Keenan

That Council signs the Commitment to participate in the Welcoming Cities Network attached to this report.

OC/5.3/19.08 Councillor Bulletin - Community, Assets and Operations - July 2019 (A15/0366)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes the July 2019 Councillor Bulletin – Community, Assets and Operations attached to this report.

6. Urgent Business

OC/6.1/19.08 'Not Welcome to Bondi' Mural (A08/1287-02)

Council resolved to deal with this matter as an item of urgent business.

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Urgently replaces the 'Not Welcome to Bondi' mural by the artist Luke Cornish (known as ELK) located on the Bondi Beach Sea Wall for the following reasons:
 - (a) Council's Bondi Beach Sea Wall Mural Guidelines have been breached by the work as it is considered by members of the community to be offensive. The work is perceived to contain 'graphics of a violent nature' as it portrays automatic assault weapons, officers presenting an aggressive stance, and the word 'NOT' being in red depicting dripping blood.
 - (b) The mural is polarising and dividing the community. Two contradictory petitions are being circulated and there is much heated debate on social media.
 - (c) There has been significant media attention and charged commentary about the community's reaction to the mural.
 - (d) It is understood that the mural's depiction of the Australian Border Force is inaccurate.
 - (e) The mural does not align with Waverley's Community Strategic Plan Vision Statement, which states: 'Waverley: connecting the city and the sea. A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage.'
 - (f) There is no evidence that appropriate curatorial processes have been followed. It is understood that Council's curatorial staff did not prescribe what the artist could or could not paint, and a concept design of the artwork was not seen or approved prior to it being painted.
 - (g) The mural was commissioned by Council's Cultural team to link to the artist's Bondi Pavilion exhibition which closes on Sunday, 11 August.
2. Supports freedom of expression, subject to artwork in the public domain not being offensive and complying with Council's Guidelines and Policies.
3. Officers urgently review the Bondi Beach Sea Wall Mural Guidelines and curatorial processes, consult the Waverley Public Art Committee and the Waverley Community Safety Committee, and prepare a report for Council.
4. Notes Council's commitment to participate in the Welcoming Cities Network.

FORESHADOWED MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:

- (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
 - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
 - (c) Councillors were not involved in this selection process.
 - (d) All artists who paint the Bondi Beach sea wall do so at costs to themselves.
 - (e) An online petition supporting the mural established by Andrew Worssam at Change.org <change.org/p/waverley-council-retain-a-mural-at-bondi-beach> had, as at 7.45 pm this evening, 1,853 signatories.
 - (f) An online petition to remove the mural established by Travis Russell at Change.org <change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach> had, at the same time, 867 signatories.
2. Does not support political censorship of art, and asserts that politicians should not be the arbiters of art.
 3. Initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
 4. Notes that standard expression of interest probity and curatorial processes will be followed.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Burrill, Goltsman, Kay and Nemes.

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

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 AND THE DELETION OF CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:
 - (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
 - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
 - (c) Councillors were not involved in this selection process.
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2. As soon as possible, initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
3. Notes that standard expression of interest probity and curatorial processes will be followed.

AMENDMENT 1

Mover: Cr Burrill

Seconder: Cr Kay

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

'Urgently reviews the Bondi Beach Sea Wall Mural Guidelines and curatorial processes, consult the Waverley Public Art Committee and the Waverley Community Safety Committee, and prepare a report for Council.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Kay

Seconder: Cr Burrill

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

'Removes the mural by Sunday, 11 August 2019, to coincide with the conclusion of the exhibition to which it is aligned.'

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD RAISED A POINT OF ORDER THAT THE AMENDMENT WAS CONTRADICTIONARY TO THE INTENT OF THE MOTION.

THE CHAIR UPHELD THE POINT OF ORDER. CR KAY THEN MOVED A MOTION OF DISSENT, SECONDED BY CR BURRILL, ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Crs Burrill, Goltsman, Kay and Nemesh.

Against the Motion of Dissent: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak

AT THIS STAGE IN THE PROCEEDINGS, CR KEENAN MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED CARRIED

Division

For the Motion: Crs Copeland, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak.

Against the Motion: Crs Burrill, Goltsman and Kay.

DECISION:

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:
 - (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
 - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
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2. As soon as possible, initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
3. Notes that standard expression of interest probity and curatorial processes will be followed.

P Applebaum, D Jeffrey, K von Muenster, E Teuben and E Kleiner addressed the meeting.

7. Meeting Closure

THE MEETING CLOSED AT 9.39 PM.



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SIGNED AND CONFIRMED
CHAIR
3 SEPTEMBER 2019