



**WAVERLEY**  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 19 NOVEMBER 2019**

**Present:**

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

**Staff in attendance:**

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

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

*At 11.11 pm, Cr Burrill left the meeting and did not return.*

## **PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

### **1. Apologies/Leaves of Absence**

Apologies were received and accepted from Cr O'Neill.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/8.1/19.11 – Bondi Pavilion – Promotion as a Community and Cultural Centre, and informed the meeting that he works part-time at the Pavilion.
- 2.2 Cr Copeland declared a pecuniary interest in Item CM/8.4/19.11 – Bondi Pavilion – Summer Daze Celebration – Cultural Activation, and informed the meeting that he works part-time at the Pavilion.
- 2.3 Cr Copeland declared a pecuniary interest in Item CM/8.5/19.11 – Bondi Pavilion – Community Information Updates, and informed the meeting that he works part-time at the Pavilion.
- 2.4 Cr Betts declared a significant non-pecuniary interest in Item CM/7.7/19.11 – Community Grants – Strategy, Policy and Revised Guidelines, and informed the meeting that she is on the board of WAYS, and will leave the Chamber for the consideration and vote on this item.

### **3. Obituaries**

Dan Hutton  
Russell King  
John Gregory Charles Parnell (also known as John Ross and 'The General')

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

**4. Addresses by Members of the Public**

- 4.1 L Bray – CM/7.11/19.11 – Alcohol Free Zones and Alcohol Prohibited Areas.
- 4.2 G Sheehy – CM/8.10/19.11 – Barracluff Avenue and Rickard Avenue, Bondi Beach – Closure and Traffic Calming Options.
- 4.3 Y Super – CM/8.6/19.11 – Bondi Road, Bondi – Pedestrian Safety.
- 4.4 L Coleman – CM/8.10/19.11 – Barracluff Avenue and Rickard Avenue, Bondi Beach – Closure and Traffic Calming Options.

**5. Confirmation and Adoption of Minutes****CM/5.1/19.11 Confirmation of Minutes - Council Meeting - 10 October 2019 (SF19/325)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Council Meeting held on 10 October 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/19.11 Confirmation of Minutes - Extraordinary Council Meeting - 17 October 2019 (SF19/325)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Extraordinary Council Meeting held on 17 October 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/19.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 October 2019 (SF19/328)****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 October 2019 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.03/19.10 – Macpherson Street, Waverley – Pedestrian Refuge Island at Roundabout.

And that this item be dealt with separately below.

**CM/5.3.1/19.11 Macpherson Street, Waverley - Pedestrian Refuge Island at Roundabout (A03/0042-04)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconded: Cr Keenan

That:

1. Option A is supported with the following amendments to the proposed design:
  - (a) The existing traffic splitter island on Macpherson Street east be reconstructed to incorporate a pedestrian refuge that is located 16 m from the intersection.
  - (b) The traffic splitter island incorporates landscaping.
  - (c) The temporary fence to limit unsafe pedestrian paths be reduced in length along Albion Street to the north of the intersection to be approximately 7 m from the holding line on the southbound lane of Albion Street approach so as not to limit opportunities for pedestrians to cross Albion Street.
  - (d) Landscaping of the area on the north-east corner of Albion Street and Macpherson Street to the west of the existing stone garden edge and no more than 7 m to the north of the holding line on the southbound approach of Albion Street be installed to both beautify the intersection and limit unsafe pedestrian movement.
  - (e) The temporary fence be removed approximately 12 months after the establishment of the landscaping.
2. Funding for Option A above be sourced through the Q2 budget review.
3. Council notes that the Charing Cross traffic study will be extended to include the intersections of:
  - (a) Macpherson Street and Leichardt Street.
  - (b) Leichardt Street and Bronte Road.
  - (c) Macpherson Street and Albion Street.
  - (d) Albion Street and Bronte Road.

**6. Mayoral Minutes****CM/6.1/19.11 Drought Assistance (A18/0716)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That:

1. Alongside other SSROC members, Council donates \$10,000 to the drought aid effort via the NSW Farmers Association's Drought Relief Fund.
2. The donation be funded from Council's civic support budgets.

## **Background**

The drought continues to deepen in regional and rural NSW. Twelve months ago it was hitting the headlines with gusto and the situation has not improved, with many areas of the State suffering through a failed winter season.

The images of dust-blown and brown paddocks, emaciated livestock and the severe bushfires that continue to ravage parts of the State are the visible manifestations of this deepening crisis. But it is the less visible, less obvious effects whose impacts will be long-lasting on our country cousins.

Depression, anxiety, suicide, family breakdowns, closures of businesses and worsening economic conditions are all very real, critical and debilitating impacts of the drought, which by and large go unnoticed or unseen. They threaten, however, the very fabric that knits these communities and these regions together.

And it is these communities that provide much of the food and fibre that Australia relies upon, either to feed and clothe ourselves, or to shore up our economy through exports. At our most basic level of survival, we rely on these communities; it is the product of their blood, sweat and tears that creates the foundation upon which our society is built. Without this, the rest of society would fracture, crumble and collapse.

From our positions in Sydney, it is difficult to conceive of the enormity of the scale of the crisis gripping the country; equally, it is difficult to know how we can be of assistance, or whether anything we do will actually have an impact. But what I am confident in is that our collective effort will have greater impact than the sum of our parts.

SSROC Councils have supported the concept that each of the member councils donates \$10,000 to as drought aid via the NSW Farmers Association's Drought Relief Fund.

This fund partners with the Salvation Army to provide and distribute \$100 IGA gift cards to farmers to assist them with buying everyday essentials and groceries, as well as providing a shot in the arm for their local economies.

It is my hope that, as well as the financial assistance, such an initiative will carry with it a message that country communities are not in this fight alone, that they know we're here and we're supporting them in their time of need.

## **CM/6.2/19.11            Festive Lights - Community Initiative (A18/0548)**

### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

That Council promotes a community initiative to encourage residents to get into the festive spirit, decorate their homes and showcase their community spirit on social media.

## **Background**

Many homes within the Waverley community decorate their homes with festive lights to celebrate the festive period of Christmas and Chanukah. This spontaneous community response enlivens our residential streets and creates wonder, joy and excitement for many in our community. These initiatives should be celebrated and acknowledged. The purpose of this motion is to recognise what is already taking place in our community and encourage more residents to celebrate the festive period with lighting displays to decorate their homes.

This can be promoted by way of social media posts on the Waverley website, Facebook, Twitter, Mayoral Column and promotion in the Waverley Weekly newsletter.

We can also encourage residents to use a hashtag (e.g. #WaverleyGetsFestive) so we can follow what images are published and then reshare the ones that we think are best. We could also ask followers and the community generally to nominate the best display, although the focus is more on the collective Waverley spirit.

I am also aware of streets in the Waverley area (specifically Avoca Street, Bondi) that are known for their festive lighting, so we can also acknowledge (via photos) these residents' work over numerous years in making Waverley a welcoming and friendly community.

This initiative has no budgetary implications other than some resourcing support from the Communications and Economic Development teams.

### **CM/6.3/19.11 United Nations Human Rights Day (A19/0767)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council:

1. Marks United Nations International Human Rights Day 2019.
2. Officers investigate and implement appropriate options for celebrating Human Rights Day including:
  - (a) Focusing on Council's Reconciliation Action Plan (RAP).
  - (b) Issuing a press release about Human Rights Day referencing the RAP.
3. Funds such options from existing budgets, if necessary.

#### **Background**

10 December is the anniversary of the adoption by the United Nations (UN) of the Universal Declaration of Human Rights (UDHR). The UDHR sets out a certain set of rights that are the basic and minimum set of human rights for all citizens.

Setting aside a day to commemorate, educate and reflect on the principles that form the UDHR means celebrating the rights we exercise everyday as Australians, and acknowledging that enjoying those rights carries with it the responsibility of promoting these rights for all people.

Things that many of us take for granted—such as the right to an education, the right to receive medical care and the freedom to practise our chosen religion—are not equally available to all Australians and people in other parts of the world.

Many individuals and communities will be commemorating and celebrating 10 December and pledging a commitment to maintain and improve people's human rights wherever possible.

See <<https://www.humanrights.gov.au/our-work/education/publications/commemorate-human-rights-day-rightsed>>.

**CM/6.4/19.11 Sculpture by the Sea and Marks Park Rehabilitation (A19/0768)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council:

1. Supports, in principle, the Sculpture by the Sea proposal for additional landscaping works at Marks Park headland, including regrading adjacent to the ridgeline path, to maximise the sculpture placement potential for future events.
2. Officers prepare a design schema for the intended landscaping works and action its public exhibition prior to the Q2 budget amendment for Council approval in February to undertake these works.
3. Authorises, upon execution of a five-year licence agreement no later than 2 March 2020, to hold Sculpture by the Sea in Waverley, Council officers to undertake the additional landscaping works referred to in clause 1 above.
4. Defers any major post-Sculpture-by-the-Sea restoration works to coincide with these proposed additional landscaping works to minimise park closures and disruptions to residents.

**Background**

Sculpture by the Sea is a sculpture exhibition that takes place over 18 days from the end of October each year. The event has been running since 1997 and is categorised by the NSW Department of Premier and Cabinet as a Category B Hallmark Event. Sculptures are installed in Marks Park and along the Coastal Walk from Bondi Beach to Tamarama Beach.

Over the past several months, Council officers have been working with Sculpture by the Sea to develop a licence agreement that supports the operative provisions of the event. On 16 July 2019, Council endorsed the draft agreement and authorised the General Manager to finalise negotiations and execute the agreement, which occurred in October 2019. Additionally, Council resolved to offer Sculpture by the Sea a further five-year licence with an option for a further five years.

On 11 November, following this year's event, I met with Sculpture by the Sea representatives at Marks Park to discuss options for landscaping in the park at the headland, including regrading the area adjacent to the ridgeline path, that could improve the event in future years.

Council officers who attended the meeting advised that the proposed works can be undertaken before the 2020 event and that they would improve the layout and usage of the park. An adjustment to the 2019–20 budget is required in the Q2 budget review.

While relationships between Council and Sculpture by the Sea have been strained over the past few months, last week's meeting was positive, and Sculpture by the Sea has today provided a letter of intent to stage the event in Bondi in 2020, and for the following four years with an option to extend for a further five years. The letter outlines other matters that they are seeking assurance on regarding consultation on changes to the Coastal Walk and Marks Park, and elements of the licence agreement that can be addressed through negotiations on a new agreement.

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

**7. Reports****CM/7.1/19.11 Annual Report 2018-19 (A19/0365)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Burrill

That Council endorses the Annual Report 2018–19 attached to this report

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

**CM/7.2/19.11 Audited 2018–19 Financial Statements (A19/0124)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. In accordance with section 418 of the *Local Government Act*, receives and notes the Auditor's Report on the 2018–19 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).
2. Refers any public submissions on the 2018–19 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to Council's auditor, the NSW Auditor-General.
3. Adopts the audited 2018–19 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).

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

**CM/7.3/19.11 Q1 Budget Review - September 2019 (A03/0346)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2019–20 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 to this report.
3. Officers report back to Council urgently on recommended fee increases for Early Education Centre services to ensure that fees recover the true cost of services.



**CM/7.4/19.11 Investment Portfolio Report - October 2019 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for October 2019 attached to this report.
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 Goltsman and Wakefield were not present for the consideration and vote on this item.*

**CM/7.5/19.11 Schedule of Meeting Dates for Council and its Standing Committees (A04/1869)****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council adopts the 2020 Schedule of Meeting Dates for Council and its Standing Committees attached to this report.

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

**CM/7.6/19.11 Annual Code of Conduct Complaints Statistics (SF17/2821)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Wy Kanak

That Council receives and notes the annual report on code of conduct complaints about Councillors and the General Manager for 2018–2019 attached to this report.

**CM/7.7/19.11 Community Grants - Strategy, Policy and Revised Guidelines (A19/0373)**

*Cr Betts declared a significant non-pecuniary interest in this item, and informed the meeting that she is on the board 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 Lewis  
Seconder: Cr Wy Kanak

That Council:

1. Publicly exhibits the Community Grants Policy attached to this report (Attachment 2).
2. Adopts the Community Services and Cultural Programs Grants Guidelines attached to this report (Attachment 3).

3. Notes that the Social Sustainability Strategy under development will provide further guidance for Council and Waverley's community on the type of projects/activities for which funding could be sought.

**CM/7.8/19.11 Campbell Parade Mosaics - Deaccessioning (A05/0416)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council deaccessions the mosaic furniture items previously removed from the footpath of Campbell Parade, Bondi Beach and returns them to the artist, Helen Bodycomb.

**CM/7.9/19.11 Bondi Mermaids - 60th Anniversary (A17/0659)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Re-orders the sites in the Public Art Master Plan to bring forward Site 10 – Bondi Park to Site 5.
2. Holds a Mermaid Festival at Bondi Beach, Bondi Pavilion and Waverley Library in April 2020 and authorises staff to develop the programming based on Option 2 outlined in this report.

**CM/7.10/19.11 Waverley Artist Studios - Appointments - February 2020–January 2021 (A18/0142)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Offers the following artists a placement in the Waverley Artist Studios for the period February 2020–January 2021:
  - (a) Kirra Weingarth.
  - (b) Laura Jade.
  - (c) Cameron Stead.
  - (d) Julia Gutman.
  - (e) Carolyn Craig.
2. Offers the following artists a reserve placement in the Waverley Artist Studios for the period February 2020–January 2021:

- (a) Chris Dolman.
- (b) Madeline Preston.
- (c) Sarah Rodigari.
- (d) Nadia Odlum.
- (e) Greg Semu.

**CM/7.11/19.11 Alcohol Free Zones and Alcohol Prohibited Areas (A03/0099)**

**MOTION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Notes the results of the consultation carried out in relation to the proposed easing of alcohol restrictions for a trial period at Bronte Park (including Bronte Gully) and Bondi Park from 1 December 2019 to the 30 March 2020 (inclusive) between 7 pm and 12 noon, seven days a week, including the views of the Police Area Commander.
2. In accordance with section 632A(4) of the *Local Government Act 1993*, declares Alcohol Prohibited Areas at:
  - (a) Bondi Beach, Bondi Park, Biddigal Reserve, Ray O'Keefe Reserve, Boundi Reserve and Hunter Park, as indicated in the map attached to this report (Attachment 1).
  - (b) Clementson Park and Eora Park, Bondi Junction, as indicated in the map attached to this report (Attachment 2).
  - (c) Bronte Beach, Bronte Park (including Bronte Gully), Tamarama Beach and Tamarama Park, as indicated in the map attached to this report (Attachment 3).
3. Authorises the Director, Planning, Environment and Regulatory, to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.
4. Notes that, in accordance with resolution CM/7.6/19.10, Alcohol Free Zone signage in Bondi Junction and Bondi Beach has been updated to reflect the re-establishment of Alcohol Free Zones in those locations for a four-year period from 1 November 2019.

**AMENDMENT 1 (WITHDRAWN)**

Mover: Cr Kay  
Seconder: Cr Burrill

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

'Officers prepare minutes of the consultative meetings at the beginning of the summer period between Council and the NSW Police for confidential distribution to all Councillors as soon as the minutes become available.'

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes the results of the consultation carried out in relation to the proposed easing of alcohol restrictions for a trial period at Bronte Park (including Bronte Gully) and Bondi Park from 1 December 2019 to the 30 March 2020 (inclusive) between 7 pm and 12 noon, seven days a week, including the views of the Police Area Commander.
2. In accordance with section 632A(4) of the *Local Government Act 1993*, declares Alcohol Prohibited Areas at:
  - (a) Bondi Beach, Bondi Park, Biddigal Reserve, Ray O'Keefe Reserve, Boundi Reserve and Hunter Park, as indicated in the map attached to this report (Attachment 1).
  - (b) Clementson Park and Eora Park, Bondi Junction, as indicated in the map attached to this report (Attachment 2).
  - (c) Bronte Beach, Bronte Park (including Bronte Gully), Tamarama Beach and Tamarama Park, as indicated in the map attached to this report (Attachment 3).
3. Authorises the Director, Planning, Environment and Regulatory, to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.
4. Notes that, in accordance with resolution CM/7.6/19.10, Alcohol Free Zone signage in Bondi Junction and Bondi Beach has been updated to reflect the re-establishment of Alcohol Free Zones in those locations for a four-year period from 1 November 2019.
5. Officers prepare minutes of the consultative meetings at the beginning of the summer period between Council and the NSW Police for confidential distribution to all Councillors, subject to the approval of NSW Police, as soon as the minutes become available.

**AMENDMENT 2**

Mover: Cr Goltsman

Seconder: Cr Kay

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

'Notes that the NSW Police strongly opposes the alcohol consumption trial, and any changes to the time or boundary of existing Alcohol Prohibited Area (APAs), as indicated in its letter to Council's General Manager on 1 October 2019 attached to the Council report of 10 October 2019 (on pages 126–128 of the agenda).'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 6 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes the results of the consultation carried out in relation to the proposed easing of alcohol

restrictions for a trial period at Bronte Park (including Bronte Gully) and Bondi Park, From 1 December 2019 to the 30 March 2020 (inclusive) between 7pm and 12 noon, seven days a week, including the views of the Police Area Commander.

2. In accordance with section 632A(4) of the *Local Government Act 1993*, declares Alcohol Prohibited Areas at:
  - (a) Bondi Beach, Bondi Park, Biddigal Reserve, Ray O'Keefe Reserve, Boundi Reserve and Hunter Park, as indicated in the map attached to this report (Attachment 1).
  - (b) Clementson Park and Eora Park, Bondi Junction, as indicated in the map attached to this report (Attachment 2).
  - (c) Bronte Beach, Bronte Park (including Bronte Gully), Tamarama Beach and Tamarama Park, as indicated in the map attached to this report (Attachment 3).
3. Authorises the Director, Planning, Environment and Regulatory, to complete the necessary post re-establishment statutory notification in accordance with the *Local Government Act 1993*.
4. Notes that, in accordance with resolution CM/7.6/19.10, Alcohol Free Zone signage in Bondi Junction and Bondi Beach has been updated to reflect the re-establishment of Alcohol Free Zones in those locations for a four-year period from 1 November 2019.
5. Officers prepare minutes of the consultative meetings at the beginning of the summer period between Council and the NSW Police for confidential distribution to all Councillors, subject to the approval of NSW Police, as soon as the minutes become available.
6. Notes that section 632A(8) of the *Local Government Act 1993* states that 'An alcohol prohibited area cannot be established without the approval of the Police Area Commander or Police District Commander for the area or district in which the proposed alcohol prohibited area is situated.'

**AMENDMENT 3**

Mover: Cr Goltsman

Seconder: Cr Kay

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

'Further notes that, by the 17 October 2019 Extraordinary Council meeting item CM/4.1/19.10E, to rescind the 10 October 2019 Council resolution item CM/7.6/19.10, consultation had already occurred with the NSW Police, Council Rangers, Council's Lifeguards, Bondi, Bronte and North Bondi Surf Clubs, precincts and the Bondi Chamber of Commerce to determine their support or rejection of an alcohol consumption trial, and determined that there was general objection to the trial on the grounds of community risk, safety and amenity. The rescission motion was lost.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division****For the Amendment:** Crs Betts, Burrill, Goltsman, Kay and Nemesh.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION:**

That Council:

1. Notes the results of the consultation carried out in relation to the proposed easing of alcohol restrictions for a trial period at Bronte Park (including Bronte Gully) and Bondi Park, From 1 December 2019 to the 30 March 2020 (inclusive) between 7pm and 12 noon, seven days a week, including the views of the Police Area Commander.
2. In accordance with section 632A(4) of the *Local Government Act 1993*, declares Alcohol Prohibited Areas at:
  - (a) Bondi Beach, Bondi Park, Biddigal Reserve, Ray O’Keefe Reserve, Boundi Reserve and Hunter Park, as indicated in the map attached to this report (Attachment 1).
  - (b) Clementson Park and Eora Park, Bondi Junction, as indicated in the map attached to this report (Attachment 2).
  - (c) Bronte Beach, Bronte Park (including Bronte Gully), Tamarama Beach and Tamarama Park, as indicated in the map attached to this report (Attachment 3).
3. Authorises the Director, Planning, Environment and Regulatory, to complete the necessary post re-establishment statutory notification in accordance with the Local Government Act 1993.
4. Notes that, in accordance with resolution CM/7.6/19.10, Alcohol Free Zone signage in Bondi Junction and Bondi Beach has been updated to reflect the re-establishment of Alcohol Free Zones in those locations for a four-year period from 1 November 2019.
5. Officers prepare minutes of the consultative meetings at the beginning of the summer period between Council and the NSW Police for confidential distribution to all Councillors, subject to the approval of NSW Police, as soon as the minutes become available.
6. Notes that section 632A (8) of the *Local Government Act 1993* states ‘An alcohol prohibited area cannot be established without the approval of the Police Area Commander or Police District Commander for the area or district in which the proposed alcohol prohibited area is situated.’

*L Bray addressed the meeting.*

**CM/7.12/19.11            Illegally Dumped Waste - Removal and Investigation (A06/1732)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Copeland

That Council:

1. Notes the success of the 12-month illegal dumping removal program in removing illegally dumped material within two business days.
2. Continues the trial illegal dumping removal program within the Cleansing team for the remaining financial year, with funding to be provided from the Domestic Waste Charge.
3. Considers making the illegal dumping program permanent as part of the 2020–21 budget planning process.

**CM/7.13/19.11 Sydney Football Stadium - Judicial Review Proceedings and Costs (A03/0943)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That Council:

1. Receives and notes this report on the costs associated with Council's judicial review proceedings on the Sydney Football Stadium development consent matter.
2. Notes that Council's legal costs totalled \$141,568.95 plus an additional \$15,000 of estimated staff time, totalling \$156,568.
3. Further notes that a justice of the Land and Environment Court of NSW acknowledged in her judgement that the proceedings were brought in the public interest by Council.

*Cr Kay was not present for the vote on this item.*

**CM/7.14/19.11 Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges (A19/0573)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Receives and notes the current status of actions to improve safety along the coastal cliff edge outlined in this report.
2. Undertakes remediation works on the Diamond Bay and Eastern Avenue boardwalks as per condition assessment findings, noting cost estimates outlined in this report, with works to be funded from the SAMP reserve.
3. Proceeds to the design stage of reconstructing the Diamond Bay Reserve and Eastern Avenue boardwalks, noting cost estimates outlined in this report, with works to be funded in the 2020–21 capital works program.
4. Includes the possibility of a viewing platform as part of the design of the reconstructed boardwalk.
5. Does not install CCTV cameras at Diamond Bay Reserve at this stage until the final design is completed.
6. Acknowledges the heritage significance of the existing stone archway, wall and steps at Diamond Bay Reserve, and commences proceedings to heritage list them in order to protect and maintain these items as part of any future design and works.

**CM/7.15/19.11 Coastal Risk Assessment - Procurement (SF19/1750)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Keenan

That Council enters into contract with Centium Group Pty Ltd for the supply of consultancy services for a risk assessment and analysis of best-practice management for coastline areas in the local government area for the sum of \$52,635 (including GST).

**CM/7.16/19.11 South Bronte Community Centre and Amenities - Community Consultation (A14/0508)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Receives and notes the summary of community feedback attached to this report (Attachment 1).
2. Endorses the concept design for the South Bronte Community Centre and Amenities project attached to this report (Attachment 2).
3. Proceeds to detailed design and lodges a development application.
4. Due to the amount of the construction underway and planned at Bronte, defers construction of the South Bronte Community Centre and Amenities project until completion of the Bronte Surf Club and Community Facilities project.
5. Undertakes a refresh of the South Bronte Amenities including new fixtures, fittings, tiling and painting in winter 2020.

**CM/7.17/19.11 Bronte Beach Village Upgrade - Café Footpath Seating - Financial Assistance (A16/0755)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council, under section 356 of the *Local Government Act 1993*, provides a total of \$3,126.84 (excluding GST) in financial assistance to the Bronte Beach cafés affected by footpath works, as set out in this report.

**CM/7.18/19.11 Tender Evaluation - Living Turf (SF19/2142)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Treats the Tender Evaluation Matrix and schedule of rates attached to this report as confidential in



accordance with section 11(3) of the *Local Government Act 1993*, as the attachments relate to a matter specified in section 10A (2)(d)(i) of the *Local Government Act 1993*. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.

2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Green Options as the preferred tenderer for the supply and installation of living turf, as per the schedule of rates attached to this report.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Green Options for one year and 10 months, with a one-year option.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

## 8. Notices of Motions

### CM/8.1/19.11 Bondi Pavilion - Promotion as a Community and Cultural Centre (A15/0272)

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.*

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak  
Seconder: Cr Keenan

That Council:

1. Investigates the creation of a standalone website for the Bondi Pavilion.
2. Investigates the creation of a social media account for the Pavilion, including on Instagram and Facebook.
3. Considers other means of promoting community events at the Pavilion, such as electronic noticeboards close to the Pavilion, along Campbell Parade and at the start of Syd Einfeld Drive and other entry points to Bondi.
4. Investigates the allocation of a budget for the creation, maintenance and promotion of the Pavilion's social media.
5. Notes that the General Manager will be carrying out work examining options for the optimal management of the Bondi Pavilion.
6. Investigates, as part of the work outlined in clause 5, the best approaches, as part of a broader communication strategy, for online promotion of the Bondi Pavilion, including whether it should have its own standalone website and social media accounts, including on Instagram and Facebook.
7. Considers, as part of the work outlined in clause 5, whether Council should be considering promoting community events at the Bondi Pavilion, means for doing so (such as electronic noticeboards close to Bondi Pavilion, along Campbell Parade and at the start of the Syd Enfield Drive and other entry points to Bondi) and what the resourcing and funding policy implications of providing such a service to community events and their promoters would be.

8. Asks the General Manager to consider the best staffing and resourcing arrangements, including staff accommodation/location issues, for any online and social media activity related to Bondi Pavilion as part of the work outlined in clause 5 above.
9. Asks the General Manager to report back to Council on the above matters, with the report to include budget implications for the proposed activities relating to online and social media promotion of Bondi Pavilion.

**CM/8.2/19.11 Boat Trailer Parking (A17/0135)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Betts

That:

1. Council notes the concern of residents east of South Head Cemetery have expressed in relation to boat and trailer parking.
2. Council installs 'No Boat Parking on Street' signage at the intersections of:
  - (a) Old South Head Road and Burge Street.
  - (b) Old South Head Road and Young Street.
3. The cost of installation is to be allocated from the signage budget.
4. The signage is to be the same or similar to signage already installed in Portland Street, Dover Heights

**CM/8.3/19.11 Alcohol Free Zones and Alcohol Prohibited Areas - Improving Community Safety and Amenity (A03/0099)**

*At 11.11 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.*

**MOTION**

Mover: Cr Kay

Seconder: Cr Goltsman

That Council:

1. Increases Council Ranger patrols and personnel in our Alcohol Free Zones and Alcohol Prohibited Areas as per our existing practice during the summer season to:
  - (a) More effectively enforce the restrictions.
  - (b) Improve the monitoring of people's anti-social behaviour.
  - (c) Better educate visitors on the alcohol restrictions.
  - (d) Increase contact with the NSW Police.

- (e) Improve community safety and amenity overall.
2. Organises regular family-friendly activities, such as bouncing castles, a mobile library and surf demonstrations, in Biddigal Reserve and Tamarama Park, subject to budget availability.
  3. Prepares a debriefing report for the April 2020 Council meeting that summaries Council's actions, and those of the NSW Police, during the summer season within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas, and recommendations for the 2020–21 summer period.

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

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

**FORESHADOWED MOTION**

Mover: Cr Wakefield

That Council receives a report at the February 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR LEWIS:

That debate on this matter be adjourned to the December Council meeting to enable Council to receive further information.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

**Division**

**For the Procedural Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wakefield.

**Against the Procedural Motion:** Crs Betts, Goltsman, Kay, Nemes and Wy Kanak.

*Cr Burrill was not present for the vote on the procedural motion.*

**CM/8.4/19.11 Bondi Pavilion - Summer Daze Celebration - Cultural Activation (A19/0721)**

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak  
Seconder: Cr Keenan

That:

1. Council considers a series of four events for six hours each, one in February, March, April and May 2020, to:
  - (a) Encourage, showcase and promote local talent, especially imaginatively-themed events such as young local bands, 80s, Latin, jazz, indie, contemporary folk, smooth electronic, sea shanty session etc. as part of the events.
  - (b) Provide an opportunity to inform the community of the progress of the restoration of the building through posters, flyers and staff interaction.
  - (c) Activate the Pavilion balcony as a relaxing venue to spend a summer afternoon.
2. Funding for the program is to be recouped from proceeds from the bar and any shortfall be met in whole, or part, through the cultural program budget, or any applicable grants.
3. The summer program be promoted via Council's social media, website, facilities such as the Library and Customer Service Centre, posters outside the Pavilion and in the forecourt, and through a variety of community group newsletters and other communications strategies.
4. Council provides the artists with access to the in-house resident public address system.

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

**CM/8.5/19.11 Bondi Pavilion - Community Information Updates (A15/0272)**

*Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION / DECISION**

Mover: Cr Wy Kanak  
Seconder: Cr Keenan

That Council:

1. Notes that the development application for the restoration of Bondi Pavilion will be determined in the next several weeks.
2. Marks this event with an extensive community information update through the printing of flyers, posters, photos and plans, together with increased social media and media releases, that contain 'the story so far' current situation and the plans for the future of the Pavilion, which can be handed out to the community.

3. Considers having a stall at Bondi Markets once a month in February, March, April and May 2020 to update the community on the progress of the Pavilion.
4. Provides funding for this project from the Bondi Pavilion capital expenditure budget.
5. Takes any other action necessary that will inform the community of the progress of the restoration of the Pavilion.

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

**CM/8.6/19.11 Bondi Road, Bondi - Pedestrian Safety (A03/0042-04)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council lobbies the State Members for both Vacluse and Coogee, the Minister for Transport and Roads and Maritime Services for a safer pedestrian crossing to be installed on Bondi Road between Wellington Street and Denham Street to help facilitate a safer crossing for pedestrians.

*Y Super addressed the meeting.*

**CM/8.7/19.11 Birrell Street, Tamarama - Resident Parking Scheme (A02/0638)**

**MOTION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Notes that residents of Birrell Street have raised concerns regarding high parking occupancy rates, low turnover, frequent incidents of illegal parking and commercial vehicles being parked for extended periods of time.
2. Investigates and prepares a report for consideration by the Waverley Traffic Committee on the installation of a resident parking scheme in Birrell Street as part of the new strategic process of initiating resident parking across the local government area.

**FORESHADOWED MOTION**

Mover: Cr Kay  
Seconder: Cr Goltsman

That this matter be deferred for consideration by the Councillor Working Party that will be established in the new year to review the requirements for resident parking schemes.

THE MOTION WAS THEN PUT AND DECLARED LOST.

**Division**

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

**Against the Motion:** Crs Betts, Goltsman, Kay, Masselos and Nemesh.

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

UNANIMOUSLY.

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

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

**CM/8.8/19.11            Intersection of Victoria Street and Victoria Lane, Waverley - Signage (A15/0235)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Copeland  
Seconder:  Cr Keenan

That Council investigates more prominent signage, including line marking, at the intersection of Victoria Street and Victoria Lane, Waverley, indicating no queuing across intersection.

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

**CM/8.9/19.11            Thompson Street, Tamarama - Pedestrian Safety (A03/0042-04)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Copeland  
Seconder:  Cr Wy Kanak

That Council investigates the possibility of providing a footpath along Thompson Street, Tamarama, between Andrew Street and Ashley Street, to improve pedestrian safety.

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

**CM/8.10/19.11           Barracluff Avenue, Bondi Beach - Closure and Traffic Calming Options (A03/0042-04)**

*At 8.53 pm, during the consideration of this item, the meeting adjourned for a short break.*

*At 9.00 pm, the meeting resumed.*

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Wakefield  
Seconder:  Cr Lewis

That Council:

1. Notes resolution CM/5.2.1/19.07 – Barracluff Avenue, Bondi Beach – Pedestrian/Traffic Islands: ‘That Council defers this item for an investigation into the closure of Barracluff Avenue at the north end, south end or centre.’
2. Prepares options for community consultation to:
  - (a) Fully or partially close Barracluff Avenue with partial closure being for exit from Barracluff into Francis Street.
  - (b) Install traffic calming devices on the corner of Barracluff and Lamrock Avenues and at other

points along Barracluff as deemed appropriate

3. Officers report back to Council prior to community consultation.

*G Sheehy and L Coleman addressed the meeting.*

**CM/8.11/19.11            Increasing On-street Parking (A15/0235)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis

Seconder:    Cr Kay

That this item be deferred to the December Council meeting.

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

**CM/8.12/19.11            Old South Head Road between Penkivil Street and Flood Street, Bondi - Bus Lane (A04/0458)**

**MOTION**

Mover:        Cr Kay

Seconder:    Cr Betts

That Council writes to the Minister for Transport and Roads, the Hon Andrew Constance, MP, the Member for Vaucluse, the Hon Gabrielle Upton, MP, and Roads and Maritime Services requesting that the westbound Old South Head Road bus lane between Penkivil Street and Flood Street not be reinstated.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR KAY:

That debate on this matter be adjourned to the December Council meeting to allow Council to receive any available statistics on bus movements.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

*Cr Burrill was not present for the consideration and vote on the procedural motion.*

AT THIS STAGE IN THE PROCEEDINGS, AT 11.26 PM, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR WY KANAK, TO EXTEND THE TIME OF THE MEETING.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

**Division**

**For the Procedural Motion:**        Crs Betts, Goltsman, Keenan, Masselos, Nemesh and Wy Kanak.

**Against the Procedural Motion:**    Crs Copeland, Kay, Lewis and Wakefield.

*Cr Burrill was not present for the consideration and vote on the procedural motion.*

**9. Questions with Notice****CM/9.1/19.11 Sydney Football Stadium - Legal Costs (A03/0943)****QUESTION**

The following question was submitted by Cr Nemesh:

1. What was Council's total cost in taking legal action against the State Government over the Sydney Football Stadium?
2. How much time did Council staff spend on investigating and pursuing Council's actions to stop works on the Sydney Football Stadium, including that in Court? What is the estimated dollar value of this 'in-kind' staff resource?

**General Manager's answer**

The answers to these questions are provided at Item CM/7.13/19.11 in this agenda.

**Peter Monks**  
**Director, Planning, Environment and Regulatory**

**CM/9.2/19.11 Community Consultation (A05/1651)****QUESTION**

The following question was submitted by Crs Keenan and Wy Kanak:

At the Operations and Community Services Committee meeting held on 5 November 2019, some Councillors stated on several occasions that Council was not consulting the community in relation to capital works projects.

Can the General Manager or Director inform Council of the number and type of community consultation activities that have taken place over the last two years, with particular emphasis on capital works, including:

1. The number of projects consulted on.
2. The number of face-to-face consultations.
3. The number of 'Have Your Say' responses.
4. Precinct committee consultations.
5. Any other forms of consultation that were undertaken.

**General Manager's answer**

1. The number of projects consulted on: 40.
2. The number of face-to-face consultations: 80.



3. The number of 'Have Your Say' responses: 4,537.
4. Precinct committee consultations: 19. In addition, for almost every other project, the precincts were notified via the Community Liaison Co-ordinator.
5. Any other forms of consultation that were undertaken: occasional face-to-face meetings with stakeholders; PCG meetings as part of public-private partnership projects.

**John Clark**  
**Director, Customer Service and Organisation Improvement**

**10. Urgent Business**

There were no items of urgent business.

**11. Closed Session**

There were no matters dealt with in closed session.

**12. Meeting Closure**

**THE MEETING CLOSED AT 11.39 PM.**



.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**10 DECEMBER 2019**