



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD IN THE SPORTS HALL AT THE MARGARET WHITLAM RECREATION CENTRE
ON TUESDAY, 17 MARCH 2020**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley 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 10.36 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 Crs Betts, Kay and Keenan.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Copeland declared a less than significant non-pecuniary interest in item CM/8.6/20.03 – Arts Funding and Cultural Recognition, and informed the meeting that he knows the Chairperson of the Waverley Woollahra Art School.

3. Obituaries

There were no obituaries.

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. J Chase (on behalf of Richard Crookes Constructions) – CM/5.2/20.03 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 February 2020.
- 4.2. C Lake (chief petitioner) – CM/7.5/20.03 – Petition – Albion Street, Waverley – Timed Parking Restrictions.
- 4.3. P Cancian (on behalf of Waverley Woollahra Arts School) – CM/8.6/20.03 – Arts Funding and Cultural Recognition.
- 4.4. R Natoli (on behalf of Lokahi Foundation) – CM/8.8/20.03 – Red Flag Day.

- 4.5. R Cole (on behalf of Eastern Suburbs Leagues Club) – CM/8.9/20.03 – Spring Street Cycleway and Streetscape Construction – Stage 3.

AT THIS STAGE IN THE PROCEEDINGS, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR BURRILL, THAT A WRITTEN SUBMISSION TO COUNCIL FROM G BEARD (ON BEHALF OF BRONTE PRECINCT) RELATING TO ITEM CM/8.1/20.03 – RESCISSION MOTION – PD/5.3/20.03 – 40 KM/H SPEED LIMIT CHANGES – CONSULTATION OUTCOMES, BE READ OUT TO THE MEETING.

CR LEWIS RAISED A POINT OF ORDER THAT THE MOTION WAS OUT OF ORDER ON THE GROUNDS THAT IT WAS PROCEDURALLY INCORRECT BECAUSE NEITHER PART 4 OF THE CODE OF MEETING PRACTICE NOR COUNCIL'S ORDER OF BUSINESS PROVIDE FOR THE READING OUT OF AN EMAIL, AND THAT SUCH A MOTION SHOULD BE REPHRASED TO SUSPEND THE ORDER OF BUSINESS TO ALLOW THE EMAIL TO BE READ.

THE MAYOR UPHELD THE POINT OF ORDER.

5. Confirmation and Adoption of Minutes

CM/5.1/20.03 Confirmation of Minutes - Council Meeting - 18 February 2020 (SF20/42)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That the minutes of the Council Meeting held on 18 February 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

AT THIS STAGE IN THE PROCEEDINGS, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR BURRILL, THAT THE ORDER OF BUSINESS BE SUSPENDED TO ALLOW THE MAYOR TO READ OUT TO THE MEETING A SUBMISSION FROM G BEARD (ON BEHALF OF BRONTE PRECINCT) RELATING TO ITEM CM/8.1/20.03 – RESCISSION MOTION – PD/5.3/20.03 – 40 KM/H SPEED LIMIT CHANGES – CONSULTATION OUTCOMES.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED AND THE GENERAL MANAGER READ OUT THE SUBMISSION TO THE MEETING.

Division

For the Procedural Motion: Crs Burrill, Copeland, Goltsman, Lewis, Nemes and O'Neill.

Against the Procedural Motion: Crs Masselos and Wy Kanak.

CM/5.2/20.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 February 2020 (SF20/45)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 27 February 2020 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.06/20.02 – Macpherson Street/St Thomas Street, Bronte – Intersection Upgrade.
2. TC/C.07/20.02 – Macpherson Street, Bronte – Temporary Road Closure for Tower Crane Installation.

And that these items be dealt with separately below.

J Chase (on behalf of Richard Crookes Constructions) addressed the meeting.

CM/5.2.1/20.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 February 2020 - TC/C.06/20.02 - Macpherson Street/St Thomas Street, Bronte - Intersection Upgrade (A14/0145)

This item was saved and excepted by Cr Masselos.

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That the Traffic Committee's recommendation be adopted subject to clause 1 being amended to include the installation of a dimmer switch such that the recommendation now reads as follows:

'That the Council Officer's Proposal be adopted subject to the Drawing being amended to show the following:

1. Improved street lighting for the pedestrian crossing including the installation of a dimmer switch.
2. The relocation of the pedestrian symbols stem on the southern side of Macpherson Street directly north into the kerb extension.'

CM/5.2.2/20.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 February 2020 - TC/C.07/20.02 - Macpherson Street, Bronte - Temporary Road Closure for Tower Crane Installation (A19/0394)

This item was saved and excepted by Cr Masselos.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That the Traffic Committee's recommendation be adopted subject to clause 1(c) being amended to include Charing Cross Precinct and Bronte Beach Precinct in the notification process such that clause 1(c) now reads as follows:

'Providing Council with a Resident Notification Letter and Plan detailing the timing and method of notifying local residents, the Charing Cross Precinct, the Bronte Beach Precinct and businesses of the road closure for Council's approval.'

6. Mayoral Minutes

CM/6.1/20.03 Caring for People Who May be at Risk of COVID-19 (A20/0245)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Notes that a Council-wide implementation of business continuity and risk management measures are currently underway to enable continued delivery of essential services and to contribute to efforts to prevent further spread of the Novel Coronavirus COVID-19 in line with advice from Commonwealth and NSW Government health authorities.
2. Notes that, according to the Commonwealth Department of Health, the following are at risk of COVID19:
 - (a) People with compromised immune systems (such as people who have cancer).
 - (b) Elderly people.
 - (c) Aboriginal and Torres Strait Islander peoples (as they have higher rates of chronic illness).
 - (d) People with chronic medical conditions.
 - (e) People in group residential settings.
 - (f) Very young children and babies.
3. Notes the recently formed Eastern Suburbs Coronavirus Community Cares Network.
4. Directs officers to work with key community stakeholders, including Precincts, to distribute general information about available support and services in relation to COVID-19, and to assist in co-ordinating essential support by local aged and disability providers and grassroots action by community groups such as the Waverley Community and Seniors Association, Our Big Kitchen and others, in helping vulnerable people and to help contain the spread of COVID-19.

AT THIS STAGE IN THE PROCEEDINGS, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR GOLTSMAN, THAT ITEMS 7.5, 8.1, 8.6, 8.8 AND 8.9 ON THE AGENDA BE BROUGHT FORWARD.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Division

For the Procedural Motion: Crs Burrill, Copeland, Goltsman, Lewis, Masselos, Nemesh, O'Neill and Wy Kanak.

Against the Procedural Motion: Nil.

7. Reports

CM/7.1/20.03 Investment Portfolio Report - February 2020 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for February 2020 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.

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

CM/7.2/20.03 Trade Debtors - Debt Write Off (SF17/299)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Wy Kanak

That Council writes off bad trade debts amounting to \$6,874.47 as shown in Table 1 in this report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

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

CM/7.3/20.03 Inbound Donations Policy (A20/0047)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr O'Neill

That Council adopts the Inbound Donations Policy attached to the report.

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

CM/7.4/20.03 Community Grants Policy (A19/0373)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That Council adopts the Community Grants Policy attached to this report.

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

CM/7.5/20.03 Petition - Albion Street, Waverley - Timed Parking Restrictions (A02/0637)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr O'Neill

That Council refers the petition requesting the installation of 30-minute timed parking restrictions between 48 and 52 Albion Street, Waverley, to the Director, Community, Assets and Operations, for appropriate action, and a report come back to Council.

C Lake (chief petitioner) addressed the meeting.

CM/7.6/20.03 Bondi Festival 2020 - Event Program and Budget (A19/0743)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr O'Neill

That Council:

1. Endorses the final event program and budget for the Bondi Festival 2020 as detailed in this report, with the exception of the creative lighting installation.
2. Notes the potential for the Festival to be impacted by Novel Coronavirus (COVID-19) and the possibility that the General Manager may need to cancel and/or postpone the event.
3. Given budget constraints, does not proceed with the Creative Lighting installation.

CM/7.7/20.03 Temporary Cultural Venue Options - North Bondi Park (SF20/1138)**MOTION**

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council endorses the option outlined in the report to provide a short-term temporary facility in North Bondi Park to accommodate the Flickerfest Short Film Festival in January 2021 and 2022 with the budget to be allocated from the 2020/21 and 2021/22 financial years.

AMENDMENT

Mover: Cr Burrill
Seconder: Cr Goltsman

That:

1. Council, in view of the large costs associated with Flickerfest in Bondi Park, should continue to seek alternative venues for this event for the duration of the Bondi Pavilion works.
2. Should an alternative venue not become available, Council endorses the option outlined in the report to provide a short-term temporary facility in North Bondi Park to accommodate the Flickerfest Short Film Festival in January 2021 and 2022 with the budget to be allocated from the 2020/21 and 2021/22 financial years.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Burrill, Goltsman and Nemesh.**Against the Amendment:** Crs Copeland, Lewis, Masselos, O'Neill and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division**For the Motion:** Crs Copeland, Lewis, Masselos, O'Neill and Wy Kanak.**Against the Motion:** Crs Burrill, Goltsman and Nemesh.**DECISION:** That the Motion be adopted.*At 10.36 pm, after the vote on this item, Cr Burrill left the meeting and did not return.***CM/7.8/20.03 Tamarama Basin Construction - Procurement (A19/0700)****MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Copeland

That Council awards the contract for the Tamarama Basin construction to Facilities Fix Pty Ltd for the sum of \$59,850.00 (excluding GST).

*Cr Burrill was not present for the consideration and vote on this item.***CM/7.9/20.03 Tender Evaluation - Notts Avenue Safety and Streetscape Upgrade Construction Services (A18/0525)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains 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 Quality Management and Constructions Pty Ltd as the preferred tenderer for the supply of construction services for the Notts Avenue Safety and Streetscape Upgrade Project for the sum of \$6,621,131.16 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Quality Management and Constructions Pty Ltd.
4. Funds the \$2.63 million shortfall in the 2020–21 Capital Works Program allocation within the Long Term Financial Plan.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local*

Government (General) Regulation 2005.

Division

For the Motion: Crs Copeland, Lewis, Masselos, O'Neill and Wy Kanak.

Against the Motion: Crs Goltsman and Nemesh.

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

CM/7.10/20.03 National General Assembly of Local Government 2020 - Motion Proposal (A18/0515)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council endorses the submission of the following motion to the Local Government National General Assembly 2020:

'That the National General Assembly calls on the State and Commonwealth Governments to provide effective support to Councils dealing with high visitation impacts on iconic Australian destinations by exploring additional funding support and/or revenue raising initiatives that can be used to help meet the costs of servicing visitation and improving the sustainability of these areas.'

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

8. Notices of Motions

CM/8.1/20.03 RESCISSION MOTION - PD/5.3/20.03 - 40 km/h Speed Limit Changes - Consultation Outcomes (A18/0579)

MOTION

Mover: Cr Burrill

Seconder: Cr Goltsman

That resolution PD/5.3/20.03 – 40 km/h Speed Limit Changes – Consultation Outcomes, passed at the Strategic Planning and Development Committee meeting on 3 March 2020, be rescinded.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Burrill, Goltsman and Nemesh.

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

CM/8.2/20.03 Water Tank Rebate Scheme (A06/2074)**MOTION**

Mover: Cr O'Neill
Seconder: Cr Wy Kanak

That Council:

1. Investigates:
 - (a) The introduction of a Water Tank Rebate Scheme available to all ratepayers, residents and businesses of rateable properties in the local government area.
 - (b) The budgetary implications, and identifies options for how this rebate may be funded by Council.
 - (c) The provision of water tank rebates from Sydney Water.
2. Officers provide a report to Council for consideration.

AMENDMENT 1

Mover: Cr Burrill
Seconder: Cr Goltsman

That the Motion be adopted subject to the deletion of clause 1(b).

AT THIS STAGE IN THE PROCEEDINGS, DURING CR WY KANAK'S ADDRESS ON THE AMENDMENT, CR BURRILL RAISED A POINT OF ORDER ON THE RELEVANCE OF CR WY KANAK'S ADDRESS.

THE MAYOR DID NOT UPHOLD THE POINT OF ORDER AND CR BURRILL MOVED A MOTION OF DISSENT, SECONDED BY CR GOLTSMAN, ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

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

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

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

Division

For the Amendment: Crs Burrill, Goltsman and Nemesh.

Against the Amendment: Crs Copeland, Lewis, Masselos, O'Neill and Wy Kanak.

AMENDMENT 2

Mover: Cr Nemesh
Seconder: Cr Goltsman

That the Motion be adopted subject to the words 'by Council' being deleted from clause 1(b).

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Lewis, Masselos, O'Neill and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division**For the Motion:** Crs Copeland, Lewis, Masselos, O'Neill and Wy Kanak.**Against the Motion:** Crs Burrill, Goltsman and Nemesh.**DECISION:** That the Motion be adopted.**CM/8.3/20.03 Murriverie Road, North Bondi - 15 Minute Parking (A02/0637)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That:

1. Council investigates the installation of a 15 minute parking zone for one car spot on the southern side of Murriverie Road, North Bondi, west of Glenayr Avenue.
2. The 15 minute parking zone operates between 9.30 am to 8.00 pm Monday to Friday and 8.30 am to 12.30 pm Saturday.
3. Council undertakes the necessary consultations.
4. A report come back to the May Traffic Committee Meeting.

CM/8.4/20.03 Waverley Cenotaph - Indigenous Commemorative Plaque (A04/0553)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That Council:

1. Acknowledges the First Nation People's Frontier Wars which were the battles and skirmishes of First Nation People resisting invasion and displacement from their traditional country.
2. Commits to commemorating the First Nation's People's Frontier Wars by erecting some type of appropriate commemoration whether that is a plaque, artwork or sculpture in Waverley LGA.
3. Calls for expressions of interest from suitably qualified Aboriginal and Torres Strait Islander artists for design and implementation of the work that:
 - (a) Considers cultural protocols.
 - (b) Is in conjunction with the Council's Public Art Committee that includes an expert panel of First Nation people including the La Perouse Local Aboriginal Land Council and other First Nation Elders to provide advice and guidance for the duration of this project.
4. Considers an appropriate location for this commemorative work.
5. Identifies potential costings and budget source.

6. Officers report back to Council.

CM/8.5/20.03 Cultural Bushfire Control Strategies (A02/0424)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That Council:

1. Supports First Nation elders and bushfire cultural control strategists being involved in creating future bushfire management strategies that acknowledge and implement traditionally-based 'cultural cool burning' techniques as part of broader bushfire management regimes.
2. Makes a submission to the NSW and Federal inquiries and any other bushfire-discussion-related matters requesting that First Nation elders and bushfire cultural control strategists be involved in creating future Australian bushfire management strategies.
3. Through the peak body Local Government NSW, lends its support to Aboriginal burning-off practices combined with Rural Fire Service Aboriginal community volunteer training, such as occurred recently at the NSW south coast Shire of Eurobodalla.

CM/8.6/20.03 Arts Funding and Cultural Recognition (A10/0818)

Cr Copeland declared a less than significant non-pecuniary interest in this item and informed the meeting that he knows the Chairperson of the Waverley Woollahra Art School.

MOTION

Mover: Cr Copeland
Seconder: Cr Wy Kanak

That Council:

1. Notes the recent decision by the Federal Government to remove Arts from the naming of the Federal Infrastructure, Transport, Regional Development and Communications department.
2. Writes to Prime Minister, Scott Morrison; the Minister for Communications and Cyber Safety and Arts, Paul Fletcher; the Shadow Minister for the Arts, Tony Burke; and Greens Arts portfolio-holder Sarah Hanson-Young, to request that the Federal Government:
 - (a) Reinstates the Federal Arts portfolio.
 - (b) Enhances and promotes the role of culture in all its forms.
 - (c) Increases funding to the cultural sector across Australia.

AMENDMENT 1

Mover: Cr Goltsman
Seconder: Cr Burrill

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

'Notes that there is no change to the funding currently committed to the Arts portfolio of \$749 million in

2019–2020.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Burrill, Goltsman and Nemes.

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

AMENDMENT 2

Mover: Cr Goltsman

Seconder: Cr Burrill

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

‘Notes there is no change in the role and funding of the Australia Council, Screen Australia or other important arts and cultural institutions.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Burrill, Goltsman and Nemes.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

P Cancian (on behalf of Waverley Woollahra Arts School) addressed the meeting.

CM/8.7/20.03 Waverley Cenotaph - Battle of Crete (A04/0553)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Seeks quotes and commissions installation of a plinth in the Memorial Garden Area of Waverley Park to honour and recognise the connection between Waverley residents who fought and died in the Battle of Crete and the Greek Campaign.
2. Identifies potential costings, a suitable budget source and sponsorship for the cost of the fabrication and installation of the plinth.

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

CM/8.8/20.03 Red Flag Day (A19/0767)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Burrill

That Council

1. Endorses, in principle, and subject to standard Council assessment, the Lokahi Foundation awareness 'Red Flag' event proposed to take place at Bondi Beach from 6.30 am–10.30 am on 4 December 2020.
2. Grants the proposed event referred to in clause 1 a one-off exception to the practice for events on the Bondi Beach sand not being approved in the month of December, and agrees that no fee is to apply, should the event be recommended for formal approval.

R Natoli (on behalf of Lokahi Foundation) addressed the meeting.

CM/8.9/20.03 Spring Street Cycleway and Streetscape Construction - Stage 3 (A14/0193)**MOTION**

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council:

1. Notes that Stage 2 works of the Bondi Junction Cycleway project is close to completion in Spring Street (west), between Denison Street and Newland Street, and that works have been delayed from the anticipated completion timing of February 2020.
2. Notes that, when Stage 2 works in Spring Street (west) is complete, Stage 3 works will then commence in Spring Street (east), between Newland Street and Bronte Road, with 'Stage 3A' starting on the south side of Spring Street, followed by 'Stage 3B' on the north side, and that an official start date for Stage 3 works of Saturday 14 March has now been announced, depending on the weather.
3. Notes that Stage 3 is the critical area of Spring Street with major impacts on businesses, residents, vehicles and pedestrians during the construction period, estimated by the project team to take around six months, depending on the weather and unforeseen circumstances.
4. Notes that Officers are presently preparing a comprehensive Construction Pedestrian and Vehicle Plan of Management for each stage of the construction works ('stages 3A and 3B') which includes the following:
 - (a) Parking Plan (on-street and off-street), to include drop off/pick up locations, the community bus zone (and that the plan acknowledges that the zone will be returned to Spring Street at the earliest opportunity during the works), mobility parking, short term parking, loading and truck zones, and the use of Bronte Road for temporary parking.
 - (b) Loading/Unloading Strategy for trucks and delivery vehicles in Spring Street and the use of the Oxford Street mall.
 - (c) Safe Pedestrian/Vehicle Movement and Access Plan, including but not limited to the following:
 - (i) pedestrian access to/from the Medical Centre, Easts, the Eastgate Centre, and other

busy businesses in Spring Street (east), including the steep slope on the southern Spring Street footpath at the Bronte Road intersection.

- (ii) ensuring a safe, accessible pedestrian path of travel along the footpaths that is not unduly impacted by site barriers and crossing Spring Street, noting the high density of pedestrian traffic on the south side of Spring Street (east).
 - (iii) traffic flow management, including construction vehicles and vehicles exiting the Coles Loading Dock.
5. Ensures that the contractor Ford Civil minimises undue impacts to businesses during the Stage 3 construction period as much as possible by identifying the best times and approaches for noisy and disruptive works to be performed through consultation with key business owners (e.g. Easts, Medical Centre, Eastgate Centre management, and others), and that these processes be supported by Council officers.
 6. Officers investigate improved ways to consult, notify and receive feedback from the impacted community, including a project engagement list, by which interested parties can log their email address and/or mobile number and receive notifications of project progress.
 7. Publicises a summary of the above comprehensive Construction Pedestrian and Vehicle Plan of Management in local media, social media, on Council's website, and via other communication channels, and arranges distribution of the summary to business owners and residents directly impacted by works in Spring Street (east), including Bronte Road (between Oxford Street and Ebley Street) and as appropriate.
 8. Receives an initial progress report for Stage 3 works at the June 2020 Operations and Community Services Committee meeting.

AMENDMENT

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That the Motion be adopted subject to the following sentence being added at the end of clause 4:

‘and that a summary version of this Plan of Management be prepared for consultation.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE MOTION AS AMENDED THEN ACCEPTED AN AMENDMENT TO CLAUSE 7 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that Stage 2 works of the Bondi Junction Cycleway project is close to completion in Spring Street (west), between Denison Street and Newland Street, and that works have been delayed from the anticipated completion timing of February 2020.
2. Notes that, when Stage 2 works in Spring Street (west) is complete, Stage 3 works will then commence in Spring Street (east), between Newland Street and Bronte Road, with ‘Stage 3A’ starting on the south side of Spring Street, followed by ‘Stage 3B’ on the north side, and that an official start date for Stage 3 works of Saturday 14 March has now been announced, depending on the weather.
3. Notes that Stage 3 is the critical area of Spring Street with major impacts on businesses, residents, vehicles and pedestrians during the construction period, estimated by the project team to take

around six months, depending on the weather and unforeseen circumstances.

4. Notes that Officers are presently preparing a comprehensive Construction Pedestrian and Vehicle Plan of Management for each stage of the construction works ('stages 3A and 3B') which includes the following:
 - (a) Parking Plan (on-street and off-street), to include drop off/pick up locations, the community bus zone (and that the plan acknowledges that the zone will be returned to Spring Street at the earliest opportunity during the works), mobility parking, short term parking, loading and truck zones, and the use of Bronte Road for temporary parking.
 - (b) Loading/Unloading Strategy for trucks and delivery vehicles in Spring Street and the use of the Oxford Street mall.
 - (c) Safe Pedestrian/Vehicle Movement and Access Plan, including but not limited to the following:
 - (i) pedestrian access to/from the Medical Centre, Easts, the Eastgate Centre, and other busy businesses in Spring Street (east), including the steep slope on the southern Spring Street footpath at the Bronte Road intersection.
 - (ii) ensuring a safe, accessible pedestrian path of travel along the footpaths that is not unduly impacted by site barriers and crossing Spring Street, noting the high density of pedestrian traffic on the south side of Spring Street (east).
 - (iii) traffic flow management, including construction vehicles and vehicles exiting the Coles Loading Dock.

And that a summary version of this Plan of Management be prepared for consultation.

5. Ensures that the contractor Ford Civil minimises undue impacts to businesses during the Stage 3 construction period as much as possible by identifying the best times and approaches for noisy and disruptive works to be performed through consultation with key business owners (e.g. Easts, Medical Centre, Eastgate Centre management, and others), and that these processes be supported by Council officers.
6. Officers investigate improved ways to consult, notify and receive feedback from the impacted community, including a project engagement list, by which interested parties can log their email address and/or mobile number and receive notifications of project progress.
7. Publishes a summary of the above comprehensive Construction Pedestrian and Vehicle Plan of Management in local media, social media, on Council's website, and via other communication channels, and arranges distribution of the summary to business owners and residents directly impacted by works in Spring Street (east), including Bronte Road (between Oxford Street and Ebley Street) and as appropriate.
8. Receives an initial progress report for Stage 3 works at the June 2020 Operations and Community Services Committee meeting.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Burrill, Copeland, Goltsman, Lewis, Masselos, Nemesh, O'Neill and Wy Kanak.

Against the Motion: Nil.

DECISION: That the Motion be adopted.

R Cole (on behalf of Eastern Suburbs Leagues Club) addressed the meeting.

At 9.25 pm, the meeting adjourned for a short break.

At 9.35 pm, the meeting resumed.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

CM/10.1/20.03 General Manager's Delegations (SF20/29)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council deals with this matter as an item of urgent business.

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

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That:

1. Council notes the potential impacts on business continuity for Council from the current Novel Coronavirus (COVID-19) pandemic.
2. Council resolves that it wishes to provide greater day-to-day decision-making authority to the General Manager while the pandemic affects the community and Council's operations.
3. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to this report.
4. Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
5. Should Emily Scott be unable or unwilling to act as General Manager at any time, Peter Monks be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
6. Should Emily Scott and Peter Monks be unable or unwilling to act as General Manager at any time, John Clark be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.

7. Should Emily Scott, Peter Monks and John Clark be unable or unwilling to act as General Manager at any time, Darren Smith be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
8. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
9. Council reviews the General Manager's delegations at the June 2020 and December 2020 Council meetings.
10. Council authorises the General Manager to approve purchases with fewer than the required number of quotes called for in the Purchasing Procedure up to \$250,000, until December 2020 when a review of this will be included in the report to Council on the General Manager's delegations.
11. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any exemptions approved under clause 8 above.
12. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.

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

CM/10.2/20.03 Closure of Waverley Library due to Coronavirus (A20/0245)

MOTION

Mover: Cr Goltsman

That a proposed Motion to close Waverley Library in order to minimise the transmission of the coronavirus be treated as an item of urgent business.

The Mayor ruled that the business proposed to be considered was not of great urgency because staff have protocols in place at the Library to deal with the outbreak and they are monitoring the situation, and it would be pre-emptive of Council to take this action without investigating first.

11. Closed Session

CM/11/20.03 Closed Session

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. None were received.

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Nemes

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/11.1/20.03 CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Temporary Relocation of Facilities during Construction Phase

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.2/20.03 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club - Building Upgrade Project

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Pursuant to sections 10A(1), 10(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 as confidential under 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*.

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

At 11.08 pm, Council moved into closed session.

CM/11.1/20.03 CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Temporary Relocation of Facilities during Construction Phase (A15/0272)

MOTION

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council:

1. Treats this report 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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes the various options contained in this report for the continued provision of food and beverage services to local residents and visitors during the closure of the Bondi Pavilion.
3. Endorses Option C as detailed in this report for the provision of retail food and beverage offerings in Area 1 as indicated in Figure 1 in this report.
4. Delegates to the General Manager the authority to consider and approve any suitable structure proposals that come forward from interested parties for food and beverage offerings provided that,

in the opinion of the General Manager, they add amenity to, and are consistent with, the food truck precinct concept, site dimensions and site constraints.

5. Endorses the creation of up to eight temporary mobile vendor licences to allow food trucks or other approved operators to operate on the Bondi Pavilion forecourt, and authorises the General Manager to finalise all necessary documentation.
6. Notes the proposed installation of a temporary tourist information booth to be installed on the Bondi Pavilion forecourt for the duration of the building closure as indicated in Area 1 in Figure 1 in this report.
7. Notes the proposed installation of temporary lifeguard amenities in Area 2 as indicated in Figure 1 in this report.
8. Notes the proposed installation of temporary public amenities in Area 3 as indicated in Figure 1 in this report.
9. Notes the proposed installation of a temporary Lifeguard Observation Tower and first aid room in Area 4 as indicated in Figure 1 in this report.

AMENDMENT 1

Mover: Cr Goltsman
Seconder: Cr Nemesh

That the Motion be adopted subject to clause 3 being amended to read as follows:

‘Endorses Option C as detailed in this report for the provision of retail tenancies in Area 1 as indicated in Figure 1 in this report.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Goltsman and Nemesh.

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

AMENDMENT 2

Mover: Cr Goltsman
Seconder: Cr Nemesh

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

‘Conducts an expression of interest process to all existing tenants of the Pavilion, advising them of the space allocation in the southern section of the forecourt and invites them to submit a proposal of how they would provide a structure to continue their business.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Goltsman and Nemesh.

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 10 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Treats this report 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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes the various options contained in this report for the continued provision of food and beverage services to local residents and visitors during the closure of the Bondi Pavilion.
3. Endorses Option C as detailed in this report for the provision of retail food and beverage offerings in Area 1 as indicated in Figure 1 in this report.
4. Delegates to the General Manager the authority to consider and approve any suitable structure proposals that come forward from interested parties for food and beverage offerings provided that, in the opinion of the General Manager, they add amenity to, and are consistent with, the food truck precinct concept, site dimensions and site constraints.
5. Endorses the creation of up to eight temporary mobile vendor licences to allow food trucks or other approved operators to operate on the Bondi Pavilion forecourt, and authorises the General Manager to finalise all necessary documentation.
6. Notes the proposed installation of a temporary tourist information booth to be installed on the Bondi Pavilion forecourt for the duration of the building closure as indicated in Area 1 in Figure 1 in this report.
7. Notes the proposed installation of temporary lifeguard amenities in Area 2 as indicated in Figure 1 in this report.
8. Notes the proposed installation of temporary public amenities in Area 3 as indicated in Figure 1 in this report.
9. Notes the proposed installation of a temporary Lifeguard Observation Tower and first aid room in Area 4 as indicated in Figure 1 in this report.
10. Should the northern section of the forecourt become available, advises existing tenants that this option is also available.

AMENDMENT 3

Mover: Cr Goltsman

Seconder: Cr Nemesh

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

‘A report comes back to Council on the proposals and recommendations.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Goltsman and Nemesh.

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

THE MOTION WAS THEN 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.

Subsequent to the meeting, before 10 am the next day, a notice of motion to rescind this decision was lodged with the General Manager. The rescission motion will be considered at the April Council meeting.

CM/11.2/20.03 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club - Building Upgrade Project (A19/0445)

MOTION / UNANIMOUS DECISION

Mover: Cr O'Neill
Seconder: Cr Copeland

That Council:

1. Treats this report 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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes that, under section 55(3)(m) of the *Local Government Act*, Council is not required to invite tenders before entering into a contract if it has entered into a public-private partnership.
3. Authorises the General Manager to negotiate directly with Chrofi Architects for head consultant services for the revised development application, tender and construction phase documentation for the Tamarama Surf Life Saving Club (TSLSC) Building Upgrade Project, in accordance with the probity advice attached to this report.
4. Notes that any contract resulting from the direct negotiations will be between Council and TSLSC jointly and Chrofi Architects.
5. Notes the project update provided in this report.

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

12. Resuming in Open Session

CM/12/20.03 Resuming in Open Session

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Wy Kanak

That Council resumes in open session.

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

At 11.21 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

13. Meeting Closure

THE MEETING CLOSED AT 11.25 PM.

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SIGNED AND CONFIRMED
MAYOR
21 APRIL 2020