



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 21 APRIL 2020**

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 Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley 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 7.02 pm, those present were as listed above, with the exception of Cr Keenan who arrived at 7.05 pm and Cr O'Neill who arrived at 7.07 pm.

At 10.38 pm, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Obituaries

Mauricio de Souza

The victims of COVID-19

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. A Aaron – CM/7.5/20.04 – Diamond Bay Rezoning.

4.2. M Dupe – CM/7.5/20.04 – Diamond Bay Rezoning.

4.3. V Falk – CM/8.2/20.04 – Air Fresheners in Public and Staff Toilets.

4.4. S Frank – CM/8.3/20.04 – Safe Climate Declaration – A New Approach to Climate Action.

4.5. A Gibbs – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.

4.6. J Stanton-Cooke (on behalf of Lock the Gate) – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.

4.7. C Gill – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.

- 4.8. A Russell (on behalf of Climate Action Sydney Eastern Suburbs) – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.9. R Knittel – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.10. T Murray – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.11. A Gill – CM/8.5/20.04 – Fracking in the Northern Territory - Support for Indigenous Community Opposition.

5. Confirmation and Adoption of Minutes

CM/5.1/20.04 Confirmation of Minutes - Council Meeting - 17 March 2020 (SF20/42)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council Meeting held on 17 March 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/20.04 Confirmation of Minutes - Extraordinary Council Meeting - 3 April 2020 (SF20/42)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Extraordinary Council Meeting held on 3 April 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.3/20.04 Confirmation of Minutes - Extraordinary Council Meeting - 7 April 2020 (SF20/42)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Extraordinary Council Meeting held on 7 April 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.4/20.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 March 2020 (SF20/45)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 26 March 2020 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes**CM/6.1/20.04 Coronavirus (COVID-19) - Financial Support (A20/0245)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council:

1. Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Calls for the packages to include the following measures:
 - (a) Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - (b) Immediate financial assistance to support council employees where necessary.
 - (c) Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - (d) Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Writes to the local Federal and State Members Dave Sharma MP, Marjorie O'Neill MP and Gabrielle Upton MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment

support and stimulus funding for the local government sector.

6. Advises LGNSW President Linda Scott of the passage of this mayoral minute.

Background

I am calling on Councillors to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

Waverley Council has been affected by the consequences of the COVID-19 pandemic. Revenues have been reduced by an estimated \$3.5–\$4.5 million per month. We are also dealing with increased and new demands for services in some areas some as increased waste volumes, increased cleaning requirements and greater requirements for compliance staff in managing beach and facility closures. A number of other staff roles have been affected in terms of there no being useful work for some individuals

I am recommending that we support the campaign, which is being coordinated on behalf of the NSW sector by Local Government NSW (LGNSW) and at a national level by the Australian Local Government Association (ALGA).

Council is struggling with the financial impacts of COVID-19. Council has faced increased costs in some areas as a result of the pandemic and at the same time is experiencing declining revenue as fees and charges revenue dries up

Council is doing everything possible to provide support and deliver the services needed to protect community health and keep our communities running during these difficult times. The wellbeing, safety and livelihoods of our communities, customers, and staff is our top priority. However, if additional assistance is not provided, Council may be forced to cut services, infrastructure maintenance and staff.

It is critical that the local government sector receives adequate funding and resources to coordinate and deliver the goods and services needed as we navigate through, and recover from, the new challenges presented by COVID-19 and its massive impacts on people and our local economies.

Council needs urgent financial assistance from the Federal Government and NSW State Government to maintain infrastructure, services and employment as well as funding to give councils the capacity to provide hardship assistance to the community.

The measures listed below would be effective and simple to implement:

- Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
- Immediate financial assistance to support council employees where needed.
- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, Bridges Renewal and Road Safety Blackspots programs. State programs include Fixing Local Roads, Fixing Country Bridges and the Stronger Country Communities programs.
- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to

be redeployed.

CM/6.2/20.04 Coronavirus (COVID-19) - Beach Closures, Access to the Ocean and Beach Opening Process (A20/0245)

MOTION

Mover: Cr Masselos

That Council:

1. Recognises the importance to the community of swimming and surfing at Waverley's beaches and is working towards a phased reopening of access to the water.
2. Notes that:
 - (a) A Council-wide implementation of risk management measures are currently underway 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, and that Bondi, Tamarama and Bronte Beaches continue to remain closed.
 - (b) A draft COVID-19 beach access management plan ('the plan') providing access to the water for swimmers and surfers at Bondi, Tamarama (surfing only) and Bronte Beaches, has been developed and a draft circulated to Councillors with an opportunity for Councillor comment.
 - (c) The draft plan:
 - (i) Keeps the beaches and ocean pools closed and leaves the fencing in place, except where permitted in the beach management plan.
 - (ii) Provides for safe access corridors to the water to allow 'surf and go'/'swim and go' only via entry points that are managed by Council rangers while strictly observing social distancing so as not to become mass gatherings of more than 500 people, and alternative safe access corridors from the water.
 - (iii) Is for weekdays only unless risk assessments enable the General Manager to open at other times.
 - (iv) Does not allow for walking, running, recreating or gathering (including loitering and sunbathing) on the sand, except where permitted in the beach management plan.
 - (v) Allows for immediate closure of the beaches where there are unacceptable compliance problems.
 - (vi) Bans swimming if the conditions become dangerous.
 - (vii) Provides for lifeguards to patrol the beaches although the flags are down between the hours of 7 am and 5 pm, seven days a week.
 - (viii) Erects static and electronic signage.
 - (ix) Ensures personal protective equipment for our lifeguards.
 - (d) The Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Chief Health

Officer, Dr Kerry Chant, and Dr Marianne Gale, Director, Population and Community Health, South Eastern Sydney Local Health District, support Waverley Council's plans for access to the ocean, as they recognise that Council is striking a balance in ensuring continuing safety for the community and permitting appropriate exercise in the ocean.

- (e) The Minister for Health and Medical Research, Council officers, lifeguards, rangers, surf clubs, Department of Health and Police have been consulted in the development of the plan.
 - (f) The plan has been proposed within any applicable federal and state legislation, policies and guidelines, and public health orders at the time.
 - (g) Officers, rangers and lifeguards will continue to monitor the water access points in accordance with risk assessment outcomes, to ensure compliance including social distancing for the General Manager to take any relevant action deemed appropriate should compliance became an issue. This may include prohibiting access to the water.
3. Endorses the General Manager acting to implement the beach management plan from 28 April 2020 on the proviso that the General Manager is satisfied that a risk assessment indicates that it is acceptable to enable access to the water as stipulated in the plan.
4. Establishes the following preconditions to be met before any wider beach openings can take place:
- (a) Council officers, lifeguards and rangers have developed a strategy for managing beaches that they are satisfied with that is in accordance with state and federal government guidelines, legislation and policies, and public health orders in place at the time as well as Council's own risk assessment processes.
 - (b) Surf clubs have been consulted as part of the strategy development process and their feedback considered.
 - (c) The support of the Minister of Health and Medical Research and the Chief Health Officer is obtained along with the Department of Health and Police.
 - (d) Monitoring and compliance management processes are established that ensure beaches can be managed to remain compliant with government requirements, legislation and orders, and that public health orders in place at any given time are able to be met and observed.
 - (e) A beach closure process is readily available to the General Manager should he deem it necessary for beaches to be closed.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Burrill

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

'Requests the General Manager to consider the creation of a registration system to manage the numbers of people who want to access the ocean for exercise, which could be extended to include access time slots.'

FORESHADOWED AMENDMENT

Mover: Cr Wakefield
Seconder: Cr O'Neill

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

'Ensures an adequate queuing procedure for access to the beach.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

THE AMENDMENT NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO CLAUSES AND AMENDMENTS TO CLAUSES 2(b), 2(c)(ii), 2(c)(v) AND 7(a) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Recognises the importance to the community of swimming and surfing at Waverley's beaches and is working towards a phased reopening of access to the water.
2. Notes that:
 - (a) A Council-wide implementation of risk management measures are currently underway 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, and that Bondi, Tamarama and Bronte Beaches continue to remain closed.
 - (b) A draft COVID-19 beach access management plan (the plan) providing access to the water for swimmers, surfers, stand-up paddle boarders, ocean kayakers and surf skis at Bondi, Tamarama (surf craft only) and Bronte Beaches, has been developed and a draft circulated to Councillors with an opportunity for councillor comment.
 - (c) The draft plan:
 - (i) Keeps the beaches and ocean pools closed and leaves the fencing in place, except where permitted in the beach management plan.
 - (ii) Provides for safe access corridors to the water between 7 am and 5 pm and closed at all other times to allow 'surf and go'/'swim and go' only via entry points that are managed by Council rangers while strictly observing social distancing so as not to become mass gatherings of more than 500 people, and alternative safe access corridors from the water.
 - (iii) Is for weekdays only unless risk assessments enable the General Manager to open at other times.
 - (iv) Does not allow for walking, running, recreating or gathering (including loitering and sunbathing) on the sand, except where permitted in the beach management plan.
 - (v) Allows for immediate closure of the beaches where there are compliance problems.
 - (vi) Bans swimming if the conditions become dangerous.
 - (vii) Provides for lifeguards to patrol the beaches although the flags are down between the hours of 7 am and 5 pm, seven days a week.
 - (viii) Erects static and electronic signage.

- (ix) Ensures personal protective equipment for our lifeguards.
 - (d) The Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Chief Health Officer, Dr Kerry Chant, and Dr Marianne Gale, Director, Population and Community Health, South Eastern Sydney Local Health District, support Waverley Council's plans for access to the ocean, as they recognise that Council is striking a balance in ensuring continuing safety for the community and permitting appropriate exercise in the ocean.
 - (e) The Minister for Health and Medical Research, Council officers, lifeguards, rangers, surf clubs, Department of Health and Police have been consulted in the development of the plan.
 - (f) The plan has been proposed within any applicable federal and state legislation, policies and guidelines, and public health orders at the time.
 - (g) Officers, rangers and lifeguards will continue to monitor the water access points in accordance with risk assessment outcomes, to ensure compliance including social distancing for the General Manager to take any relevant action deemed appropriate should compliance became an issue. This may include prohibiting access to the water.
3. Ensures an adequate queuing procedure for access to the beach.
 4. Attaches to the minutes the draft plan circulated to Councillors on 18 April 2020, which is dynamic and subject to change.
 5. Urgently refers traffic matters to the Traffic Committee.
 6. Endorses the General Manager acting to implement the beach management plan from 28 April 2020 on the proviso that the General Manager is satisfied that a risk assessment indicates that it is acceptable to enable access to the water as stipulated in the plan.
 7. Establishes the following preconditions to be met before any wider beach openings can take place:
 - (a) Council officers, lifeguards, rangers and Police have developed a strategy for managing beaches that they are satisfied with that is in accordance with state and federal government guidelines, legislation and policies, and public health orders in place at the time as well as Council's own risk assessment processes.
 - (b) Surf clubs have been consulted as part of the strategy development process and their feedback considered.
 - (c) The support of the Minister of Health and Medical Research and the Chief Health Officer is obtained along with the Department of Health and Police.
 - (d) Monitoring and compliance management processes are established that ensure beaches can be managed to remain compliant with government requirements, legislation and orders, and that public health orders in place at any given time are able to be met and observed.
 - (e) A beach closure process is readily available to the General Manager should he deem it necessary for beaches to be closed.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

DECISION: That the Motion be adopted.

Note: regarding clause 4 of the resolution, the draft plan circulated to Councillors on 18 April 2020 will not be attached to the minutes, but will be published on Council's website on the plans, policies and reports page.

At 9.32 pm, following the vote on this item, the meeting adjourned for a short break.

At 9.40 pm, the meeting resumed.

7. Reports

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR MASSELOS AND SECONDED BY CR LEWIS, IN ACCORDANCE WITH PART 13 OF THE CODE OF MEETING PRACTICE:

That the recommendations for items CM/7.3/20.04, CM/7.4/20.04, CM/7.8/20.04, CM/7.9/20.04, CM/7.10/20.04 and CM/7.11/20.04 be adopted as printed on the agenda.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

CM/7.1/20.04 Schedule of Meeting Dates for Council and its Standing Committees - Amendment (A04/1869)

MOTION / DECISION

Mover: Cr Masselos
 Seconder: Cr Keenan

That Council amends the 2020 Schedule of Meeting Dates for Council and its Standing Committees by:

1. Cancelling the scheduled May and June meetings of the Operations and Community Services Committee and the Strategic Planning and Development Committee.
2. Scheduling additional Council meetings to be held via video conference on 5 May and 2 June 2020 at 7 pm.

CM/7.2/20.04 Councillor Superannuation - Submission (SF20/1538)

MOTION / DECISION

Mover: Cr Lewis
 Seconder: Cr Copeland

That:

1. Council makes a submission to the Office of Local Government's on its 'Councillor Superannuation Discussion Paper 2020' supporting Option 4, which proposes amending the *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment

of the mayor's and councillors' fees.

- 2 Includes in the submission that, should a Councillor superannuation scheme be adopted by the government, and given the current COVID-19 climate and budgetary impact, that this scheme commence in the 2022–23 financial year.

CM/7.3/20.04 Investment Portfolio Report - March 2020 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for March 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.

CM/7.4/20.04 Audit, Risk and Improvement Committee Meeting - Minutes - 19 December 2019 (SF20/986)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 19 December 2019 attached to this report.

CM/7.5/20.04 Diamond Bay Rezoning (A19/0332)

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Nemesh

That Council:

1. Notes that the Diamond Bay area of Vacluse has a prevailing medium density character, with a high proportion of apartments and townhouses.
2. Notes that there has been a relatively high level of redevelopment in this area in the last five years.
3. Notes that, while all of the easy-to-redevelop sites have been developed in recent years, there remain numerous sites throughout the area that have the potential to be further redeveloped with increased floor space up to a FSR of 0.9 and building heights up to 12.5 m in the current R3 Medium Density Residential Zone.
4. Notes the significant community concern expressed at the scale and density of development in the Diamond Bay area in recent years.

5. Includes in the new *Waverley Local Environmental Plan 2020* being prepared the rezoning of all R3 Medium Density Residential Zones in Diamond Bay (Diamond Bay Road, Isabel Avenue and Kimberley Street) to R2 Low Density Residential Zone other than for those properties abutting Old South Head Road, which should remain as currently zoned.
6. Includes in the new *Waverley Local Environmental Plan 2020* being prepared for the above properties being rezoned from R3 to R2, an FSR of 0.5 and a building height of 8.5 m, as per the development standards for the R2 zone.
7. Notes that Council has consistently demonstrated its ability to meet any specified housing target set by the Department of Planning, Industry and Environment and therefore does not accept the proposition that downzoning the Diamond Bay area would justify any possible request to increase the density in other parts of Waverley to compensate.
8. Informs the minister of Council's intention and seeks his support for the downzoning without any commensurate upzoning in other parts of Waverley, and that his response be tabled at Council.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Cr Wy Kanak.

A Aaron and M Dupe addressed the meeting.

CM/7.6/20.04 Draft Waverley Development Control Plan 2012 (Amendment No. 8) - Exhibition (A20/0155)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Exhibits the Draft Waverley Development Control Plan 2012 (Amendment No. 6) attached to this report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. Exhibits the Draft Community Participation Plan (Amendment No. 1) attached to this report for a minimum period of 28 days, in accordance with clause 1 of schedule 1 of the *Environmental Planning and Assessment Act*.
3. Arranges a seminar for precinct committees to outline and explain the proposed amendments to the Development Control Plan.
4. Adopts the amended Development Application Guide as attached to this report.

Division

For the Motion: Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

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

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

**CM/7.7/20.04 Draft Bondi Junction Urban Design Review Update 2020 - Exhibition
(A12/0038-02)****MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Bondi Junction Urban Design Review Update 2020 (the Review) attached to this report for a minimum period of 28 days.
2. Notes the Review has been completed to ensure that the current principles and policy framework applying to development in Bondi Junction are valid and up to date, in the context of recent and continued development pressure.
3. Notes this document will form an important evidence base as part of the strategic planning framework, along with the suite of other completed and draft environmental studies, to inform decisions in the face of continued development pressure, such as proponent-led planning proposals.

Division

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

Against the Motion: Nil.

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

CM/7.8/20.04 Draft Cultural Plan - Exhibition (A19/0092)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council publicly exhibits the draft Cultural Plan attached to this report.

**CM/7.9/20.04 Varna Park Upgrade Works - Community Consultation and Concept Design
(A19/0671)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Receives and notes the outcomes from the two stages of community consultation undertaken for Varna Park.
2. Endorses the attached concept design plan to be detailed and documented for construction.
3. Notes that the final design may change based on recommendations and requirements identified by technical consultants such as arborists and accredited play safety auditors. A final design will be presented to Council for endorsement if significant changes are proposed, or emailed to Councillors prior to tender if only minor changes are proposed, in accordance with Council's new standard

Councillor consultation approach.

CM/7.10/20.04 Stronger Communities Fund - Progress Report (A19/0224)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council receives and notes this progress report on the Stronger Communities Fund.

CM/7.11/20.04 Quotation Evaluation - Concrete Footpath and Restoration Works (A18/0335)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Enters into contract with Civeco Pty Ltd for the provision of concrete restoration works at a total contract price of \$317,854 (including GST).
2. Authorises the General Manager do all things necessary to enter into the contract.

8. Notices of Motions

CM/8.1/20.04 RESCISSION MOTION - 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 Goltsman
Seconder: Cr Betts

That:

1. Council treats the attachment to this motion 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 attachment contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Resolution CM/11.1/20.03 – CONFIDENTIAL REPORT – Bondi Pavilion Restoration and Conservation Project – Temporary Relocation of Facilities during Construction, passed at the Council meeting on 17 March 2020, be rescinded.

FORESHADOWED MOTION

Mover: Cr Goltsman
Seconder: Cr Wakefield

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 the provision of retail, food and beverage offerings and other approved operations 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 retail, food and beverage offerings, and approved operations that are consistent with 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.

THE MOTION WAS PUT AND DECLARED CARRIED.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 3 AND 4 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, amended to provide for the provision of retail, food and beverage offerings and other approved operations 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 retail, food and beverage offerings including from our existing tenants, and approved operations that are consistent with 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.

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.

CM/8.2/20.04 Air Fresheners in Public and Staff Toilets (A20/0098)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Burrill

That Council:

1. Investigates independent studies on the undue health impacts from automatic air fresheners used inside amenities within public buildings, including staff facilities.
2. Receives a report by August 2020 that includes recommended actions, and alternative options to existing air fresheners.

At 10.38 pm, following the vote on this item, Cr Burrill left the meeting and did not return.

V Falk addressed the meeting.

CM/8.3/20.04 Safe Climate Declaration - A New Approach to Climate Action (A09/1017)**MOTION / DECISION**

Mover: Cr Masselos

Second: Cr Keenan

That Council:

1. Notes the recent Climate Emergency Summit conducted in Melbourne on 14–15 February 2020.
2. Recognises, as per the November 2019 Council resolution, that climate change now constitutes a global emergency.
3. Recognises the 2019–20 Australian bushfires as being linked to climate change.
4. Understands that climate change and its solutions will have profound implications for Australia, its people and its lands.
5. Recognises that Indigenous knowledge and leadership have a significant and important role to play in helping address climate change.
6. Becomes a signatory to the Safe Climate Declaration.

Division**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.**Against the Motion:** Crs Betts, Goltsman, Kay and Nemesh.*Cr Burrill was not present for the consideration and vote on this item.**S Frank addressed the meeting.***CM/8.4/20.04 250 Resistance Gweagal Bidjigal Peoples' Sovereign Elders Group Support (A02/0424)****MOTION / DECISION**

Mover: Cr Wy Kanak

Second: Cr Copeland

That:

1. In developing Council's Innovate Reconciliation Action Plan (RAP), Council officers reach out to the Gweagal Bidjigal Sovereign Elders and 250 Resistance Groups to gather information for the report being prepared in response to Council's February 2018 resolution on 'Unceded Aboriginal Sovereignty'.
2. Council notes Lieutenant James Cook's 'secret orders' from King George III that ordered:

'You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain: Or: if you find the Country uninhabited take Possession for his Majesty by setting up Proper Marks and Inscriptions, as first discoverers and possessors'.

(See the full document at foundingdocs.gov.au/item-did-34.html).

3. Council also notes the hints from the president of the Royal Society for Cook and his crew in their relationships with the indigenous people they met:

‘No European Nation has a right to occupy any part of their country, or settle among them without their voluntary consent. Conquest over such people can give no just title; because they could never be the Aggressors.’

(See nla.gov.au/digital-classroom/senior/Cook/Indigenous-Response/Mortons-Hints).

4. Council officers liaise with the Gweagal-Bidjigal Resistance #Resist250 First Nations Sovereign Tribal Elders Council in the eastern suburbs over proposed activities associated with marking 250 years of Aboriginal resistance since Lieutenant Cook landed at Kamay, Botany Bay, on 29 April 1770, claiming to have made a geographical ‘discovery.’

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

**CM/8.5/20.04 Fracking in the Northern Territory - Support for Indigenous Community
Opposition (A09/1017)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Keenan

That Council:

1. Writes to Origin Energy:
 - (a) Noting our Power Purchase Agreement with Origin through SSROC, 35% of which is currently sourced from the Moree Solar Farm.
 - (b) Noting Council’s Climate Emergency Declaration and in-principle support for net-zero emissions by 2030.
 - (c) Expressing our support for the traditional owners and communities in the Northern Territory, who have expressed their strong opposition to fracking due its threats to the climate, and to their lands, waters and rights.
 - (d) Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water, and commit to further investment in environmentally and socially sustainable renewable energy projects.
2. Forwards a copy of the correspondence referred to above to all NSW Regional Organisations of Councils (ROCs).
3. Notes Ryde Council’s motion to the Australian Local Government Assembly on the same topic of support for traditional owners against fracking in the Northern Territory.
4. Notifies Local Government NSW and the Australian Local Government Assembly of Council’s resolution.
5. Notes Origin’s announced COVID-19-related temporary pause to exploration work in the Beetaloo Basin following discussions with the Northern Territory Government and the Northern Land Council.

Division

For the Motion: Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemes, O’Neill, Wy Kanak and Wakefield.

Against the Motion: Nil.

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

A Gibbs, J Stanton-Cooke (on behalf of Lock the Gate), C Gill, A Russell (on behalf of Climate Action Sydney Eastern Suburbs), R Knittel, T Murray and A Gill addressed the meeting.

9. Questions with Notice

There were no questions with notice.

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 11.28 PM.

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SIGNED AND CONFIRMED
MAYOR
5 MAY 2020