



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 21 JULY 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 7.04 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.06 pm.

At 10.18 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 the following was received:

- 2.1 Cr Burrill declared a significant non-pecuniary interest in item CM/7.6/20.07 – Community Services and Cultural Grants 2020-21 and Small Grants Allocation, and informed the meeting that she is a volunteer organiser for the Bondi Beach Playgroup and will leave the meeting.

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 S Gouge (on behalf of Knight Frank Town Planning) – CM/7.8/20.07 – Planning Proposal – 203-231 Bronte Road and 94-98 Carrington Road, Waverley – Pre-Gateway Determination.
- 4.2 S Lightfoot – CM/7.11/20.07 – Bronte Cutting Safety Upgrade.
- 4.3 B Scaffidi (President, Bronte Surf Life Saving Club) – CM/7.11/20.07 – Bronte Cutting Safety Upgrade

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the recommendations for the following items be adopted as recommended in the business paper:

- CM/5.1/20.07 Confirmation of Minutes - Council Meeting - 30 June 2020
- CM/5.2/20.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 June 2020
- CM/7.1/20.07 Councillors' Fees - Local Government Remuneration Tribunal Determination for 2020-21
- CM/7.2/20.07 Councillor Expenses and Facilities - Annual Report
- CM/7.4/20.07 Investment Portfolio Report - June 2020
- CM/7.5/20.07 Coronavirus (COVID-19) - Business Support Package Review and Continuation
- CM/7.12/20.07 North Bondi Mosaic Artwork Recommission
- CM/7.14/20.07 High Impact Events 2020-21

5. Confirmation and Adoption of Minutes**CM/5.1/20.07 Confirmation of Minutes - Council Meeting - 30 June 2020 (SF20/42)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council Meeting held on 30 June 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/20.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 June 2020 (SF20/45)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 25 June 2020 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

CM/6.1/20.07 Social Impact Assessment as part of Development Assessment (A20/0396)

MOTION

Mover: Cr Masselos

That Council officers:

1. Investigate the preparation of Social Impact Assessment Guidelines for inclusion in the new Waverley Development Control Plan to provide advice and guidance to applicants submitting a development application on how to meet the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Report back to Council outlining the issues associated with social impact assessment.

Background

Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires consideration be taken of the social impact of any development application.

Social impact is a key consideration of the assessment of any DA in terms of the impact of the proposal on the amenity of neighbouring properties and the locality. This can include consideration of the appropriateness of the type of use to the location, impact of hours of operation, noise, odours, potential for behavioural issues and the cumulative effect of similar type of developments, amongst other matters.

Premises such as liquor licensed establishments and some short-stay backpacker-style accommodation options attract greater scrutiny of social impacts than other premises given their perceived potential to generate activity that could affect neighbours. The requirement for applicants in these types of applications to submit detailed management plans detailing how these issues will be managed is a key tool used by Council in assessing social impacts.

The Council's Development Control Plan does not, however, have explicit references to how social impact considerations should be assessed and managed. It is noted that Inner West Council has a Social Impact Assessment Guide to provide guidance to applicants and the community on how these issues should be managed, and it is recommended that Council investigates the preparation of a similar document for inclusion in the Council's new DCP currently under review. It is recommended that Council investigates the preparation of a guide of this nature that consider how matters of social impact can most appropriately be assessed for inclusion in the Council's new DCP currently under review.

AT THIS STAGE IN THE PROCEEDINGS, CR BETTS RAISED A POINT OF ORDER THAT THE MAYORAL MINUTE WAS NOT URGENT. THE CHAIR DID NOT UPHOLD THE POINT OF ORDER AND RULED THAT THE MAYORAL MINUTE WAS NOT ROUTINE AND WAS URGENT.

CR BETTS, SECONDED BY CR BURRILL, THEN MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

A PROCEDURAL MOTION, MOVED BY CR WAKEFIELD AND SECONDED BY CR KAY, TO LAY THIS ITEM ON THE TABLE TO ALLOW A SHORT ADJOURNMENT, WAS THEN PUT AND DECLARED CARRIED.

At 7.40 pm, the meeting adjourned.

At 7.45 pm, the meeting resumed.

SUBSEQUENTLY, A PROCEDURAL MOTION, MOVED BY CR MASSELOS AND SECONDED BY CR WY KANAK, TO TAKE THE ITEM FROM THE TABLE, WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THE FOLLOWING CLAUSE:

‘Investigate whether the Local Environmental Plan template from the State Government allows for the making of social impact statements or assessments.’

FORESHADOWED MOTION

Mover: Cr Nemes

That this item be deferred to the next Council meeting.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council officers:

1. Investigate the preparation of Social Impact Assessment Guidelines for inclusion in the new Waverley Development Control Plan to provide advice and guidance to applicants submitting a development application on how to meet the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Investigate whether the Local Environmental Plan template from the State Government allows for the making of social impact statements or assessments.
3. Report back to Council outlining the issues associated with social impact assessment.

CM/6.2/20.07 Coronavirus (COVID-19) - Update (A20/0245)

MOTION

Mover: Cr Masselos

That:

1. Council notes:
 - (a) The recent outbreak of new COVID-19 cases in NSW.
 - (b) The tightening of some COVID-19 restrictions in terms of changes to public health orders in response to the outbreak.
 - (c) That Council has in place a COVID-19 pandemic business continuity plan that has been operable and tested through the pandemic period from March 2020.
 - (d) That staff are undertaking ongoing monitoring of our beaches, parks, Coastal Walk and other attractor sites to ensure extant public health orders are being adhered to.
 - (e) The recommencement of communication and awareness-raising activities including digital signage, social media activities, media outreach, ranger patrols (aimed at educating businesses including cafes and restaurants) and signage to encourage social distancing, public health order compliance and precautionary behaviour.

- (f) Staff are undertaking ongoing liaison with the Police Local Area Command and NSW Health to ensure a co-ordinated approach to any potential COVID-19 outbreak, including joint activities, compliance breach notifications and support for the pop-up testing clinics in Waverley.
 - (g) That Council has purchased significant quantities of personal protective equipment (PPE) (including masks, hand sanitiser and protective screens) to enable frontline staff to operate in as safe a manner as possible.
 - (h) The ongoing meeting of the Mayors of Waverley, Woollahra, Randwick and Bayside in order to help co-ordinate COVID-19 preventative actions and share information.
2. The mayor writes to both the Minister of Health and Medical Research and the Minister of Police advising of our actions to help protect against a second wave and thanking them for the assistance and efforts of their agencies in serving the Waverley local government area throughout the pandemic period to date.
 3. The General Manager and appropriate staff provide a verbal briefing to Councillors on the current situation after the conclusion of tonight's Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CHANGE THE TITLE OF THE ITEM TO 'CORONAVIRUS (COVID-19) – UPDATE' AND AN AMENDMENT TO CLAUSE 2.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That:

1. Council notes:
 - (a) The recent outbreak of new COVID-19 cases in NSW.
 - (b) The tightening of some COVID-19 restrictions in terms of changes to public health orders in response to the outbreak.
 - (c) That Council has in place a COVID-19 pandemic business continuity plan that has been operable and tested through the pandemic period from March 2020.
 - (d) That staff are undertaking ongoing monitoring of our beaches, parks, Coastal Walk and other attractor sites to ensure extant public health orders are being adhered to.
 - (e) The recommencement of communication and awareness-raising activities including digital signage, social media activities, media outreach, ranger patrols (aimed at educating businesses including cafes and restaurants) and signage to encourage social distancing, public health order compliance and precautionary behaviour.
 - (f) Staff are undertaking ongoing liaison with the Police Local Area Command and NSW Health to ensure a co-ordinated approach to any potential COVID-19 outbreak, including joint activities, compliance breach notifications and support for the pop-up testing clinics in Waverley.
 - (g) That Council has purchased significant quantities of personal protective equipment (PPE) (including masks, hand sanitiser and protective screens) to enable frontline staff to operate in as safe a manner as possible.

- (h) The ongoing meeting of the Mayors of Waverley, Woollahra, Randwick and Bayside in order to help co-ordinate COVID-19 preventative actions and share information.
2. The Mayor writes to both the Minister of Health and Medical Research and the Minister of Police advising of our actions to date and thanking them for the assistance and efforts of their agencies in serving the Waverley local government area throughout the pandemic period to date.
3. The General Manager and appropriate staff provide a verbal briefing to Councillors on the current situation after the conclusion of tonight's Council meeting.

7. Reports

CM/7.1/20.07 Councillors' Fees - Local Government Remuneration Tribunal Determination for 2020-21 (A03/1343)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that the Local Government Remuneration Tribunal, in accordance with their Annual Report and Determination June 2020, has determined that:
 - (a) There will be no increase in mayoral and councillor fees for the 2020–21 financial year.
 - (b) Waverley Council remains in the 'Metropolitan Small' category.
2. Endorses the annual fees payable to Waverley councillors for the year 1 July 2020 to 30 June 2021 as follows:
 - (a) All councillors (including the mayor) – \$20,280.
 - (b) Mayor – \$44,230 in addition to the Councillor fee.
 - (c) Deputy mayor – \$3,914 in addition to the councillor fee, and that this amount is to be paid from the fee payable to the mayor.

CM/7.2/20.07 Councillor Expenses and Facilities - Annual Report (SF18/2204)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes the annual report on Councillor expenses and facilities for the period 1 July 2019 to 30 June 2020 attached to this report.

CM/7.3/20.07 Public Forum - Review of Trial (SF19/3353)**MOTION**

Mover: Cr Lewis
Seconded: Cr Wy Kanak

That Council:

1. Notes the outcome of the public forum trial and the relatively low participation rate.
2. Notes the positive feedback from participants and the Precincts.
3. Extends the trial of public forums for a further 12 months in accordance with the revised guidelines attached to this report.
4. Officers report back to Council at the conclusion of the extended trial.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 AND THE ADDITION OF A NEW CLAUSE.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes the outcome of the public forum trial and the relatively low participation rate.
2. Notes the positive feedback from participants and the Precincts.
3. Extends the trial of public forums for a further 12 months in accordance with the revised guidelines attached to this report, subject to clause 13(b) being amended to read as follows:

 ‘You must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a public forum.’
4. Considers holding public forums in a different room from Chambers to allow for a less formal setting.
5. Officers report back to Council at the conclusion of the extended trial.

CM/7.4/20.07 Investment Portfolio Report - June 2020 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for June 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/7.5/20.07 Coronavirus (COVID-19) - Business Support Package Review and Continuation
(A20/0258)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Lewis

That Council:

1. Notes the review of the short-term COVID-19 Business Support Package and measures that have been delivered from 1 March through to 30 June 2020.
2. Notes the continuation of the COVID-19 Business Support Package and amended measures over the medium term from 1 July through to 30 September 2020.
3. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to add the following fee category:
 - (a) Footpath dining fees.
4. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to remove the following fee category:
 - (a) All fees for licence inspections.

**CM/7.6/20.07 Community Services and Cultural Grants 2020-21 and Small Grants Allocation
(A20/0375)**

Cr Burrill declared a significant non-pecuniary interest in this item and informed the meeting that she is a volunteer organiser for the Bondi Beach Playgroup. Cr Burrill was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr O'Neill
Seconded: Cr Copeland

That Council:

1. Under the Community Services and Cultural Grants Program 2020–21, grants \$316,703 to the organisations set out in the attachment to this report for the amounts sought by the applicants.
2. Conducts an expression of interest process under its Community Services and Cultural Grants Program seeking small project proposals that can provide improved access to mainstream activities for people with disability sustained over a period of at least three years, with funding of up to \$20,500 to be allocated.
3. Under its Small Grants Program, grants \$5,000 to the North Bondi Surf Club to celebrate the 40th anniversary of the admission of women to full membership of Surf Lifesaving Australia, contingent on the approval by Council's Events Team of a detailed event/activity management plan, including an approved date, site, scale and provisions for meeting the requirements of any NSW public health orders likely to be in place at the time.

CM/7.7/20.07 Draft Waverley Local Character Statements - Exhibition (A20/0325)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That this item be deferred to the September Strategic Planning and Development Committee meeting.

Division

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

Against the Motion: Nil.

CM/7.8/20.07 Planning Proposal - 203-231 Bronte Road and 94-98 Carrington Road, Waverley - Pre-Gateway Determination (PP-1/2020)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the submission of a planning proposal prepared by Knight Frank and lodged by Dan Whitten on 21 April 2020 to increase the maximum height of buildings and the maximum floor space ratio and add an additional local provision to the sites 203–231 Bronte Road and 94–98 Carrington Road, Waverley, under the Waverley Local Environmental Plan 2012.
2. Authorises officers to send the planning proposal, as outlined in the attached Charing Square Planning Proposal Assessment Report, to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
3. Notes that a Gateway Determination would allow a formal opportunity for community feedback, including with the Charing Cross Precinct, before reporting back to Council.
4. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE.
5. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include the following:
 - (a) The maximum height of 231 Bronte Road and 98 Carrington Road is 10 m and the remainder of the precinct is 13.5 m.
 - (b) Regardless of the above, the maximum street frontage height, with upper levels set back for a depth of 3 m shall be as follows at the Bronte Road frontage:
 - (i) 211–213 Bronte Road (Legion Club) is to maintain the existing building height.
 - (ii) 223–227 Bronte Road (Stamatiko Flats) is to maintain the existing parapet height.
 - (iii) 229–231 Bronte Road (Reece showroom) is to maintain the parapet height of 223–227 Bronte Road.
 - (c) The upper floor of 203–209 Bronte Road (bottle shop) and 94 Carrington Road (garage) shall

be set back 3 m from the street wall.

- (d) Development on 98 Carrington Road (Reece Plumbing) shall be set back 3 m from the boundary to 100 Carrington Road (SP 21794).
 - (e) The built form shall be broken into separate buildings through the provision of laneway connections and an internal publicly accessible open space. This open space shall be of sufficient size (spanning 94 and 98 Carrington Road), have adequate solar access, retail connections and public art to provide appropriate public amenity.
 - (f) 223–227 Bronte Road are contributory items in the heritage conservation area and sufficient fabric of the façade (including return walls) shall be retained to ensure that they are still interpreted as buildings that contribute to the streetscape and heritage conservation area.
6. Requests the role of local plan-making authority from the DPIE to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 in relation to the making of the amendment.

THE MOVER OF THE MOTION THE ACCEPTED AN AMENDMENT TO CLAUSE 5(b).

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That Council:

1. Notes the submission of a planning proposal prepared by Knight Frank and lodged by Dan Whitten on 21 April 2020 to increase the maximum height of buildings and the maximum floor space ratio and add an additional local provision to the sites 203–231 Bronte Road and 94–98 Carrington Road, Waverley, under the Waverley Local Environmental Plan 2012.
2. Authorises officers to send the planning proposal, as outlined in the attached Charing Square Planning Proposal Assessment Report, to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
3. Notes that a Gateway Determination would allow a formal opportunity for community feedback, including with the Charing Cross Precinct, before reporting back to Council.
4. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE.
5. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include the following:
 - (a) The maximum height of 231 Bronte Road and 98 Carrington Road is 10 m and the remainder of the precinct is 13.5 m.
 - (b) Regardless of the above, the maximum street frontage height, with upper levels set back above the parapet for a depth of 3 m, shall be as follows at the Bronte Road frontage:
 - (i) 211–213 Bronte Road (Legion Club) is to maintain the existing building height.
 - (ii) 223–227 Bronte Road (Stamatiko Flats) is to maintain the existing parapet height.

- (iii) 229–231 Bronte Road (Reece showroom) is to maintain the parapet height of 223–227 Bronte Road.
 - (c) The upper floor of 203–209 Bronte Road (bottle shop) and 94 Carrington Road (garage) shall be set back 3 m from the street wall.
 - (d) Development on 98 Carrington Road (Reece Plumbing) shall be set back 3 m from the boundary to 100 Carrington Road (SP 21794).
 - (e) The built form shall be broken into separate buildings through the provision of laneway connections and an internal publicly accessible open space. This open space shall be of sufficient size (spanning 94 and 98 Carrington Road), have adequate solar access, retail connections and public art to provide appropriate public amenity.
 - (f) 223–227 Bronte Road are contributory items in the heritage conservation area and sufficient fabric of the façade (including return walls) shall be retained to ensure that they are still interpreted as buildings that contribute to the streetscape and heritage conservation area.
6. Requests the role of local plan-making authority from the DPIE to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 in relation to the making of the amendment.

Division

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

Against the Motion: Nil.

S Gouge (on behalf of Knight Frank Town Planning) addressed the meeting.

CM/7.9/20.07 Bondi Junction to Randwick Cycle Route Options (A19/0771)

MOTION

Mover: Cr Lewis
 Secunder: Cr Keenan

That Council:

1. Notes the high-level feasibility report and technical report attached to this report, prepared in response to the Transport for NSW (TfNSW) principal bike network draft map (referred to in the Future Transport 2056 Strategy) to inform an updated Waverley Bike Plan and current streetscape projects.
2. Consults key stakeholders on a potential Bronte Road/Carrington Road separated cycleway for inclusion in an updated Waverley Bike Plan and revised TfNSW Principal Bicycle Network.
3. Progresses with the current streetscape upgrade of Spring Street to Ebley Street, Bondi Junction, without incorporating a potential Bronte Road/Carrington Road separated cycleway.
4. Progresses with the current streetscape upgrade of Bronte Road to Albion Road, Charing Cross (works at the Carrington Road and Bronte Road intersection) without incorporating a potential Bronte Road/Carrington Road separated cycleway.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 3 AND 4 AND THE ADDITION OF

A NEW CLAUSE 5 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes the high-level feasibility report and technical report attached to this report, prepared in response to the Transport for NSW (TfNSW) principal bike network draft map (referred to in the Future Transport 2056 Strategy) to inform an updated Waverley Bike Plan and current streetscape projects.
2. Consults key stakeholders on a potential Bronte Road/Carrington Road separated cycleway for inclusion in an updated Waverley Bike Plan and revised TfNSW Principal Bicycle Network.
3. Progresses with the current streetscape upgrade of Bronte Road from Spring Street to Ebley Street, Bondi Junction, without incorporating a potential Bronte Road/Carrington Road separated cycleway.
4. Progresses with the current streetscape upgrade design process of Bronte Road, Carrington Road to Albion Street, Charing Cross (including works at the Carrington Road and Bronte Road intersection) without incorporating a potential Bronte Road/Carrington Road separated cycleway.
5. Notes the report regarding evaluation of alternative cycle routes between Bondi Junction and Randwick, and that no further work will be undertaken on:
 - (a) Route 4 – Brisbane Street/Bourke Street.
 - (b) Route 5 – Bronte Road/Albion Street.

AMENDMENT

Mover: Cr Burrill
Seconder: Cr Goltsman

That clause 2 be amended to read as follows:

‘Undertakes broad consultation on a potential Route 7 – Bronte Road/Carrington Road separated cycleway for inclusion in an updated Waverley Bike Plan and revised TfNSW Principal Bicycle Network.’

AT THIS STAGE IN THE PROCEEDINGS, CR BETTS RAISED A POINT OF ORDER ALLEGING THAT CR LEWIS WAS MAKING DemeanING COMMENTS TO, AND BULLYING, CR BURRILL. THE CHAIR DID NOT UPHOLD THE POINT OF ORDER.

CR BURRILL, SECONDED BY CR GOLTSMAN, THEN MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION:

That Council:

1. Notes the high-level feasibility report and technical report attached to this report, prepared in response to the Transport for NSW (TfNSW) principal bike network draft map (referred to in the Future Transport 2056 Strategy) to inform an updated Waverley Bike Plan and current streetscape projects.
2. Consults key stakeholders on a potential Bronte Road/Carrington Road separated cycleway for inclusion in an updated Waverley Bike Plan and revised TfNSW Principal Bicycle Network.
3. Progresses with the current streetscape upgrade of Bronte Road from Spring Street to Ebley Street, Bondi Junction, without incorporating a potential Bronte Road/Carrington Road separated cycleway.
4. Progresses with the current streetscape upgrade design process of Bronte Road, Carrington Road to Albion Street, Charing Cross (including works at the Carrington Road and Bronte Road intersection) without incorporating a potential Bronte Road/Carrington Road separated cycleway.
5. Notes the report regarding evaluation of alternative cycle routes between Bondi Junction and Randwick, and that no further work will be undertaken on:
 - (a) Route 4 – Brisbane Street/Bourke Street.
 - (b) Route 5 – Bronte Road/Albion Street.

CM/7.10/20.07 Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges (A19/0573)

MOTION

Mover: Cr Lewis
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the findings and recommendations of the independent coastal risk assessment.
2. Notes that a number of recommendations from the risk assessment have been addressed via the remediation works undertaken at the Diamond Bay Reserve boardwalk and Eastern Avenue Reserve, including installation of mesh infill panels to the existing balustrade and installation of hoarding beneath the boardwalk to further deter and restrict access to the cliff edge in 'hotspot' locations.
3. Endorses ongoing implementation of the risk treatment plans set out in the coastal risk assessment report in accordance with the recommended priorities.
4. Notes that it has provided for the design and reconstruction works of the Diamond Bay Reserve and Eastern Avenue boardwalks in its Capital Work program.
5. Notes the actions undertaken to date in relation to coastal safety risks in Table 1 of this report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 6.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Receives and notes the findings and recommendations of the independent coastal risk assessment.
2. Notes that a number of recommendations from the risk assessment have been addressed via the remediation works undertaken at the Diamond Bay Reserve boardwalk and Eastern Avenue Reserve, including installation of mesh infill panels to the existing balustrade and installation of hoarding beneath the boardwalk to further deter and restrict access to the cliff edge in 'hotspot' locations.
3. Endorses ongoing implementation of the risk treatment plans set out in the coastal risk assessment report in accordance with the recommended priorities.
4. Notes that it has provided for the design and reconstruction works of the Diamond Bay Reserve and Eastern Avenue boardwalks in its Capital Work program.
5. Notes the actions undertaken to date in relation to coastal safety risks in Table 1 of this report.
6. Notes that the fence at the northern end of Rodney Reserve has collapsed, and replaces the fence as soon as possible due to safety concerns.

At 9.29 pm, following the vote on this item, the meeting adjourned for a short break.

At 9.35 pm, the meeting resumed.

CM/7.11/20.07 Bronte Cutting Safety Upgrade (A20/0015)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the outcome of the options analysis study for the Bronte Cutting Project.
2. Endorses Option 1B (2.5–3 m wide footpath, Calga Place) as the preferred option for Bronte Cutting Project, as detailed in the attachment to this report.
3. Develops Option 1B to a concept design suitable for informing the community.
4. Notes that the developed Option 1B will be reported back to Council prior to informing the community.

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

That debate on this be item be adjourned to the August Council meeting to allow the Surf Club to be consulted.

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

Division

For the Procedural Motion: Crs Betts, Burrill, Goltsman, Kay, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and O'Neill.

Cr Nemesh was not present for the vote on the Procedural Motion.

A FURTHER PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL THAT THIS ITEM LAY ON THE TABLE TO BE CONSIDERED AT A FUTURE TIME.

SUBSEQUENTLY, A FURTHER PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL TO RECOUNT THE VOTE ON THE PROCEDURAL MOTION TO ADJOURN DEBATE. CR WAKEFIELD THEN WITHDREW THIS PROCEDURAL MOTION.

A FURTHER PROCEDURAL MOTION, MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL, TO RECOUNT THE VOTE TO ADJOURN DEBATE WAS THEN PUT AND DECLARED CARRIED.

THE VOTE ON THE PROCEDURAL MOTION TO ADJOURN DEBATE WAS RECOUNTED AND DECLARED CARRIED.

DECISION:

That debate on this be item be adjourned to the August Council meeting to allow the Surf Club to be consulted.

Division

For the Procedural Motion: Crs Betts, Burrill, Goltsman, Kay, Nemesh, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and O'Neill.

S Lightfoot and B Scaffidi (President, Bronte Surf Life Saving Club) addressed the meeting.

CM/7.12/20.07 North Bondi Mosaic Artwork Recommission (A18/0752)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. In consideration of the estimated and market-tested budget projection, Council does not progress the recommission of the North Bondi Mosaic Artwork
2. Council initiates an open market request for quotation process for a new artwork to be installed on the site, as outlined in this report.
3. Council officers prepare and submit a report to Council on the outcomes of the request for quotation process referred to in clause 2.
4. Council officers submit a report to a future Council meeting outlining options for the most appropriate deaccessioning avenues for those remaining parts of the original mosaic artwork, comprising 112 salvaged pieces from the original artwork, currently held in storage.
5. Council officers ensure the detailed photographic and written documentation of the original mosaic artwork and its creation is collected and retained in Waverley Council's Local Studies Library for

community access and archive

6. Council thanks the original artists for their contribution to the Waverley Community.

CM/7.13/20.07 Venue Hire Grant Program - Outdoor Venues (A17/0227)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesch
Seconder: Cr Wy Kanak

That Council:

1. Notes that the existing Venue Hire Grant Program is available to hirers of both Council's outdoor and indoor venues.
2. Further notes that eligible groups that meet the assessment criteria are able to receive support for activities taking place at outdoor venues such as parks and reserves, or Council sports fields.

CM/7.14/20.07 High Impact Events 2020-21 (A20/0361)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Approves the following program of high-impact events scheduled for the period 1 July 2020 to 30 June 2021, subject to the requirements of any applicable NSW Public Health Orders:
 - (a) Festival of the Winds.
 - (b) Bondi Festival (including extended tenure of Ferris wheel).
 - (c) City2Surf and Council Marquee Program.
 - (d) Sculpture by the Sea.
 - (e) Bondi to Bronte Swim.
 - (f) Carols by the Sea.
 - (g) Dudley Page New Year's Eve.
 - (h) Flickerfest.
 - (i) Outdoor Cinema.
 - (j) Latin American Festival.
 - (k) Ocean Lovers Festival.
 - (l) North Bondi RSL ANZAC Day Dawn Service Ceremony.

- (m) Bondi Blitz.
 - (n) Global Table.
2. Notes that all scheduled high-impact events outlined in Attachment 1 to this report are required to submit a COVID-19 Safety Plan and comply with Council's Events Policy and Event Management Guidelines.
 3. Notes that approval of the Flickerfest temporary venue and Outdoor Cinema will require a prolonged period of occupation in North Bondi Park.
 4. Approves an extended tenure of the Bondi Vista Ferris wheel for the period 26 September to 15 November 2020.

8. Notices of Motions

CM/8.1/20.07 Inquiry into State Government Grants including the Stronger Communities Fund (A19/0224)

MOTION / DECISION

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That Council:

1. Notes that analysis of the \$250 million Stronger Communities Grants Scheme operated by the NSW Liberal Government from 2017 to 2019 shows that 80% of the funds were sent to councils wholly in Coalition-held state electorates and only 2% to those wholly in non-government-held state electorates. The balance was to councils that straddled government and non-government electorates.
2. Notes that there was no public call for submissions from councils to the Stronger Communities Fund after guidelines were secretly changed by the government in June 2018. That change greatly expanded eligibility for the scheme from councils that were newly created as a result of the government's merger proposals to all councils that were either newly created or had ever been the subject of a merger proposal regardless of whether it had proceeded or been withdrawn.
3. Notes that public money should be allocated where it is needed and not for producing a political advantage and what money is available as grants to local councils should be provided on a needs-based non-partisan manner.
4. Notes that the Premier Gladys Berejiklian 'directly approved more than \$100 million in council grants in Coalition-held electorates before last year's state election' (SMH, 3 July 2020),
5. Makes a submission to the Public Accountability Committee inquiry as to how best to ensure the integrity of grants of public money and to provide Council's perspective on the Stronger Communities Grants Scheme.
6. Calls upon the NSW Government to co-operate fully with the inquiry.

Division

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

Against the Motion: Crs Betts, Burrill, Goltsman, Kay and Nemes.

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

At 10.18 pm, following the vote on this item, Cr Burrill left the meeting and did not return.

CM/8.2/20.07 Naming of Laneway between Victoria Street Car Park and Bronte Road, Waverley (A02/0424)

MOTION / DECISION

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That Council:

1. Notes that two resolutions, CM/8.5/18.07 and OC/5.10/19.03, in relation to co-naming of local government area streets with Aboriginal names, have not resulted in any co-naming of streets/areas.
2. Notes that the Geographical Names Board Aboriginal place naming initiative by the State Government has been providing guidance for local governments.
3. Investigates co-naming the lane (footway) that sits between the Victoria Street car park and 276–278 Bronte Road.
4. Commences a process of consultation with the strata owners, Charing Cross community and the local Aboriginal community/stakeholders.
5. Officers prepare a report back to Council with recommendations.

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

CM/8.3/20.07 Community Hub at Shop 4/276-278 Bronte Road, Waverley (A20/0384)

MOTION / DECISION

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That Council:

1. Investigates the option of using Council-owned shop 4 in lot 9 (SP 21301) at 276–278 Bronte Road, Waverley, as a community ‘hub’ for the community for various ‘pop-up’ type events or for use by local groups such as the local heritage society
2. Officers prepare a report back to Council with recommendations.

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

CM/8.4/20.07 Dover Heights Coastal Reserves - Tree Maintenance (A14/0059)**MOTION**

Mover: Cr Nemesh

Seconder: Cr Betts

That Council:

1. Immediately removes the buddleja at the Southern end of Weonga Reserve.
2. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
3. Removes the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with low-growing shrubs.

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

That Council:

1. Adjourns debate on this motion to allow officers to properly investigate the proposed tree removal.
2. Receives a report from officers detailing outcomes of their investigation.

THE MOVER OF THE PROCEDURAL MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3 SUCH THAT THE PROCEDURAL MOTION NOW READS AS FOLLOWS:

That:

1. Council adjourns debate on this motion to allow officers to properly investigate the proposed tree removal.
2. Council receives a report from officers detailing outcomes of their investigation.
3. As part of the report, the General Manager reviews any potential failings in process.

THE PROCEDURAL MOTION WAS THEN PUT AND DECLARED CARRIED.

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

CM/8.5/20.07 First Nations Calendar (A14/0173)**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That:

1. Council includes an extended First Nations calendar of marked days and events in its current and/or next version of Council's Reconciliation Action Plan (RAP).
2. Council officers report on the discussions at the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) and other local government and First Nation forums to the

proposal that 22 August 2020 be marked and celebrated as First Nation Sovereignty Day, as a day to focus on Lieutenant James Cook's 1770 action of claiming for English King George III parts of the east coast of 'Australia' on or about 22 August 1770 without 'the consent of the natives', contrary to Cook's 'secret orders' from that King.

3. The report includes the various perspectives of what 'sovereignty' means for the First Nations community and in the context of the phrase often used in official government parliamentary addresses: 'Always was, always will be Aboriginal land'.
4. Council includes the following dates in the proposed calendar:
 - (a) 4 August, Aboriginal Torres Strait Islander Children's Day.
 - (b) 9 August, International Day of Indigenous Peoples.
 - (c) 14 August, Bark Petition from Yirrkala to Parliament.
 - (d) 16–30 August, Conniston Massacre Northern Territory.
 - (e) 22 August, First Nations Sovereignty Day.
 - (f) 23 August, Freedom Day.
 - (g) 24 August, Gurindji walk-off, Wave Hill Station, Northern Territory.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That:

1. Council includes an extended First Nations calendar of marked days and events in the next version of Council's Reconciliation Action Plan (RAP).
2. Council officers report on the discussions at the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF) and other local government and First Nation forums to the proposal that 22 August 2020 be marked and celebrated as First Nation Sovereignty Day, as a day to focus on Lieutenant James Cook's 1770 action of claiming for English King George III parts of the east coast of 'Australia' on or about 22 August 1770 without 'the consent of the natives', contrary to Cook's 'secret orders' from that King.
3. The report includes the various perspectives of what 'sovereignty' means for the First Nations community and in the context of the phrase often used in official government parliamentary addresses: 'Always was, always will be Aboriginal land'.
4. Council includes the following dates in the proposed calendar:
 - (a) 4 August, Aboriginal Torres Strait Islander Children's Day.
 - (b) 9 August, International Day of Indigenous Peoples.
 - (c) 14 August, Bark Petition from Yirrkala to Parliament.

- (d) 16–30 August, Conniston Massacre Northern Territory.
- (e) 22 August, First Nations Sovereignty Day.
- (f) 23 August, Freedom Day.
- (g) 24 August, Gurindji walk-off, Wave Hill Station, Northern Territory.

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

9. Questions with Notice

CM/9.1/20.07 Stronger Communities Fund Allocation (A19/0224)

QUESTION

The following questions were submitted by Crs Keenan and Wy Kanak:

1. Were formal Council applications made for the grant funds received for Clarke Reserve playground and North Bondi Surf Club?
2. How and when and by whom was Council informed of the allocation of the grant funds for Clarke Reserve and the surf club?
3. What contact was made with the then local member to discuss/accept the funds?
4. What assessment was made by Council officers/NSW government to justify the allocation of the funds?

General Manager's answers

Background information

The Stronger Communities Fund was originally established by the NSW Government in May 2016 to provide to provide newly established Councils with funding for the delivery of projects that improve community infrastructure and services. The first round of the Stronger Communities Fund provided up to \$5 million for each new council to kick-start delivery of priority community initiatives.

Staff have identified that the second round of funding for the Stronger Communities Fund was established in 2017 and provided funding for specific projects, identified by the NSW Government, within new councils and councils previously subject to merger proposals.

It appears that Council was made aware by Office of Local Government OLG staff during routine contact that funding was likely to be available for Council projects in the months leading up to the grants being allocated in February and March 2019.

At the time of the grants being made, Council had two public-private partnership projects for which its project partners (with Council support) were actively seeking Government funding: The North Bondi Surf Life Saving Club Advanced Rescue Storage Facility project and the Bronte Surf Life Saving Club and Community Facilities project. It is also noted that Council officers generally look to capitalise on any Government funding sources available – the KPIs for the General Manager include an objective to 'work to

enhance the Council's grant raising capability.'

There were two separate grants made to Council: one for the public-private partnership in conjunction with the North Bondi Surf Life Saving Club and one for a group of projects including the Bronte Surf Life Saving Club and Community Facilities project as well as a range of other Council projects.

Across both grants, the following allocations of funds were received:

Project – Stronger Communities Fund	Allocation (\$'000)
1. North Bondi Surf Life Saving Club – Upgrade	500
2. Bronte Surf Club and Community Facilities Building Upgrade	345
3. Clarke Reserve, Vaucluse – Upgrade to playground and fencing	100
4. Marlborough Reserve, Bronte – Upgrade to playground	400
5. Varna Park, Waverley – Upgrade to playground	280
6. Waverley Park, Waverley – Upgrade of cricket facilities	75
7. Bondi Beach playground – Design work for upgrade	300
Total amount of grant funding sought:	\$2,000,000

1. Were formal Council applications made for the grant funds received for Clarke Reserve playground and North Bondi Surf Club?

In respect of the grant for the North Bondi Surf Club Partnership project, Council was advised by letter from the Member for Vaucluse that it may be entitled to receive funding for the project. By way of application, a funding agreement prepared by OLG accompanied Ms Upton's letter for Council to complete and submit for consideration. The General Manager signed the agreement and submitted it to OLG for consideration.

A similar process (provision of a funding agreement from OLG) was followed in respect of the second grant which included a grant for Clarke Reserve. A letter from the Chief Executive of the OLG provided Council with a funding agreement relating to identified projects, *'which includes the application form and relevant guidelines.'* The agreement was signed by the General Manager and submitted to OLG for consideration.

In summary, applications were made via the submission of the funding agreements.

2. How and when and by whom was Council informed of the allocation of the grant funds for Clarke Reserve and the surf club?

Council was notified of the allocation of grant funds by OLG staff via the return of the funding agreements executed by the OLG Chief Executive. The executed funding agreement for the North Bondi SLSC PPP project was received shortly after 5 February 2019, and the funding agreement for the second allocation of grant funding (including for Clarke Reserve) was received with a letter from the Manager, Program Delivery, OLG dated 5 March 2019.

3. What contact was made with the then local member to discuss/accept the funds?

In terms of contact by Council staff, Council cannot find any record of specific contact with the local member(s) other than the aforementioned letter from Ms Upton. All contact regarding uplift of funds and subsequent reporting requirements has been with staff from OLG. Periodic reports on progress on projects for which grant funding was received have been provided to Council as a requirement of

the funding agreement.

4. What assessment was made by Council officers/NSW government to justify the allocation of the funds?

Council did not undertake formal assessments to justify allocation of grant funds as Council was not adjudicating on allocation of grant funds. Council does not hold any information on the NSW Government's assessment processes.

Ross McLeod
General Manager

10. Urgent Business

CM/10.1/20.07 Safety at Seven Ways Public Domain (A17/0158)

The Chair ruled that this matter was urgent.

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Wakefield

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 / DECISION

Mover: Cr Goltsman
Seconder: Cr Wakefield

That Council:

1. Urgently resolves the pedestrian safety matter of the undulating split pavers installed as part of the Seven Ways Public Domain Upgrade works, including:
 - (a) Ensuring pedestrian safety throughout.
 - (b) Minimising Council's risk and liability.
 - (c) Ensuring building standards are met.
 - (d) Disability inclusion.
2. Officers email all councillors with what is proposed before the work is commenced.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Urgently resolves the pedestrian safety matter of the undulating split pavers installed as part of the

Seven Ways Public Domain Upgrade works, including:

- (a) Ensuring pedestrian safety throughout.
 - (b) Minimising Council’s risk and liability.
 - (c) Ensuring building standards are met.
 - (d) Disability inclusion.
2. Officers email all councillors with what is proposed before the work is commenced.
 3. Officers be delegated authority to undertake any work that can be done within budget, or otherwise a report comes back to Council containing details on financial variations for approval.

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

11. Closed Session

There were no matters dealt with in closed session.

12. Meeting Closure

THE MEETING CLOSED AT 11.10 PM.

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SIGNED AND CONFIRMED
MAYOR
18 AUGUST 2020