



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 15 SEPTEMBER 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
Evan Hutchings	Executive Manager, Governance and Projects

At the commencement of proceedings at 7.02 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.04 pm, and Cr Nemesh, who arrived at 7.19 pm.

At 7.36 pm, Cr O'Neill left the meeting and did not return.

At 8.57 pm, Cr Wakefield left the meeting and did not return.

At 10.54 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 Goltsman declared a less than significant non-pecuniary interest in item CM/8.2/20.09 – Clarke Reserve – Pathway to Playground, and informed the meeting that he lives in Clarke Street.

3. Obituaries

Philip Jones
Ron Lander
Hersz Friedman

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 FREEMAN – CM/7.3/20.09 – CM/7.3/20.09 – INNOVATION CIVIC HALL.
- 4.2 M FUTERAN – CM/8.3/20.09 – PLANNING PROPOSAL – FRANCES, EDWARD, WELLINGTON AND SIMPSON STREETS, BONDI BEACH.
- 4.3 P AND L SINGER – CM/8.3/20.09 – PLANNING PROPOSAL – FRANCES, EDWARD, WELLINGTON AND SIMPSON STREETS, BONDI BEACH.
- 4.4 T FROOD – CM/8.3/20.09 – PLANNING PROPOSAL – FRANCES, EDWARD, WELLINGTON AND SIMPSON STREETS, BONDI BEACH.
- 4.5 J MCALPIN – CM/8.4/20.09 – PLANNING WEBINARS ON COUNCIL'S WEBSITE.

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/5.1/20.09 CONFIRMATION OF MINUTES - COUNCIL MEETING - 18 AUGUST 2020

CM/7.4/20.09 CODE OF CONDUCT AND PROCEDURES - REVIEW

CM/7.5/20.09 DRAFT 2019-20 FINANCIAL STATEMENTS

CM/7.6/20.09 INVESTMENT PORTFOLIO REPORT - AUGUST 2020

CM/7.10/20.09 PUBLIC ART COMMITTEE MEETINGS - 2020 - MINUTES

CM/7.11/20.09 WAVERLEY ARTIST STUDIOS - TENURE EXTENSION

CM/7.13/20.09 SEVEN WAYS PUBLIC DOMAIN - PROPOSED ADDITIONAL WORKS

CM/7.16/20.09 CAR PARKS - ACCESS INFRASTRUCTURE UPGRADE

CM/7.17/20.09 NORTH BONDI SURF LIFE SAVING CLUB - VARIATION OF LICENCE

CR WAKEFIELD WAS NOT PRESENT FOR THE CONSIDERATION AND VOTE ON THIS ITEM.

5. CONFIRMATION AND ADOPTION OF MINUTES**CM/5.1/20.09 Confirmation of Minutes - Council Meeting - 18 August 2020 (SF20/42)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Secunder: Cr Lewis

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

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

CM/5.2/20.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 August 2020 (SF20/45)**MOTION / DECISION**

Mover: Cr Masselos

Secunder: Cr Kay

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

Save and except the following:

1. TC/V.07/20.08 – Curlewis Street Pop-up Cycleway Concept Plan.

And that this item be dealt with separately below.

Cr O'Neill was not present for the consideration and vote on this item.

CM/5.2.1/20.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 August 2020 - TC/V.07/20.08 - Curlewis Street Pop-up Cycleway Concept Plan (SF20/3091)

This item was saved and excepted by Cr Kay.

MOTION

Mover: Cr Kay

Seconder: Cr Betts

That the Traffic Committee's recommendation be adopted subject to amendments to clauses 3 and 4 and the addition of a new clause 10, such that the recommendation now reads as follows:

That Council:

1. Approves the concept design for a temporary pop-up cycleway along Curlewis Street between Campbell Parade and Old South Head Road as documented in Attachment 1 (Curlewis Street Pop-up Cycleway for August TC), subject to detailed design.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the design following preparation of detailed plans by TfNSW with input from Council officers.
3. Notes that Transport for NSW:
 - (a) Notified residents and businesses along Curlewis Street of the proposed pop-up cycleway on Saturday, 5 September 2020, and intends to consider any community feedback when developing the detailed design.
 - (b) Intends to issue a follow up notification at least five days before construction works commence.
 - (c) Is estimating that construction will start in late October 2020.
4. Officers conduct broad community consultation from February 2021 on the pop-up cycleway and the possibility of the cycleway becoming permanent following the temporary pop-up scheme.
5. Requires that the detailed design process to be undertaken includes a road safety assessment for the following three options:
 - (a) A safe north-south crossing of Curlewis Street at the pedestrian crossing on the western side of Gould Street.
 - (b) A safe north-south crossing of Curlewis Street at the Glenayr Avenue signalised intersection.
 - (c) No crossing of Curlewis Street with the cycleway to run along the northern side of Curlewis Street between Gould Street and Campbell Parade.
6. Requires that the detailed design includes an examination of potential conflict between traffic

westbound on Curlewis Street turning right into Old South Head Road and cyclists crossing Old South Head Road. The assessment is to consider the potential need to introduce a right-turn arrow for the turn from Curlewis Street within the signal design.

7. Requires that the 40 km/h speed limit on the eastern end of Curlewis Street is extended to Old South Head Road upon opening of the cycleway.
8. Officers complete a detailed review of cyclist transition to and from the cycleway at Campbell Parade.
9. Officers investigate the implications of the cycleway along Curlewis Street upon deliveries to and from commercial premises and loading/truck zones.
10. Receives a briefing report at the Strategic Planning and Development Committee meeting on 3 November 2020, or as appropriate, which includes any changes to the current concept design along Curlewis Street, and an updated timetable for construction and operation of both the Waverley and Woollahra components of the Beach to Bay pop-up cycleway.

AT THIS STAGE IN THE PROCEEDINGS, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR KAY, THAT THE ITEM LAY ON THE TABLE. THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr O'Neill was not present for the consideration and vote on the procedural motion.

LATER IN THE MEETING, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR MASSELOS, THAT THE ITEM BE TAKEN FROM THE TABLE. THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Crs Nemesh, O'Neill, Wakefield and Wy Kanak were not present for the consideration and vote on the procedural motion.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That the Traffic Committee's recommendation be adopted subject to amendments to clauses 3 and 4 and the addition of a new clause 10, such that the recommendation now reads as follows:

That Council:

1. Approves the concept design for a temporary pop-up cycleway along Curlewis Street between Campbell Parade and Old South Head Road as documented in Attachment 1 (Curlewis Street Pop-up Cycleway for August TC), subject to detailed design.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the design following preparation of detailed plans by TfNSW with input from Council officers.
3. Notes that Transport for NSW:
 - (a) Notified residents and businesses along Curlewis Street of the proposed pop-up cycleway on Saturday, 5 September 2020, and intends to consider any community feedback when developing the detailed design.
 - (b) Intends to issue a follow up notification at least five days before construction works commence.

- (c) Is estimating that construction will start in late October 2020.
4. Officers conduct broad community consultation from February 2021 on the pop-up cycleway and the possibility of the cycleway becoming permanent following the temporary pop-up scheme.
 5. Requires that the detailed design process to be undertaken includes a road safety assessment for the following three options:
 - (a) A safe north-south crossing of Curlewis Street at the pedestrian crossing on the western side of Gould Street.
 - (b) A safe north-south crossing of Curlewis Street at the Glenayr Avenue signalised intersection.
 - (c) No crossing of Curlewis Street with the cycleway to run along the northern side of Curlewis Street between Gould Street and Campbell Parade.
 6. Requires that the detailed design includes an examination of potential conflict between traffic westbound on Curlewis Street turning right into Old South Head Road and cyclists crossing Old South Head Road. The assessment is to consider the potential need to introduce a right-turn arrow for the turn from Curlewis Street within the signal design.
 7. Requires that the 40 km/h speed limit on the eastern end of Curlewis Street is extended to Old South Head Road upon opening of the cycleway.
 8. Officers complete a detailed review of cyclist transition to and from the cycleway at Campbell Parade.
 9. Officers investigate the implications of the cycleway along Curlewis Street upon deliveries to and from commercial premises and loading/truck zones.
 10. Receives a briefing report at the Strategic Planning and Development Committee meeting on 3 November 2020, or as appropriate, which includes any changes to the current concept design along Curlewis Street, and an updated timetable for construction and operation of both the Waverley and Woollahra components of the Beach to Bay pop-up cycleway.

Crs Nemesh, O'Neill, and Wakefield and were not present for the vote on this item.

6. Mayoral Minutes

CM/6.1/20.09 Coronavirus (COVID-19) - Summer 2020 (A20/0245)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) COVID-19 Beach Management plans for this spring and summer have been developed and will be published in the near future.
 - (b) The plan includes significant communication on beach capacity, and infrastructure, increased staffing and escalation protocols to manage numbers and access should numbers at our

beaches and public open spaces be too great. The closure of our beaches, open spaces and Coastal Walk is a last resort.

- (c) The plan also involves working closely with other agencies, including NSW Police, NSW Health, Transport for NSW, Surf Life Saving NSW, other councils and LGNSW to take a whole of system approach to managing beach numbers, including promoting social distancing and public health order compliance and trying to prevent too larger numbers of people attending the beach.
 - (d) The on-beach components of this planning work form the basis of current operations, with additional rangers and lifeguards continuing to monitor numbers and ensure the current PHOs are being implemented.
 - (e) In developing the plans, extensive consultation and collaboration have been undertaken with NSW Police, NSW Health, Transport for NSW, and between beach-side Councils in Sydney.
 - (f) The PHOs no longer specify maximum numbers in public open spaces, and instead specify that people can gather in groups of up to 20, and the one person per four square metres rule applies. It is further noted that social distancing of 1.5 metres is health advice only and is not a PHO requirement, but is being encouraged in our beach management approach.
 - (g) LGNSW has convened a meeting of beach-side Mayors, the Police and Surf Life Saving NSW that has agreed that LGNSW write to the Premier on our behalf seeking funding for additional staff to act as COVID ambassadors/marshals and the development and funding for an education and advertising campaign addressing beach crowding and behaviour.
 - (h) This year's spring and summer temperatures are expected to be above average.
2. Enters into discussions with the Bondi and District Chamber of Commerce with a view to establishing a voluntary register of businesses and venues that have COVID-safe plans as a means to encourage and facilitate the adoption of best practice COVID-safe plans by businesses and venues, and that potential customers can refer to.
 3. Develops a COVID counter on Council's home page that shows the number of COVID-19 cases in Waverley at a specified date and refers people to the NSW Health website for further information.
 4. Writes to the Minister for Health and Medical Research, the Minister for Planning and Open Spaces, and the Minister for Transport seeking a meeting with a delegation of mayors from Waverley, Woollahra, Randwick and Bayside Councils, to discuss the PHOs, our COVID-19 plans, specific challenges, given the ease of access to our iconic city beaches that will need to be met this coming summer, and initiatives for how these may be met.
 5. Immediately steps up our own community education efforts aimed at encouraging people to help stop the spread, including a social media campaign, given the number of active cases of COVID-19 has been slowly increasing in the Waverley local government area.
 6. Acknowledges the difficult job our rangers, lifeguards, ambassadors and other staff have in trying to keep our residents, community and visitors safe and appreciates their professionalism and dedication in the execution of their duties in this COVID pandemic environment.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1(b), CLAUSE 5 AND THE ADDITION OF A NEW CLAUSE 7.

AMENDMENT

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That the following clause be added to the Motion:

‘Discourages joggers from using the Coastal Walk in any direction at this time.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Copeland and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Goltsman, Kay, Keenan, Lewis, Masselos, Nemes, and Wakefield.

Cr O'Neill was not present for the vote on the amendment.

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

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

UNANIMOUS DECISION

That Council:

1. Notes that:

- (a) COVID-19 Beach Management plans for this spring and summer have been developed and will be published in the near future.
- (b) The plan includes significant communication on beach capacity, and infrastructure, increased staffing and an escalation protocols to manage and restrict numbers and access, should numbers at our beaches and public open spaces be too great. The closure of our beaches, open spaces and coastal walk is a last resort and safe access to the water will be maintained.
- (c) The plan also involves working closely with other agencies, including NSW Police, NSW Health, Transport for NSW, Surf Life Saving NSW, other councils and LGNSW to take a whole of system approach to managing beach numbers, including promoting social distancing and public health order compliance and trying to prevent too larger numbers of people attending the beach.
- (d) The on-beach components of this planning work form the basis of current operations, with additional rangers and lifeguards continuing to monitor numbers and ensure the current PHOs are being implemented.
- (e) In developing the plans, extensive consultation and collaboration have been undertaken with NSW Police, NSW Health, Transport for NSW, and between beach-side Councils in Sydney.
- (f) The PHOs no longer specify maximum numbers in public open spaces, and instead specify that people can gather in groups of up to 20, and the one person per four square metres rule applies. It is further noted that social distancing of 1.5 metres is health advice only and is not a PHO requirement, but is being encouraged in our beach management approach.

- (g) LGNSW has convened a meeting of beach-side Mayors, the Police and Surf Life Saving NSW that has agreed that LGNSW write to the Premier on our behalf seeking funding for additional staff to act as COVID ambassadors/marshals and the development and funding for an education and advertising campaign addressing beach crowding and behaviour.
 - (h) This year's spring and summer temperatures are expected to be above average.
2. Enters into discussions with the Bondi and District Chamber of Commerce with a view to establishing a voluntary register of businesses and venues that have COVID-safe plans as a means to encourage and facilitate the adoption of best practice COVID-safe plans by businesses and venues, and that potential customers can refer to.
 3. Develops a COVID counter on Council's home page that shows the number of COVID-19 cases in Waverley at a specified date and refers people to the NSW Health website for further information.
 4. Writes to the Minister for Health and Medical Research, the Minister for Planning and Open Spaces, and the Minister for Transport seeking a meeting with a delegation of mayors from Waverley, Woollahra, Randwick and Bayside Councils, to discuss the PHOs, our COVID-19 plans, specific challenges, given the ease of access to our iconic city beaches that will need to be met this coming summer, and initiatives for how these may be met.
 5. Immediately steps up our own community education efforts aimed at encouraging people to help stop the spread, including wearing masks and continuing to use hand sanitiser, as well as a broad social media campaign, given the number of active cases of COVID-19 has been slowly increasing in the Waverley local government area.
 6. Acknowledges the difficult job our rangers, lifeguards, ambassadors and other staff have in trying to keep our residents, community and visitors safe and appreciates their professionalism and dedication in the execution of their duties in this COVID pandemic environment.
 7. Investigates a possible solution to overcrowding on the Bondi to Bronte Coastal Walk to see if a one-way system could be safer; for example, one-way south on the actual walkway and a safe northern passage along our streets.

Crs O'Neill and Wakefield were not present for the vote on this item.

CM/6.2/20.09 Centennial Park and Moore Park Trust (A03/0943)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) As part of the Department of Planning, Industry and Environment's '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper, the State Government is proposing to create a super oversight agency to manage and potentially remove the Centennial Park and Moore Park Trust, and other trusts of famous Sydney parklands.
 - (b) This new government-managed agency (the Agency), risks not providing the same protections that a public trust does and will threaten the independence that local trusts maintain by challenging government attempts to commercialise and develop these public spaces.

- (c) The Centennial Park and Moore Park Trust has been at the forefront of local initiatives such as the establishment of the Cyclist Liaison Committee in 2016, which provided a formal consultation framework between the cycling community and the Trust to ensure that people were safe and satisfied.
 - (d) Council has valued the Centennial Park and Moore Park Trust's consultation and advice over the decades regarding development proposals, environmental policies and local initiatives.
2. Commends the Trust for their ongoing commitment to protecting the parklands so diligently.
3. Includes the following calls on the State Government in a submission to the Department of Planning, Industry and Environment on the '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper:
- (a) Ensure the independence of the Centennial Park and Moore Park Trust, and other local parklands trusts, to preserve and protect the independent local governing authorities of public parklands in NSW.
 - (b) Provide recurrent State funding for the parkland, to ensure they do not need to rely on commercialisation of the public parklands.
 - (c) Commit to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.
 - (d) Ensure a governance model for the Agency that will allow for a sufficient level of local community input into the management of the parklands, specifically Centennial Park, Moore Park and Queens Park.
4. Requests the Mayor write to the NSW Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, advising of Council's submission and urging him to ensure these matters are taken into account in finalising the Strategy.

Background

The Centennial and Moore Park Trust (CMPT) was established in 1983 and is responsible for the long-term strategic planning of the parklands, as well as the operational day-to-day management of Centennial Park, Moore Park and Queens Park.

On 17 July 2020, the NSW Government launched a new 50-year vision for Greater Sydney's network of parklands and green open spaces, which will see the disbanding of the Centennial Park and Moore Park Trusts.

The Premier of the time, the Hon Neville Wran, initiated the policy and practice of appointing local trusts to own and defend the parklands. This powerful legacy has seen the CPMPT grow to be a powerful locally based group committed to proactively and diligently protecting the parklands and ensuring they remain public, green, open spaces. For example, the Trust successfully stopped the Sydney Cricket and Sports Grounds Trust from building another stadium on its land.

The draft vision was open for public comment until 11 September 2020, and a request has been forwarded to the Department of Planning, Industry and Environment to allow a late submission.

The vision will be overseen by a new Greater Sydney Parklands government agency that brings together the Centennial Park and Moore Park Trust, and Western Sydney Parklands Trusts, as well as the parklands of

Callan Park and Fernhill Estate. Combined, the agency will oversee more than 6,000 hectares of parklands across Sydney, which host almost 40 million visits each year.

We need to take a strong position regarding the independence of the Centennial Park and Moore Park Trust and stress the importance in presenting and protecting the independent local government authorities of public parklands in NSW.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3(d).

FORESHADOWED MOTION

Mover: Cr Goltsman

That this item be deferred to the next Council meeting.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

DECISION

That Council:

1. Notes that:
 - (a) As part of the Department of Planning, Industry and Environment's '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper, the State Government is proposing to create a super oversight agency to manage and potentially remove the Centennial Park and Moore Park Trust, and other trusts of famous Sydney parklands.
 - (b) This new government-managed agency (the Agency), risks not providing the same protections that a public trust does and will threaten the independence that local trusts maintain by challenging government attempts to commercialise and develop these public spaces.
 - (c) The Centennial Park and Moore Park Trust has been at the forefront of local initiatives such as the establishment of the Cyclist Liaison Committee in 2016, which provided a formal consultation framework between the cycling community and the Trust to ensure that people were safe and satisfied.
 - (d) Council has valued the Centennial Park and Moore Park Trust's consultation and advice over the decades regarding development proposals, environmental policies and local initiatives.
2. Commends the Trust for their ongoing commitment to protecting the parklands so diligently.
3. Includes the following calls on the State Government in a submission to the Department of Planning, Industry and Environment on the '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper:
 - (a) Ensure the independence of the Centennial Park and Moore Park Trust, and other local parklands trusts, to preserve and protect the independent local governing authorities of public parklands in NSW.
 - (b) Provide recurrent State funding for the parkland, to ensure they do not need to rely on commercialisation of the public parklands.
 - (c) Commit to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.

- (d) Ensure a governance model for the Agency that will allow for a sufficient level of local community input, including co-management with First Nations people, into the management of the parklands, specifically Centennial Park, Moore Park and Queens Park
4. Requests the Mayor write to the NSW Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, advising of Council's submission and urging him to ensure these matters are taken into account in finalising the Strategy.

Division

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

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

At 8.57 pm, during the consideration of this item, Cr Wakefield left the meeting and did not return.

Cr O'Neill was not present for the consideration and vote on this item.

7. Reports**CM/7.1/20.09 Election of Deputy Mayor (SF20/4501)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Agrees to elect a Deputy Mayor for a term of approximately 12-months to expire at 12.01 am on Saturday, 4 September 2021.
2. Notes the procedure for the election of Deputy Mayor by Councillors outlined in the report.
3. Conducts the election of the Deputy Mayor by open voting method.

The election of the Deputy Mayor was conducted by the Returning Officer as follows:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Goltsman and Cr Keenan

The election of Deputy Mayor proceeded by means of open voting and the following votes were recorded:

Cr Keenan

7 votes

Cr Goltsman

5 votes

RESULT OF ELECTION

Cr Keenan was declared elected as Deputy Mayor of Waverley Council for the ensuing term to 12.01 am on Saturday, 4 September 2021.

At 7.36 pm, following the vote on this item, Cr O'Neill left the meeting and did not return.

CM/7.2/20.09 Appointment of Councillors to Committees (SF20/4501)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Appoints Councillors to the standing committees, advisory committees and other committees listed in section 4 of this report for a 12-month term to expire at 12.00 am on 4 September 2021.
2. Appoints delegates to the various organisations listed in section 4 of this report for a 12-month term to expire at 12.00 am on 4 September 2021.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE MEMBERSHIP OF THE ACCESS ADVISORY COMMITTEE AND AMENDMENTS TO CLAUSES 1 AND 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Appoints Councillors to the standing committees, advisory committees and other committees as listed below for a 12-month term to expire at 12.00 am on 4 September 2021.
2. Appoints delegates to the various organisations as listed below for a 12-month term to expire at 12.00 am on 4 September 2021.

AMENDMENT (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Goltsman

That the following clause be added to the Motion:

‘Reinstates the Community Safety Advisory Committee, consisting of three councillors and seven community members.’

FORESHADOWED AMENDMENT

Mover: Cr Wakefield

That the following clause be added to the Motion:

‘Receives a report outlining the potential reinstatement of the Community Safety Advisory Committee.’

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT AND WAS ACCEPTED BY THE MOVER OF THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 4 AND AMENDMENTS TO CLAUSES 1 AND 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Appoints Councillors to the standing committees, advisory committees and other committees as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.
2. Appoints delegates to the various organisations as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.
3. Receives a report outlining the potential reinstatement of the Community Safety Advisory Committee.
4. Receives a report outlining the potential reinstatement of the Housing Advisory Committee.

STANDING COMMITTEES

Committee name:	<u>Operations and Community Services Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Membership:	Crs Copeland (Chair), Wakefield (Deputy Chair) and all other Councillors.

Committee name:	<u>Strategic Planning and Development Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Membership:	Crs Lewis (Chair), Wy Kanak (Deputy Chair) and all other Councillors.

ADVISORY COMMITTEES

Committee name:	<u>Access Advisory Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Keenan (Chair), Kay (Deputy Chair) and all other Councillors.

Committee name: **Audit, Risk and Improvement Committee**

No. of Councillors to be appointed: One and an alternate. The Mayor cannot be a member of this Committee.

Chair of Committee: An Independent Member (non-Councillor).

Membership: Cr Copeland (Alternate: Cr Wakefield).

Committee name: **Cycling Advisory Committee**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and two Councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Lewis (Mayor's delegate), Copeland and Goltsman.

Committee name: **Environmental Sustainability Advisory Committee**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and three Councillors.

Chair of Committee: A Councillor appointed by Council.

Membership: Crs Masselos (Mayor), Keenan (Chair), Copeland (Deputy Chair) and Nemes.

Committee name: **Multicultural Advisory Committee**

No. of Councillors to be appointed: One – the Mayor or the Mayor's nominee.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Wy Kanak (Deputy Chair) and Goltsman.

Committee name: **Public Art Committee**

No. of Councillors to be appointed: Maximum of three.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

Committee name: **Traffic Committee**

No. of Councillors to be appointed:	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
Chair of Committee:	The Chair of the Committee is Council's voting representative.
Membership:	Cr Masselos (Mayor) (Chair), Alternate: Cr Kay.

OTHER COMMITTEES

Committee name:	<u>Surf Life Saving Club Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and two Councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Masselos and Goltsman.
Committee name:	<u>Waverley Business Forum</u>
No. of Councillors to be appointed:	The Mayor, and an alternate, the Deputy Mayor.
Co-Chair of Forum:	The Mayor, or in the absence of the Mayor, the Deputy Mayor, is co-chair of the Forum.
Membership:	Cr Masselos (Mayor), Alternate: Cr Keenan (Deputy Mayor).

APPOINTMENT OF COUNCILLORS AS DELEGATES TO VARIOUS ORGANISATIONS

Name:	<u>NSW Public Libraries Association</u>
No. of Councillors to be appointed:	One.
Membership:	Cr Lewis.
Name:	<u>Southern Sydney Regional Organisation of Councils – Board</u>
No. of Councillors to be appointed:	A maximum of two delegates and two alternates (one delegate to be the Mayor).
Membership:	Crs Masselos (Mayor) and Keenan (Deputy Mayor), Alternates: Crs Copeland and O'Neill.
Name:	<u>Southern Sydney Regional Organisation of Councils – Program Delivery Committee</u>

of fit-out of the building on the basis.

6. Officers proceed to work on the future operational management model for the ICH, with report to come back to Council on final costings, programming, sponsorship and staffing.
7. Notes that the operational model should be considered in the context of the operational management model of Bondi Pavilion currently being prepared in order to explore and realise any operational advantages and desirable efficiencies possible.
8. Further investigates a maker space at Waverley Library, with a report to come back to Council on viability.

AMENDMENT 1

Mover: Cr Burrill
Seconder: Cr Keenan

That:

1. Clause 5 be deleted.
2. Clause 6 be amended to read as follows:

‘Officers proceed to work on the future operational management model for the Innovation Civic Hall (ICH), with report to come back to Council on final costings, programming, sponsorship and staffing prior to endorsement of the preferred option of the Innovation Civic Hall (ICH) for the Boot Factory, and the design of fit-out of the building on this basis.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

FORESHADOWED MOTION

Mover: Cr Goltsman

That this matter be deferred to allow the preparation of a competitive analysis report, along with an updated business case, to demonstrate financial feasibility.

AMENDMENT 2

Mover: Cr Burrill
Seconder: Cr Betts

That the following clause be added to the Motion:

‘Further investigates whether the ICH is the optimal use of the Boot Factory and adjoining Mill Hill or whether an alternative option would be a better solution, such as seeking 4,000–5,000 square metres in a new building.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

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

DECISION:

That Council:

1. Notes the completion of the investigation of a Knowledge and Innovation Hub precinct within the Waverley local government area, as defined by the Council resolution in October 2017.
2. Notes the four-stage process that has been undertaken to complete the investigation including research and community consultation, options analysis, a facilitated workshop with the Council established Steering Committee, and a final business case on the preferred model.
3. Thanks the Knowledge and Innovation Hub working group participants, including Sarah Martin, Anton Nemme, Liane Rossler and James Zaki, for their contribution through this multi-year project.
4. Receives and notes the *Business Case to Reboot the Boot Factory by Establishing an Innovation Civic Hall* prepared by Asset Technologies Pacific in March 2020 (Attachment 1).
5. Endorses the preferred option of the Innovation Civic Hall (ICH) for the Boot Factory, and the design of fit-out of the building on the basis.
6. Officers proceed to work on the future operational management model for the ICH, with report to come back to Council on final costings, programming, sponsorship and staffing.
7. Notes that the operational model should be considered in the context of the operational management model of Bondi Pavilion currently being prepared in order to explore and realise any operational advantages and desirable efficiencies possible.
8. Further investigates a maker space at Waverley Library, with a report to come back to Council on viability.

Division

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

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

Crs O'Neill and Wakefield were not present for the consideration and votes on this item.

A Freeman addressed the meeting.

At 10.00 pm, following the vote on this item, the meeting adjourned for a short break.

At 10.09 pm, the meeting resumed.

CM/7.4/20.09 Code of Conduct and Procedures - Review (SF20/882)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council adopts the following documents attached to the report:

1. Code of Conduct for Councillors (Attachment 1).

2. Code of Conduct for Council Staff (Attachment 2).
3. Code of Conduct for Council Committee Members and other Council Officials (Attachment 3).
4. Procedures for the Administration of the Code of Conduct attached to this report (Attachment 4).

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

CM/7.5/20.09 Draft 2019-20 Financial Statements (A19/0807)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2020:
 - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special Purpose Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. The financial statements be referred to Council's auditor for audit.
7. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
8. The audited financial statements be advertised and presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.

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

CM/7.6/20.09 Investment Portfolio Report - August 2020 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for August 2020 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

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

CM/7.7/20.09 Coronavirus (COVID-19) - Business Support Package - Review and Continuation (A20/0258)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the review of the short-term COVID-19 Business Support Package and measures that have been delivered from 1 March 2020 through to 30 September 2020.
2. Continues the Business Support Package as amended in this report from 1 October 2020 to 31 March 2021, or until such earlier time as determined by Council.
3. Delegates authority to the General Manager to suspend any measures in the Business Support Package, other than those relating to the Fees and Charges, in response to changes in the status of the COVID-19 pandemic situation.
4. Notes the continued suspension of rent for community tenants until 31 December 2020.
5. Discounts rent for community tenants by 50% from 1 January 2021 to 31 March 2021.
6. Discounts the licence fees for the Oxford Street Mall markets and the Roscoe Street markets by 50% from 1 January 2021 to 31 March 2021.
7. Introduces a 50% discount COVID-19 Small Business Support category into Council's Fees and Charges to apply to the following fee from 1 January 2021 to 31 March 2021, with the same criteria as the \$0 (fee waiver) COVID-19 Small Business Support category:
 - (a) Footpath seating.
8. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges as follows from 1 October 2020 to 31 March 2021:
 - (a) Remove the following fee from the category:

- (i) Mobile vendor licences.
- (b) Retain the following fee in the category:
 - (i) Fitness permits.

Crs O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.8/20.09 Draft Planning Agreement Policy (Amendment No. 3) and Draft Affordable Housing Contributions Scheme - Exhibition (SF20/4416)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits for 42 days the draft Waverley Planning Agreement Policy 2014 (Amendment No. 3) attached to the report.
2. Notes that the updates to the Policy include an update to the VPA split of contributions to affordable housing from a minimum of 10 to 25%, updated benchmark rates and housekeeping amendments.
3. Publicly exhibits for 42 days the draft Waverley Affordable Housing Contributions Scheme attached to the report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Publicly exhibits for 42 days the draft Waverley Planning Agreement Policy 2014 (Amendment No. 3) attached to the report.
2. Notes that the updates to the Policy include an update to the VPA split of contributions to affordable housing from a minimum of 10 to 25%, updated benchmark rates and housekeeping amendments.
3. Publicly exhibits for 42 days the draft Waverley Affordable Housing Contributions Scheme attached to the report.
4. Investigates using the affordable housing reserve for the provision of Social Housing and Waverley Community Living Program (WCLP) Accommodation in addition to our current affordable housing program.

Division

For the Motion: Crs Betts, Copeland, Goltsman, Keenan, Lewis, Masselos and Wy Kanak.

Against the Motion: Crs Kay and Nemesh.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.9/20.09 Cultural Advisory Committee - Establishment (A19/0092)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Establishes a Cultural Advisory Committee in accordance with the terms of reference attached to this report.
2. Adopts the Terms of Reference attached to this report.
3. Disestablishes the Bondi Pavilion Stakeholder Committee.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.10/20.09 Public Art Committee Meetings - 2020 - Minutes (A18/0141)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 10 February 2020, 25 May 2020 and 13 July 2020 attached to this report.
2. Notes that the minutes will be made available to the public via Council's website.

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

CM/7.11/20.09 Waverley Artist Studios - Tenure Extension (A20/0106)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Extends the tenure of the current Waverley Studio artists, Carolyn Craig, Julia Guttman, Laura Jade, Cameron Scott and Kirra Weingarth, from 31 January 2021 until 31 August 2021.
2. Notes the call-out for the next round of studio artists will commence in May 2021, with the expected induction date of 1 September 2021.

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

CM/7.12/20.09 Planning Proposal - 122 Bronte Road, Bondi Junction (SF20/3778)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the submissions made to the public exhibition of the planning proposal for 122 Bronte Road, Bondi Junction that seeks to amend the Waverley Local Environmental Plan 2012 as follows:
 - (a) Rezone the site to B4 Mixed Use.
 - (b) Increase the building height from 15m to 18.5m.
 - (c) Increase the floor space ratio from 2:1 to 4:1.
 - (d) Include the site on the Active Street Frontages Map.
2. Opposes the planning proposal on the grounds that it is not in the public interest to allow an undesirable increase in development potential for the site.
3. Requests the Department of Planning, Industry and Environment to consider the following amendments to the planning proposal should it be considering any support for the planning proposal:
 - (a) That the maximum permissible height of building be retained at 15m.
 - (b) That the maximum permissible floor space ratio be amended to 2.5:1.
 - (c) That the site be included on the Key Sites Map to apply Clause 6.9 Design Excellence.
4. Forwards the submissions and exhibition report to the Department of Planning, Infrastructure and Environment.
5. Writes to each individual that made a submission to detail the process of plan making for this planning proposal, and to provide an update on the final determination.

Division

For the Motion: Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh and Wy Kanak.

Against the Motion: Nil.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.13/20.09 Seven Ways Public Domain - Proposed Additional Works (A17/0158)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Notes that the accredited accessibility consultant inspection engaged to review the safety issues at Seven Ways has found the current natural split pavers at this location to be acceptable.
2. Based on Councillor concern, replaces the natural split pavers at Seven Ways with standard pavers and inclusion of appropriate skate deterrents.
3. Allocates \$60,909 to the Seven Ways project budget in order to commence works to be funded from the 2020–21 Road Infrastructure Streetscape Renewal Program, and that this change be reflected in the Q1 budget review.

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

CM/7.14/20.09 Curlewis Street Pop-up Cycleway (SF20/3091)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council receives and notes this report.

Crs O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.15/20.09 Edmund Street Social Housing - Concept Design (A18/0175)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Endorses the concept design Option 3 (five apartments with Juliette balconies) for the 2A Edmund Street social housing project attached to the report (Attachment 1).
2. Proceeds to detailed design and the submission of a development application for Option 3.
3. Notes engagement completed on the project to date and proceeds to public consultation as part of the development application process.

FORESHADOWED MOTION

Mover: Cr Burrill

That:

1. Council defers the concept design and requests further development of the design to consider the following:
 - (a) Designing the building to fit within the existing envelope so that it is high-quality and fit for purpose.
 - (b) Removing the rooftop terrace, which is not the predominant character of the local area.
 - (c) Consulting relevant social housing experts for best practice social housing design.

- (d) Reconsidering window design to provide better amenity to residents, especially in the bedrooms facing the rear of the property.
- (e) Removing the laundry tubs and extending bench space in the kitchens and adding an island/table where appropriate.
- (f) Reconsidering the drying of laundry, as dryers will not be provided
- (g) Reconsidering adding balconies to all units to provide private open space.

2. A further report come back to Council.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Endorses the concept design Option 3 (five apartments with Juliette balconies) for the 2A Edmund Street social housing project attached to the report (Attachment 1).
2. Proceeds to detailed design and the submission of a development application for Option 3 subject to:
 - (a) Reconsidering window design to provide better amenity to residents, especially in the bedrooms facing the rear of the property.
 - (b) Removing the laundry tubs and extending bench space in the kitchens and adding an island/table where appropriate.
 - (c) Reconsidering the drying of laundry, as dryers will not be provided.
 - (d) Reconsidering adding balconies to all units to provide private open space.
3. Notes engagement completed on the project to date and proceeds to public consultation as part of the development application process.

Division

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

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

Crs O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/7.16/20.09 Car Parks - Access Infrastructure Upgrade (A20/0442)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Installs a hybrid car park access system comprising both Automatic Number Plate Recognition and

ticketing system technology, at the Eastgate, Hollywood Avenue and Library Council car parks.

2. Notes that a budget of \$1.5 million has been approved for the car park Infrastructure Upgrade Project, with \$700,000 allocated in the current financial year's Capital Works Program and \$800,000 allocated in the 2021–22 financial year.

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

CM/7.17/20.09 North Bondi Surf Life Saving Club - Variation of Licence (A19/0101)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Endorses the proposed Variation of Licence with the North Bondi Surf Life Saving Club to incorporate the newly constructed storage area known as the Advanced Response Lifesaving Facility.
2. Authorises the General Manager to finalise negotiations and execute the Variation of Licence.

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

8. Notices of Motions

CM/8.1/20.09 Dover Heights Coastal Reserves - Tree Maintenance (A14/0059)

This matter was last considered by Council at its meeting on 21 July 2020. Debate on the item was adjourned to this meeting.

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.

UPON THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION MOVED THE FOLLOWING AMENDED MOTION:

1. Removes the buddleja at the southern end of Weonga Reserve in a staged approach to ensure the stability of the slope.
2. Immediately prunes the buddleja.
3. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
4. Notes the vandalism and removal of the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with coastal heath species.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Removes the buddleja at the southern end of Weonga Reserve in a staged approach to ensure the stability of the slope.
2. Immediately prunes the buddleja.
3. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
4. Condemns the vandalism and removal of the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with coastal heath species.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/8.2/20.09 Clarke Reserve - Pathway to Playground (A04/2119)

Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Clarke Street.

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Nemesh

That, in view of the waterlogged grass surrounding Clarke Reserve playground, Council installs pathway access to the Clarke Reserve children's playground from the existing pathway between Jensen Avenue and Christison Park.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/8.3/20.09 Planning Proposal - Frances, Edward, Wellington and Simpson Streets, Bondi Beach (A20/0436)**MOTION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council investigates the merits of preparing a draft planning proposal for the block of land bordered by Frances Street, Edward Street, Wellington Street and Simpson Street, Bondi Beach, from R2 Low Density Residential to R3 Medium Density Residential to correct an apparent anomaly in the Waverley Local Environmental Plan and align with the zoning and controls of the land surrounding this block to the north, south and west.

THE MOTION WAS PUT AND DECLARED LOST.

Division:

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

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

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

M Futeran, P and L Singer, and T Froot addressed the meeting.

CM/8.4/20.09 Planning Webinars on Council's Website (A09/0720)**MOTION**

Mover: Cr Burrill
Seconder: Cr Kay

That Council:

1. Officers produce webinars to place on Council's website to include an explanation of the following:
 - (a) The hierarchy and relationships between:
 - (i) Waverley Community Strategic Plan.

- (ii) Local Strategic Planning Statement.
 - (iii) Housing Strategy.
 - (iv) Bondi Junction Urban Design Review.
 - (v) Our Liveable Places Centres Strategy (formerly known as the Village Centres Strategy).
 - (vi) Local Character Strategy.
 - (vii) Open Space Strategy.
 - (viii) Heritage Assessment Strategy.
 - (ix) Waverley's Local Environment Plan (WLEP).
 - (x) Waverley's Development Control Plan (WDCP).
- (b) The process for assessing and determining planning proposals (PP) and development applications (DA) where a voluntary planning agreement (VPA) is lodged alongside the PP or DA, how and when this would occur, and how the VPA is assessed and endorsed.
2. In development of these webinars:
- (a) Requests the Precincts to provide questions on these subjects that they would like answered.
 - (b) Places a supplementary frequently asked questions document on Council's website for use in conjunction with the webinar, and to answer the question from different sectors of the residential and business community 'what does this mean to me?'
3. Considers any additional estimated costs that may be incurred to prepare the webinars beyond existing budget allocations in the Planning, Environment and Regulatory directorate as part of the Q1 budget review.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Officers produce webinars to place on Council's website to include an explanation of the following:
 - (a) The hierarchy and relationships between:
 - (i) Waverley Community Strategic Plan.
 - (ii) Local Strategic Planning Statement.
 - (iii) Housing Strategy.
 - (iv) Bondi Junction Urban Design Review.

- (v) Our Liveable Places Centres Strategy (formerly known as the Village Centres Strategy).
 - (vi) Local Character Strategy.
 - (vii) Open Space Strategy.
 - (viii) Heritage Assessment Strategy.
 - (ix) Waverley's Local Environment Plan (WLEP).
 - (x) Waverley's Development Control Plan (WDCP).
- (b) The process for assessing and determining planning proposals (PP) and development applications (DA) where a voluntary planning agreement (VPA) is lodged alongside the PP or DA, how and when this would occur, and how the VPA is assessed and endorsed.
2. In development of these webinars:
- (a) Requests the Precincts to provide questions on these subjects that they would like answered.
 - (b) Places a supplementary frequently asked questions document on Council's website for use in conjunction with the webinar, and to answer the question from different sectors of the residential and business community 'what does this mean to me?'
 - (c) In producing the webinar material, Council officers note Council's commitment to implementing and progressing the planning policies in ways that operate to involve and acknowledge that Aboriginal First Nation Peoples have a custodial ongoing spiritual, social, cultural, economic and traditional relationship to looking after country and people.
3. Considers any additional estimated costs that may be incurred to prepare the webinars beyond existing budget allocations in the Planning, Environment and Regulatory directorate as part of the Q1 budget review.

Crs Nemesh, O'Neill and Wakefield were not present for the vote on this item.

At 10.54 pm, following the vote on this item, Cr Burrill left the meeting and did not return.

J McAlpin 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**CM/11/20.09 Closed Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That:

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

CM/11.1/20.09 CONFIDENTIAL REPORT - Sculpture by the Sea 2020

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) (d)(ii) (d)(iii) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and confer a commercial advantage on a competitor of Council; and reveal a trade secret.

CM/11.2/20.09 CONFIDENTIAL REPORT - Rowe Street - Public Private Partnership Proposal

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.3/20.09 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion Shop 4 Retail Tenancy - Lease

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

At 11.16 pm, Council moved into closed session.

CM/11.1/20.09 CONFIDENTIAL REPORT - Sculpture by the Sea 2020 (A19/0736)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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)(d)(i), (d)(ii) and (d)(iii) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of Council; and reveal a trade secret.
2. Defers this item until the next Council meeting to consider the new Public Health Orders that are expected to take effect from the 1 October 2020.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

CM/11.2/20.09 CONFIDENTIAL REPORT - Rowe Street - Public Private Partnership Proposal (A13/0061)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council 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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Council negotiates a Heads of Agreement with Zondaro to jointly prepare and then submit a development application for the Rowe Street Interchange Access Project and then to jointly marketing those lots once a development consent is in place. The HOA will need to include, amongst other matters, the following:
 - (a) Preparation of a design scheme based on the outcome of the GHD study completed in 2019, compliance with the Waverley Local Environment Plan 2012 and NSW Government Architect Design Guidelines and associated documentation to the satisfaction of all parties for the purpose of preparing a development application.
 - (b) Submission of a development application for the consideration and determination of the Sydney Eastern City Planning Panel.
3. Once the draft Heads of Agreement are prepared, officers report back to Council outlining the revised proposal and seeking Council's endorsement to apply to the Minister for Local Government to establish a Public Private Partnership between Council and Zondaro for the shared preparation of a development application and the joint sale of Council lots and Zondaro lots that contribute to the development of the Rowe Street Interchange Access project.

Cr Wy Kanak requested that it be recorded in the minutes that he voted against the Motion.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

**CM/11.3/20.09 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion Shop 4 Retail Tenancy
- Lease (A20/0211)**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Declines to accept any of the tenders for the leasing of the shop 4 retail tenancy at Bondi Pavilion, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)–(d) of the *Local Government (General) Regulation 2005* as the best value outcome for Council would be achieved by entering into negotiations with the top four tenderers, as identified in the attachment to this report.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, authorises the General Manager to enter into negotiations with the top four ranked tenderers to ensure the best value for money outcome for Council, with a view to entering into a contract in relation to the lease of the shop 4 retail tenancy at Bondi Pavilion.
5. Notes that a report will be brought back to Council on the outcome of the direct negotiation process, to appoint the successful tenderer and to seek approval to commence the 28-day public exhibition period, as required under section 47 of the *Local Government Act 1993*.
6. Notifies tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

Division:

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

Against the Motion: Nil.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

12. Resuming in Open Session

CM/12/20.09 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council resumes in open session.

Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.

At 11.25 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 11.29 PM.

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SIGNED AND CONFIRMED
MAYOR
20 OCTOBER 2020