



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE/AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD,
ON TUESDAY, 20 OCTOBER 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 Nemes	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 7.08 pm, those present were as listed above, with the exception of Cr O'Neill, who was an apology for the part of the meeting held on 20 October 2020.

At 10.53 pm, Cr Burrill left the meeting and did not return.

At 11.59 pm, due to the lateness of the hour, Council adjourned the meeting to reconvene at the Council Chambers on 27 October 2020 at 6.00 pm

At the commencement of the reconvened meeting at 6.00 pm on Tuesday, 27 October 2020, those present were as listed above, with the exception of Crs Burrill and O'Neill, who arrived at 6.42 pm and 6.45 pm respectively.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr O'Neill for the part of the meeting held on 20 October 2020.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.2.1/20.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 September 2020 – TC/C.01/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices (Group 2) and informed the meeting that he lives in Park Parade.
- 2.2 Cr Burrill declared a significant non-pecuniary interest in item CM/7.3/20.10 – Small Grants Program 2020-21 – Round 1 and informed the meeting that she is the organiser of Bondi Beach Playgroups.
- 2.3 Cr Kay declared a less than significant non-pecuniary interest in item CM/7.3/20.10 – Small Grants Program 2020-21 – Round 1 and informed the meeting that he knows the applicant for 'And he taught the canaries to sing.'
- 2.4 Cr Kay declared a pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that he owns shares in the Commonwealth Bank and will leave the meeting for the consideration and vote on this item.
- 2.5 Cr Betts declared a pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that she has a bank account with the Commonwealth Bank and will leave the meeting for the consideration and vote on this item.
- 2.6 Cr Goltsman declared a significant non-pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that his family members have bank accounts and own

shares in the Commonwealth Bank, and that he will leave the meeting for the consideration and vote on this item.

- 2.7 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that he has bank accounts with the Commonwealth Bank.
- 2.8 Cr Masselos declared a less than significant non-pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that she has a bank account with the Commonwealth Bank.
- 2.9 Cr Lewis declared a less than significant non-pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that he is a shareholder in the Commonwealth Bank.
- 2.10 Cr Nemesh declared a less than significant non-pecuniary interest in item CM/7.8/20.10 – Use of Contractors Supporting Adani and informed the meeting that he has bank accounts and a mortgage with the Commonwealth Bank.

Acknowledgement of Cr Betts's 25 years' Service to Waverley

The Mayor, Councillors and General Manager acknowledged and paid tribute to Cr Betts's 25 years of service to Waverley Council and the Waverley community as a Councillor since 1995 and as the Mayor of Waverley from 2008–2011 and 2012–2017.

The Mayor and General Manager presented Cr Betts with a certificate of service and flowers and congratulated her on her significant service.

3. Obituaries

Kerryn Sloan
Phil Lafferty

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

Y Coburn and R Nothman addressed the meeting.

4. Addresses by Members of the Public

- 4.1 Y Coburn – Item 3 – Obituaries.
- 4.2 R Nothman – Item 3 – Obituaries.
- 4.3 A resident – CM/5.2/20.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 September 2020 – TC/C.03/20.09 – Arden Street, Waverley – Varna Street to Chesterfield Parade – 100% Detailed Design.

- 4.4 A Hoggett – CM/7.9/20.10 – Bondi Surf Club Conservation and Upgrade Project – Outcomes of Community Consultation,
- 4.5 P Ure (on behalf of the Bondi Surf Bathing Lifesaving Club Building Sub-Committee) – CM/7.9/20.10 Bondi Surf Club Conservation and Upgrade Project – Outcomes of Community Consultation.
- 4.6 B Jackson (President, Bondi Surf Bathing Life Saving Club) – CM/7.9/20.10 Bondi Surf Club Conservation and Upgrade Project – Outcomes of Community Consultation.
- 4.7 D Frazer – CM/7.11/20.10 – Rodney Reserve – Coastal Fence.
- 4.8 R Nothman – CM/7.11/20.10 – Rodney Reserve – Coastal Fence.
- 4.9 C Cleminson – CM/8.2/20.10 – Petition – Chaleyer Street, Rose Bay – Safety and Amenity.
- 4.10 E Morel (convenor, Friends of Bondi Pavilion) – CM/8.3/20.10 – Bondi Pavilion Amphitheatre and Northern Courtyard Landscaping.
- 4.11 M Gould (on behalf of Bondi Rocks Media) – CM/8.3/20.10 – Bondi Pavilion Amphitheatre and Northern Courtyard Landscaping.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

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

- CM/5.1/20.10 Confirmation of Minutes - Council Meeting - 15 September 2020.
- CM/7.1/20.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.
- CM/7.4/20.10 Investment Portfolio Report - September 2020.
- CM/7.5/20.10 Draft Community Engagement Policy and Strategy and Community Participation Plan – Exhibition.
- CM/7.10/20.10 Geotechnical Risk Mitigation - Rockfall and Retaining Wall Solutions.
- CM/7.13/20.10 Petition - Anglesea Street, Bondi - Resident Parking Scheme.

This item was recommitted on a motion moved by Cr Masselos, seconded by Cr Betts, to remove item CM/7.3/20.10 – Small Grants Program 2020-21 – Round 1, which was included in the motion in error. Item CM/7.3/20.10 was dealt with separately on the business paper.

5. Confirmation and Adoption of Minutes

CM/5.1/20.10 Confirmation of Minutes - Council Meeting - 15 September 2020 (SF20/42)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 15 September 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

CM/5.2/20.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 September 2020 (SF20/45)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 September 2020 be received and noted, and that the recommendations contained therein be adopted.

Save and except:

1. TC/C.01/20.09 – 40 km/h Speed Limit Changes – Traffic Control Devices (Group 2).
2. TC/C.03/20.09 – Arden Street, Waverley – Varna Street to Chesterfield Parade – 100% Detailed Design.

And that these items be dealt with separately below.

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

A resident addressed the meeting.

CM/5.2.1/20.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 September 2020 - TC/C.01/20.10 - 40 km/h Speed Limit Changes - Traffic Control Devices (Group 2) (A18/0579)

This item was saved and excepted by Cr Masselos.

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Park Parade.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That the Traffic Committee's recommendation be adopted.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That the Traffic Committee's recommendation be adopted subject to item 1(j), Dickson Street at Birrell Street, Bronte – Kerb build-out, and item 1(t), Park Parade at Birrell Street, Bondi – Kerb build-outs, being deferred for a report to go to the November 2020 Traffic Committee meeting on the outcomes of investigating alternative treatments that consider pedestrian safety and traffic flow, including consideration of a pedestrian refuge like that implemented at the intersection of Wellington Street and Bondi Road.

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

CM/5.2.2/20.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 September 2020 - TC/C.03/20.09 - Arden Street, Waverley - Varna Street to Chesterfield Parade - 100% Detailed Design (SF18/779)

This item was saved and excepted by Cr Burrill.

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconder: Cr Betts

That the Traffic Committee's recommendation be adopted.

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

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/20.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A20/0075)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council receives and notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2019 to 30 June 2020.

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

CM/7.2/20.10 Cultural Advisory Committee - Appointment of Councillors (A19/0092)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council appoints the Mayor, Cr Masselos, as the Chair, Cr Keenan, Cr O'Neill and Cr Kay to the Cultural Advisory Committee until 4 September 2021.

AMENDMENT

Mover: Cr Burrill

Seconder: Cr Goltsman

That the Motion be amended to read as follows:

'That Council appoints the Mayor and two Councillors to the Cultural Advisory Committee until 4 September 2021.'

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

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

Cr Wakefield was not present for the vote on the amendment.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council appoints the Mayor, Cr Masselos, as the Chair, Cr Keenan, Cr O'Neill and Cr Kay to the Cultural Advisory Committee until 4 September 2021.

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

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

CM/7.3/20.10 Small Grants Program 2020-21 - Round 1 (A20/0378)

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

Cr Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he knows the applicant for 'And he taught the canaries to sing.'

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council, under the Small Grants Program 2020–21 (Round 1), grants \$50,000 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

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

CM/7.4/20.10 Investment Portfolio Report - September 2020 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for September 2020 attached to the 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 O'Neill was not present for the consideration and vote on this item.

CM/7.5/20.10 Draft Community Engagement Policy and Strategy and Community Participation Plan - Exhibition (A20/0140)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Community Engagement Policy and Community Engagement Strategy attached to the report for a minimum of 42 days.
2. Notes the amendments to the Community Participation Plan set out in the report.
3. Publicly exhibits the draft Community Participation Plan attached to the report for a minimum of 42 days alongside the Community Engagement Policy and Community Engagement Strategy.

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

CM/7.6/20.10 Crown Land Plans of Management and Initial Categorisation (A14/0201)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister administering the *Crown Lands Management Act 2016* of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations

that may be required by Crown Lands.

3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.
4. Updates the plans of management as prioritised in the report.
5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change.
6. Writes to the Crown Lands Area Manager requesting them to appoint Council as Crown Land Manager for Gaerloch Reserve (which is devolved land).

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 6 SUCH THAT IT NOW READS AS FOLLOWS:

‘Writes to the Crown Lands Area Manager requesting them to:

- (a) Appoint Council as Crown Land Manager for Gaerloch Reserve (which is devolved land).
- (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club.’

AMENDMENT (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Burrill

That clause 6(a) be amended to read as follows:

‘Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands.’

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 6 AND THE ADDITION OF A NEW CLAUSE 7 AND 8.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister administering the *Crown Lands Management Act 2016* of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.
4. Updates the plans of management as prioritised in the report.

5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change.
6. Writes to the Crown Lands Area Manager requesting them to:
 - (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands.
 - (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club.
7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work.
8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.

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

CM/7.7/20.10 Voluntary Planning Agreement - 82-84 Curlew Street, Bondi Beach - Post-exhibition (DA-334/2016/D)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 82-84 Curlew Street, Bondi Beach. The draft Planning Agreement offers a total monetary contribution of \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

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

Against the Motion: Cr Keenan.

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

CM/7.8/20.10 Use of Contractors Supporting Adani (A20/0453)

Cr Kay declared a pecuniary interest in this item and informed the meeting that he owns shares in the Commonwealth Bank. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.

Cr Betts declared a pecuniary interest in this item and informed the meeting that she has a bank account with the Commonwealth Bank. Cr Betts was not present at, or in sight of, the meeting for the consideration and vote on this item.

Cr Goltsman declared a significant non-pecuniary interest in this item and informed the meeting that his family members have bank accounts and own shares in the Commonwealth Bank. Cr Goltsman was not present at, or in sight of, the meeting for the consideration and vote on this item.

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he has bank accounts with the Commonwealth Bank.

Cr Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she has a bank account with the Commonwealth Bank.

Cr Lewis declared a less than significant non-pecuniary interest in this item and informed the meeting that he is a shareholder in the Commonwealth Bank.

Cr Nemesh declared a less than significant non-pecuniary interest in this item and informed the meeting that he has bank accounts and a mortgage with the Commonwealth Bank.

MOTION (WITHDRAWN)

Mover: Cr Copeland
Seconder: Cr Wy Kanak

That Council:

1. Notes that Council has proactively put in place environmental and social sustainability criteria that are specific to the category of goods or services being procured, with these criteria included in requests for tenders, requests for quotes and expressions of interest when released to market.
2. Notes that the evaluation criteria referred to clause 1 and associated weightings directly address environmental responsibility as part of the selection process.
3. Notes that the environmental and social sustainability criteria were approved by Council's Executive Leadership Team in December 2019, and these have been utilised to evaluate suppliers' responses to tenders and quotes since then.
4. Notes that the report findings indicate that there were two suppliers providing goods or services to Council from The Adani List, as follows:
 - (a) KPMG – Has been engaged to provide services relating to the development of Council's Information, Communication and Technology (ICT) Strategy. The Adani List indicates that KPMG also provides strategic assistance to Adani.
 - (b) Commonwealth Bank (CBA) – Provides banking services to Council. The Adani List indicates that CBA has lent to fossil fuel companies globally since 2016.
5. Notes in the report that Inner West, Byron Shire and Lismore City Councils have advised that they had not received any negative feedback regarding their amended Procurement Policies, from neither

their respective community members nor businesses. They also advised that they had not encountered any legal issues to date.

6. Notes in the report that Council will, where all other factors are equal, award contracts by giving preference to contractors who are not on The Adani List.
7. Notes that Council's Investment Policy contains the following criteria in section 4(e):

'Council invests in alternatives by observing quadruple bottom line accounting principles over both short-term and long-term outlooks—society, environment, economic/financial, civic leadership/governance—and where financial institutions are offering an equal or better return on investment, and within the prevailing legislation and current Investment Policy risk management guidelines. More specifically, a commitment to (including but not limited to): investments that provide for the ethical treatment of both shareholders and stakeholders, support development of co-operative ownership and control of the work place, high quality products and services, local ventures, appropriate technology, ecologically sustainable practices, social and economic justice, peace and non-violence and the use of renewable resources. And avoiding investments that create pollution (such as fossil fuel industries), that are speculative, that exploit workers, customers and/or the environment, that are engaged in alcohol, tobacco and arms manufacture, that inhibit human rights and that damage non-renewable resources.'
8. Notes that Council is a signatory to the Climate Emergency Declaration that declares that we are in a State of Climate and Biodiversity Emergency that requires urgent action by all levels of government, that human-induced climate change and biodiversity loss represents existential threats to human civilisation, other species and the life-supporting capacity of air, water, soil, and ecosystems, and that it is still possible to prevent the most catastrophic economic, social and environmental impacts if, and only if, societies take emergency action.
9. Notes that the Banking Royal Commission found that CBA, in some of its commercial activities, to have illegally charged credit card insurance, to have enabled money-laundering and to have charged fees for no service. The Commission also found the two root causes were decisions that put the bank's financial gain over the customer interest and failures of 'accountability, governance, and capability.' Notes that CBA ruled out further lending to the Adani Carmichael mine in 2017: 'We are not amongst the banks who have been, or will be, asked to consider this financing'. Notes that CBA has a lot of work to do to prove they have a social licence to operate.
10. Writes to LGNSW informing them of this motion.
11. Writes to all Australian Councils that are signatories to the Climate Emergency Declaration informing them of this motion.
12. Writes to KPMG and CBA informing them of this motion that, where all other factors are equal, contracts will be awarded by giving preference to contractors who are not on The Adani List.
13. Notifies Councillors when new RFTs, RFQs and EOIs come from contractors who are on The Adani List.
14. Writes to Stop Adani organisation informing them of this motion

At 9.13 pm, the meeting adjourned for a short break.

At 9.25 pm, the meeting resumed.

THE FOLLOWING PROCEDURAL MOTION, MOVED BY CR MASSELOS AND SECONDED BY CR NEMESH, WAS

THEN PUT AND DECLARED CARRIED:

That:

1. Council moves into closed session to deal with this matter, which is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act 1993*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

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

Council dealt with the remainder of this item in closed session.

FORESHADOWED MOTION

Mover: Cr Lewis

Seconder: Cr Nemesh

That this item be deferred to a workshop to be held in the near future to consider the motion, the proposed amendments and advice from the General Counsel.

THE MOVER OF THE ORIGINAL MOTION THEN WITHDREW THE MOTION AND MOVED THE FOLLOWING MOTION:

MOTION

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council:

1. Notes that Council has proactively put in place environmental and social sustainability criteria that are specific to the category of goods or services being procured, with these criteria included in requests for tenders, requests for quotes and expressions of interest when released to market.
2. Notes that the evaluation criteria referred to clause 1 and associated weightings directly address environmental responsibility as part of the selection process.
3. Notes that the environmental and social sustainability criteria were approved by Council's Executive Leadership Team in December 2019, and these have been utilised to evaluate suppliers' responses to tenders and quotes since then.
4. Notes that the report findings indicate that there were two suppliers providing goods or services to Council from The Adani List, as follows:
 - (a) KPMG – Has been engaged to provide services relating to the development of Council's Information, Communication and Technology (ICT) Strategy. The Adani List indicates that KPMG also provides strategic assistance to Adani.
 - (b) Commonwealth Bank (CBA) – Provides banking services to Council. The Adani List indicates that CBA has lent to fossil fuel companies globally since 2016.

5. Notes that Council's Investment Policy contains the following criteria in section 4(e):

'Council invests in alternatives by observing quadruple bottom line accounting principles over both short-term and long-term outlooks—society, environment, economic/financial, civic leadership/governance—and where financial institutions are offering an equal or better return on investment, and within the prevailing legislation and current Investment Policy risk management guidelines. More specifically, a commitment to (including but not limited to): investments that provide for the ethical treatment of both shareholders and stakeholders, support development of co-operative ownership and control of the work place, high quality products and services, local ventures, appropriate technology, ecologically sustainable practices, social and economic justice, peace and non-violence and the use of renewable resources. And avoiding investments that create pollution (such as fossil fuel industries), that are speculative, that exploit workers, customers and/or the environment, that are engaged in alcohol, tobacco and arms manufacture, that inhibit human rights and that damage non-renewable resources.'

6. Notes that Council is a signatory to the Climate Emergency Declaration that declares that we are in a State of Climate and Biodiversity Emergency that requires urgent action by all levels of government, that human-induced climate change and biodiversity loss represents existential threats to human civilisation, other species and the life-supporting capacity of air, water, soil, and ecosystems, and that it is still possible to prevent the most catastrophic economic, social and environmental impacts if, and only if, societies take emergency action.
7. Investigates modifying its procurement policies, procedures and documentation and any other relevant policy to allow for the implementation of a potential resolution for the purpose of assisting with the reduction of carbon emissions and mitigating climate change, and that when deciding on the award of a contract, where all other factors are equal, prefers an entity that is not itself identified as supplying goods or services, or having supplied goods and services, to the Adani Coal Project.
8. Writes to all Australian Councils that are signatories to the Climate Emergency Declaration informing them of this motion.
9. Writes to Stop Adani organisation informing them of this motion

THE MOTION WAS THEN PUT AND DECLARED LOST.

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

DECISION:

That this matter be deferred to a workshop to be held in the near future to consider the motion, the proposed amendments and advice from the General Counsel.

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

CM/7.9/20.10 Bondi Surf Club Conservation and Upgrade Project - Outcomes of Community Consultation (A19/0172)**MOTION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Bondi Surf Club Conservation and Upgrade Project Consultation Report attached to the report.
2. Proceeds to detailed design for the Bondi Surf Club Building incorporating consideration of the key findings from the consultation and authorises submission of a development application.

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Goltsman
Seconder: Cr Betts

That:

1. Clause 2 be amended to read as follows:

‘Proceeds to detailed design for the Bondi Surf Club Building incorporating consideration of the key findings from the consultation.’

2. The following clause 3 be added to the motion:

‘Officers prepare an updated concept design to include consideration of the following issues:

- (a) Position of exit ramp from the basement so that there is no conflict with the Bondi Pavilion waste traffic turning circle.
- (b) Consider, for pedestrian safety reasons, relocating the refuelling bay and exit from ramp to the northern side of the western building rather than having it on the southern side.
- (c) Reconsider placement of the kiosk, with preference given to relocating it to the northern side of the building.
- (d) Provide further design details on the kitchen and amenities layouts, their location and how they service the function room, front building ground floor gallery space, and courtyard. Access paths for the kitchen and amenities to/from other areas in the rear and front buildings are to be clarified.
- (e) Environmental issues of the two buildings and the centre courtyard, including air conditioning and roof fabric to mitigate overheating; consider a wind analysis to assess the impact of the wind on the centre courtyard, and any mitigation measures.
- (f) Consider movable gates for the northern side of the inter building open courtyard to prevent overnighters sleeping and to allow privacy should the surf club or council wish to use the open courtyard for a function.
- (g) Consider seating in the eastern veranda behind the arches and in the centre courtyard.
- (h) Consider alternative designs for the centre courtyard rather than grass throughout to reduce ongoing maintenance costs.

- (i) Reconsider the use and workability of the retractable plastic sunshade.
- (j) Confirm operation of the ground floor “heritage” gallery space in the front building, including flexible use of the space, acoustic treatment, and moveability of presentation materials.
- (k) Confirm design of proposed walkway to protect pedestrians from inclement weather, including wind and rain.’

3. The following clause 4 be added to the motion:

‘Officers circulate the updated concept design to Councillors prior to convening a Councillor workshop on the matter, and then report back to Council with the final concept design prior to the lodgement of a development application.’

AT THIS STAGE IN THE PROCEEDINGS, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR BETTS, THAT THE ITEM LAY ON THE TABLE TO ALLOW THE AMENDMENT TO BE PRINTED AND DISTRIBUTED TO COUNCILLORS.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

LATER IN THE MEETING, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR NEMESH, THAT THE ITEM BE TAKEN FROM THE TABLE.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT AND MOVED THE FOLLOWING AMENDMENT:

AMENDMENT 2

Mover: Cr Goltsman
Seconder: Cr Betts

That:

1. The following clause 3 be added to the motion:

‘Officers prepare an updated concept design to include consideration of the following issues:

- (a) Position of exit ramp from the basement so that there is no conflict with the Bondi Pavilion waste traffic turning circle.
- (b) Consider, for pedestrian safety reasons, relocating the refuelling bay and exit from ramp to the northern side of the western building rather than having it on the southern side.
- (c) Reconsider placement of the kiosk, with preference given to relocating it to the northern side of the building.
- (d) Provide further design details on the kitchen and amenities layouts, their location and how they service the function room, front building ground floor gallery space, and courtyard. Access paths for the kitchen and amenities to/from other areas in the rear and front buildings are to be clarified.
- (e) Environmental issues of the two buildings and the centre courtyard, including air conditioning and roof fabric to mitigate overheating; consider a wind analysis to assess the impact of the wind on the centre courtyard, and any mitigation measures.

- (f) Consider movable gates for the northern side of the inter building open courtyard to prevent overnighters sleeping and to allow privacy should the surf club or council wish to use the open courtyard for a function.

2. The following clause 4 be added to the motion:

‘Officers circulate the updated concept design to Councillors prior to convening a Councillor workshop on the matter, and then report back to Council with the final concept design prior to the lodgement of a development application.’

FORESHADOWED AMENDMENT

Mover: Cr Burrill

That:

1. The following clause 3 be added to the motion:

‘Officers prepare an updated concept design to include consideration of the following issues:

- (a) Position of exit ramp from the basement so that there is no conflict with the Bondi Pavilion waste traffic turning circle.
- (b) Consider, for pedestrian safety reasons, relocating the refuelling bay and exit from ramp to the northern side of the western building rather than having it on the southern side.
- (c) Reconsider placement of the kiosk, with preference given to relocating it to the northern side of the building.
- (d) Provide further design details on the kitchen and amenities layouts, their location and how they service the function room, front building ground floor gallery space, and courtyard. Access paths for the kitchen and amenities to/from other areas in the rear and front buildings are to be clarified.
- (e) Environmental issues of the two buildings and the centre courtyard, including air conditioning and roof fabric to mitigate overheating; consider a wind analysis to assess the impact of the wind on the centre courtyard, and any mitigation measures.
- (f) Consider movable gates for the northern side of the inter building open courtyard to prevent overnighters sleeping and to allow privacy should the surf club or council wish to use the open courtyard for a function.

2. The following clause 4 be added to the motion:

‘Officers report back to Council with the final concept design prior to the lodgement of a development application.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED A FURTHER AMENDMENT TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That Council:

1. Receives and notes the Bondi Surf Club Conservation and Upgrade Project Consultation Report attached to the report.
2. Proceeds to detailed design for the Bondi Surf Club Building incorporating consideration of the key findings from the consultation and authorises the preparation of a development application.
3. Officers prepare an updated concept design to include consideration of the following issues:
 - (a) Position of exit ramp from the basement so that there is no conflict with the Bondi Pavilion waste traffic turning circle.
 - (b) Consider, for pedestrian safety reasons, relocating the refuelling bay and exit from ramp to the northern side of the western building rather than having it on the southern side.
 - (c) Reconsider placement of the kiosk, with preference given to relocating it to the northern side of the building.
 - (d) Provide further design details on the kitchen and amenities layouts, their location and how they service the function room, front building ground floor gallery space, and courtyard. Access paths for the kitchen and amenities to/from other areas in the rear and front buildings are to be clarified.
 - (e) Environmental issues of the two buildings and the centre courtyard, including air conditioning and roof fabric to mitigate overheating; consider a wind analysis to assess the impact of the wind on the centre courtyard, and any mitigation measures.
 - (f) Consider movable gates for the northern side of the inter building open courtyard to prevent overnighters sleeping and to allow privacy should the surf club or council wish to use the open courtyard for a function.
4. Officers report back to Council with the final concept design prior to the lodgement of a development application.

Division

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

Against the Motion: Nil.

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

A Hoggett, P Ure (on behalf of the Bondi Surf Bathing Lifesaving Club Building Sub-Committee) and B Jackson (President, Bondi Surf Bathing Life Saving Club) addressed the meeting

CM/7.10/20.10 Geotechnical Risk Mitigation - Rockfall and Retaining Wall Solutions (SF20/5024)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that geotechnical risks along natural rock faces and engineered retaining walls across the Waverley local government area require further investigation.
2. Undertakes remediation works in the following areas:
 - (a) Forrest Knoll Avenue.
 - (b) Liverpool Street.
 - (c) Carlisle Street.
 - (d) Bronte Gully.
3. Approves funding of \$280,000 to be reallocated to these remediation works and assessment work as part of the Capital Works first quarter adjustments.

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

CM/7.11/20.10 Rodney Reserve - Coastal Fence (A20/0475)**MOTION**

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That this item be deferred to the November Council meeting, and that Council officers report back with a response to the issues raised by the Dover Heights Precinct as addressed to the meeting this evening.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That this item be deferred to the November Council meeting, with a workshop conducted prior to November meeting, and that Council officers report back with a response to the issues raised by the Dover Heights Precinct as addressed to the meeting this evening.

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

D Frazer and R Nothman addressed the meeting.

CM/7.12/20.10 Ernie Page Memorial (A02/0276)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Posthumously recognises the Hon. Ernie Page MP with a 'Best of the Best' award in 2021 to commemorate his contribution to Waverley Council as time served as elected Councillor, Mayor and member for the Waverley and Coogee electorates in the NSW Parliament.
2. Continues to commemorate eminent residents through the 'Best of the Best' awards within the established four-year program.
3. Officers report back to Council with options for a permanent memorial for the Hon. Ernie Page MP and Councillors be invited to submit suggestions.

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

CM/7.13/20.10 Petition - Anglesea Street, Bondi - Resident Parking Scheme (A03/2581)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Refers the petition requesting a resident parking scheme in Anglesea Street, Bondi, to the Director, Community, Assets and Operations, for appropriate action.
2. Officers report back to Council on the action taken on the petition.

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

CM/7.14/20.10 Community Safety Advisory Committee (A03/0544-04)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council does not reinstate the Community Safety Committee and instead holds an annual Community Safety Forum with key stakeholders and members of the public.

FORESHADOWED MOTION

Mover: Cr Burrill

That Council:

1. Reinstate the Community Safety Advisory Committee.
2. Adopts the Community Safety Advisory Committee Terms of Reference attached to the report (Attachment 1).
3. Appoints the Mayor or the Mayor's delegate as the Chair of the Committee and two Councillor members to the Committee.

4. Seeks expressions of interest for two community representative members of the Committee to serve a 19-month term from their appointment in February 2021 to September 2022.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council does not reinstate the Community Safety Committee and instead holds an annual Community Safety Forum with key stakeholders and members of the public.

Division

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

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

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

At 10.53 pm, following the vote on this item, Cr Burrill left the meeting and did not return

CM/7.15/20.10 Housing Advisory Committee (A10/0353)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Reinstates the Housing Advisory committee.
2. Adopts the Housing Advisory Committee Terms of Reference attached to the report (Attachment 1).
3. Appoints the Mayor, Cr Masselos, as the Chair, Cr Lewis and Cr Keenan as members of the Committee.
4. Seeks expression of interest for up to four community representative members of the committee to serve a 19-month term from their appointment in February 2021 to September 2022.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Reinstates the Housing Advisory committee.
2. Adopts the Housing Advisory Committee Terms of Reference attached to the report (Attachment 1).
3. Appoints the Mayor, Cr Masselos, as the Chair, Cr Lewis, Cr Keenan and Cr Betts as members of the Committee.
4. Seeks expression of interest for up to four community representative members of the committee to

serve a 19-month term from their appointment in February 2021 to September 2022.

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

8. Notices of Motions

CM/8.1/20.10 Precinct Meetings by Video Conference (A04/0038)

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Provides sufficient resources to allow Precincts to hold online meetings instead of, or in conjunction with, their regular periodic meetings until the end 2021.
2. Ensures that the resourcing enables up to three Precinct meetings to be held simultaneously.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That clause 2 be amended to read as follows:

'Ensures that the resourcing enables up to three Precinct meetings to be held simultaneously in different wards.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemesch.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Provides sufficient resources to allow Precincts to hold online meetings instead of, or in conjunction with, their regular periodic meetings until the end 2021.
2. Ensures that the resourcing enables up to three Precinct meetings to be held simultaneously.

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

CM/8.2/20.10 Petition - Chaleyer Street, Rose Bay - Safety and Amenity (A03/0528)**MOTION**

Mover: Cr Lewis
Seconder: Cr Wakefield

That Council:

1. Accepts the petition presented by the residents of Chaleyer Street, Rose Bay, tabled at the meeting.
2. Prepares a report for Council identifying options to improve residents' amenity and relieve congestion in Chaleyer Street, including but not limited to:
 - (a) Widening the road for parking between driveways, without interfering with the depth of existing driveways.
 - (b) Constructing semi-recessed parking bays that do not interfere with driveways.
 - (c) Installing passing bays without reducing current parking.
 - (d) Limiting the size of commercial vehicles that can access the street.
 - (e) Installing traffic calming measures.
 - (f) Improving the ingress and egress to the street at the corners of Old South Head Road to the west and Hardy Street to the east.
 - (g) Reducing the speed limit to 40 km/h.
3. In the preparation of the report, consults the residents of Chaleyer Street and the Rose Bay and Dover Heights Precinct Committees.

AMENDMENT 1

Mover: Cr Betts
Seconder: Cr Nemesh

That:

1. Clause 2 be amended to read as follows:

‘Prepares a report for Council identifying options to improve residents' amenity and relieve congestion in Chaleyer Street, including investigating the introduction of passing zones in Chaleyer Street similar to those introduced in late 2018 in Onslow Street, which will improve traffic flow and prevent vehicle damage. These passing zones will include introducing no parking zones across multi-width driveways. They will also include dotted lines along lanes and driveway edges, as per RMS standards.’
2. The following clause be added to the Motion:

‘Officers assess the street to see where passing zones can be introduced, endeavouring to lose the minimum number of parking spaces.’
3. The following clause be added to the Motion:

‘That this solution be considered prior to investigating any other options.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Nemesh

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Accepts the hard copy petition presented by the residents of Chaley Street, Rose Bay, tabled at the meeting.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 3

Mover: Cr Nemesh

Seconder: Cr Betts

That clauses 2(e) and 2(g) be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AT THIS STAGE IN THE PROCEEDINGS, CR MASSELOS MOVED A PROCEDURAL MOTION, SECONDED BY CR BETTS, TO EXTEND THE MEETING TO 12.00 AM.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

AMENDMENT 4

Mover: Cr Goltsman

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Verifies the email addresses contained within the petition prior to accepting the petition presented by the residents of Chaley Street, Rose Bay, tabled at the meeting.’

THE AMEDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Nil.

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

C Cleminson addressed the meeting.

CM/8.3/20.10 Bondi Pavilion Amphitheatre and Northern Courtyard Landscaping (A15/0272)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That:

1. Council investigates the feasibility of modifications to the landscape plan for the Bondi Pavilion Courtyard as follows:
 - (a) The incorporation of a grassed area and deep plantings/shade trees/or alternative soft surfaces into the landscape plan for the northern courtyard of the Bondi Pavilion with a view to determining or providing advice on:
 - (i) The desirability of such modification.
 - (ii) The likelihood of planning and heritage approval for such a modification.
 - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration timeline.
 - (iv) Costings for this additional work and impact on the existing project budget.
 - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or whether it would need to be approached as a separate project.
 - (b) The incorporation of a heritage sympathetic amphitheatre landscape feature within the courtyard of the Bondi Pavilion with a view to determining or providing advice on:
 - (i) Whether a heritage sympathetic design which can be included as a landscape feature can be provided.
 - (ii) The likelihood of planning and heritage approval for such a modification.
 - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration project timeline.
 - (iv) Costings for this additional work and impact on the existing project budget.
 - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or whether it would need to be approached as a separate project.
2. A report be prepared for Council on the results of these investigations.
3. The proposed modifications be considered on the basis that they do not delay the existing restoration timeline and building schedule. If these additions impact the building schedule, then they are to be considered for implementation only after the completion of the Bondi Pavilion Restoration

project.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That:

1. Council investigates the feasibility of modifications to the landscape plan for the Bondi Pavilion Courtyard as follows:
 - (a) The incorporation of a grassed area and deep plantings/shade trees/or alternative soft surfaces into the landscape plan for the northern courtyard of the Bondi Pavilion with a view to determining or providing advice on:
 - (i) The desirability of such modification.
 - (ii) The likelihood of planning and heritage approval for such a modification.
 - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration timeline.
 - (iv) Costings for this additional work and impact on the existing project budget.
 - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or whether it would need to be approached as a separate project.
 - (b) The incorporation of a heritage sympathetic amphitheatre landscape feature within the courtyard of the Bondi Pavilion with a view to determining or providing advice on:
 - (i) Whether a heritage sympathetic design which can be included as a landscape feature can be provided.
 - (ii) The likelihood of planning and heritage approval for such a modification.
 - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration project timeline.
 - (iv) Costings for this additional work and impact on the existing project budget.
 - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or whether it would need to be approached as a separate project.
2. A report be prepared for Council on the results of these investigations and the report come back to the February 2021 Council meeting.
3. The proposed modifications be considered on the basis that they do not delay the existing restoration timeline and building schedule. If these additions impact the building schedule, then they are to be considered for implementation only after the completion of the Bondi Pavilion Restoration project.

Division

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

Against the Motion: Crs Betts and Kay.

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

E Morel (convenor, Friends of Bondi Pavilion) and M Gould (on behalf of Bondi Rocks Media) addressed the meeting.

CM/8.4/20.10 Food Scraps in Green Bins (A03/0160)**MOTION**

Mover: Cr Keenan
Seconder: Cr Copeland

That Council:

1. Approaches the contractor of the green bin collection and requests a contract variation that would allow for the insertion of food waste into the green bins.
2. Officers report the outcome of the request back to Council at the November 2020 Council meeting, including any cost associated with the contract variation.

FORESHADOWED MOTION

Mover: Cr Kay

That Council:

1. Investigates a feasible, best-practice solution for collecting and recovering food waste from households in Waverley.
2. Identifies optimal, best-practice services for all other waste and recycling streams collected from Waverley households, to provide an easy-to-use and cost-effective service that will deliver the best landfill diversion and environmental outcomes for Waverley.
3. Defers the implementation of the three-bin domestic waste service until Council considers this investigation.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Approaches the contractor of the green bin collection and investigates a contract variation that would allow for the insertion of food waste into the green bins.
2. Officers report the outcome of the request back to Council at the November 2020 Council meeting, including any cost associated with the contract variation.

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

AT THIS STAGE IN THE PROCEEDINGS, AT 11.59 PM, CR MASSELOS MOVED A PROCEDURAL MOTION, SECONDED BY CR LEWIS, TO ADJOURN THE MEETING TO 6.00 PM ON TUESDAY, 27 OCTOBER 2020.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Crs Burrill and O'Neill were not present for the consideration and vote on the procedural motion.

At 12.00 am, the meeting adjourned.

AT 6.00 PM ON TUESDAY, 27 OCTOBER 2020, CR MASSELOS MOVED A PROCEDURAL MOTION, SECONDED BY CR GOLTSMAN, TO RECONVENE THE MEETING.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Crs Burrill and O'Neill were not present for the consideration and vote on the procedural motion.

At 6.00 pm, the meeting reconvened.

CM/8.5/20.10 Notts Avenue Streetscape Upgrade - Design Threat Assessment (A02/0421)

MOTION

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Notes that Council officers are working with consultants Risk Group to finalise the Security Masterplan for future Council consideration.
2. Notes that the Security Masterplan will provide a consistent framework and internal process for effective risk planning and embedding design risk assessments into all future projects.
3. Notes that, while pedestrian safety has underpinned the Notts Avenue streetscape upgrade design incorporating a shared zone, a design threat assessment has not been completed.
4. Officers request the consultants to expedite the design threat assessment on the Notts Avenue streetscape upgrade design to further enhance pedestrian safety, particularly in regard to hostile vehicle mitigation.
5. Officers proceed with any recommended minor design changes that can be accommodated within the existing budget.
6. Officers urgently report back to Council on any significant design amendments that would require additional funding or modifications that affect traffic and/or pedestrian movements.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 6.

DECISION:

That Council:

1. Notes that Council officers are working with consultants Risk Group to finalise the Security Masterplan for future Council consideration.

2. Notes that the Security Masterplan will provide a consistent framework and internal process for effective risk planning and embedding design risk assessments into all future projects.
3. Notes that, while pedestrian safety has underpinned the Notts Avenue streetscape upgrade design incorporating a shared zone, a design threat assessment has not been completed.
4. Officers request the consultants to expedite the design threat assessment on the Notts Avenue streetscape upgrade design to further enhance pedestrian safety, particularly in regard to Hostile Vehicle Mitigation.
5. Officers proceed with any recommended minor design changes that can be accommodated within the existing budget.
6. Officers urgently and confidentially report back to Council on any significant design amendments that would require additional funding or modifications that affect traffic and/or pedestrian movements.

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

CM/8.6/20.10 Development Application at 79-103 Wellington Street, Bondi Beach - Public Submissions (DA-268/2020)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council notes the following key issues raised in public submissions in relation to DA-268/2020, 79-103 Wellington Street, Bondi:

1. The increase in density of the development arising from the demolition of buildings on 11 properties and the construction of 71 dwellings.
2. The loss of existing open space that currently forms part of the subject properties.
3. The accumulated traffic impacts directly on this neighbourhood and on the wider Bondi/Waverley area, especially considering the recently approved development at 107 Wellington Street, Bondi, currently under construction.

DURING THE CONSIDERATION OF THIS ITEM, CR KAY RAISED A POINT OF ORDER THAT CR WAKEFIELD'S SUBMISSION WAS IRRELEVANT TO THE SUBJECT MATTER. THE CHAIR DID NOT UPHOLD THE POINT OF ORDER. CR KAY, SECONDED BY CR BETTS, MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

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

CM/8.7/20.10 David Gulpilil and Bondi Pavilion (A15/0272)**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That the Mayor and Council's Reconciliation Action Plan Champion, Cr Dominic Wy Kanak, with respect and observance of cultural protocols, writes to Mr David Gulpilil and/or his family contact:

1. Wishing him well in healing from his reported cancer.
2. Thanking/honouring Mr Gulpilil for sharing his cultural performance and acting skills with the international community, and specifically thanking him for his participation and cultural dancing contribution to the local community opening night of the Bondi Pavilion Community Cultural Centre Theatre before the then Prime Minister Gough Whitlam and the Prime Minister's wife, Margaret Whitlam.
3. Seeking Mr Gulpilil's and/or his family contact's permission to deal with and prominently display photos featuring Mr Gulpilil's images from that opening night in the fittings for the completed 'makeover' renovation of the Bondi Community Cultural Centre.
4. Informing Mr Gulpilil and/or his family contact that his images and photos of participation in the opening of the Bondi Pavilion Community Cultural Centre Theatre are part of the valued heritage of Bondi and our Waverley community.

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

9. Questions with Notice

There were no questions with notice.

10. Urgent Business**CM/10.1/20.10 22-26 Edward Street, Bondi - Land and Environment Court Matter (DA-426/2019)**

Cr Wy Kanak requested that the following motion be dealt with as an item of urgent business:

'That Council requests the Land and Environment Court to undertake a site visit to 22-26 Edward Street, Bondi, to observe the issues raised in public submissions on the appeal for the DA and to enable additional interested residents to make submissions to the Court on the matter prior to the Court making its determination on the appeal.'

The Chair ruled that the proposed business was not of great urgency because the matters raised by Cr Wy Kanak can be dealt with by the Court.

11. Closed Session**CM/11/20.10 Closed Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Nemesh

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/11.1/20.10 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; confer a commercial advantage on a competitor of Council; and reveal a trade secret.

CM/11.2/20.10 CONFIDENTIAL REPORT - Alexandria Integrated Facility and 48A Burrows Road, Alexandria - Lease with Ausgrid

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/11.3/20.10 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee

This matter is considered to be confidential in accordance with section 10A(2)(a) 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 personnel matters concerning a particular individual (other than a councillor).

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

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

At 6.42 pm, at the reconvened meeting, Council moved into closed session.

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/11.2/20.10 CONFIDENTIAL REPORT - Alexandria Integrated Facility and 48A Burrows Road, Alexandria - Lease with Ausgrid.

CM/11.3/20.10 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee.

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

CM/11.1/20.10 CONFIDENTIAL REPORT - Sculpture by the Sea 2020 (A19/0736)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Treats the 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. Notes the advice in the report regarding the status of the 2020 Sculpture by the Sea Event.
3. Defers the decision concerning the Sculpture by the Sea event being conducted in April 2021 until the December Council meeting to better consider COVID-19 Public Health Orders.
4. Receives advice from Sculpture by the Sea as to their proposed timetable of events for 2021 and options for various iterations of the proposed events.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Treats the 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. Notes the advice in the report regarding the status of the 2020 Sculpture by the Sea Event.

3. Defers the decision concerning the Sculpture by the Sea event being conducted in April 2021 until the December Council meeting to better consider COVID-19 Public Health Orders.
4. Receives advice from Sculpture by the Sea as to their proposed timetable of events for 2021 and options for various iterations of the proposed events.
5. Officers further investigate options to reduce parking and congestion impacts in local streets, including those on page 8 of the report for a bus shuttle service from Bondi Junction and expanding traffic management plans, for future Sculpture by the Sea events in Waverley, and prepare a report for Council's consideration.

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

CM/11.2/20.10 CONFIDENTIAL REPORT - Alexandria Integrated Facility and 48A Burrows Road, Alexandria - Lease with Ausgrid (A12/0627)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the 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. Enters into a lease with Ausgrid over the land known as 48A Burrows Road, Alexandria (Lot 1, DP 575487) on the terms outlined in the report.
3. Authorises the General Manager to complete the negotiations and execute the documents once finalised.

CM/11.3/20.10 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee (P18/0052)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the 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)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning a particular individual (other than a councillor).
2. Receives and notes the minutes of the Performance Review Committee meeting held on 12 August 2020 attached to the report.
3. Endorses the decisions made by the Committee.

12. Resuming in Open Session

CM/12/20.10 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That Council resumes in open session.

At 7.15 pm, at the reconvened meeting, 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 RECONVENED MEETING CLOSED AT 7.18 PM.

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SIGNED AND CONFIRMED
MAYOR
17 NOVEMBER 2020