



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 APRIL 2021**

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 Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

John Clark	Acting General Manager
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
Tony Pavlovic	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 Risk

At the commencement of proceedings at 7.00 pm, those present were as listed above.

At 9.30 pm, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Kay.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.2.2/21.04 – Adoption of Minutes – Waverley Traffic Committee Meeting – 25 March 2021 – TC/C.03/21.03 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi and informed the meeting that he leases property in Park Parade.

3. Obituaries

Cameron Crofts.

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 D Robinson (on behalf of the Francis Street and Community Traffic Committee) – CM/5.2/21.04 – Adoption of Minutes – Waverley Traffic Committee Meeting – 25 March 2021 – TC/V.05/21.03 – Barracluff Avenue, Bondi Beach – Traffic Calming Scheme.
- 4.2 E Morel (on behalf of Friends of Bondi Pavilion) – CM/7.11/21.04 – Bondi Pavilion Restoration and Conservation Project – Amphitheatre Design Options.
- 4.3 M Gould – CM/7.11/21.04 – Bondi Pavilion Restoration and Conservation Project – Amphitheatre Design Options.

- 4.4 N Boaz – CM/7.11/21.04 – Bondi Pavilion Restoration and Conservation Project – Amphitheatre Design Options.
- 4.5 J Nolan – CM/7.11/21.04 – Bondi Pavilion Restoration and Conservation Project – Amphitheatre Design Options.

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/5.1/21.04 Confirmation of Minutes - Council Meeting - 16 March 2021.
- CM/7.2/21.04 Investment Portfolio Report - March 2021.
- CM/7.3/21.04 SSROC Electricity Procurement.
- CM/7.13/21.04 Venue Hire Grant Application - Chronology Arts (Weird Nest).
- CM/7.14/21.04 Eastgate Car Park - Variation of Lease.

5. Confirmation and Adoption of Minutes

CM/5.1/21.04 Confirmation of Minutes - Council Meeting - 16 March 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 16 March 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/21.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 March 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Wakefield

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 25 March 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.05/21.03 – Barracluff Avenue, Bondi Beach – Traffic Calming Scheme.
2. TC/C.03/21.03 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.

And that these items be dealt with separately below.

CM/5.2.1/21.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 March 2021 - TC/V.05/21.03 - Barracluff Avenue, Bondi Beach - Traffic Calming Scheme (A03/0042-04)

This item was saved and excepted by Cr Wakefield.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Approves the traffic calming scheme for Barracluff Avenue as shown in Attachment 1 as a one-year trial.
2. Officers monitor traffic speeds and movement in Barracluff Avenue post-installation of the traffic calming scheme.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes without substantial reduction in the landscaping and greening elements of the scheme.

D Robinson (on behalf of the Francis Street and Community Traffic Committee) addressed the meeting.

CM/5.2.2/21.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 March 2021 - TC/C.03/21.03 - 40 km/h Speed Limit Changes - Traffic Control Devices - Park Parade and Dickson Street at Birrell Street, Bondi (A18/0579)

This item was saved and excepted by Cr Betts.

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

MOTION (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Burrill

That Council:

1. Approves the installation of centre line marking with kerb extensions at the intersection of Park Parade and Birrell Street as shown in Figure 2, subject to deletion of the kerb extension on the eastern corner to retain two exit lanes from Park Parade and consideration of increasing the proposed kerb extension on the western corner for improved pedestrian safety.
2. Approves the installation of a pedestrian refuge island with kerb extensions at the intersection of Dickson Street and Birrell Street as shown in Figure 3, subject to deletion of the kerb extension on the western corner to retain two exit lanes from Dickson Street and consideration of removing or minimising the proposed kerb reduction on the eastern corner for improved pedestrian safety.

3. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Park Parade intersection.
4. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Dickson Street intersection.
5. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
6. Investigates the addition of kerb blisters and line markings within the regulatory No Stopping zones in Birrell Street at each intersection to improve line of sight for exiting vehicles.

FORESHADOWED MOTION

Mover: Cr Wakefield

That Council defers this item for a schema and commentary on the consequences of the following proposed changes relative to the Traffic Committee's recommendation:

1. Approves the installation of centre line marking with kerb extensions at the intersection of Park Parade and Birrell Street as shown in Figure 2, subject to deletion of the kerb extension on the eastern corner to retain two exit lanes from Park Parade and consideration of increasing the proposed kerb extension on the western corner for improved pedestrian safety.
2. Approves the installation of a pedestrian refuge island with kerb extensions at the intersection of Dickson Street and Birrell Street as shown in Figure 3, subject to deletion of the kerb extension on the western corner to retain two exit lanes from Dickson Street and consideration of removing or minimising the proposed kerb reduction on the eastern corner for improved pedestrian safety.
3. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Park Parade intersection.
4. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Dickson Street intersection.
5. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
6. Investigates the addition of kerb blisters and line markings within the regulatory No Stopping zones in Birrell Street at each intersection to improve line of sight for exiting vehicles.

THE MOVER OF THE MOTION THEN WITHDREW THE MOTION.

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

MOTION / DECISION

Mover: Cr Wakefield

Secunder: Cr Betts

That Council defers this item for a schema and commentary on the consequences of the following proposed changes relative to the Traffic Committee's recommendation:

1. Approves the installation of centre line marking with kerb extensions at the intersection of Park Parade and Birrell Street as shown in Figure 2, subject to deletion of the kerb extension on the eastern corner to retain two exit lanes from Park Parade and consideration of increasing the proposed kerb extension on the western corner for improved pedestrian safety.

2. Approves the installation of a pedestrian refuge island with kerb extensions at the intersection of Dickson Street and Birrell Street as shown in Figure 3, subject to deletion of the kerb extension on the western corner to retain two exit lanes from Dickson Street and consideration of removing or minimising the proposed kerb reduction on the eastern corner for improved pedestrian safety.
3. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Park Parade intersection.
4. Installs 'Do not queue across intersection' sign (sign G9-237) on the southern side of Birrell Street at the Dickson Street intersection.
5. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
6. Investigates the addition of kerb blisters and line markings within the regulatory No Stopping zones in Birrell Street at each intersection to improve line of sight for exiting vehicles.

6. Mayoral Minutes

CM/6.1/21.04 Environmental Upgrade Agreements (A09/1017)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) Council has ambitious greenhouse gas emission targets, with Council achieving our 2020 targets and is on track to achieve the 2030 target.
 - (b) The 2020 community greenhouse gas emission target was not achieved and there is significant work to be done for the 2030 community targets to be met.
 - (c) That Council officers are working with the community to help reach these targets through the highly awarded and innovative work already undertaken by Council, including Building Futures, Solar my School, Solar my Strata and Second Nature programs.
 - (d) The lack of access to upfront capital to pay for environmental upgrades can be a barrier for community members.
 - (e) The Environmental Upgrade Agreement (EUA) is an innovative financing mechanism made under NSW legislation that allows building owners to repay a loan for upgrades through a local council charge on the land.
2. Officers prepare a report to come to Council on the feasibility of Council supporting the implementation of Environmental Upgrade Agreements (EUA) in the Waverley local government area (LGA). The report is to:
 - (a) Outline the potential costs and benefits, both financial and otherwise to achieve environmental improvements in the Waverley LGA.
 - (b) How the EUAs could be managed and delivered by Council staff.

- (c) Identify any risks and liabilities to Council in the management and delivery of the program.

Background

Council has ambitious greenhouse gas emission targets and water targets for both its corporate operations and the community in the LGA. While Council achieved our 2020 greenhouse gas emissions (GHG) targets for our own operations, we have not met our community 2020 GHG target and there is significant work to deliver on these and future commitments. Council currently works with community sectors effectively to drive positive environmental change via a number of existing programs such as Building Futures, Solar my School and Second Nature. These have highlighted the numerous opportunities for environmental improvements and upgrades in local existing building stock, to drive down resource use and deliver carbon emission reductions while assisting building owners to make long-term financial savings. The lack of access to upfront capital to pay for these improvements can, however, be a major barrier. This has been further hampered by recent COVID circumstances. Due to the age of many of the buildings, there are numerous opportunities for the local building stock to be upgraded and integrated with new and more efficient technologies.

An Environmental Upgrade Agreement (EUA) is an innovative financing mechanism made under NSW legislation that allows building owners to repay a loan for upgrades through a local council charge on the land. This financing mechanism can be used for a range of upgrade works improving the environmental and sustainability performance of existing buildings. The loan that is entered between a building owner and a lender is secured, making it possible to access capital at a competitive rate, over a longer term and for larger projects.

In other areas in NSW and Victoria, Environmental Upgrade Finance would principally be used to help install solar, energy efficiency, lighting, battery and insulation upgrades across small, medium, and large projects. Currently, EUAs are focussed on commercial buildings, which is an area in which Council has had limited input in facilitating environmental building improvements. Eight Councils in NSW have supported and are supporting EUAs as they enable a process by which environmental upgrades can be financed and implemented.

CM/6.2/21.04 Pothole Repair on State Roads (A21/0004)

MOTION

Mover: Cr Masselos

That Council:

1. Notes:

- (a) That the media coverage concerning potholes in the Waverley local government area (LGA) included references to Bondi Road and Old South Head Road, which are State Roads and Council does not have responsibility for repairing or maintaining these roads.
- (b) That Council invests \$2.8 million a year in road renewals and maintenance for a road network of 132 km in the LGA.
- (c) That the NRMA survey cited in the media coverage is not representative of the true condition of the roads in Waverley.
- (d) An NRMA spokesperson as saying that 'funding for local councils to provide this service is always stretched...and it is therefore important that the state and federal government provide

funding support to councils for road maintenance’.

2. Writes to Transport for NSW seeking repair of these State Roads as a matter of urgency.
3. Receives an update from Council officers concerning status and timetable of repairs.

Background

The very recent media coverage reported on the state of Waverley’s roads. However, examples that were cited were State Roads, for which Waverley has no maintenance or repair obligations. However, if the State Government were to provide funds, Council would readily repair these major State Roads.

AMENDMENT

Mover: Cr Nemesh
Seconder: Cr Betts

That the following clause be added to the motion:

‘Considers a Have Your Say survey on its website and social channels for a period of two weeks on the state of potholes in Waverley and officers report back to Council on the findings.’

FORESHADOWED AMENDMENT

Mover: Cr Wakefield
Seconder: Cr Lewis

That the following clause be added to the motion:

‘Undertakes a Have Your Say survey on its website and social channels on the state of potholes as part of Council’s next Strategic Asset Management Plan in specific regard to road assets, and officers report back to Council on the findings.’

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Amendment: Crs Betts, Burrill, Goltsman and Nemesh.

FORESHADOWED MOTION

Mover: Cr Goltsman

That Council fixes all outstanding potholes within the local government area without delay.

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. Notes:
 - (a) That the media coverage concerning potholes in the Waverley local government area (LGA)

included references to Bondi Road and Old South Head Road, which are State Roads and Council does not have responsibility for repairing or maintaining these roads.

- (b) That Council invests \$2.8 million a year in road renewals and maintenance for a road network of 132 km in the LGA.
 - (c) That the NRMA survey cited in the media coverage is not representative of the true condition of the roads in Waverley.
 - (d) An NRMA spokesperson as saying that 'funding for local councils to provide this service is always stretched...and it is therefore important that the state and federal government provide funding support to councils for road maintenance'.
2. Writes to Transport for NSW seeking repair of these State Roads as a matter of urgency.
 3. Receives an update from Council officers concerning status and timetable of repairs.
 4. Undertakes a Have Your Say survey on its website and social channels on the state of potholes as part of Council's next Strategic Asset Management Plan in specific regard to road assets, and officers report back to Council on the findings.
 5. Notes that residents can currently lodge complaints and concerns in relation to potholes via Council's website.

7. Reports

CM/7.1/21.04 Draft Operational Plan 2021-22 including Budget, Pricing Policy, Fees and Charges 2021-22 and Long Term Financial Plan (A21/0034)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council publicly exhibits for 28 days:
 - (a) The draft Operational Plan 2021–22 including the Budget and Statement of Revenue Policy attached to the report (Attachment 1).
 - (b) The proposed Rating Structure for 2021–22 contained on page 67 of the draft Operational Plan 2021–22 together with the proposed Pricing Policy and Schedule of Fees and Charges 2021–22. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the Local Government Act (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2021 to 30 June 2022:
 - (i) An ordinary rate of 0.116114 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and subcategorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (ii) An ordinary rate of 0.503543 cents in the dollar on all rateable land categorised Business

in accordance with section 518 of the Act and subcategorised Ordinary in accordance with section 529 (2)(d) of the Act.

- (iii) An ordinary rate of 0.831943 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Bondi Junction in accordance with section 529(2)(d) of the Act
- (c) The draft Pricing Policy, Fees and Charges 2021–22 attached to the report (Attachment 2).
- (d) The proposed Domestic Waste Management Service Charge being set at \$588 per service per annum for the financial year 2021–22 in accordance with section 496 of the Act.
- (e) The proposed Stormwater Management Service Charge contained on page 70 of the draft Operational Plan 2021–22 in accordance with section 496A of the Act for the financial year 2021–22 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

2. Notes that the Long Term Financial Plan (LTFP):
 - (a) Will be reviewed annually in line with the Operational Plan and Annual Budget development.
 - (b) Sets out the projects and initiatives that Council intends to invest in and the associated resource requirements for the next 10 years. It considers and utilises a range of options for achieving balanced budgets over the life of LTFP 5.3 likely including realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 5, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.
3. Council authorises the Acting General Manager to make any necessary editorial and content changes to the draft Operational Plan, 2021–22 Budget and LTFP documentation for public exhibition in order to give effect to Council’s resolution.
4. Council officers submit a further report to Council following the exhibition period.

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:

1. Council publicly exhibits for 28 days:

- (a) The draft Operational Plan 2021–22 including the Budget and Statement of Revenue Policy attached to the report (Attachment 1).
- (b) The proposed Rating Structure for 2021–22 contained on page 67 of the draft Operational Plan 2021–22 together with the proposed Pricing Policy and Schedule of Fees and Charges 2021–22. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the Local Government Act (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2021 to 30 June 2022:
- (i) An ordinary rate of 0.116114 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and subcategorised Ordinary in accordance with section 529(2)(b) of the Act.
- (ii) An ordinary rate of 0.503543 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Ordinary in accordance with section 529 (2)(d) of the Act.
- (iii) An ordinary rate of 0.831943 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and subcategorised Bondi Junction in accordance with section 529(2)(d) of the Act
- (c) The draft Pricing Policy, Fees and Charges 2021–22 attached to the report (Attachment 2).
- (d) The proposed Domestic Waste Management Service Charge being set at \$588 per service per annum for the financial year 2021–22 in accordance with section 496 of the Act.
- (e) The proposed Stormwater Management Service Charge contained on page 70 of the draft Operational Plan 2021–22 in accordance with section 496A of the Act for the financial year 2021–22 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

2. Notes that the Long Term Financial Plan (LTFP):
- (a) Will be reviewed annually in line with the Operational Plan and Annual Budget development.
- (b) Sets out the projects and initiatives that Council intends to invest in and the associated resource requirements for the next 10 years. It considers and utilises a range of options for achieving balanced budgets over the life of LTFP 5.3 likely including realising efficiencies and cost reductions within Council operations, applying reserve funds earlier than forecast in LTFP 5, reducing or rescheduling the capital expenditure program and increasing revenue to fund

specific programs and initiatives.

3. Council authorises the Acting General Manager to make any necessary editorial and content changes to the draft Operational Plan, 2021–22 Budget and LTFP documentation for public exhibition in order to give effect to Council’s resolution.
4. Council officers submit a further report to Council following the exhibition period.
5. Council officers investigate the inclusion of the South Bondi Toilets in LTFP 5.3 and report back on funding options when the budget and LTFP are considered in June 2021.

CM/7.2/21.04 Investment Portfolio Report - March 2021 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for March 2021 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.

CM/7.3/21.04 SSROC Electricity Procurement (A17/0463)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that Council has a 100% renewable energy target to be met by 2030.
2. Authorises the General Manager to sign the Memorandum of Understanding for the Program for Energy and Environmental Risk Solutions 3 (PEERS 3) attached to the report.
3. Authorises the General Manager to enter into a contract on behalf of Council with the preferred tenderer from the upcoming Southern Sydney Regional Organisation of Councils (SSROC) request for tender for the purchase of electricity, subject to the General Manager’s satisfaction.
4. Officers report back to Council on the contract, including the proportion of renewable energy to be purchased.

CM/7.4/21.04 A Safe and Inclusive Workplace for All (A21/0125)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council receives and notes the report on the governance and operational review of current reporting structures to ensure that all staff feel safe reporting sexual assault and discrimination in the workplace.

CM/7.5/21.04 Arts and Culture Plan 2021-2026 - Adoption (A19/0092)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Adopts the Arts and Culture Plan 2021–2026 attached to the report.
2. Changes the name of the Cultural Advisory Committee to the Arts and Culture Advisory Committee, to match the proposed name of the redrafted Plan.

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

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

UNANIMOUS DECISION:

That Council:

1. Adopts the Arts and Culture Plan 2021–2026 attached to the report subject to the following amendment:
 - (a) Page 118 of the agenda, first column, second paragraph – After the word ‘are’, insert ‘as sovereign custodians’ before the word ‘the’.
2. Changes the name of the Cultural Advisory Committee to the Arts and Culture Advisory Committee, to match the proposed name of the redrafted Plan.

CM/7.6/21.04 Open Space and Recreation Strategy - Adoption (A18/0401)**MOTION**

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Notes the feedback received on the draft Open Space and Recreation Strategy during the public exhibition period between September and November 2020.
2. Adopts the Open Space and Recreation Strategy attached to the report (Attachment 1).

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

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

UNANIMOUS DECISION:

That Council:

1. Notes the feedback received on the draft Open Space and Recreation Strategy during the public exhibition period between September and November 2020.
2. Adopts the Open Space and Recreation Strategy attached to the report (Attachment 1) subject to the following amendment:
 - (a) Page 216 of the attachments under separate cover, after the first paragraph – Insert the following:

‘Section 2 of the *NSW Constitution Act 1902* recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and have made, and continue to make, a unique and lasting contribution to the identity of the State.’

CM/7.7/21.04 Cemetery Foundation (A02/0658-06)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Establishes a charitable foundation for Waverley Cemetery and South Head Cemetery, as set out in Option 1 of the report.
2. Officers, prior to establishing the Foundation, prepare a further report on its structure for the consideration of Council.

CM/7.8/21.04 Cemetery Services - Financial Analysis (A20/0249)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats Attachments 2 and 3 of the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(ii) of the *Local Government Act 1993*. The attachments contain information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Notes the financial analysis in relation to the implementation the Cemetery Services Strategic Business Plan as set out in the report.

CM/7.9/21.04 Jack Munday - Tree Memorial at Centennial Park (A02/0276)**MOTION**

Mover: Cr Goltsman

Second: Cr Betts

That Council:

1. Endorses the planting of a tree in Centennial Park in memory of Jack Munday, as detailed in the report.
2. Requests the Centennial Park and Moore Park Trust to implement or install a memorialisation that attributes the tree to Jack Munday.

AMENDMENT

Mover: Cr Keenan

Second: Cr Lewis

That the following clause be added to the motion:

'Allocates up to \$5,291.15 to fund the tree memorial.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 4 AND 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Endorses the planting of a tree in Centennial Park in memory of Jack Munday, as detailed in the report.
2. Requests the Centennial Park and Moore Park Trust to implement or install a memorialisation that attributes the tree to Jack Munday.
3. Allocates up to \$5,291.15 to fund the tree memorial.
4. Notes that a separate report will be put before Council in relation to the naming of a room or the installation of a plaque at Bondi Pavilion honouring Jack Munday.
5. Notes that Unions NSW and Bayside, Woollahra and City of Sydney Councils have decided not to contribute funds to the planting of a memorial tree.

Division**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Nemesh and Wy Kanak.**Against the Motion:** Crs Betts, Burrill and Goltsman.*Cr Wakefield was not present for the vote on this item.*

At 9.30 pm, following the vote on this item, the meeting adjourned for short break.

At 9.30 pm, Cr Burrill left the meeting and did not return.

At 9.36 pm, the meeting resumed.

CM/7.10/21.04 Charing Cross Streetscape Upgrade - Community Consultation (A18/0541)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Publicly exhibits the Charing Cross Streetscape concept design and traffic studies summary document attached to the report for 28 days.
2. Notes the traffic and stormwater investigations detailed in the report.
3. Notes that a further report will be prepared for Council post-exhibition summarising the consultation process and key feedback and recommending any necessary revisions to the concept design.

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

CM/7.11/21.04 Bondi Pavilion Restoration and Conservation Project - Amphitheatre Design Options (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Notes the summary in the report regarding the amphitheatre report presented to Council in November 2018.
2. Notes the feasibility review summarised in the report and attached to the report into increasing soft landscaping in the northern courtyard of the Bondi Pavilions as well as the incorporation of a heritage sympathetic amphitheatre landscape feature within the courtyard.
3. Proceeds to document the option for additional soft landscaping in the northern courtyard in consultation with key internal and external stakeholders.
4. Defers a decision on a landscaped amphitheatre within the courtyard of the Bondi Pavilion until after the completion of the restoration of the Bondi Pavilion.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 4 AND THE ADDITION OF A NEW CLAUSE 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes the summary in the report regarding the amphitheatre report presented to Council in November 2018.
2. Notes the feasibility review summarised in the report and attached to the report into increasing soft landscaping in the northern courtyard of the Bondi Pavilions as well as the incorporation of a heritage sympathetic amphitheatre landscape feature within the courtyard.
3. Proceeds to document the option for additional soft landscaping in the northern courtyard in consultation with key internal and external stakeholders.
4. Defers a decision on a landscaped amphitheatre within the courtyard of the Bondi Pavilion until after the completion of the restoration of the Bondi Pavilion, and continues to keep in motion all processes for further consideration when a decision is made.
5. Notes that if Council resolves to support the construction of the amphitheatre in the future, it would require Council to divert money from the Long Term Financial Plan to create a new project.

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

E Morel (on behalf of Friends of Bondi Pavilion), M Gould, N Boaz and J Nolan addressed the meeting.

CM/7.12/21.04 Bondi Surf Bathers Life Saving Club Conservation and Upgrade Project - Update (A19/0172)

MOTION / DECISION

Mover: Cr Wakefield
 Secunder: Cr Wy Kanak

That Council:

1. Notes that the issues raised in Council resolution CM/7.9/20.10 have been resolved.
2. Lodges a development application for the Bondi Surf Bathers Life Saving Club Conservation and Upgrade Project in late April/early May 2021.

Division

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

Against the Motion: Nil.

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

CM/7.13/21.04 Venue Hire Grant Application - Chronology Arts (Weird Nest) (A20/0561)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
 Secunder: Cr Keenan

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program

2020–2021, grants \$1,340.98 to Chronology Arts (trading as Weird Nest), for the hire of Hugh Bamford Hall during May and June 2021.

CM/7.14/21.04 Eastgate Car Park - Variation of Lease (A19/0770)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves a Variation of Lease to allow ISPT Nominees Pty Ltd to increase the size of its existing grease trap facility room on the lower level of Eastgate Car Park, on the terms and conditions contained in the report.
2. Authorises the General Manager to execute the Variation of Lease and any associated documentation to finalise this matter.

CM/7.15/21.04 Tender Evaluation - Processing and Disposal Services for General Solid Waste (Non-putrescible) (SF20/1995)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Treats the Tender Evaluation Matrix attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Veolia Environmental Services (Australia) Pty Ltd as the preferred tenderer for the supply of processing and disposal services for general solid waste (non-putrescible) at the following schedule of rates:
 - (a) Clean-up waste: \$273.
 - (b) Mattresses: \$37.50.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Veolia Environmental Services (Australia) Pty Ltd for seven years with three, one-year options to extend that term.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

8. Notices of Motions

There were no notices of motions.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business**CM/10.1/21.04 His Royal Highness Prince Philip, Duke of Edinburgh (A02/0017)**

The Chair ruled that this matter was urgent.

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Betts

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

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Betts

That Council:

1. Following the death of His Royal Highness Prince Philip, Duke of Edinburgh, establishes a Book of Condolence for individuals to sign in his honour.
2. Makes the Book of Condolence available at Council's Customer Service Centre and notifies the community of its availability through usual media channels.
3. Forwards the Book of Condolence to Buckingham Palace.

Division

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

Against the Motion: Nil.

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

11. Closed Session**CM/11/21.04 Closed Session**

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Nemesh
Seconder: Cr Goltsman

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* for the reasons specified:

CM/11.1/21.04 CONFIDENTIAL REPORT - Safety by Design in Public Spaces

This matter is considered to be confidential in accordance with section 10A(2)(e) 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, prejudice the maintenance of law.

CM/11.2/21.04 CONFIDENTIAL REPORT - Disposal of General Waste (Non-putrescible) - Procurement Exemption

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/11.3/21.04 CONFIDENTIAL REPORT - Hotel Ravesis, 118-122 Campbell Parade, Bondi Beach - Airspace 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 section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, 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*.
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*.

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

At 10.15 pm, Council moved into closed session.

CM/11.1/21.04 CONFIDENTIAL REPORT - Safety by Design in Public Spaces (A20/0052)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Betts

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)(e) of the *Local Government Act 1993*. The report contains information that would, if disclosed, prejudice the maintenance of law.
2. Receives and notes the Safety by Design in Public Spaces concept design masterplan and vulnerability assessment attached to the report.
3. Proceeds with the concept design masterplan for the locations included in the report.
4. Endorses the Safety by Design in Public Spaces project engagement approach.
5. Proceeds with the implementation of the concept design masterplan for the location referred to in table 1 of the report.
6. Officers report back to Council with final designs, costing and budget allocation for the detailed designs of the masterplan for the location referred to in table 2 of the report.

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

**CM/11.2/21.04 CONFIDENTIAL REPORT - Disposal of General Waste (Non-putrescible) -
Procurement Exemption (A19/0820)****MOTION / DECISION**

Mover: Cr Lewis

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)(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. Authorises a procurement exemption to engage Veolia Environmental Services for the dollar amount included in the report for the disposal of general waste (non-putrescible) materials required for Council's residential clean-up service and public place cleansing services to cover the period from 1 March 2021 to 31 May 2021 while the tender for disposal services for general waste (non-putrescible) materials is finalised.

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

CM/11.3/21.04 CONFIDENTIAL REPORT - Hotel Ravesis, 118-122 Campbell Parade, Bondi Beach - Airspace Lease (A02/0328)**MOTION**

Mover: Cr Lewis
Seconder: Cr Nemes

That Council reaffirms resolution CM/11.1/19.08 passed at the Council meeting on 20 August 2019 and enters into the lease in accordance with clause 4 of that resolution.

FORESHADOWED MOTION

Mover: Cr Wakefield

That Council defers this item to gain further information about the options available.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council reaffirms resolution CM/11.1/19.08 passed at the Council meeting on 20 August 2019 and enters into the lease in accordance with clause 4 of that resolution.

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

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

12. Resuming in Open Session**CM/12/21.04 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Goltsman
Seconder: Cr Nemes

That Council resumes in open session.

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

At 10.41 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 10.44 PM.

.....
SIGNED AND CONFIRMED
MAYOR
25 MAY 2021