



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 22 JUNE 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 Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley 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:

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Risk

At the commencement of proceedings at 7.02 pm, those present were as listed above with the exception of Cr Keenan who arrived at 7.08 pm during addresses by members of the public.

At 10.36 pm, during the consideration of item CM/8.8/21.06, 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 Copeland.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in item CM/7.8/21.06 – Use of Contractors Supporting Adani and informed the meeting that he has shares in the Commonwealth Bank and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Betts declared a pecuniary interest in item CM/7.8/21.06 – Use of Contractors Supporting Adani and informed the meeting that she has shares in the Commonwealth Bank and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Nemesh declared a pecuniary interest in item CM/7.8/21.06 – Use of Contractors Supporting Adani and informed the meeting that he has shares in the Commonwealth Bank and will leave the meeting for the consideration and vote on this item.
- 2.4 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.01/21.05 – 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.
- 2.5 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/7.9/21.06 – Housing Advisory Committee – Membership and informed the meeting that he knows one of the people appointed to the Committee, Mora Main, as she is also a member of The Greens.

3. Obituaries

There were no obituaries.

4. Addresses by Members of the Public

- 4.1 B Mouroukas (on behalf of Bondi Heights Precinct) – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.2 G Beard – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.3 S Hoppe – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.4 R Gittoes – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.5 L Mann – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.6 A Ellis – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.
- 4.7 The Dogias family – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.8 S Musca – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.9 G Wakeman – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.10 M and P Silver – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.11 Y Super – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.12 M Maier – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.13 M Xi – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.14 K Hoby – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.15 B Everingham – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.

- 4.16 P Alexiou – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.17 C Bannenberg – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.18 K Murray – CM/5.3/21.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 May 2021 – TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.
- 4.19 J Lowenstein – CM/7.14/21.06 – Beach Volleyball – Community Feedback.
- 4.20 A Douglas – CM/7.14/21.06 – Beach Volleyball – Community Feedback.
- 4.21 A resident – CM/7.14/21.06 – Beach Volleyball – Community Feedback.
- 4.22 J McAlpin (on behalf of Charing Cross Precinct) – Charing Cross Streetscape Upgrade – Community Consultation Outcomes.
- 4.23 A Douglas – CM/8.1/21.06 – Playground Maintenance Service Standards.
- 4.24 Y Hutchinson – CM/8.2/21.06 – Tower Cranes on Private Property.
- 4.25 B Scaffidi (President, Bronte Surf Life Saving Club) – CM/11.3/21.06 – CONFIDENTIAL REPORT – Bondi Surf Club Conservation and Upgrade and Bronte Surf Club and Community Facilities Upgrade – Heads of Agreement.

ITEMS BY EXCEPTION

MOTION / DECISION

Mover: Cr Masselos

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

- CM/5.1/21.06 Confirmation of Minutes – Council Meeting – 25 May.
- CM/5.2/21.06 Confirmation of Minutes – Extraordinary Council Meeting – 1 June.
- CM/7.3/21.06 Councillors' Fees – Local Government Remuneration Tribunal Determination 2021.
- CM/7.4/21.06 Investment Policy – Review.
- CM/7.5/21.06 Investment Portfolio Report – May 2021.
- CM/7.6/21.06 Rates and Charges Policy – Review.
- CM/7.7/21.06 Trade Debtors – Debt Write Off.
- CM/7.10/21.06 High Impact Events 2021-22.
- CM/7.13/21.06 Bondi Pavilion Restoration and Conservation Project – Quarterly Report.
- CM/7.18/21.06 Waverley Park Cafe – Lease – Exhibition.

- CM/7.19/21.06 Tender Evaluation – Car Park Access Infrastructure Upgrade.
- CM/8.1/21.06 Playground Maintenance Service Standards
- CM/8.2/21.06 Tower Cranes on Private Property.
- CM/8.3/21.06 Metered Parking and Footpath seating.
- CM/8.4/21.06 Rodney Reserve – Landslip.
- CM/8.6/21.06 CSIRO Radio Astronomy Facility, Rodney Reserve – State Heritage Listing.
- CM/8.7/21.06 Biodegradable Dog Litter Bags.
- CM/8.9/21.06 COVID-19 Testing for Under 5s.

5. Confirmation and Adoption of Minutes

CM/5.1/21.06 Confirmation of Minutes - Council Meeting - 25 May 2021 (SF21/279)

MOTION / DECISION

Mover: Cr Masselos

That the minutes of the Council Meeting held on 25 May 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/21.06 Confirmation of Minutes - Extraordinary Council Meeting - 1 June 2021 (SF21/279)

MOTION / DECISION

Mover: Cr Masselos

That the minutes of the Extraordinary Council Meeting held on 1 June 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.3/21.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 May 2021 (SF21/282)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 27 May 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/21.05 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade and Dickson Street at Birrell Street, Bondi.

- TC/C.02/21.05 – Boonara Avenue, Bondi – Right Turn Ban into Bondi Road.

And that these items be dealt with separately below.

CM/5.2.1/21.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 May 2021 - TC/C.01/21.05 - 40 km/h Speed Limit Changes - Traffic Control Devices - Park Parade and Dickson Street at Bondi (A18/0579)

This item was saved and excepted by Cr Kay.

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 / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Burrill

That Council:

- Does not proceed with the proposals for the Birrell Street intersections with Park Parade and Dickson Street.
- Officers investigate short-term measures that can enhance pedestrian and vehicle safety without impacting traffic flow unduly, such as stop lines/signs at both intersections, concrete blisters in the regulatory 'No Stopping' setback in Birrell Street at Dickson Street (as per April 2021 Council resolution), and a temporary kerb extension to the western corner of Park Parade, with a report to be presented to the Waverley Traffic Committee for consideration.
- Undertakes a local area traffic study to develop a comprehensive long-term solution to traffic issues at these locations.

Division

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

Against the Motion: Nil.

B Mouroukas (on behalf of Bondi Heights Precinct), G Beard, S Hoppe, R Gittoes, L Mann and A Ellis addressed the meeting.

CM/5.2.2/21.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 May 2021 - TC/C.02/21.05 - Boonara Avenue, Bondi - Right Turn Ban into Bondi Road (A21/0178)

This item was saved and excepted by Cr Kay.

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Burrill

That:

- The Waverley Traffic Committee recommendation to ban the right turn from Imperial Avenue

northbound into Bondi Road not be adopted.

2. Council supports banning the right turn from Boonara Avenue into Bondi Road, Bondi.
3. Council refers the banning of the Boonara Avenue right turn to Transport for NSW (TfNSW) for investigation, consultation and action, requesting that TfNSW considers the ban for a trial period of 12 months.
4. Council advises residents who were surveyed of the decision.
5. Consults residents during any trial to determine whether to ban the right turn from Imperial Avenue northbound following detailed Council officer investigation into the matter and consideration by the Waverley Traffic Committee.

The Dogias family, S Musca, G Wakeman, M and P Silver, Y Super, M Maier, M Xi, K Hoby, B Everingham, P Alexiou, C Bannenberg and K Murray addressed the meeting.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/21.06 Operational Plan 2021-22 including Budget, Pricing Policy, Fees and Charges 2021-22 and Long Term Financial Plan 5.3 (A21/0034)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Receives and notes the community and internal submissions made in relation to the Operational Plan 2021–22, Pricing Policy, Fees and Charges 2021–22, Budget and Capital Works 2021–22 and Long-Term Financial Plan 5.2, as set out in Attachment 1 of the report.
2. Adopts the Operational Plan 2021–22 attached to the report (Attachment 2), including the Rating Structure for 2021–22 on page 67 and the changes to the Budget set out in Table 2 of the report. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act* (the Act), 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 0.116144 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.
3. Adopts the Pricing Policy, Fees and Charges 2021–22 attached to the report (Attachment 3).
 4. Sets the Domestic Waste Management Service Charge at \$588 per service per annum for the financial year 2021–22 in accordance with section 496 of the Act.
 5. Sets the Stormwater Management Service Charge, as contained on page 70 of the Operational Plan 2021–22 and 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

6. Receives and notes the Long-Term Financial Plan (LTFP 5.3) for an 11-year period from 2021–21 to 2031–2032 including the Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as set out in Attachment 5 of the report.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Burrill

That the Operational Plan 2021–22 attached to the report be adopted subject to the fourth paragraph of the Mayor’s Message being amended to read as follows:

‘The Bondi Pavilion Conservation and Restoration project will be completed in early 2022, ahead of schedule, meeting the increased budget that is now \$43 million. 2020 saw the completion of the Spring Street section of the Bondi Junction cycleway, and 2021 will see the West Oxford Street section finished.’

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

Division

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

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

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

DECISION:

That Council:

1. Receives and notes the community and internal submissions made in relation to the Operational Plan 2021–22, Pricing Policy, Fees and Charges 2021–22, Budget and Capital Works 2021–22 and Long-Term Financial Plan 5.2, as set out in Attachment 1 of the report.

2. Adopts the Operational Plan 2021–22 attached to the report (Attachment 2), including the Rating Structure for 2021–22 on page 67 and the changes to the Budget set out in Table 2 of the report. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act* (the Act), 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 0.116144 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.
3. Adopts the Pricing Policy, Fees and Charges 2021–22 attached to the report (Attachment 3).
4. Sets the Domestic Waste Management Service Charge at \$588 per service per annum for the financial year 2021–22 in accordance with section 496 of the Act.
5. Sets the Stormwater Management Service Charge, as contained on page 70 of the Operational Plan 2021–22 and 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

6. Receives and notes the Long-Term Financial Plan (LTFP 5.3) for an 11-year period from 2021–21 to 2031–2032 including the Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as set out in Attachment 5 of the report.

CM/7.2/21.06

Audit, Risk and Improvement Committee Meeting - 18 March 2021 - Minutes (SF21/529)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 18 March 2021 attached to the report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 2–4.

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

UNANIMOUS DECISION:

That Council:

1. Council notes the minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting held on 18 March 2021 attached to the report.
2. Notes that the ARIC has requested a report on the Reserves Strategy, which was not dealt with at the last meeting on 20 May 2021.
3. Notes that the report on the Reserves Strategy is due to be tabled at the next meeting on 29 July 2021, which will not be on the 17 August 2021 Council meeting agenda.
4. Circulates the report on the Reserves Strategy to all Councillors after the ARIC meeting on 29 July 2021.

CM/7.3/21.06 Councillors' Fees - Local Government Remuneration Tribunal Determination 2021 (A03/1343)

MOTION / DECISION

Mover: Cr Masselos

That Council, in accordance with the Local Government Remuneration Tribunal's Annual Report and Determination 2021 attached to this report, endorses the annual fees payable to councillors for the year 1 July 2021 to 30 June 2022 as follows:

1. All Councillors (including the Mayor) – \$20,690.
2. Mayor – \$45,110 in addition to the Councillor fee.
3. Deputy Mayor – \$3,992.24 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

CM/7.4/21.06 Investment Policy - Review (A05/0197)

MOTION / DECISION

Mover: Cr Masselos

That Council adopts the Investment Policy attached to the report.

CM/7.5/21.06 Investment Portfolio Report - May 2021 (A03/2211)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Receives and notes the Investment Summary Report for May 2021 attached to the report.
2. Notes that the Chief Financial Officer, as the responsible accounting officer, advises 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/7.6/21.06 Rates and Charges Policy - Review (A16/0865)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Adopts the Rates and Charges Policy attached to the report (Attachment 2).
2. Notes that the General Manager's write-off delegation for rates and charges is up to \$100.

CM/7.7/21.06 Trade Debtors - Debt Write Off (SF17/299)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Writes off bad trade debts amounting to \$4,398.02 as set out in Table 1 of the report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.
2. Notes that \$9,398.70 has been written off by the General Manager for the period 8 December 2020 to 21 June 2021, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

CM/7.8/21.06 Use of Contractors Supporting Adani (A20/0453)

Crs Betts, Kay and Nemesh declared a pecuniary interest in this item and informed the meeting that they have shares in the Commonwealth Bank. Crs Betts, Kay and Nemesh were not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. Council officers review the procurement policy, procurement procedures and other related documents listed in Table 1 of the report and amend them to comply with Council's resolution of 16 March 2021 that, when deciding on the award of a contract, where all other factors are equal, Council prefers an entity that is not itself identified as supplying goods or services, or having supplied goods and services, to the Adani Coal Project.
2. The amended policy and procedures be circulated to Councillors for information.

CM/7.9/21.06 Housing Advisory Committee - Membership (A10/0353)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he knows one of the people appointed to the Committee, Mora Main, as she is also a member of The Greens.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council appoints the following individuals to the Housing Advisory Committee from 1 July 2021 to 4 September 2022:

1. Elias McGrath.
2. Ryan Rosenbaum.
3. Stephanie Bbhim.
4. Gabriela Quintana Vigiola.

FORESHADOWED MOTION

Mover: Cr Betts

That Council:

1. Defers this item to appoint an external Housing Advisory Committee until after the next local government election when a further invitation to join the Committee can be arranged and operates with the internal committee to assess the condition of all Council's social and affordable housing stock with our partner Bridge Housing.
2. Notes the potential for conflicts of interest of some of the recommended appointees to the Committee.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council appoints the following individuals to the Housing Advisory Committee from 1 July 2021 to 4 September 2022:

1. Stephanie Bbhim.
2. Gabriela Quintana Vigiola.
3. Carlo di Giulio.
4. Mora Main.

CM/7.10/21.06 High Impact Events 2021-22 (A20/0361)**MOTION / DECISION**

Mover: Cr Masselos

That Council:

1. Approves the following program of high-impact events scheduled for the period 1 July 2021 to 30 June 2022, subject to the requirements of any applicable NSW Public Health Orders:
 - (a) Bondi Festival (including extended tenure of Ferris wheel).
 - (b) Festival of the Winds.
 - (c) City2Surf and Council Marquee Program.
 - (d) Sculpture by the Sea.
 - (e) Dudley Page New Year's Eve.
 - (f) Flickerfest.
 - (g) Outdoor Cinema.
 - (h) Latin American Festival.
 - (i) North Bondi RSL ANZAC Day Dawn Service Ceremony.
2. Notes the following medium-impact events that are included in the annual calendar of events
 - (a) Ocean Lovers Festival (previously high-impact, now medium-impact).
 - (b) Bondi Blitz (previously high-impact, now medium-impact).
 - (c) Carols by the Sea (previously high-impact, now medium-impact).
 - (d) Bondi to Bronte Swim (previously high-impact, now medium-impact).
 - (e) Global Table (previously high-impact, now medium-impact).
3. Notes that all scheduled high-impact events outlined in Attachment 1 of the report are required to submit a COVID-19 Safety Plan and comply with Council's Events Policy and Event Management Guidelines.
4. Approves an extended tenure of the Bondi Vista Ferris wheel for the period 12 July to 25 July 2021.
5. Notes that City2Surf date has been rescheduled to Sunday 17 October 2021.

CM/7.11/21.06 Sydney WorldPride 2023 - Bondi Beach Party (A19/0568)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Approves the Bondi Beach Party event at south Bondi for the official closing event of Sydney WorldPride 2023.
2. Notes that the event will remain subject to NSW Public Health Orders at the time.
3. Notes that event approval is subject to a fully executed licence agreement, the submission of a draft Event Management and Delivery Plan 12 weeks before the event and final plan four weeks before the event.

CM/7.12/21.06 Bondi Park, Beach and Pavilion Plan of Management - Adoption (A03/0090)**MOTION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes the feedback received during the public exhibition period on the Bondi Park, Beach and Pavilion Park Plan of Management.
2. Adopts the Bondi Park, Beach and Pavilion Plan of Management attached to the report (Attachment 3) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*, subject to all references to the underground car park being deleted.

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

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

DECISION:

That Council:

1. Notes the feedback received during the public exhibition period on the Bondi Park, Beach and Pavilion Park Plan of Management.
2. Adopts the Bondi Park, Beach and Pavilion Plan of Management attached to the report (Attachment 3) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Land Management Act 2016*, subject to all references to the underground car park being deleted, noting that this amendment is not substantial, was exhibited and is consistent with Council's resolution of October 2017.

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

At 9.23 pm, following the vote on this item, the meeting adjourned for a short break.

At 9.31, the meeting resumed.

**CM/7.13/21.06 Bondi Pavilion Restoration and Conservation Project - Quarterly Report
(A15/0272)**

MOTION / DECISION

Mover: Cr Masselos

That Council receives and notes the report on the Bondi Pavilion Restoration and Conservation project.

CM/7.14/21.06 Beach Volleyball - Community Feedback (A03/0094)

MOTION

Mover: Cr Wakefield

Secunder: Cr Wy Kanak

That Council:

1. Continues to support beach volleyball at Tamarama and Bondi Beaches based on the revised rules of play outlined in the report.
2. Increases the number of courts permitted at Bondi Beach from three to four.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 3–5.

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

UNANIMOUS DECISION:

That Council:

1. Continues to support beach volleyball at Tamarama and Bondi Beaches based on the revised rules of play outlined in the report.
2. Increases the number of courts permitted at Bondi Beach from three to four.
3. Ensures that the layout and rules of play are prominently displayed at each beach within close proximity of the volleyball courts for reference and enforcement purposes.
4. Officers enforce the layout and rules of play through regular visits to Tamarama and Bondi beaches and prompt response to issues raised by the community.
5. Officers use their discretion to ensure fair, balanced and safe beach use for all beach users by limiting the number of courts below that approved and other relevant actions, especially during the summer months, at weekends and public holidays, and at high tide.

J Lowenstein, A Douglas and a resident addressed the meeting.

**CM/7.15/21.06 Charing Cross Streetscape Upgrade - Community Consultation Outcomes
(A18/0541)****MOTION**

Mover: Cr Masselos
Second: Cr Keenan

That Council defers this item to the July Council meeting, with an updated report that reconsiders options to accommodate the following additional matters:

1. The streetscape upgrade is driven first and foremost by heritage principles.
2. Process and timing for the development of a Built Form Master Plan for Charing Cross (including Awning Strategy).
3. Retention of the existing footpath width.
4. Moving the central raised pedestrian crossing further down Bronte Road in the vicinity of the House of Handsome.
5. Choice of tree species, including low trees that do not obscure first level heritage façades.
6. Consideration of light poles that, while having the functionality of a multipole, are designed in keeping with the heritage character and do not incorporate a banner arm.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 7 AND 8.

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

UNANIMOUS DECISION:

That Council defers this item to the July Council meeting, with an updated report that reconsiders options to accommodate the following additional matters:

1. The streetscape upgrade is driven first and foremost by heritage principles.
2. Process and timing for the development of a Built Form Master Plan for Charing Cross (including Awning Strategy).
3. Retention of the existing footpath width.
4. Moving the central raised pedestrian crossing further down Bronte Road in the vicinity of the House of Handsome.
5. Choice of tree species, including low trees that do not obscure first level heritage façades.
6. Consideration of light poles that, while having the functionality of a multipole, are designed in keeping with the heritage character and do not incorporate a banner arm.
7. Additional changes to the Carrington/Bronte/Victoria and Bronte/Albion intersections to further improve safety.
8. Consideration of hanging baskets and seating appropriate to the heritage values of the area.

J McAlpin (on behalf of Charing Cross Precinct) addressed the meeting.

CM/7.16/21.06 Clifftop Walkway Upgrade (A20/0387)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr Keenan

That Council:

1. Endorses the concept design Clifftop Walkway Upgrade Eastern Reserve and Diamond Bay Reserve attached to the report.
2. Endorses removing lighting from the design.
3. Proceeds to detailed design and the submission of a development application.
4. Notes engagement completed to date on the project and proceeds to public consultation as part of the development application process.

CM/7.17/21.06 27 Beaumont Street, Rose Bay - 'P Disability Only' Zone (A20/0534)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr Nemesh

That Council:

1. Does not support the recommendation of the Waverley Traffic Committee to install a 5.4 metre 'P Disability Only' parking zone across the driveway to 27 Beaumont Street, Rose Bay.
2. Installs a disabled parking space east of the driveway to 27 Beaumont Street and outside 27 Beaumont Street, and paints appropriate driveway line marking at Council's cost.

CM/7.18/21.06 Waverley Park Cafe - Lease - Exhibition (A13/0629)**MOTION / DECISION**

Mover: Cr Masselos

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of five years in relation to the Waverley Park Cafe at the Margaret Whitlam Recreation Centre.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions to the proposals be received.

CM/7.19/21.06 Tender Evaluation - Car Park Access Infrastructure Upgrade (A20/0517)**MOTION / DECISION**

Mover: Cr Masselos

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*, declines to accept all tenders for the Car Park Access Infrastructure Upgrade Project and enters into direct negotiations with the top-two-ranked tenderers, as identified in the confidential Tender Evaluation Matrix attached to the report.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3) (b)-(d) of the *Local Government (General) Regulations 2005*.
4. Authorises the General Manager to finalise and agree terms and enter into a contract on behalf of Council with the preferred tenderer, following the completion of the direct negotiation process if within the approved budget.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
6. Increases the 2021–22 capital works budget by \$550,000, funded from the Car Park Parking Reserve, to provide a budget total of \$1,350,000 for the project, and updates the 2021–22 Operational Plan, Budget and LTFP 5.3 to reflect the change.

8. Notices of Motions**CM/8.1/21.06 Playground Maintenance Service Standards (A21/0299)****MOTION / DECISION**

Mover: Cr Masselos

That Council investigates setting service standards outlining how and in what time frame the maintenance of playgrounds will take place, including the following:

1. Equipment needing maintenance will be secured to ensure safety to children.
2. Equipment requiring maintenance will have notification signage including contact details.
3. All equipment under maintenance will be resolved within three months unless an unexpected delay occurs.
4. Equipment installed in playgrounds will be listed on a register by date of installation and replaced on or before the recommended lifespan supplied by the manufacturer.
5. Develop an equipment succession plan for each playground to swiftly replace equipment that has reached the end of its life in the case where the playground may not be scheduled for a full upgrade

within the next financial year.

A Douglas addressed the meeting.

CM/8.2/21.06 Tower Cranes on Private Property (A02/0617-07)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Notes that large tower cranes are being installed on private properties for long periods of time (up to a year) impacting on residents' views and private amenity. Council currently has no compliance measures that include use of cranes in the private domain except for the installation/uninstall, which is on the Traffic Committee agenda and costs incurred.
2. Makes representations to the Honourable Robert Stokes MP, Minister for Planning and Public Spaces, requesting that appropriate action be undertaken in relation to tower cranes to allow the regulation and imposition of conditions in relation to standards, safety and amenity and limit the occupation of tower cranes on building sites.

Y Hutchinson addressed the meeting.

CM/8.3/21.06 Metered Parking and Footpath Seating (A21/0298)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Notes that many areas of Waverley, especially commercially zoned areas, have existing metered parking and/or footpaths where outdoor seating is currently present or would be permissible.
2. Develops a methodology for footpath and road infrastructure works which makes use of financial feasibility analysis recognising that road space where metered parking exists generates revenue and that footpath space can generate revenue through outdoor seating licences.
3. Notes that the corner of Francis Street and Campbell Parade, Bondi Beach, is one such location where there is both metered parking and commercially used premises and applies this methodology to examine the feasibility of undertaking footpath reconstruction re-alignment and widening works which would extend current metered parking spaces and create footpath areas suitable for outdoor seating for adjacent commercial premises while at the same time improving pedestrian and vehicle safety and public amenity.
4. Prepares two separate reports:
 - (a) Detailing the method and analysis as described making use of the project for Francis Street and Campbell Parade as a practical example. Details how such projects may be accounted in Council's Long Term Financial Plans.
 - (b) A schema of works for the corner of Francis Street and Campbell Parade, specifying estimated capital cost and revenue potential from such works.

CM/8.4/21.06 Rodney Reserve - Landslip (A19/0446)**MOTION / DECISION**

Mover: Cr Masselos

That Council officers:

1. Investigate the methodology of the Rodney Reserve sports field upgrade to establish:
 - (a) What the reduced levels (RLs) were before and after the upgrade.
 - (b) Was any provision made in the design for run off on the eastern side of the field.
 - (c) If any levels of the original playing fields were levelled or changed.
 - (d) If any underground irrigation resulted in water pooling on the eastern edge of the playing field.
2. Report back to Council to establish whether any further channeling or provision for any runoff needs to take place or any subsequent work on the irrigation system to ensure that no further pooling takes place which could result in a further landslip.

CM/8.5/21.06 Kerb and Gutter Replacement Works - Dover Heights (A21/0106)**MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Nemesh

That Council:

1. Immediately stops any work, increasing the size of the verges on corners at intersections of any roads in Dover Heights, during the kerb and gutter replacement process
2. Commences community consultation on the pros and cons of any such work.
3. Identifies all roads in Dover Heights, such as Lyons Road, that have already been had the verges increased and commences consultation with the community about those changes.
4. Officers report back to Council for a decision prior to the recommencement or rectification of any works.

CM/8.6/21.06 CSIRO Radio Astronomy Facility, Rodney Reserve - State Heritage Listing (A03/1221)**MOTION / DECISION**

Mover: Cr Masselos

That Council:

1. Commences proceedings to nominate the CSIRO Radio Astronomy facility in Rodney Reserve on the State Heritage list.
2. Notes that the facility meets all of the following criteria for listing in that:

- (a) The item is of local significance.
 - (b) The item is of significance throughout NSW.
3. Notes that all the research on the item is already available.

CM/8.7/21.06 Biodegradable Dog Litter Bags (A14/0106)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Reviews its use of non-biodegradable plastic dog litter bags, with a view to replacing them with a biodegradable alternative.
2. Officers report back to Council on costings, advantages and options to achieving this move towards using biodegradable dog litter bags and other related sustainable dog litter management options/benefits suggestions/strategies.

CM/8.8/21.06 Unceded Aboriginal Sovereignty (A18/0112)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That:

1. Council officers, in consultation with the Reconciliation Action Plan Advisory Panel, prepare a report in consultation with the Panel, Aboriginal community elders/organisations, statutory authorities, agencies and advocates on how the concept and issue of 'unceded Aboriginal sovereignty' can be dealt with into the future.
2. Inclusive of the diversity of Aboriginal Islander community opinion on the term/phrase 'sovereignty never ceded', a Council officer's report cover research into local historical as well as contemporary elements of the broader community discussion on First Nations Sovereignty, treaties, self-determination, constitutional recognition and related matters through the consultation of a 'Have a Say' process.
3. Council notes in these reports the following points:
 - (a) There has never been a constitutionally recognised/endorsed treaty with Australian First Nations peoples.
 - (b) The timetable for a referendum on Aboriginal Islander constitutional recognition has been rescheduled and stalled a number of times since its initial inception/impetus during the term of Australia's first woman Prime Minister, Julia Gillard, and former Senator Bob Brown.
 - (c) It is 13 years since Prime Minister Kevin Rudd's National Apology covering issues of the Stolen Generations, for which a 13 February 2008 public big screen telecast at Bondi Pavilion Community Cultural Centre event inclusive of local school students was organised by Council.

- (d) Council has shown advocative leadership on Aboriginal Islander political cultural contexts by:
- (i) Hosting at Waverley Oval the 26 January 'Survival Day' community concert gathering at the turn of the century.
 - (ii) Commencing Council's Reconciliation Australia endorsed 'Innovate' Reconciliation Action Plan (RAP).
 - (iii) Formally receiving under the Mayoralty of Councillor John Wakefield at a 26 January citizenship ceremony the Sydney-Newcastle Regional Aboriginal Lands Council's 'SACRED Principles' document from Mr Chris Ingrey, CEO of the La Perouse Local Aboriginal Land Council.
 - (iv) Supporting through the Eastern Region Local Government Aboriginal Torres Strait Islander Committee Forum (ERLGATSIF) ongoing work in the engagement between municipal/shire councils, Aboriginal Land Councils, the NSW Local Government Aboriginal Network, Local Government NSW, Australian Local Government Association (ALGA) and the wider Community.
- (e) Implementation of the recommendations of the Royal Commission into Aboriginal deaths in police and prison custody is an important part of the relationship between local councils and police area commands, and this issue has recently been raised for the Waverley Police Area Command Committee.
- (f) Council has still not fully implemented all the recommendations from its 2007 Aboriginal Heritage Survey.
- (g) Recently as part of Bondi Pavilion Stakeholders Committee, Council engaged with Aunty Rhonda Dixon Grovenor in her capacity as community Darug Elder and through that relationship a cultural smoking ceremony by Elder Uncle Max Dhulumunmun for the Bondi Pavilion Community Cultural Centre was celebrated as part of the Mayor's end of year Gathering 2017.

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

'Council writes to Senator Andrew Bragg, congratulating him on his recent book *Buraadja* and his support of, and push for, national reconciliation and constitutional reform in his fight for a more just Australia.'

AMENDMENT 1

Mover: Cr Betts

Seconder: Cr Goltsman

That the following clause be added to the motion:

'Council further notes that in 1962 the Menzies Government amended the Commonwealth *Electoral Act* by giving the vote to all Aboriginal people in the Commonwealth and Northern Territory elections.'

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO LAY THE ITEM ON THE TABLE UNTIL THE END OF THE MEETING, MOVED BY CR WAKEFIELD AND SECONDED BY CR LEWIS, WAS PUT AND DECLARED CARRIED.

Cr Goltsman requested that it be recorded in the minutes that he voted against the procedural motion.

LATER IN THE MEETING, A PROCEDURAL MOTION TO TAKE THE ITEM FROM THE TABLE, MOVED BY CR

GOLTSMAN AND SECONDED BY CR BETTS, WAS PUT AND DECLARED CARRIED.

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

Division

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

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

AMENDMENT 2

Mover: Cr Goltsman

Secunder: Cr Betts

That clause 3(d)(iii) be deleted.

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

Division

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

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

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:

1. Council officers, in consultation with the Reconciliation Action Plan Advisory Panel, prepare a report in consultation with the Panel, Aboriginal community elders/organisations, statutory authorities, agencies and advocates on how the concept and issue of 'unceded Aboriginal sovereignty' can be dealt with into the future.
2. Inclusive of the diversity of Aboriginal Islander community opinion on the term/phrase 'sovereignty never ceded', a Council officer's report cover research into local historical as well as contemporary elements of the broader community discussion on First Nations Sovereignty, treaties, self-determination, constitutional recognition and related matters through the consultation of a 'Have a Say' process.
3. Council notes in these reports the following points:
 - (e) There has never been a constitutionally recognised/endorsed treaty with Australian First Nations peoples.
 - (f) The timetable for a referendum on Aboriginal Islander constitutional recognition has been rescheduled and stalled a number of times since its initial inception/impetus during the term of Australia's first woman Prime Minister, Julia Gillard, and former Senator Bob Brown.
 - (g) It is 13 years since Prime Minister Kevin Rudd's National Apology covering issues of the Stolen Generations, for which a 13 February 2008 public big screen telecast at Bondi Pavilion Community Cultural Centre event inclusive of local school students was organised by Council.
 - (h) Council has shown advocative leadership on Aboriginal Islander political cultural contexts by:
 - (v) Hosting at Waverley Oval the 26 January 'Survival Day' community concert gathering at

the turn of the century.

- (vi) Commencing Council's Reconciliation Australia endorsed 'Innovate' Reconciliation Action Plan (RAP).
 - (vii) Formally receiving under the Mayoralty of Councillor John Wakefield at a 26 January citizenship ceremony the Sydney-Newcastle Regional Aboriginal Lands Council's 'SACRED Principles' document from Mr Chris Ingrey, CEO of the La Perouse Local Aboriginal Land Council.
 - (viii) Supporting through the Eastern Region Local Government Aboriginal Torres Strait Islander Committee Forum (ERLATSIF) ongoing work in the engagement between municipal/shire councils, Aboriginal Land Councils, the NSW Local Government Aboriginal Network, Local Government NSW, Australian Local Government Association (ALGA) and the wider Community.
- (e) Implementation of the recommendations of the Royal Commission into Aboriginal deaths in police and prison custody is an important part of the relationship between local councils and police area commands, and this issue has recently been raised for the Waverley Police Area Command Committee.
- (f) Council has still not fully implemented all the recommendations from its 2007 Aboriginal Heritage Survey.
- (g) Recently as part of Bondi Pavilion Stakeholders Committee, Council engaged with Aunty Rhonda Dixon Grovenor in her capacity as community Darug Elder and through that relationship a cultural smoking ceremony by Elder Uncle Max Dhulumunmun for the Bondi Pavilion Community Cultural Centre was celebrated as part of the Mayor's end of year Gathering 2017.

4. Council further notes that:

- (a) The Fraser government included the first Aboriginal Federal parliamentarian, Neville Bonner. In 1976, Parliament passed the *Aboriginal Land Rights Act 1976*, which, while limited to the Northern Territory, affirmed 'inalienable' freehold title to some traditional lands.
- (b) On 27 May 1967, Holt's referendum cleared the way for the national government to make laws for Aboriginal people and removed section 127 of the Constitution, which excluded Aboriginal people from being counted in the census.
- (c) Menzies established the Australian Institute of Aboriginal Studies (later known as AIATSIS) at the urging of Billy Wentworth to conserve Indigenous heritage, language and culture.
- (d) The Liberal Party has delivered the first Indigenous member of Federal Parliament in Senator Neville Bonner, from the Jugarah people in the southwest Queensland, and the first Indigenous Cabinet Minister in Ken Wyatt MP, who belongs to the Noongar in the southwest and the Yamatji in Midwest Western Australia.
- (e) Malcolm Turnbull was the first Australian Prime Minister to speak in an Aboriginal language in Federal Parliament. This reflected his respect to the culture and the people on the land on which we were deliberating.
- (f) The Liberal Prime Minister John Howard steadfastly refused to apologise to the Stolen Generations of Indigenous children.

5. Council writes to Senator Andrew Bragg, congratulating him on his recent book *Buraadja* and his support of, and push for, national reconciliation and constitutional reform in his fight for a more just Australia.

Division

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

Against the Motion: Cr Goltsman.

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

CM/8.9/21.06 COVID-19 Testing for Under 5s (A20/0245)**MOTION / DECISION**

Mover: Cr Masselos

That Council:

1. Notes that Sydney Children's Hospital no longer offers dedicated testing for under 5s and all ages are tested at the COVID-19 clinic located on Avoca Street, Randwick.
2. Develops a communications strategy to advise Waverley parents where they can access testing for under 5s where they do not have a long wait and can easily access parking.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session**CM/11/21.06 Closed Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Lewis

That:

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

CM/11.1/21.06 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2021-22

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/11.2/21.06 CONFIDENTIAL REPORT - Bondi Beach Mobile Vending Licensees - Financial Assistance

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/11.3/21.06 CONFIDENTIAL REPORT - Bondi Surf Club Conservation and Upgrade and Bronte Surf Club and Community Facilities Upgrade - Heads of Agreement

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) 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.

CM/11.4/21.06 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land

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/11.5/21.06 CONFIDENTIAL REPORT - 1 Bondi Road, Bondi Junction - 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*.

At 10.13 pm, Council moved into closed session.

CONFIDENTIAL 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/11.1/21.06 Commercial Waste – Fees and Charges 2021-22.
- CM/11.2/21.06 Bondi Beach Mobile Vending Licensees – Financial Assistance.
- CM/11.3/21.06 Bondi Surf Club Conservation and Upgrade and Bronte Surf Club and Community Facilities Upgrade – Heads of Agreement.
- CM/11.5/21.06 1 Bondi Road, Bondi Junction – Lease.

CM/11.1/21.06 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2021-22 (A02/0162)

MOTION / UNANIMOUS DECISION

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)(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. Adopts the fees and charges for commercial waste services as set out in the table in the report for the period 1 July 2021 to the 30 June 2022, noting that there is no increase to the current fees and charges.

CM/11.2/21.06 CONFIDENTIAL REPORT - Bondi Beach Mobile Vending Licensees - Financial Assistance (A09/1049)

MOTION / UNANIMOUS DECISION

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)(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. Under section 356(2) of the *Local Government Act 1993*, publicly exhibits for 28 days the proposal to grant financial assistance to the four Bondi Beach mobile vendor licensees as set out in the report.

3. Under section 356(1) of the *Local Government Act 1993*, grants financial assistance to the four Bondi Beach mobile vendor licensees as set out in the report if no submissions are received at the conclusion of the exhibition period.
4. Officers report back to Council if submissions are received.
5. Approves an early surrender of the licenses should this be requested by the licensees as a result of the ongoing poor trading conditions.

CM/11.3/21.06 CONFIDENTIAL REPORT - Bondi Surf Club Conservation and Upgrade and Bronte Surf Club and Community Facilities Upgrade - Heads of Agreement (A19/0172)

MOTION / UNANIMOUS DECISION

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) 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.
2. Endorses the updated Heads of Agreement attached to the report for the Bondi Surf Club Conservation and Upgrade project (Attachment 1), which reflects the updated budget and anticipated grant amounts as well as facilitating progression to detail design.
3. Endorses the updated Heads of Agreement attached to the report for the Bronte Surf Club and Community Facilities Upgrade project (Attachment 2) to reflect the way forward should the Federal Government funding not be secured.

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

CM/11.4/21.06 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Burrill

That Council defers this item to a Councillor workshop.

CM/11.5/21.06 CONFIDENTIAL REPORT - 1 Bondi Road, Bondi Junction - Lease (A10/0597)

MOTION / UNANIMOUS DECISION

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)(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 Ayurvedic Wellness Centre Pty Ltd for 1 Bondi Road, Bondi Junction, for a term of five years on the terms and conditions contained in the report.
- 3. Authorises the General Manager to do all things necessary to complete negotiations and execute the necessary documentation with the commencement rent being no less than the range indicated in Table 1 of the report.

12. Resuming in Open Session

CM/12/21.06 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Lewis

That Council resumes in open session.

At 10.18 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 10.38 PM.

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SIGNED AND CONFIRMED
MAYOR
20 JULY 2021