



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 20 JULY 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 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
John Clark	Director, Customer Service and Organisation Improvement
Sharon Cassidy	Acting Director, Community, Assets and Operations
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 7.03 pm, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.28 pm during items by exception.

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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Burrill declared a significant non-pecuniary interest in item CM/7.6/21.07 – Community Services and Cultural Grants 2021–22 and informed the meeting that she is the organiser of Bondi Beach Playgroups and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/8.5/21.07 – First Nations Councillors and informed the meeting that he is a co-signatory to the letter.

3. Obituaries

Dean Jarrett

David Meguideche

Margaret Chalik

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 T Murray – CM/7.7/21.07 – Net Zero by 2030.
- 4.2 H Narulla – CM/7.7/21.07 – Net Zero by 2030.
- 4.3 E Morel – CM/7.9/21.07 – Bondi Pavilion and Boot Factory Operating Models.

- 4.4 J Graham – CM/8.6/21.07 – Leaf Blowers.
- 4.5 A Linz (on behalf of Bondi Pacific Pty Ltd) – CM/11.4/21.07 – CONFIDENTIAL REPORT – Campbell Parade Shade Structures – Footpath Lease.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

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

- CM/5.1/21.07 Confirmation of Minutes - Council Meeting – 22 June 2021.
- CM/5.2/21.07 Confirmation of Minutes - Extraordinary Council Meeting – 29 June 2021.
- CM/7.2/21.07 Councillor Expenses and Facilities – Annual Report.
- CM/7.3/21.07 Trade Debtors Policy – Review.
- CM/7.4/21.07 Investment Portfolio Report – June 2021.
- CM/7.5/21.07 Cultural Diversity Strategy – 2021-2031.
- CM/7.11/21.07 Stronger Communities Fund – Progress Report.
- CM/8.4/21.07 Electric Vehicle Charging Stations at Eastgate Car Park.
- CM/8.5/21.07 First Nations Councillors.
- CM/8.6/21.07 Leaf Blowers.

5. Confirmation and Adoption of Minutes

CM/5.1/21.07 Confirmation of Minutes - Council Meeting - 22 June 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That the minutes of the Council Meeting held on 22 June 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/21.07 Confirmation of Minutes - Extraordinary Council Meeting - 29 June 2021
(SF21/279)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That the minutes of the Extraordinary Council Meeting held on 29 June 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/21.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 June 2021
(SF21/279)**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 June 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.04/21.06 – 8 Consett Avenue, Bondi Beach – Construction Zone.

And that this item be dealt with separately below.

**CM/5.3.1/21.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 June 2021 - 8
Consett Avenue, Bondi Beach - Construction Zone (A03/2514-04)**

This item was saved and excepted by Cr Wy Kanak.

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Keenan

That Council:

1. Installs an 8.4 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone in front of 8 Consett Avenue, Bondi Beach, and moves the construction zone 2.5 metres north.
2. Notifies residents living in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Installs an 8.4 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone in front of 8 Consett Avenue, Bondi Beach, and moves the construction zone 2.5 metres north from that shown in Figure 3 of the report.
2. Notifies residents living in the vicinity of the construction zone prior to it being installed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/21.07 COVID-19 - Council Response, Business Continuity and Community Support Initiatives (A20/0258)

A supplementary report in relation to this item was issued to Councillors and published on Council's website prior to the meeting.

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. In relation to the COVID-19 – Council Response, Business Continuity and Community Support Initiatives report:
 - (a) Notes the business continuity arrangements put in place to ensure the continued delivery of essential services during the current pandemic restrictions.
 - (b) Notes the community support that continues to be provided through Council's Compliance, Community Programs and Library teams.
 - (c) Extends the COVID-19 Business and Childcare Support Package measures outlined in Table 1 and 2 of the report until the next Council meeting scheduled for 17 August 2021 or until such earlier time as determined by Council or the General Manager and in accordance with the prevailing public health orders.
 - (d) Provides hand sanitiser at each of the outdoor fitness stations throughout the Waverley local government area.
 - (e) Notes the financial impact of the COVID-19 Business Support Package, as outlined in Table 1 of the report.
 - (f) Notes the financial impact of the COVID-19 Childcare Support, as outlined in Table 2 of the report.

- (g) Officers undertake a full assessment of the latest COVID-19 outbreak on Council's financial budget, taking into account changes in the latest public health orders, and a further report be prepared and submitted to Council as part of the Q1 budget review in October 2021.
 - (h) Notes that the changes to the Schedule of Fees and Charges, as outlined in Table 2 of the report, are currently being publicly exhibited for a 28-day period in accordance with section 610F(3) of the *Local Government Act 1993*.
2. In relation to the COVID-19 – Council Response, Business Continuity and Community Support Initiatives – Supplementary Report:
- (a) Approves the waiving of the childcare gap fee across Council's Early Education Centres in response to the Federal Government decision encouraging childcare service providers to waive gap-fees in cases where children are kept at home and are therefore not using the service due to the current COVID-19 restrictions.
 - (b) Approves the waiving of construction zone and hoarding permit fees for construction sites across the local government area in response to changes to the public health orders regarding construction sites in Greater Sydney.
 - (c) Approves the fee waivers in clauses 2(a) and (b) above to continue until the next Council meeting scheduled for 17 August 2021 or until such earlier time as determined by Council or the General Manager.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1(c) AND 2(c).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. In relation to the COVID-19 – Council Response, Business Continuity and Community Support Initiatives report:
- (a) Notes the business continuity arrangements put in place to ensure the continued delivery of essential services during the current pandemic restrictions.
 - (b) Notes the community support that continues to be provided through Council's Compliance, Community Programs and Library teams.
 - (c) Extends the COVID-19 Business and Childcare Support Package measures outlined in Table 1 and 2 of the report until the Council meeting scheduled for 26 October 2021 or until such earlier time as determined by Council or the General Manager and in accordance with the prevailing public health orders.
 - (d) Provides hand sanitiser at each of the outdoor fitness stations throughout the Waverley local government area.
 - (e) Notes the financial impact of the COVID-19 Business Support Package, as outlined in Table 1 of the report.
 - (f) Notes the financial impact of the COVID-19 Childcare Support, as outlined in Table 2 of the report.

- (g) Officers undertake a full assessment of the latest COVID-19 outbreak on Council's financial budget, taking into account changes in the latest public health orders, and a further report be prepared and submitted to Council as part of the Q1 budget review in October 2021.
 - (h) Notes that the changes to the Schedule of Fees and Charges, as outlined in Table 2 of the report, are currently being publicly exhibited for a 28-day period in accordance with section 610F(3) of the *Local Government Act 1993*.
2. In relation to the COVID-19 – Council Response, Business Continuity and Community Support Initiatives – Supplementary Report:
- (a) Approves the waiving of the childcare gap fee across Council's Early Education Centres in response to the Federal Government decision encouraging childcare service providers to waive gap-fees in cases where children are kept at home and are therefore not using the service due to the current COVID-19 restrictions.
 - (b) Approves the waiving of construction zone and hoarding permit fees for construction sites across the local government area in response to changes to the public health orders regarding construction sites in Greater Sydney.
 - (c) Approves the fee waivers in clauses 2(a) and (b) above to continue until the Council meeting scheduled for 26 October 2021 or until such earlier time as determined by Council or the General Manager.

CM/7.2/21.07 Councillor Expenses and Facilities - Annual Report (SF18/2204)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes the annual report on Councillor expenses and facilities for the period 1 July 2020 to 30 June 2021 attached to the report.

CM/7.3/21.07 Trade Debtors Policy - Review (A16/0865)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council adopts the Trade Debtors Policy attached to the report.

CM/7.4/21.07 Investment Portfolio Report - June 2021 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for June 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/7.5/21.07 Cultural Diversity Strategy 2021-2031 (A02/0445)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Notes the feedback provided during the public exhibition of the Cultural Diversity Strategy 2021–2031, summarised in Attachment 1 of the report.
2. Adopts the Cultural Diversity Strategy 2021–2031 attached to the report (Attachment 2).
3. Notes that, as a 10-year strategy, the implementation of actions will feed into the next Community Strategic Planning process including the Operational Plan and Long-Term Financial Plan.

CM/7.6/21.07 Community Services and Cultural Grants 2021-22 (A20/0375)

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

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Under the Community Services and Cultural Grants Program 2021–22 grants in \$312,026 in total to the organisations set out in the attachment to the report, subject to any conditions contained in the attachment.
2. Delegates to the Director, Customer Service and Organisation Improvement, the final decision on the grant amount for the Kite Flyers Society, up to the amount specified in the attachment to the report and depending on the final plan for the Festival of the Winds.
3. Conducts an expression of interest process up to the value of \$20,000 under its Community Services and Cultural Grants Program seeking small project proposals that can provide improved access to mainstream activities for people with disability sustained over a period of at least three years.

CM/7.7/21.07 Net Zero by 2030 (A02/0131)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Updates its greenhouse gas emission target to achieve net zero for scope 1 and 2 emissions based on the 2003–04 baseline by 2030.
2. Amends the next Environmental Action Plan to reflect the new target.
3. Notes that the 2021–2022 Operational Plan and Long Term Financial Plan 5.3 support the net zero target.

*T Murray and H Narulla addressed the meeting.***CM/7.8/21.07 Voluntary Planning Agreement - 657 Old South Head Road, Rose Bay (SF21/2667)****MOTION**

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Approves the draft Planning Agreement attached to the report applying to land at 657 Old South Head Road, Rose Bay, including a total monetary contribution of \$425,640, with \$319,230 (75%) to go towards the improvement and regeneration of parks and reserves in Rose Bay and Dover Heights, and \$106,410 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Approves the draft Planning Agreement attached to the report applying to land at 657 Old South Head Road, Rose Bay, including a total monetary contribution of \$425,640, with \$319,230 (75%) to go towards the improvement and regeneration of parks and reserves in Rose Bay and Dover Heights, and \$106,410 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Quarantines up to \$319,230 for the Rodney Reserve CSIRO Astronomical and Viewing Platform Project for a period of up to 18 months.
3. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

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

Against the Motion: Crs Keenan and Wy Kanak.

CM/7.9/21.07 Bondi Pavilion and Boot Factory Operating Models (A21/0362)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves the implementation of operating model Option 3 for the Bondi Pavilion, as detailed in the report.
2. Approves the implementation of operating model Option 3 for the Boot Factory, as detailed in the report.
3. Notes that, if Council approves the recommended operating models, implementation will commence immediately to ensure operational readiness of the Bondi Pavilion and Boot Factory in early 2022.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE ADDITION OF NEW CLAUSES SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. Council approves the implementation of operating model Option 3 for the Bondi Pavilion, as detailed in the report, subject to the additional requirement that all partnerships should be aligned to the vision and purpose of Bondi Pavilion as a community cultural centre in accordance with clause 2.
2. Council notes the operating principles in the Bondi Pavilion Stakeholder Committee Report, specifically:
 - (a) 'Bondi Pavilion is a community cultural centre. It follows that priority of use and function should be given to community use and to cultural use. Commercial operations should be aligned to the vision and purpose of the Bondi Pavilion and clearly defined by policies and effective management. Bondi Pavilion represents our cultural heritage in its broadest sense, and provides services and programming of great value to Waverley residents.'
 - (b) 'The Committee believes that the Bondi Pavilion should be financially sustainable but not be required to be self-funding.'
3. The following additional points be added to the list of operating principles in the report:
 - (a) Bondi Pavilion will have its own website.
 - (b) It is recognised that Bondi Pavilion may require additional resources, including artistic program management.
4. Council approves the implementation of operating model Option 3 for the Boot Factory, as detailed in the report.

5. Notes that, if Council approves the recommended operating models, implementation will commence immediately to ensure operational readiness of the Bondi Pavilion and Boot Factory in early 2022.

AT THIS STAGE IN THE PROCEEDINGS, AT 8.50 PM, THE CHAIR ADJOURNED THE MEETING DUE TO DISORDER.

AT 9.03 PM, THE MEETING RESUMED.

AT THIS STAGE IN THE PROCEEDINGS, CR GOLTSMAN PROPOSED THE ADDITION OF THE FOLLOWING CLAUSE:

‘Council notes that Cr Wakefield’s proposed \$20 million refurbishment and expansion of the Bondi Pavilion in 2017 is now budgeted at \$44.5 million.’

CR GOLTSMAN THEN MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING THAT THE PROPOSED CLAUSE WAS OUT OF ORDER ON THE GROUNDS THAT IT WAS NOT RELEVANT AND SINGLED OUT A PARTICULAR COUNCILLOR.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Goltsman
Seconder: Cr Betts

That the following clause be added to the motion:

‘Council notes that the proposed \$20 million refurbishment and expansion of the Bondi Pavilion in 2017 is now budgeted at \$44.5 million.’

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO LAY THE ITEM ON THE TABLE TO ALLOW THE AMENDMENT TO BE REDRAFTED, MOVED BY CR WAKEFIELD AND SECONDED BY CR WY KANAK, WAS PUT AND DECLARED CARRIED.

LATER IN THE MEETING, A PROCEDURAL MOTION TO TAKE THE ITEM FROM THE TABLE, MOVED BY CR MASSELOS AND SECONDED BY CR WAKEFIELD, WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

AMENDMENT 2

Mover: Cr Goltsman
Seconder: Cr Betts

That the following clause be added to the motion:

‘Council notes that the original budget for the Bondi Pavilion in the Long Term Financial Plan was \$25 million for the building upgrade only. The current estimate is \$39.65 million for the total project.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO NEW CLAUSES AND AN AMENDMENT TO THE MOTION.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR LEWIS AND SECONDED BY CR KEENAN, WAS PUT AND DECLARED CARRIED.

Division

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

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

Cr Wakefield was not present for the vote on the procedural motion.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That:

1. Council approves the implementation of operating model Option 3 for the Bondi Pavilion, as detailed in the report, subject to the additional requirement that all partnerships should be aligned to the vision and purpose of Bondi Pavilion as a community cultural centre in accordance with clause 2.
2. Council notes the operating principles in the Bondi Pavilion Stakeholder Committee Report, specifically:
 - (a) 'Bondi Pavilion is a community cultural centre. It follows that priority of use and function should be given to community use and to cultural use. Commercial operations should be aligned to the vision and purpose of the Bondi Pavilion and clearly defined by policies and effective management. Bondi Pavilion represents our cultural heritage in its broadest sense, and provides services and programming of great value to Waverley residents.'
 - (b) 'The Committee believes that the Bondi Pavilion should be financially sustainable but not be required to be self-funding.'
3. The following additional points be added to the list of operating principles in the report:
 - (a) Bondi Pavilion will have its own website.
 - (b) It is recognised that Bondi Pavilion may require additional resources, including artistic program management.
4. Council notes that the original budget for the Bondi Pavilion in the Long Term Financial Plan was \$25 million for the building upgrade only. The current estimate of \$39.65 million for the total project includes an expansion of the scope of the project to the surrounding landscaping, paving and vehicle access to the Pavilion and surf club, as well as increased underpinning requirements to the foundation and works to protect the heritage façade.
5. Council notes that in 2016 the proposed refurbishment of less than half of the Pavilion was costed at \$15.2 million.
6. Council approves the implementation of operating model Option 3 for the Boot Factory, as detailed in the report.

7. Council investigates alternative larger venues for the Innovation Civic Hall to ensure the operating model's financial sustainability.
8. Council notes that, if Council approves the recommended operating models, implementation will commence immediately to ensure operational readiness of the Bondi Pavilion and Boot Factory in early 2022.

E Morel addressed the meeting.

CM/7.10/21.07 Charing Cross Streetscape Upgrade - Project Update (A18/0541)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the summary set out in the report of the options analysis previously developed as part of the Charing Cross Streetscape Upgrade Project.
2. Endorses the following actions in response to Council resolution CM/7.15/21.06:
 - (a) Develops heritage and design principles to guide design development and undertakes options analysis of heritage interpretation elements for inclusion in design.
 - (b) Commences the development of a built form master plan for Charing Cross (including an awning strategy), noting that this process is likely to take between six and 12 months to complete, and considers any subsequent works from these strategies as a separate and future project.
 - (c) Reviews the suitability of footpath widening.
 - (d) Reviews the inclusion and/or optimal location of a new raised pedestrian crossing in consultation with Transport for NSW.
 - (e) Develops a layout plan to identify the location of heritage and original buildings to assist in determining appropriate locations for trees, planter boxes and hanging baskets.
 - (f) Undertakes an options analysis on appropriate light poles, including consideration of modifications to multipoles to align with the aesthetics of the village centre.
 - (g) Continues to consult Transport for NSW on options to further improve the safety of the Carrington/Bronte/Victoria and Bronte/Albion intersections.
 - (h) Investigates the inclusion of hanging baskets and street furniture in the design.
3. Officers hold a workshop with Councillors once the actions in clause 2 above have been completed.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2(i).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes the summary set out in the report of the options analysis previously developed as part of the Charing Cross Streetscape Upgrade Project.
2. Endorses the following actions in response to Council resolution CM/7.15/21.06:
 - (a) Develops heritage and design principles to guide design development and undertakes options analysis of heritage interpretation elements for inclusion in design.
 - (b) Commences the development of a built form master plan for Charing Cross (including an awning strategy), noting that this process is likely to take between six and 12 months to complete, and considers any subsequent works from these strategies as a separate and future project.
 - (c) Reviews the suitability of footpath widening.
 - (d) Reviews the inclusion and/or optimal location of a new raised pedestrian crossing in consultation with Transport for NSW.
 - (e) Develops a layout plan to identify the location of heritage and original buildings to assist in determining appropriate locations for trees, planter boxes and hanging baskets.
 - (f) Undertakes an options analysis on appropriate light poles, including consideration of modifications to multipoles to align with the aesthetics of the village centre.
 - (g) Continues to consult Transport for NSW on options to further improve the safety of the Carrington/Bronte/Victoria and Bronte/Albion intersections.
 - (h) Investigates the inclusion of hanging baskets and street furniture in the design.
 - (i) Requests Transport for NSW to investigate and consult on a full-time, school days only or other appropriate timed reduction in the speed limit from 50 km/h to 40 km/h on the State-controlled Carrington Road, between Bronte Road and Birrell Street, to improve pedestrian and vehicle safety, noting that the neighbouring schools of St Charles', St Clare's and Waverley College believe that this change is warranted.
3. Officers hold a workshop with Councillors once the actions in clause 2 above have been completed.

CM/7.11/21.07 Stronger Communities Fund - Progress Report (A19/0224)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council

1. Receives and notes the progress report on the Stronger Communities Fund.
2. Notes that the North Bondi Surf Life Saving Club, Clarke Reserve, Waverley Park cricket facilities, Bondi Beach playground, Marlborough Reserve and Varna Park projects are now complete and were finalised within agreed timelines and approved budgets and that the Bronte Surf Club and

Community Facilities Building Upgrade grant funding has been expended developing the concept design within the agreed timeline.

8. Notices of Motions

CM/8.1/21.07 Vibrations from Demolition Sites (A21/0364)

MOTION

Mover: Cr Wy Kanak

Secunder: Cr Copeland

That Council:

1. Prepares an urgent report into the reasons for recent collapses and excessive construction vibration levels at Bondi and other Waverley construction sites.
2. Implements processes for better assessment and management of development sites in the Bondi sands area.
3. Includes provisions in all DA conditions of consent for the Bondi basin requiring placement of monitors at 3 metre intervals along all site boundaries prior to commencement of any work, for the purpose of detecting and measuring vibrations and any ground movement, all to be inspected by Council on a daily basis during demolition and excavation, cost of inspections to be included in fees, and potential for movement to be subject of stop work provisions while solutions are resolved.
4. Inspects all construction certificates as lodged and before any work begins on site to verify engineering requirements for demolition and excavation, particularly regarding safety of neighbouring properties, and to establish credentials of private certifiers, and listing on the Services NSW register.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Officers prepare an urgent report into the reasons for recent collapses and excessive construction vibration levels at Bondi and other Waverley construction sites. The report should include a list of all current conditions that are placed on large-scale development, construction and demolition so Councillors can assess whether any further standard conditions should be included.
2. Investigates and prepares a report on how to reduce the risks to neighbouring properties during excavation, demolition and construction works, including the following:
 - (a) Implementing processes for improved assessment and management of development sites in the Bondi sands area.
 - (b) Considering the inclusion of provisions in all DA conditions of consent for the Bondi basin requiring placement of monitors at 3 metre intervals along all site boundaries prior to commencement of any work, for the purpose of detecting and measuring vibrations and any ground movement, all to be inspected by Council on a daily basis during demolition and

excavation, cost of inspections to be included in fees, and potential for movement to be subject of stop work provisions while solutions are resolved.

- (c) Considering the inspection of all construction certificates as lodged and before any work begins on site to verify engineering requirements for demolition and excavation, particularly regarding safety of neighbouring properties, and to establish credentials of private certifiers, and listing on the Services NSW register.

CM/8.2/21.07 Waverley Local Planning Panel Decisions (A13/0414)

MOTION

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That Council:

1. Prepares a report on the decisions made by the Waverley Local Planning Panel, including:
 - (a) The number of development applications considered per ward.
 - (b) Reason(s) for referral to the WLPP.
 - (c) Staff recommendation versus WLPP decision.
 - (d) The final WLPP decision.
 - (e) Appeals.
2. Officers prepare the report to Council on a quarterly basis.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Prepares a report on the decisions made by the Waverley Local Planning Panel, including:
 - (a) The number of development applications considered per ward.
 - (b) Reason(s) for referral to the WLPP.
 - (c) Staff recommendation versus WLPP decision.
 - (d) The final WLPP decision.
 - (e) Appeals.
2. Officers prepare the report to Council every six months.

Division

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

CM/8.3/21.07 Dogs Off-leash in Barracluff Park (A16/0271)

MOTION / DECISION Mover: Cr Betts
Seconder: Cr Nemesh

That Council:

1. Investigates introducing a dog off-leash period in Barracluff Park that does not conflict with sporting activities and could be separated from the sports ground and playground by a fence and/or plantings.
2. As part of the investigation, considers any other necessary upgrades, such as dog poo bag dispensers and dog bubbler facilities.
3. Undertakes community consultation and officers prepare a report to Council following the investigation and consultation process.

CM/8.4/21.07 Electric Vehicle Charging Stations at Eastgate Car Park (A17/0477)

MOTION / UNANIMOUS DECISION Mover: Cr Masselos
Seconder: Cr Lewis

That:

1. Council, in support of its adopted position to promote the uptake of electric vehicles in the local government area, investigates installing banks of recharging stations for electric vehicles on each level of Eastgate Car Park.
2. A report be prepared and submitted to Council on the outcome of the investigation.

CM/8.5/21.07 First Nations Councillors (A02/0424)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he is a co-signatory to the letter.

MOTION / UNANIMOUS DECISION Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Refers discussion on an Aboriginal Torres Strait Islander Electoral Engagement Strategy to the Reconciliation Action Plan Advisory Committee for discussion.
2. Continues to support the combined advocacy work of Local Government NSW (LGNSW) and the NSW Local Government Aboriginal Network, especially in regard to increasing the numbers of candidates

and elected Aboriginal Torres Strait Islander councillors across local government in NSW.

- Notes the correspondence jointly signed by Cr Linda Scott, President of LGNSW, and Cr Wy Kanak as (interim) President of the Local Government Aboriginal Network NSW, which was sent to NSW Ministers for Local Government and Aboriginal Affairs seeking increased resourcing/support for Aboriginal Torres Strait Islander people to stand at NSW local government elections, especially women.

CM/8.6/21.07 Leaf Blowers (A14/0108)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

- Continues to liaise with the Bondi Beach Precinct on its recent discussion about the adverse effects of leaf blower use in Waverley.
- Continues to place enhanced information on its website in relation to the regulation of leaf blowers.

J Graham addressed the meeting.

CM/8.7/21.07 Mill Hill Conservation Area - Change of Zoning (A21/0367)

MOTION

Mover: Cr Keenan

Seconder: Cr Wy Kanak

That Council:

- Reviews the zoning classification for the Mill Hill Conservation area from R3 to R2 to better reflect the character and heritage of the local area.
- If feasible, amends the Waverley Local Environmental Plan to clarify which commercial projects can operate in a R3 zone and that must genuinely service the immediate community.
- Writes to the NSW Planning and Open Spaces Minister, Rob Stokes, local MPs Dr Marjorie O'Neil and Gabrielle Upton, and LGNSW President, Linda Scott, demanding the return of planning decisions to elected members of local councils, as residents deserve a planning system that protects them.
- Notes that these changes are necessary as the current planning system takes the power away from residents and locally elected representatives and gives power over planning to developers.
- Officers report back to Council on the matters raised in clauses 1 and 2 above.

FORESHADOWED MOTION

Mover: Cr Burrill

That Council:

- Notes the significant number of submissions received for DA-12/2021 – 2 Birrell Street, Bondi Junction, where the applicant sought to change the use from a dwelling house to a medical centre

with internal and external alterations, car parking, signage and landscape work that was approved by the Waverley Local Planning Panel on 23 June 2021.

2. Investigates the planning controls applicable to the Mill Hill Conservation Area to ensure that the zone and use reflect the character and heritage of the area and how maintaining the use of dwelling houses could be achieved.
3. Officers report back to Council and outline what/if any changes are necessary to the existing planning controls, taking into account current Council policy and adopted strategic plans.

AT THIS STAGE IN THE PROCEEDINGS, CR KAY MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT CR KEENAN HAD NOT IMPUGNED CR BURRILL.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Reviews the zoning classification for the Mill Hill Conservation area from R3 to R2 to better reflect the character and heritage of the local area.
2. If feasible, amends the Waverley Local Environmental Plan to clarify which commercial projects can operate in a R3 zone and that must genuinely service the immediate community.
3. Writes to the NSW Planning and Open Spaces Minister, Rob Stokes, local MPs Dr Marjorie O'Neil and Gabrielle Upton, and LGNSW President, Linda Scott, demanding the return of planning decisions to elected members of local councils, as residents deserve a planning system that protects them.
4. Notes that these changes are necessary as the current planning system takes the power away from residents and locally elected representatives and gives power over planning to developers.
5. Officers report back to Council on the matters raised in clauses 1 and 2 above.

Division

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

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

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session**CM/11/21.07 Closed Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Nemesh

That:

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

CM/11.1/21.07 CONFIDENTIAL REPORT - Tender Evaluation - Shop 2, Bondi Pavilion - Lease

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/11.2/21.07 CONFIDENTIAL REPORT - Tender Evaluation - Shop 3, Bondi Pavilion - Lease

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/11.3/21.07 CONFIDENTIAL REPORT - Shop 4, Bondi Pavilion - Lease - Outcome of Direct Negotiation

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/11.4/21.07 CONFIDENTIAL REPORT - Campbell Parade Shade Structures - Footpath 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 10.46 pm, Council moved into closed session.

**CM/11.1/21.07 CONFIDENTIAL REPORT - Tender Evaluation - Shop 2, Bondi Pavilion - Lease
(A20/0510)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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. Notes that the proposal to grant a lease for Shop 2, Bondi Pavilion, for a period of five years with an option for a further five years has previously been notified and exhibited in accordance with section 47 of the *Local Government Act 1993* and Council has considered all submissions duly made to it.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts the tender from Between the Flags (Aust) Pty Ltd for the lease of Shop 2, Bondi Pavilion, for an initial five years for the amount of \$996,956 (excluding GST) with a five-year option, on the terms and conditions contained in the report.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
5. Authorises the General Manager to finalise and execute all necessary documentation to finalise the process.

**CM/11.2/21.07 CONFIDENTIAL REPORT - Tender Evaluation - Shop 3, Bondi Pavilion - Lease
(A20/0511)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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. Notes that the proposal to grant a lease for Shop 3, Bondi Pavilion, for a period of five years with an option for a further five years has previously been notified and exhibited in accordance with section 47 of the *Local Government Act 1993* and Council has considered all submissions duly made to it.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts the tender from

Glorietta Pty Ltd T/A Glory Days for the lease of Shop 3, Bondi Pavilion, for an initial five years for the amount of \$865,644.45 (excluding GST) with a five-year option, on the terms and conditions contained in the report.

4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
5. Authorises the General Manager to finalise and execute all necessary documentation to finalise the process.

CM/11.3/21.07 CONFIDENTIAL REPORT - Shop 4, Bondi Pavilion - Lease - Outcome of Direct Negotiation (SF21/1034)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

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. Notes that the proposal to grant a lease for Shop 4, Bondi Pavilion, for a period of five years with two five-year options has previously been notified and exhibited in accordance with section 47 of the *Local Government Act 1993* and Council has considered all submissions duly made to it.
3. Grants a lease to Bondi Green Pty Ltd for Shop 4, Bondi Pavilion, for an initial five-year term for the amount of \$5,469,778 (excluding GST) with two five-year options, on the terms and conditions contained in the report.
4. Notifies unsuccessful participants of the decision.
5. Authorises the General Manager to finalise and execute all necessary documentation in relation to the grant of the lease.

CM/11.4/21.07 CONFIDENTIAL REPORT - Campbell Parade Shade Structures - Footpath Lease (A19/0169)

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

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. Not approve an extension to the current Campbell Parade Shade Structure Deed of Agreement with

Bondi Pacific for the lease of the outdoor dining areas associated with the Shade Structure Pilot Project.

3. Invites Bondi Pacific to submit a footpath seating application to Council for assessment and continuation of outdoor seating associated with the shade structures outside Bondi Pacific, subject to any future approvals being based on the standard footpath leasing rate for Campbell Parade, less an agreed sum for cleaning and maintenance of the structures.

FORESHADOWED MOTION

Mover: Cr Kay

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. Notes the financial outlay the licensee (Bondi Pacific) has made to date and the difficult commercial circumstances resulting from winter trade and COVID-19 public health orders, leading to the net interim financial operating result over the four-year term of the current Deed of Agreement provided by the licensee and included in the report.
3. Delegates authority to the General Manager to negotiate a maximum 18-month extension to the current Campbell Parade Shade Structure Deed of Agreement with Bondi Pacific for the lease of the outdoor dining areas associated with the Shade Structure Pilot Project at the same dollar per annum amount as the current deed and including the December 2020 approved drop-down blinds to be supplied and installed at a determined shared cost between Bondi Pacific and Council.
4. If the negotiation above does not reach an agreement, invites Bondi Pacific to submit a footpath seating application to Council for assessment and continuation of outdoor seating associated with the shade structures outside Bondi Pacific, subject to any future approvals being based on the standard footpath leasing rate for Campbell Parade, less an agreed sum for cleaning and maintenance of the structures, as amended by any Council COVID-19 business support package.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Not approve an extension to the current Campbell Parade Shade Structure Deed of Agreement with Bondi Pacific for the lease of the outdoor dining areas associated with the Shade Structure Pilot Project.
3. Invites Bondi Pacific to submit a footpath seating application to Council for assessment and continuation of outdoor seating associated with the shade structures outside Bondi Pacific, subject to any future approvals being based on the standard footpath leasing rate for Campbell Parade, less an agreed sum for cleaning and maintenance of the structure

A Linz (on behalf of Bondi Pacific Pty Ltd) addressed the meeting.

12. Resuming in Open Session

CM/12/21.07 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council resumes in open session.

At 11.03 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 11.09 PM.

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SIGNED AND CONFIRMED
MAYOR
17 AUGUST 2021