



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 17 AUGUST 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
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Director, Planning, Environment and Regulatory
Teena Su	Acting Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Risk

At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.07 pm during obituaries and Cr Nemesh who arrived at 7.13 pm during addresses by members of the public.

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 was received:

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in item CM/7.8/21.08 – North Bondi Surf Life Saving Club – Surf Life Saving Competition Events – January 2022 and informed the meeting that he is a member of the North Bondi Surf Life Saving Club.

3. Obituaries

Gabriel Eugenio Peña

John Mant

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 G Vaughan (on behalf of Bronte Beach Precinct) – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.
- 4.2 M Cusack – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.
- 4.3 D Caretti (on behalf of Charing Cross Precinct) – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.
- 4.4 S Swifte (on behalf of Queens Park Precinct) – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.

- 4.5 J Jungheim – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.
- 4.6 M Main – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.
- 4.7 S Furness (on behalf of Uniting) – CM/7.11/21.08 – Planning Proposal – Waverley War Memorial Hospital – Campus Site.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Second: Cr Lewis

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

- CM/5.1/21.08 Confirmation of Minutes – Council Meeting – 20 July 2021.
- CM/7.1/21.08 Delivery Program 2018-22 – Six-monthly Progress Report.
- CM/7.4/21.08 Fees and Charges 2021-22 – Amendment – Early Education Centres.
- CM/7.5/21.08 Investment Portfolio Report – July 2021.
- CM/7.6/21.08 Schedule of Meeting Dates 2021 – Amendments.
- CM/7.7/21.08 Status of Mayoral Minutes and Notices of Motion.
- CM/7.9/21.08 Biodiversity Action Plan – Remnant Sites 2021-2030.
- CM/7.14/21.08 Cycling Advisory Committee Meeting – 14 April 2021 – Minutes.
- CM/11.1/21.08 Closed Circuit Television (CCTV).

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

5. Confirmation and Adoption of Minutes

CM/5.1/21.08 Confirmation of Minutes - Council Meeting - 20 July 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Second: Cr Lewis

That the minutes of the Council Meeting held on 20 July 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

**CM/5.2/21.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 July 2021
(SF21/282)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 22 July 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/CV.01/21.07 – Eastern Bus Network Changes – Bronte Road and Curlewis Street – Bus Zone Extensions and Installations.

And that this item be dealt with separately below.

**CM/5.2.1/21.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 July 2021 -
TC/CV.01/21.07 - Eastern Bus Network Changes - Bronte Road and Curlewis Street
- Bus Zone Extensions and Installations (SF21/3556)**

This item was saved and excepted by Cr Masselos.

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the Traffic Committee's recommendation.

6. Mayoral Minutes

CM/6.1/21.08 Automatic Activation of Pedestrian Phases (A03/0042-04)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Investigates locations for the automatic activation of pedestrian phases for the following:
 - (a) Key pedestrian crossings in areas of high pedestrian usage, including around key shopping precincts such as Bondi Junction, Charing Cross and Rose Bay.
 - (b) Around or near synagogues from sunset Friday to sunset on Saturday.
2. Forwards identified locations to Transport for NSW (TfNSW) for investigation and advice.
3. Receives a report detailing outcomes of investigations and any actions and advice from TfNSW.

Background

As the pandemic continues in Sydney, it is important that Council continues to keep our residents as safe as

possible by reducing the potential transmission points. A number of councils have instituted automatic activation of pedestrian phases, which means pedestrians do not have to press the 'walk' button at traffic lights. These automatic activations of pedestrian phases appear on major crossings at key business precincts.

At the same time, the matter of automatic activation of pedestrian phases was raised at a panel discussion at a recent Connections, Opportunities, Activities (COA Sydney) panel on which I participated. The Waverley local government area is home to a significant number of religious Jews who are prohibited on the Sabbath from doing certain things such as pressing the 'walk' button at traffic lights. I undertook to investigate this on behalf of the Jewish community.

Transport for NSW (TfNSW) previously investigated the automatic activation of pedestrian phases during the Jewish Sabbath along Old South Head Road. This showed that traffic flows along the road would have been severely impacted and that drivers would become frustrated that they cannot proceed even though there is nobody using the crossing. Therefore, it did not proceed.

TfNSW is currently preparing a guideline for this operation.

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

CM/6.2/21.08 Compliance Fees (A21/0419)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) On Friday, 16 July 2021, Council was notified by the Chief Executive of Local Government NSW (LGNSW) of the passage of the *Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021* (NSW).
 - (b) This decision was made without any prior consultation with Councils.
 - (c) This Regulation will prohibit Councils from charging compliance levies after 31 December 2021.
 - (d) Council is one of 29 Councils in NSW that charges a compliance levy to support its compliance programs.
 - (e) Council raises approximately \$400,000, which contributes towards the employment of up to four permanent building compliance staff.
 - (f) This change will adversely impact Council's 2021–22 budget, already facing significant pressure due to the current COVID-19 restrictions.
 - (g) Council will now be forced to revise the extent of its current compliance services, to the detriment of our community and environment.
2. Instructs the Mayor, as a matter of urgency, to write to:
 - (a) The Hon. Rob Stokes, Minister for Planning and Public Spaces, to:

- (i) Express extreme disappointment at the lack of genuine consultation with affected councils and their representatives.
 - (ii) Express extreme dissatisfaction with the *Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021*.
 - (iii) Request the State Government to reverse this decision, as it will significantly impact Council's ability to provide an appropriately resourced compliance function.
- (b) LGNSW, supporting urgent collective action among its members to advocate against this latest State Government regulation on compliance levies.
- (c) The Hon. Gabriel Upton, Member for Vaucluse, and Dr Marjorie O'Neill, Member for Coogee, seeking their urgent support and assistance to reverse this Regulation.

Background

On Friday, 16 July 2021, Council was notified by the Chief Executive of Local Government NSW of the passage by the NSW State Government of the *Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021* (NSW). The Regulation prohibits councils from collecting compliance levies after 31 December 2021.

Council is one of 29 councils in NSW that charges a compliance levy to support its compliance programs. This compliance levy is an opportunity to ensure adequate oversight and resourcing of statutory and regulatory responsibilities.

Council collects approximately \$400,000 in compliance levies each year, which contribute to funding up to four permanent Building Compliance staff and supplements our compliance activities.

This Regulation was made without any proper consultation with impacted councils. Even more concerning is that the State Building Commissioner's Office will now charge compliance levies, with the collections and remittance of these levies undertaken by local councils with no administrative or financial support.

This is a huge impost on the local government sector and the communities that we represent and is yet another example of cost shifting by the State government on to local government. There is no doubt it will add to the considerable hardship many councils are experiencing and towards the deterioration of building compliance activities.

The State Government has publicly committed to fostering economic recovery by streamlining planning processes and reducing costs, which is welcomed and supported. However, this decision is in conflict with that stated position and will have a significant financial impact on all councils across NSW that apply a compliance levy, not to mention the potential for substandard building works that do not comply with conditions of consent.

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

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

UNANIMOUS DECISION:

That Council:

1. Notes that:

- (a) On Friday, 16 July 2021, Council was notified by the Chief Executive of Local Government NSW (LGNSW) of the passage of the *Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021* (NSW).
 - (b) This decision was made without any prior consultation with Councils.
 - (c) This Regulation will prohibit Councils from charging compliance levies after 31 December 2021.
 - (d) Council is one of 29 Councils in NSW that charges a compliance levy to support its compliance programs.
 - (e) Council raises approximately \$400,000 annually, which contributes towards the employment of up to four permanent building compliance staff.
 - (f) This change will adversely impact Council's 2021–22 budget, already facing significant pressure due to the current COVID-19 restrictions.
 - (g) Council will now be forced to revise the extent of its current compliance services, to the detriment of our community and environment.
2. Instructs the Mayor, as a matter of urgency, to write to:
- (a) The Hon. Rob Stokes, Minister for Planning and Public Spaces, to:
 - (i) Express extreme disappointment at the lack of genuine consultation with affected councils and their representatives.
 - (ii) Express extreme dissatisfaction with the *Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021*.
 - (iii) Request the State Government to reverse this decision, as it will significantly impact Council's ability to provide an appropriately resourced compliance function.
 - (b) LGNSW, supporting urgent collective action among its members to advocate against this latest State Government regulation on compliance levies.
 - (c) The Hon. Gabriel Upton, Member for Vaucluse, and Dr Marjorie O'Neill, Member for Coogee, seeking their urgent support and assistance to reverse this Regulation.

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

CM/6.3/21.08 Infrastructure Contributions Reforms (SF21/3571)

MOTION

Mover: Cr Masselos

That Council:

1. Notes:
 - (a) That the NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June 2021 and subsequently referred it to the Upper House Portfolio Committee No. 7 – Planning and

Environment on 24 June 2021 for inquiry and report by 10 August 2021.

- (b) That the Bill introduces a major overhaul of the infrastructure contributions system in NSW and has far and wide-ranging deleterious implications for Council and our community.
 - (c) That infrastructure contributions are made by developers to help fund public infrastructure that is required as a direct or indirect result of new development. This is based on a longstanding impactor/beneficiary-pays principle of the existing planning system; i.e. new development makes a contribution towards the cost of infrastructure that will meet the additional demand it generates and benefits from
 - (d) That councils rely on developer contributions to fund new infrastructure to support population growth. This includes local roads, pedestrian and cycle networks, local water and sewage utilities, stormwater and water management, buildings and facilities, public domains, parks and open spaces, recreation, cultural, family and community services and facilities, and a range of other infrastructure vital to local communities and important for creating liveable communities.
 - (e) Local Government NSW's (LGNSW) opposition to the Bill, given that 'the implementation of the recommendations will have far reaching financial implications for councils and communities.'
 - (f) The lack of broad consultation on the Bill and the attempt to expedite its passage by making it a cognate Bill of the NSW budget Appropriation Bills, therefore avoiding the level of scrutiny this warrants.
 - (g) That LGNSW's submission states that 'local government does not feel confident the reforms will create a fair and equitable system that does not make councils worse off.'
 - (h) The government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure (developer) contributions.
 - (i) That preliminary estimates indicate that Council could stand to lose up to \$40 million over the duration of our Long Term Financial Plan, or an average of \$4 million per year.
2. Undertakes financial forecasting to determine the likely impact on Council over the duration of the current Long Term Financial Plan.
 3. Works with the Southern Sydney Regional Organisation of Councils to undertake regional financial forecasting to understand the cumulative financial impact across the region.
 4. Calls on the NSW Government to:
 - (a) Withdraw the Bill from Parliament.
 - (b) Undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system
 - (c) Decouple the Independent-Pricing-and-Regulatory-Tribunal-led review of the rate peg to include population growth from the infrastructure contributions reforms.
 5. Writes to the Premier, the Hon. Gladys Berejiklian MP; the Treasurer, the Hon. Dominic Perrottet MP; the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP; the Minister for Local Government, the Hon. Shelley Hancock MP; the Hon. Gabriel Upton, Member for Vaucluse; and Dr

Marjorie O'Neill, Member for Coogee, seeking their support in the withdrawal of the Bill.

6. Writes to the Shadow Treasurer, the Hon. Daniel Mookhey MLC; the Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP; the Shadow Minister for Local Government, Mr Greg Warren MP; Mr David Shoebridge MLC (The Greens); the Hon. Robert Borsak MLC (Shooters, Fishers and Farmers Party); the Hon. Mark Latham MLC (Pauline Hanson's One Nation); the Hon. Emma Hurst MLC (Animal Justice Party); the Hon. Fred Nile MLC (Christian Democratic Party – Fred Nile Group); Mr Justin Field MLC (Independent); Portfolio Committee Chair, Ms Cate Faehmann MLC (The Greens); Portfolio Committee Deputy Chair, the Hon. Mark Pearson MLC (Animal Justice Party); and Committee members, the Hon. Catherine Cusack MLC (Liberal Party), the Hon. Shayne Mallard MLC (Liberal Party), the Hon. Ben Franklin MLC (The Nationals), the Hon. Rose Jackson MLC (Australian Labor Party), and the Hon. Adam Searle MLC (Australian Labor Party) seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.
7. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation, and shares and promotes these messages via its digital and social media channels and via its networks.
8. Affirms its support to LGNSW to continue advocating on our behalf to protect local government from any amendments to infrastructure contributions that leave councils and communities forced to use ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.
9. Participates in any joint council initiatives to fight these reforms.

Background

I am calling on Councillors to strongly oppose the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (NSW), which was introduced into Parliament in June 2021 with no public consultation and is likely to significantly impact the way local government can fund and deliver local infrastructure.

Currently, Council uses developer contributions to provide important local infrastructure in an area where development occurs. This Bill proposes to change the way developer contributions are paid, with a significant proportion proposed to be paid to the State Government to fund regional infrastructure in areas where the nexus between development and the provision of infrastructure does not exist.

Community infrastructure, such as parks and playgrounds, local roads, community facilities, footpaths and open spaces, that is currently funded through developer contributions will either have to be delayed, unfunded or fully funded by Council rates. To compensate, the State Government has said it will allow Council's to charge higher rates, once again shifting the cost and responsibility of funding local infrastructure onto local councils and our community.

The impact on Waverley is largely unknown. However, an initial review indicates we could lose up to \$40 million over the duration of our Long Term Financial Plan. That is \$40 million of parks and playgrounds, open spaces, community facilities that will have to be either unfunded, delayed or significantly reduced in scope to offset the financial loss

Council needs to be in a position to build quality infrastructure and community assets to offset the impact of development on our community and its local neighbourhood amenity, as well as provide vital infrastructure needed to accommodate additional housing and local employment in line with State Government targets.

While we support efforts to reduce complexity, cut red tape, and improve transparency and equity, our communities cannot be worse off because of these proposed reforms.

Local Government NSW (LGNSW) has been advocating this position on our behalf and has met with the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, on several occasions to stress that councils and their communities must *not* be worse off under any reforms.

LGNSW has made a submission to the parliamentary inquiry, opposing the passage of the Bill, and on 16 July 2021 LGNSW President, Linda Scott, spoke at the inquiry hearing alongside other local government representatives to present a united front on this issue.

LGNSW and councils will continue advocacy efforts by calling on the NSW Government to withdraw the Bill from the NSW Parliament.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Burrill

That clause 7 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 10 AND 11.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes:

- (a) That the NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June 2021 and subsequently referred it to the Upper House Portfolio Committee No. 7 – Planning and Environment on 24 June 2021 for inquiry and report by 10 August 2021.
- (b) That the Bill introduces a major overhaul of the infrastructure contributions system in NSW and has far and wide-ranging deleterious implications for Council and our community.
- (c) That infrastructure contributions are made by developers to help fund public infrastructure that is required as a direct or indirect result of new development. This is based on a longstanding impactor/beneficiary-pays principle of the existing planning system; i.e. new development makes a contribution towards the cost of infrastructure that will meet the additional demand it generates and benefits from
- (d) That councils rely on developer contributions to fund new infrastructure to support population growth. This includes local roads, pedestrian and cycle networks, local water and sewage utilities, stormwater and water management, buildings and facilities, public domains, parks and open spaces, recreation, cultural, family and community services and facilities, and a range

of other infrastructure vital to local communities and important for creating liveable communities.

- (e) Local Government NSW's (LGNSW) opposition to the Bill, given that 'the implementation of the recommendations will have far reaching financial implications for councils and communities.'
 - (f) The lack of broad consultation on the Bill and the attempt to expedite its passage by making it a cognate Bill of the NSW budget Appropriation Bills, therefore avoiding the level of scrutiny this warrants.
 - (g) That LGNSW's submission states that 'local government does not feel confident the reforms will create a fair and equitable system that does not make councils worse off.'
 - (h) The government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure (developer) contributions.
 - (i) That preliminary estimates indicate that Council could stand to lose up to \$40 million over the duration of our Long Term Financial Plan, or an average of \$4 million per year.
2. Undertakes financial forecasting to determine the likely impact on Council over the duration of the current Long Term Financial Plan.
 3. Works with the Southern Sydney Regional Organisation of Councils to undertake regional financial forecasting to understand the cumulative financial impact across the region.
 4. Calls on the NSW Government to:
 - (a) Withdraw the Bill from Parliament.
 - (b) Undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system
 - (c) Decouple the Independent-Pricing-and-Regulatory-Tribunal-led review of the rate peg to include population growth from the infrastructure contributions reforms.
 5. Writes to the Premier, the Hon. Gladys Berejiklian MP; the Treasurer, the Hon. Dominic Perrottet MP; the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP; the Minister for Local Government, the Hon. Shelley Hancock MP; the Hon. Gabriel Upton, Member for Vaucluse; and Dr Marjorie O'Neill, Member for Coogee, seeking their support in the withdrawal of the Bill.
 6. Writes to the Shadow Treasurer, the Hon. Daniel Mookhey MLC; the Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP; the Shadow Minister for Local Government, Mr Greg Warren MP; Mr David Shoebridge MLC (The Greens); the Hon. Robert Borsak MLC (Shooters, Fishers and Farmers Party); the Hon. Mark Latham MLC (Pauline Hanson's One Nation); the Hon. Emma Hurst MLC (Animal Justice Party); the Hon. Fred Nile MLC (Christian Democratic Party – Fred Nile Group); Mr Justin Field MLC (Independent); Portfolio Committee Chair, Ms Cate Faehmann MLC (The Greens); Portfolio Committee Deputy Chair, the Hon. Mark Pearson MLC (Animal Justice Party); and Committee members, the Hon. Catherine Cusack MLC (Liberal Party), the Hon. Shayne Mallard MLC (Liberal Party), the Hon. Ben Franklin MLC (The Nationals), the Hon. Rose Jackson MLC (Australian Labor Party), and the Hon. Adam Searle MLC (Australian Labor Party) seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.

7. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation, and shares and promotes these messages via its digital and social media channels and via its networks.
8. Affirms its support to LGNSW to continue advocating on our behalf to protect local government from any amendments to infrastructure contributions that leave councils and communities forced to use ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.
9. Participates in any joint council initiatives to fight these reforms.
10. Investigates challenging, via the appropriate legal mechanism, the failure of due process by the State Government in providing insufficient time for Council to make a submission.
11. Delegates authority to the General Manager, in consultation with the Mayor, to undertake further action if needed.

Division

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

Against the Motion: Crs Betts and Goltsman.

7. Reports

CM/7.1/21.08 Delivery Program 2018-22 - Six-monthly Progress Report (A19/0364)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes the progress report on the Delivery Program 2018–22 attached to the report.

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

CM/7.2/21.08 Draft Financial Statements 2020-21 (A21/0024)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2021 attached to the report:
 - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and

Financial Reporting.

- (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 6 of the Annual Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 3 of the Special Purpose Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. The financial statements be referred to Council's auditor for audit.
6. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
7. The audited financial statements be advertised and presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2021 attached to the report:
 - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. Notes that it has continued to successfully operate during the year despite difficult circumstances, with the draft financial statements showing a net operating result of a \$7.4 million surplus.
4. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 6 of the Annual Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.

5. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 3 of the Special Purpose Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
6. The financial statements be referred to Council's auditor for audit.
7. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
8. The audited financial statements be advertised and presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.

CM/7.3/21.08 Budget Carry Over and Amendments to Capital Works and Fleet Replacement Programs (A03/0346)

MOTION / DECISION

Mover: Cr Masselos
Seconded: Cr Keenan

That Council:

1. Carries over \$14,820,779 from the 2020–21 financial year budget to 2021–22, as set out in Attachment 1 of the report.
2. Defers \$7,258,024 from the 2021–22 Capital Works Program to 2022–23, as set out in Attachment 2 of the report.
3. Defers \$2,486,589 from the 2021–22 Fleet Replacement Program to 2022–23, as set out in Table 4 of the report.
4. Establishes an Emergency Reserve for the purpose of providing funding to offset the financial impact of emergencies including COVID-19 with the projected budget result of \$2.7 million being allocated to this reserve, subject to audit and a report to Council.

Division

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

Against the Motion: Crs Betts and Goltsman.

CM/7.4/21.08 Fees and Charges 2021-22 - Amendment - Early Education Centres (SF21/917)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Lewis

That:

1. Council notes the submissions received on the proposed amendments to the Early Education Services Fees during the 28-day public exhibition period, which ended on 30 July 2021.
2. Council adopts the amendments to the Early Education Services Fees for the 2021–22 financial year to:
 - (a) Delay the increase of Early Education Centres fees until the commencement of school Term 4

on 5 October 2021.

- (b) Maintain the Family Day Care Educator Levy for 2021–22 at 12% to rectify an administrative oversight.
3. In the event that it becomes evident that the component of Council’s Community Support Initiatives to delay the increase in Early Education Centre fees is likely to extend beyond 4 October 2021, a further report be prepared and submitted to the September Council meeting, including a recommendation to advertise the associated change to the fees in accordance with section 610F(3) of the *Local Government Act 1993*.

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

CM/7.5/21.08 Investment Portfolio Report - July 2021 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for July 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.

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

CM/7.6/21.08 Schedule of Meeting Dates 2021 - Amendments (A04/1869)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Notes the postponement of the local government elections to 4 December 2021.
2. Amends its 2021 Schedule of Meeting Dates as follows:
 - (a) Schedules a meeting of the Operations and Community Services Committee and the Strategic Planning and Development Committee on Tuesday, 14 September 2021 at 7.00 pm and 7.30 pm respectively.
 - (b) Cancels the ordinary Council meeting scheduled for Tuesday, 7 December 2021.
3. Extends the term of the current deputy mayor from 4 September 2021 to 23 September 2021.
4. Extends the term of Councillors appointed to Council’s standing committees, advisory committees, and other committees as well as delegates to various organisations in September 2020 to 4

December 2021.

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

CM/7.7/21.08 Status of Mayoral Minutes and Notices of Motion (SF18/691)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes the report on the status of mayoral minutes and notices of motion adopted by Council from 2016 to July 2021.

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

CM/7.8/21.08 North Bondi Surf Life Saving Club - Surf Life Saving Competition Events - January 2022 (A21/0355)

Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he is a member of the North Bondi Surf Life Saving Club.

MOTION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council:

1. Approves the hosting of Summer of Surf on 8 and 9 January 2022 and the Nutri-Grain IronMan/IronWoman Series on 15 and 16 January 2022 at Bondi Beach utilising the event footprints outlined in option two of the report, which reduces impacts on community beachgoers, lifeguard operations and mitigates the impact on the Bondi Surf Bathers Life Saving Club.
2. Allocates \$35,000 from the Festival of the Winds budget to engage an event co-ordinator to ensure the safe and successful delivery of the events.
3. Notes that the events remain subject to prevailing NSW Public Health Orders and authorises the General Manager to cancel the events if required by the prevailing Public Health Orders or other community safety concerns.

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

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

UNANIMOUS DECISION:

That Council:

1. Approves the hosting of Summer of Surf on 8 and 9 January 2022 and the Nutri-Grain IronMan/IronWoman Series on 15 and 16 January 2022 at Bondi Beach utilising the event footprints outlined in option two of the report, which reduces impacts on community beachgoers, lifeguard operations and mitigates the impact on the Bondi Surf Bathers Life Saving Club.

2. Allocates \$35,000 from the budget previously allocated to the Festival of the Winds, which was cancelled due to the COVID-19 lockdown, for Council to engage an event co-ordinator to ensure the safe and successful delivery of the events.
3. Notes that the events remain subject to prevailing NSW Public Health Orders and authorises the General Manager to cancel the events if required by the prevailing Public Health Orders or other community safety concerns.

CM/7.9/21.08 Biodiversity Action Plan - Remnant Sites 2021-2030 (SF20/2340)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Publicly exhibits the draft Biodiversity Action Plan: Remnant Sites 2021–2030 attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

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

CM/7.10/21.08 Environmental Upgrade Agreements (A09/1017)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Supports the implementation of Environmental Upgrade Agreements within the Waverley local government area.
2. Appoints a third-party provider to deliver streamlined Environmental Upgrade Agreements for a trial period of two years.
3. Supports the integration of Environmental Upgrade Agreements within Council's finance systems.
4. Officers prepare a report to Council at the end of the trial period on the performance of the Environmental Upgrade Agreements.

CM/7.11/21.08 Planning Proposal - Waverley War Memorial Hospital - Campus Site (PP-1/2017)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of

125 Birrell Street, Waverley.

2. Officers review the draft Site Specific Development Control Plan (DCP) in order to consider the following matters prior to finalising and reporting to Council for adoption:
 - (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
 - (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
 - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved, and the site will remain accessible to the public and that pedestrian accessibility through the site will be improved.
 - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
 - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
 - (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
 - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
4. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
5. Writes to property owners to provide an update on the Conditional Gateway Determination.
6. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

THE MOVER OF THE MOTION THE ACCEPTED AMENDMENTS TO CLAUSES 2 AND 2(c) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the following matters and update the draft Site Specific Development Control Plan

(DCP) prior to it being adopted for exhibition:

- (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
 - (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
 - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.
 - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
 - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
- (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
 - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
4. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
5. Writes to property owners to provide an update on the Conditional Gateway Determination.
6. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

AMENDMENT

Mover: Cr Wy Kanak
Seconder: Cr Keenan

That clause 1 be amended to read as follows:

'Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley, subject to the alternative building heights being changed from 15 metres to 12.5 metres and 21 metres to 18 metres, and the floor space ratio being changed from 1.2:1 to 1:1.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Keenan and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

THE MOVER OF THE MOTION THE ACCEPTED THE ADDITION OF NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:
 - (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
 - (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
 - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.
 - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
 - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
 - (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
 - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
 - (c) A request for consideration of options for rehousing existing residents in a sensitive and considered way, including giving preference to existing residents in the future development.
4. Officers, in any future development application, give consideration to rehousing existing residents.
5. Officers discuss the potential inclusion of social impact mitigation provisions with the applicant to be

included in the planning proposal, Site Specific DCP or any other planning instrument.

6. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
7. Writes to property owners to provide an update on the Conditional Gateway Determination.
8. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

Division

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

Against the Motion: Cr Wy Kanak.

G Vaughan (on behalf of Bronte Beach Precinct), M Cusack, D Caretti (on behalf of Charing Cross Precinct), S Swifte (on behalf of Queens Park Precinct), J Jungheim, M Main and S Furness (on behalf of Uniting) addressed the meeting.

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

At 10.07 pm, the meeting resumed.

CM/7.12/21.08 Voluntary Planning Agreement - 12 Burge Street, Vaucluse (SF21/3706)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 12 Burge Street, Vaucluse, offering a total monetary contribution of \$61,200 to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

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

Against the Motion: Crs Keenan and Wy Kanak.

CM/7.13/21.08 Voluntary Planning Agreement - 97 Glenayr Avenue, Bondi Beach (SF21/3457)**MOTION / DECISION**

Mover: Cr Lewis
Seconder: Cr Goltsman

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 97 Glenayr Avenue, Bondi Beach, offering a total monetary contribution of \$541,860, with \$406,395 (75%) to go towards Biddigal Reserve design upgrades including a playground, landscaping, paving and seating, and \$135,465 (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.

Division

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

Against the Motion: Crs Keenan and Wy Kanak.

CM/7.14/21.08 Cycling Advisory Committee Meeting - 14 April 2021 - Minutes (A18/0188)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council receives and notes the minutes of the Cycling Advisory Committee meeting held on 14 April 2021 attached to the report.

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

CM/7.15/21.08 Council Chambers Refurbishment - Feasibility Study Outcome (SF21/3221)**MOTION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Endorses option three—major refurbishment including complete removal of pre-1960s structure—for the Council Chambers building refurbishment project, as set out in the attachment to the report.
2. Officers prepare a report to Council with the Review of Environmental Factors (REF), including planning detailed design for option three.
3. Includes an increase of \$5.8 million to the project budget for the refurbishment of the Council Chambers building in the Long Term Financial Plan 6.0.

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. Endorses option three—major refurbishment including complete removal of pre-1960s structure—for the Council Chambers building refurbishment project, as set out in the attachment to the report.
2. Officers prepare a report to Council with the Review of Environmental Factors (REF), including planning detailed design for option three and consideration of car parking.
3. Includes an increase of \$5.8 million to the project budget for the refurbishment of the Council Chambers building in the Long Term Financial Plan 6.0.

Division

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

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

CM/7.16/21.08 Boonara Avenue and Imperial Avenue, Bondi - Right Turn Ban into Bondi Road (A21/0178)

MOTION

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Notes Transport for NSW's response to Council's resolution in relation to temporarily banning the right turn from Boonara Avenue into Bondi Road.
2. Undertakes an investigation into banning:
 - (a) Right turn movements from Boonara Avenue and Imperial Avenue into Bondi Road.
 - (b) The movement from Boonara Avenue into Castlefield Street.
3. Notes that the investigation will include resident consultation, with the findings to be reported to Council through the Waverley Traffic Committee.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2(c) AND AN AMENDMENT TO CLAUSE 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes Transport for NSW's response to Council's resolution in relation to temporarily banning the right turn from Boonara Avenue into Bondi Road.
2. Undertakes an investigation into banning:
 - (a) Right turn movements from Boonara Avenue and Imperial Avenue into Bondi Road.

- (b) The movement from Boonara Avenue into Castlefield Street.
 - (c) The movement from Imperial Avenue (south of Bondi Road) into Imperial Avenue (north of Bondi Road).
3. Notes that the investigation will include resident consultation for streets impacted by the proposal, with the findings and Traffic Management Plan (TMP) to be reported to the Waverley Traffic Committee for subsequent Council consideration and then, if appropriate, to Transport for NSW for approval.

8. Notices of Motions

CM/8.1/21.08 Oxford Street Mall Upgrade (A14/0404)

MOTION

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Develops a proposal to bring forward the upgrade and revitalisation of Oxford Street Mall, including seeking new funding sources and an accelerated timetable. The scope should urgently address the replacement of shade structures and inclusion of safety measures such as 'safety by design' and cyclist prevention, with a report to come back to Council as soon as possible.
2. Notes that the upgrade of Oxford Street Mall is listed in the Long Term Financial Plan (LTFP) for \$6 million over 10 years, with \$1 million in 2022–23 and the balance falling in 2026–2032.
3. Notes that there is no current strategy or plan for the upgrade of the Mall and the shade structures are in very poor condition and are overdue for replacement.
4. Notes that new garden structures and bike parking are planned to be installed at both ends of the Mall in 2021–22.
5. Notes that there is currently no place manager responsible for activating the Mall.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.2/21.08 Short-stay, Hotel, Motel, Boarding House and Guest House Accommodation - Management Plans (A21/0390)**MOTION / DECISION**

Mover: Cr Wakefield
Seconded: Cr Wy Kanak

That:

1. Council investigates amending the Waverley Development Control Plan and *Waverley Local Environmental Plan 2012* to require a management plan for all short-stay, hotel, motel, boarding house and guest house applications.
2. The management plan include details of:
 - (a) Control of patrons as they enter and exit the premises.
 - (b) Use of common areas.
 - (c) External lighting hours of operations.
 - (d) Full-time on-site staff and security staff.
 - (e) Patron parking requirements.
 - (f) Waste management.

Division

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

Against the Motion: Nil.

CM/8.3/21.08 Bondi Pavilion - Aboriginal Keeping Place (A15/0272)**MOTION / DECISION**

Mover: Cr Wy Kanak
Seconded: Cr Copeland

That:

1. Council officers, in discussion with the Reconciliation Action Plan (RAP) Advisory Committee, prepare a feasibility report on the process to establish, design and operate an Aboriginal Keeping Place at Bondi Pavilion to celebrate aspects of ancient and modern Aboriginal First Nations culture, heritage and cultural artefacts specific to the Bondi/Eastern Suburbs area, such as the Bondi points.
2. The Feasibility Report include, together with the RAP, consultation with museums and galleries, such as the Australian Museum which has an extensive collection of Bondi points, to investigate a process to physically display boondiboondi Bondi-connected Aboriginal heritage items at Bondi Pavilion to supplement the information provided through the virtual stories to be featured after the Bondi Pavilion makeover is completed.
3. Should physical display not be feasible, Council considers including photography or 3D imaging of Bondi points to be priority-featured in the Bondi Story Room visual archive and investigates featuring content about Bondi points and other Indigenous artefacts alongside language translations, stories

and cultural history to provide ongoing cultural learning for all who use and visit Bondi Pavilion.

Division

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

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

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

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session

CM/11/21.08 Closed Session

There were no items dealt with in closed session.

CM/11.1/21.08 CONFIDENTIAL REPORT - Closed Circuit Television (CCTV) (A20/0307)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(e) of the *Local Government Act 1993*. The report contains information that would, if disclosed, prejudice the maintenance of law.
2. Approves the Closed Circuit Television (CCTV) solution for the Bondi Beach precinct as outlined in the report.
3. Adopts the CCTV Policy and CCTV Code of Practice attached to the report.

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

12. Meeting Closure

THE MEETING CLOSED AT 11.01 PM.

.....
SIGNED AND CONFIRMED
MAYOR
23 SEPTEMBER 2021