



## WAVERLEY COUNCIL

### MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 26 OCTOBER 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
Rachel Hensman	Acting Director, Customer Service and Organisation Improvement
Evan Hutchings	Director, Finance and Governance
Tony Pavlovic	Director, Planning, Environment and Regulatory

*At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Burrill who arrived at 7.04 pm during declarations of interests and Cr Wakefield who arrived at 7.26 pm during addresses by members of the public.*

*At 11.32 pm, following the vote on item CM/8.1/21.10, the Chair adjourned the meeting due to the lateness of the hour, to reconvene at the Council Chambers on 2 November 2021 at 7.00 pm*

*When the meeting reconvened at 7.00 pm on 2 November 2021, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.07 pm during item CM/8.2/21.10 and Cr Keenan who arrived at 9.38 pm during item CM/10.1/21.10.*

## **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 Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15 and informed the meeting that he leases property in Park Parade.
- 2.2 Cr Goltsman declared a pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that he worked on projects with Connections, Opportunities, Activities (COA) and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Burrill declared a significant non-pecuniary interest in item CM/7.12/21.10 – Community Tenants Accommodation Review – Findings and Recommendations 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.
- 2.4 Cr Betts declared a significant non-pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that she is on the board of Easts Cricket Club and will leave the meeting for the consideration and vote on this item.
- 2.5 Cr Masselos declared a less than significant non-pecuniary interest in item CM/7.10/21.10 – Small Grants Round 2021-22 – Round 1 and informed the meeting that she knows a number of the applicants.

### **3. Obituaries**

Uncle Bob Webb

Richard Green

Trevor Wilson

Eddie Jaku

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

#### **4. Addresses by Members of the Public**

- 4.1 D Turtle – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.2 U Chauhan – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.3 K and W Morris – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.4 C Johnson – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.5 S Kyvat – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.6 N Barber – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.7 S Redo – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.8 P Beitzel – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.9 A Doctor – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.10 M Mayoh – CM/5.2.1/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
- 4.11 V Turner – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.

- 4.12 W Lederman – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.13 B Greaves – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.14 R and D Moalem – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.15 K Jagusch – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.16 H Copley – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.17 F Bolomey – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.18 S Vorchheimer – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.19 P Bouchier – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.20 K Lovegrove – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.21 A and E Jones – CM/5.2.2/21.10 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 September 2021 – TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.
- 4.22 M Salval (President, Tamarama Surf Life Saving Club) – CM/7.13/21.10 – Tamarama Surf Life Saving Club – Lease.
- 4.23 S Langford – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.24 D Bark (on behalf of the NSW Jewish Board of Deputies) – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.25 M Munz – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.26 R Margo – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.27 E Friedlander – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.28 S Rutland – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.
- 4.29 V Porzsolt – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.

- 4.30 A Ryvchin – CM/8.4/21.10 – Antisemitism – Adoption of International Holocaust Remembrance Alliance Working Definition.

#### ITEMS BY EXCEPTION

##### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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

CM/5.1/21.10 Confirmation of Minutes – Council Meeting – 23 September 2021.

CM/7.3/21.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.

CM/7.5/21.10 Investment Portfolio Report – September 2021.

#### 5. Confirmation and Adoption of Minutes

##### CM/5.1/21.10 Confirmation of Minutes - Council Meeting - 23 September 2021 (SF21/279)

##### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 23 September 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### CM/5.2/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 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 23 September 2021 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/21.09 – Park Parade to Watson Street, Bondi – Resident Parking Scheme – Area 15.
2. TC/V.01/21.09 – Flood Street/Watkins Street, Bondi – Kerb Buildout.

And that these items be dealt with separately below.

**CM/5.2.1/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 2021 - TC/C.01/21.09 - Park Parade to Watson Street, Bondi - Resident Parking Scheme - Area 15 (A02/0750)**

*This item was saved and excepted by Cr Masselos.*

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

**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 1 such that that the recommendation now reads as follows:

That:

1. Council introduces for a 12-month trial a '2P, 6 am–8 pm, Mon–Sun, Permit Holders Excepted, Area 15' resident parking scheme between Bondi Road and Birrell Street, Bondi, in the following streets, as shown in Figure 1 of the report, with a report back to Council at the end of the trial:
  - (a) Park Parade.
  - (b) Bennett Street.
  - (c) Watson Street.
  - (d) King Street.
  - (e) Ewell Street.
  - (f) Ocean Street.
  - (g) Ocean Lane.
  - (h) Grove Street.
  - (i) Coulton Street.
  - (j) Stephen Street.
2. Residents living within the consultation area identified in Figure 1 of the report be eligible for parking permits within this area.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1.

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

**UNANIMOUS DECISION:**

That Council adopts the Traffic Committee's recommendation subject to amendments to clause 1 such that that the recommendation now reads as follows:

That:

1. Council introduces a '2P, 8 am–8 pm, Permit Holders Excepted, Area 15' resident parking scheme between Bondi Road and Birrell Street, Bondi, in the following streets, as shown in Figure 1 of the report, with a review to be conducted 12 months after implementation:
  - (a) Park Parade.
  - (b) Bennett Street.
  - (c) Watson Street.
  - (d) King Street.
  - (e) Ewell Street.
  - (f) Ocean Street.
  - (g) Ocean Lane.
  - (h) Grove Street.
  - (i) Coulton Street.
  - (j) Stephen Street.
2. Residents living within the consultation area identified in Figure 1 of the report be eligible for parking permits within this area.

*D Turtle, U Chauhan, K and W Morris, C Johnson, S Kyvat, N Barber, S Redo, P Beitzel, A Doctor and M Mayoh addressed the meeting.*

**CM/5.2.2/21.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 September 2021 - TC/V.01/21.09 - Flood Street/Watkins Street, Bondi - Kerb Buildout (SF21/4465)**

*This item was saved and excepted by Cr Kay.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Burrill

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. Notes feedback and submissions from many residents in Orr, New, Anglesea and Watkins streets stating that they reject the Council proposal.
3. Officers prepare a report with a design for kerb buildouts only in Flood Street for Waverley Traffic Committee consideration and community consultation.
4. Officers regularly monitor the intersection for illegal parking.

*Cr Nemesh was not present for the vote on this item.*

*V Turner, W Lederman, B Greaves, R and D Moalem, K Jagusch, H Copley, F Bolomey, S Vorchheimer, P Bouchier, K Lovegrove and A and E Jones addressed the meeting.*

## 6. Mayoral Minutes

### CM/6.1/21.10 Al Fresco Dining (A21/0513)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Notes:
  - (a) The NSW State Government's temporary measures to support al fresco dining.
  - (b) Initiatives by the City of Sydney, Inner West and Woollahra Councils to provide al fresco dining opportunities.
2. Understands there is confusion in the business sector about the process to gain Council approval for al fresco dining activities.
3. Officers prepare a report for submission to the next Council meeting that:
  - (a) Outlines a policy for al fresco dining, drawing upon initiatives from other Sydney councils.
  - (b) Clarifies the process for businesses to apply to Council for such approvals.

#### Background

In walking around Waverley, the business community drew my attention to the State Government's public statements about its commitment to supporting the promotion of al fresco dining and outdoor entertainment. Victor Dominello has been quoted as saying he wanted councils across NSW to partner with the government 'and be bold in their thinking and ideas'.

The business community is seeing other local government areas taking proactive steps to support al fresco dining and outdoor entertainment such as:

- City of Sydney:
  - Transforming 10 lanes and backstreets into dining spaces and walkways.
  - Trialling a fast-tracked, free application process for outdoor dining permits, which will allow some venues to:
    - Increase the space the use on footpaths.
    - Extend their trading hours.
    - Apply to use on-street car parking space for outdoor dining.
    - Host live entertainment in outdoor dining areas.
- Inner West Council voted on the following last month:
  - To expand outdoor dining and live performances to public spaces, such as streets, car parks and parking spaces, and green spaces as well as footpaths.
- Woollahra Municipal Council has stated that it will permit the expansion of outdoor dining spaces



into kerbside parking spaces, with no fees for the first six months.

Some restaurants and cafes have expressed some frustration to me regarding recent attempts to understand the process/gain Council approval for al fresco activities, especially extending into car parking spaces or converting the space occupied by parklets into al fresco dining areas. They saw this initiative as a part of their reboot activities coming out of this most recent long lockdown.

The Bondi Chamber of Commerce highlighted a recent example where a local business was left in the confusing position where they had obtained a relevant grant to support their al fresco initiative and had the relevant liquor and gaming approvals, but were unable to secure Council approval for an extension into one or two car parks outside their premises.

To help our business community rebuild after the protracted COVID lockdown, it is important that we provide clear policies and streamlined implementation measures to support al fresco and outdoor entertainment.

I note that Council staff are preparing an expression of interest submission to the NSW Government's Streets as Shared Spaces grant program by the closing date, 11 November 2021. Grants of up to \$500,000 are available to all councils across NSW. This grant delivers trials that test permanent changes that strengthen the amenity, accessibility and economic vitality of a high street and surrounding area, taking a place-based approach

I am aware that our officers have already commenced considering these policies and I look forward to seeing this policy presented at our next Council meeting.

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

## **7. Reports**

### **CM/7.1/21.10 Quarterly Budget Review (Q1) - September 2021 (A03/0346)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Director, Finance and Governance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Notes the financial impact of the COVID-19 pandemic on the 2021–22 budget.
3. Adopts the variations to the 2021–22 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.
4. Notes that the 2020–21 budget surplus of \$1,459,007 has been allocated to the Emergency Reserve, with \$1,338,606 of that Reserve applied to funding the COVID-impacted 2021–22 budget.

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

**CM/7.2/21.10 COVID-19 - Council Response, Business Continuity and Community Support Initiatives - Review (A20/0258)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Treats the attachment to this 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 attachment 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 review of the financial impact of the COVID-19 Business Continuity and Community Support initiatives, as outlined in Table 1 of the report.
3. Approves the waiving of rent for commercial tenants and community tenants, as set out in the confidential table attached to the report and Table 2 of the report.
4. Approves an amendment of \$91,458 to the 2021–22 budget to reflect the waiving of rent for commercial and community tenants, as set out in the confidential table attached to the report and Table 2 of the report, with this amount to be offset by the Emergency Reserve.
5. Concludes all initiatives outlined in Table 1 of the report on 26 October 2021, with the exception of the footpath seating component.
6. Extends the COVID-19 Business Continuity and Community Support measure (footpath seating) outlined in Table 3 of the report until 30 November 2021 or until such earlier time as determined by Council or the General Manager.
7. Notes the submissions received in response to the public exhibition of the delay in the increase in childcare fees, with the fee increase to be effective from 27 October 2021 in accordance with Council's previous resolution.

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

**CM/7.3/21.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A21/0179)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2020 to 30 June 2021.

**CM/7.4/21.10 Public Forum - Review of Extended Trial (SF19/3353)****MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Continues to hold public forums in their current form until the end of this Council term.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

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

That Council:

1. Continues to hold public forums for a further trial period of 12 months.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

**FORESHADOWED MOTION**

Mover: Cr Goltsman

That Council notes that public forums have not been satisfactory and considers alternatives, such as promoting attendance and participation at Council and Committee meetings.

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

**UNANIMOUS DECISION:**

That Council:

1. Continues to hold public forums for a further trial period of 12 months.
2. Promotes attendance and participation at Council and Committee meetings on an ongoing basis, including on social media and Council's website.
3. Notes that Precinct meetings, which are regularly attended by Councillors and staff, offer a forum for residents to raise and discuss issues of importance to them and the community.

**CM/7.5/21.10 Investment Portfolio Report - September 2021 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for September 2021 attached to the report.
2. Notes that the Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

**CM/7.6/21.10 Draft Waverley Local Housing Strategy Implementation and Delivery Plan (A19/0332)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Requests a variation to the Department of Planning, Industry and Environment (DPIE) conditions as follows:
  - (a) There are no Council-led planning proposals to increase density on Curlewis Street and/or Bondi Road.
  - (b) Proponent-led planning proposals will continue to be considered.
2. Seeks a 'Gateway Review' at the Independent Planning Commission (IPC) for the Waverley Affordable Housing Contributions Scheme Planning Proposal to:
  - (a) Challenge DPIE's rejection of the Waverley Affordable Housing Contributions Scheme.
  - (b) Advocate to the DPIE to review its Guideline for Developing an Affordable Housing Contribution Scheme to be more in line with the *Environmental Planning and Assessment Act*.
3. Endorses the draft Waverley Local Housing Strategy Implementation and Delivery Plan attached to the report for submission to the DPIE.

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

*At 9.38 pm, following the vote on this item, the meeting adjourned for a short break.*

*At 9.47 pm, the meeting resumed.*

**CM/7.7/21.10 Voluntary Planning Agreement - 157-159 Military Road, Dover Heights (DA-316/2015/B)****MOTION**

Mover: Cr Lewis  
Seconder: Cr Copeland

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$54,320, with \$40,740 (75%) to be allocated to the upgrade and improvement of parks and reserves in Dover Heights and \$13,580 (25%) to be allocated 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 AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$54,320, with \$40,740 (75%) to be allocated to the upgrade and improvement of parks and reserves in Dover Heights, specifically the coastal fence upgrade project, and \$13,580 (25%) to be allocated 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 and Nemesh.

**Against the Motion:** Crs Keenan and Wy Kanak.

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

**CM/7.8/21.10 Smart Cities Mobility - The Pick-up/Drop-off (PUDO) Project (SF18/4225)****MOTION**

Mover: Cr Lewis  
Seconder: Cr Wy Kanak

That Council:

1. Supports the findings of the Pick-up/Drop-off (PUDO) Project and concludes that the trial of the PUDO bays was successful.
2. Makes the PUDO bays permanent, subject to Council adopting the Waverley Traffic Committee’s recommendation, made at its meeting on 23 September 2021, to support the continuation of the

PUDO bays.

3. Continues to expand the PUDO Project in partnership with Transport for NSW and key stakeholders.

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. Supports the findings of the Pick-up/Drop-off (PUDO) Project and concludes that the trial of the PUDO bays was successful.
2. Notes that the PUDO bays have been made permanent by Council adopting item TC/CV.01/21.09 of the minutes of the September Traffic Committee meeting.
3. Continues to expand the PUDO Project in partnership with Transport for NSW and key stakeholders.

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

**CM/7.9/21.10                      Grafton Street Bicycle Cage - Lease (SF21/4020)**

**MOTION**

Mover:        Cr Lewis  
Seconder:    Cr Goltsman

That Council:

1. Enters into a lease with Transport for NSW (TfNSW) for the land on which a bicycle parking cage will be located near the corner of Grafton Street and Grosvenor Street, Bondi Junction.
2. Delegates authority to the General Manger to finalise negotiations and execute the lease.
3. Procures the bicycle cage from the supplier currently used by TfNSW for bicycle cages.

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

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

**UNANIMOUS DECISION:**

1. Enters into a peppercorn lease with Transport for NSW (TfNSW) for the land on which a bicycle parking cage will be located near the corner of Grafton Street and Grosvenor Street, Bondi Junction.
2. Delegates authority to the General Manger to finalise negotiations and execute the lease.
3. Procures the bicycle cage from the supplier currently used by TfNSW for bicycle cages.

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

**CM/7.10/21.10 Small Grants Round 2021-22 - Round 1 (A21/0261)**

*Cr Goltsman declared a pecuniary interest in this item and informed the meeting that he has worked on projects with Connections, Opportunities, Activities (COA). Cr Goltsman was not present at, or in sight of, the meeting for the consideration and vote on this item.*

*Cr Betts declared a significant non-pecuniary interest in this item and informed the meeting that she is on the board of Easts Cricket Club. Cr Betts was not present at, or in sight of, the meeting for the consideration and vote on this item.*

*Cr Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she knows a number of the applicants.*

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council, under the Small Grants Program 2021–22 (Round 1), grants \$50,600 to the individuals and organisations as set out in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

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

**CM/7.11/21.10 Public Gardening Policy and Verge Garden Guidelines - Adoption (A13/0054)****MOTION**

Mover: Cr Masselos

Seconder: Cr Copeland

That Council:

1. Adopts the Public Gardening Policy attached to the report (Attachment 1), subject to extending it to address laneway verge gardens.
2. Notes the Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3).

**FORESHADOWED MOTION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council defers this item for further consideration of the nature and process of issuing the 'permission' to use verge gardens.

THE MOTION WAS THEN PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

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

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

**UNANIMOUS DECISION:**

That Council defers this item for further consideration of the nature and process of issuing the 'permission'

to use verge gardens, and of compliance and inspection, to be discussed at a Councillor workshop.

*Cr Betts was not present for the vote on this item.*

**CM/7.12/21.10            Community Tenants Accommodation Review - Findings and Recommendations (SF19/3947)**

*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 / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Treats Attachment 3 of 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 attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Adopts the Community Tenancy Policy attached to the report (Attachment 1).
3. Notes the findings of the Community Tenants Accommodation Review attached to the report (Attachment 2).
4. Approves the recommendations in relation to new leasing arrangements for community tenants, including lease term and commencement rents, summarised in Table 2 of confidential Attachment 3 of the report.
5. Authorises the General Manager to do all things necessary to finalise negotiations with tenants and execute the leases, including approval of a shorter lease term should this be requested by tenants.

*Crs Betts, Kay and Wakefield were not present for the vote on this item.*

**CM/7.13/21.10            Tamarama Surf Life Saving Club - Lease (SF21/4820)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis

Seconder:    Cr Copeland

That Council:

1. Enters into a lease with Tamarama Surf Life Saving Club for the Club's premises for a term of 20 years on the terms set out in the report.
2. Authorises the General Manager to finalise negotiations and execute the lease documentation.

*Cr Betts was not present for the vote on this item.*

*M Salval (President, Tamarama Surf Life Saving Club) addressed the meeting.*



## 8. Notices of Motions

### CM/8.1/21.10 Bronte Park and Beach - Primary Access Point (A16/0168)

#### MOTION

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Notes that the Bronte Park and Beach Plan of Management recognises issues of accessibility and makes provision for paths to be regraded to meet accessibility standards.
2. Notes that community representation has indicated concerns that entrance paths into Bronte Park from Bronte Road are inadequate and inconvenient, and not wide enough for a reasonable volume of pedestrian traffic.
3. Develops design options for:
  - (a) An accessible path connection (compliant with AS1428 Australian Standards for Access and Mobility) from the Bronte Village Centre and bus terminal into Bronte Park and onto the promenade.
  - (b) Widening paths within the park to enable a good flow of pedestrians and address bottlenecks during peak times.
  - (c) A separate entrance path into Bronte Park opposite the pedestrian crossing.
4. Officers report to Council on design options, program and funding implications.
5. Notes that construction funding would be considered in the development of future Capital Works budgets.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

#### DECISION:

That Council:

1. Notes that the Bronte Park and Beach Plan of Management recognises issues of accessibility and makes provision for paths to be regraded to meet accessibility standards.
2. Notes that community representation has indicated concerns that entrance paths into Bronte Park from Bronte Road are inadequate and inconvenient, and not wide enough for a reasonable volume of pedestrian traffic.
3. Develops design options for:
  - (a) Improving and making compliant with AS1428 Australian Standards for Access and Mobility the shared way access path from the Bronte Village Centre and bus terminal into Bronte Park and onto the promenade.

- (b) Widening paths within the park to enable a good flow of pedestrians and address bottlenecks during peak times.
  - (c) A separate entrance path into Bronte Park opposite the pedestrian crossing.
4. Officers report to Council on design options, program and funding implications.
  5. Notes that construction funding would be considered in the development of future Capital Works budgets.

**Division**

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

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

**CM/8.2/21.10 Customer Service Centre (A02/0777)****MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Notes that \$300,000 is already allocated for improvements to the Customer Service Centre in 2022–23 of the Long Term Financial Plan (LTFP) within the Strategic Asset Management Program (SAMP), with additional funding to be allocated for building improvements in future years of the LTFP.
2. Officers consider including the following in any proposed design of the Customer Service Centre refit within the existing footprint:
  - (a) Improved accessibility.
  - (b) An improved Planning and ‘Have Your Say’ area, with spaces for group conversation and technology access.
  - (c) Space that could be available for community venue hire.
  - (d) Providing level access to public amenities from Spring Street, including an accessible toilet.
  - (e) Improved staff accommodation.
  - (f) Maintaining an enhanced JP service function.
3. Officers report back to Council with options and costings.

*Crs Keenan and Wakefield were not present for the vote on this item.*

**CM/8.3/21.10          Hard Rubbish Waste Collection (A16/0227)****MOTION**

Mover:      Cr Burrill

Seconder:   Cr Betts

That Council:

1.      Notes that a review of waste services is being undertaken by Council's Waste and Recycling Service Manager and a report will come to Council early in 2022.
2.      Investigates adding a geographic information system (GIS) embedded into the website that would enable residents to easily identify when their scheduled hard rubbish clean-up day will occur and other waste-related information.
3.      Considers additional Your Call Clean Ups to align with Randwick Council, which offers one scheduled collection and five booked collections per year.
4.      Considers developing service standards on waiting times or a prioritisation system for Your Call Clean Up collections to prevent residents dumping hard rubbish on their footpaths due to a time delay in being able to access a scheduled collection.
5.      Investigates how Woollahra and Randwick Councils discourage trade and other non-residential waste being dumped in their publicly available hard rubbish clean up zones, as this type of waste has significant cost implications for Council and creates pollution issues.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 2 AND 4.

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

**UNANIMOUS DECISION:**

That Council:

1.      Notes that a review of waste services is being undertaken by Council's Waste and Recycling Service Manager and a report will come to Council early in 2022.
2.      Investigates adding a mapping system dedicated to Council's waste collection processes accessed via Council's website.
3.      Considers additional Your Call Clean Ups to align with Randwick Council, which offers one scheduled collection and five booked collections per year.
4.      Considers an online booking system and developing service standards on waiting times or a prioritisation system for Your Call Clean Up collections to prevent residents dumping hard rubbish on their footpaths due to a time delay in being able to access a scheduled collection.
5.      Investigates how Woollahra and Randwick Councils discourage trade and other non-residential waste being dumped in their publicly available hard rubbish clean up zones, as this type of waste has significant cost implications for Council and creates pollution issues.

*Cr Keenan was not present for the vote on this item.*

**CM/8.4/21.10                    Antisemitism - Adoption of International Holocaust Remembrance Alliance Working Definition (A21/0499)****MOTION**

Mover:        Cr Kay  
Seconder:    Cr Nemesh

That Council:

1.    Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2.    Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish hatred.
3.    Publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4.    Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1.    Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2.    Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish hatred.
3.    Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4.    Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

**FORESHADOWED MOTION 1**

Mover:        Cr Wy Kanak

That Council condemns antisemitism and any form of racism, and refers the motion and its discussion to

Council's Multicultural Advisory Committee for its work on a broader anti-racism strategy.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE FORESHADOWED MOTION WAS OUT OF ORDER.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

**AMENDMENT**

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That clause 3 be amended to read as follows:

'Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, together with a reference to the Jerusalem Declaration, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Copeland and Wy Kanak

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

**FORESHADOWED MOTION 2**

Mover: Cr Wy Kanak

That Council condemns antisemitism and any form of racism, and refers the motion, together with a reference to the Jerusalem Declaration and its discussion, to Council's Multicultural Advisory Committee for its work on a broader anti-racism strategy.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE FORESHADOWED MOTION WAS OUT OF ORDER.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

**Division**

**For the Motion of Dissent:** Crs Copeland and Wy Kanak

**Against the Motion of Dissent:** Crs Betts, Burrill, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Endorses and formally adopts in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including all IHRA examples of contemporary antisemitism (both contained in the background provided with this notice of motion) as an important tool in recognising and combating manifestations of antisemitism.
2. Calls on all Australian political parties, universities, councils, and other public bodies and organisations to also adopt the definition and use it to better understand and act against anti-Jewish

hatred.

3. Where appropriate, publicises the resolution and the background provided with this notice of motion on Council's website, in social media and in the Mayor's Message and media release, and informs at least the following of the resolution and background: Woollahra, Randwick and the City of Sydney councils, the Southern Sydney Regional Organisation of Councils (SSROC), Local Government NSW (LGNSW), Council's Multicultural Advisory Committee (MAC), and the Precinct committees.
4. Officers consider how adoption of the working definition and its examples informs the development of Council's Community Strategic Plan 2022–2032 and actions in Council's Cultural Diversity Strategy 2021–2031.

#### **Division**

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

**Against the Motion:** Cr Wy Kanak.

*Cr Keenan was not present for the votes on this item.*

*S Langford, D Bark (on behalf of the NSW Jewish Board of Deputies), M Munz, R Margo, E Friedlander, S Rutland, V Porzsolt and A Rychin addressed the meeting.*

#### **CM/8.5/21.10 Oxford Street Mall Upgrade (A14/0404)**

#### **MOTION**

Mover: Cr Burrill

Seconder: Cr Betts

That Council:

1. Consults residents, businesses and other stakeholders to develop a master plan for the re-creation of Oxford Street Mall with a vision for the centre to become an attractive, flourishing destination for day and evening activities.
2. Seeks new funding sources for the upgrade and revitalisation of the Oxford Street Mall that would enable the re-creation project to be brought forward with an accelerated timetable.
3. Urgently addresses the replacement of shade structures and improvements to the paving.
4. Expedites the safety measures such as 'safety by design' and cyclist prevention, with a report to come to Council as soon as possible.
5. Notes that the upgrade of the Oxford Street Mall is listed on 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.
6. 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.
7. Notes that new garden structures and bike parking is planned to be installed at both ends of the Mall in 2021–22.

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. Requests officers to monitor the level of activity in Bondi Junction over the Christmas period and report to Council in February 2022, at which stage Council is to undertake the following:
  - (a) Consult residents, businesses and other stakeholders to develop a master plan for the re-creation of Oxford Street Mall with a vision for the centre to become an attractive, flourishing destination for day and evening activities.
  - (b) Seek new funding sources for the upgrade and revitalisation of the Oxford Street Mall that would enable the re-creation project to be brought forward with an accelerated timetable.
  - (c) Address the replacement of shade structures and improvements to the paving.
  - (d) Expedite safety measures, such as cyclist prevention, with a report to come to Council as soon as possible.
2. Notes that the upgrade of the Oxford Street Mall is listed on 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 is planned to be installed at both ends of the Mall in 2021–22.

**Division**

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

**Against the Motion:** Nil.

*Cr Keenan was not present for the vote on this item.*

**CM/8.6/21.10 Bondi Beach Stairs - First Nations Language Art (A18/0189)**

**MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Copeland

That:

1. Observing First Nations protocols with cultural sensitivities and after a referral to the Reconciliation Action Plan (RAP) Advisory Committee for discussion, Council consults on a potential cultural art and language project to place Aboriginal art and interpretive language on the main Bondi Beach stairs (vertical faces) between the promenade and the beach sand.
2. Subject to RAP Advisory Committee recommendation and community consultation, this potential project be completed using First Nations artists and language holders with local 'connections to country.'

3. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in the United Nations International Decade 2022–2032 of Indigenous Languages to resource this project.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE DELETION OF CLAUSE 2.

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

**UNANIMOUS DECISION:**

That:

1. Council refers to the Reconciliation Action Plan (RAP) Advisory Committee the discussion of a potential cultural art and language project using First Nations artists and language holders with local 'connections to country' to place Aboriginal art and interpretive language on the main Bondi Beach stairs (vertical faces) between the promenade and the beach sand, with a report from the RAP to come back to Council for consideration with a funding source.
2. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in the United Nations International Decade 2022–2032 of Indigenous Languages to resource this project.

*Cr Keenan was not present for the vote on this item.*

**CM/8.7/21.10 Bondi Pavilion Amphitheatre - First Nations Sandstone Carving (A15/0272)**

**MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Copeland

That:

1. Observing First Nation protocols with cultural sensitivities and after a referral to the Reconciliation Action Plan (RAP) Advisory Committee for discussion, Council consults on potentially using some replicative Aboriginal sandstone carvings, which reference rock carvings in the boondiboondi Bondi area, in the design options for a reimagined Bondi Pavilion amphitheatre.
2. Subject to RAP Advisory Committee recommendation and community consultation/discussion this potential project be completed using First Nation artists and knowledge holders with local 'connections to country.'
3. As well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in progressing the United Nations Declaration on the Rights of Indigenous Peoples.

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

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

**UNANIMOUS DECISION:**



That:

1. Council notes that:
  - (a) A decision on the amphitheatre at Bondi Pavilion is still subject to further investigation and that no decision as to its construction has been made.
  - (b) A further report will come back to Council in early 2023 in relation to clause 1(a) above.
2. In the event that an amphitheatre at Bondi Pavilion is approved by Council, and subject to Reconciliation Action Plan (RAP) Advisory Committee and Public Art Committee recommendation and a report coming back to Council, Council consults on potentially using some replicative Aboriginal sandstone carvings, which reference rock carvings in the boondiboondi Bondi area, in the design options for a reimagined Bondi Pavilion amphitheatre, using First Nations artists and knowledge holders with local 'connections to country' and observing First Nations protocols with cultural sensitivities.
3. That as well as State and National government funders for this project, Council considers sourcing grant funding from agencies participating in progressing the United Nations Declaration on the Rights of Indigenous Peoples.

*Cr Keenan was not present for the vote on this item.*

**CM/8.8/21.10                      DA Tracker - Enhancing Planning Transparency (A21/0500)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconder:    Cr Copeland

That Council investigates:

1. Options to upload more development-related information to its DA Tracker, including:
  - (a) Geotechnical and other engineering reports.
  - (b) Construction management plans.
  - (c) Construction certificates.
  - (d) Construction zone permits.
  - (e) Occupation certificates.
2. Mechanisms to identify differences in design and development controls that have occurred in the progress of a development application from approval to eventual occupation.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council investigates, subject to considering issues of intellectual property and copyright in relation to

third party documents in addition to compliance with the *Privacy and Personal Information Protection Act 1998*:

1. Options to upload more development-related information to its DA Tracker, including:
  - (a) Geotechnical and other engineering reports.
  - (b) Construction management plans.
  - (c) Construction certificates.
  - (d) Construction zone permits.
  - (e) Occupation certificates.
2. Mechanisms to identify differences in design and development controls that have occurred in the progress of a development application from approval to eventual occupation.

*Cr Keenan was not present for the vote on this item.*

**CM/8.9/21.10                      First Nations Calendar - Sovereignty/Freedom Day (A18/0112)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconder:    Cr Copeland

That Council:

1. Refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking 'Sovereignty Day', or 'Sovreignty Day', 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood.
2. Subject to the RAP Advisory Committee's recommendation, Council with courtesy refers this motion/resolution to broader community consultation, including developing an inter-council relationship with Torres Shire Council, which covers Bedanug, 'Possession Island', to which the date of 22 August (1770) is referenced.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT IT NOW READS AS FOLLOWS:

'Refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking "Sovereignty Day", or "Sovreignty Day", 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood, and a report comes back to Council.'

**AMENDMENT**

Mover:        Cr Nemesh  
Seconder:    Cr Betts

That clause 2 be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council refers a discussion to the Reconciliation Action Plan (RAP) Advisory Committee on the topic of marking 'Sovereignty Day', or 'Sovreignty Day', 22 August, as an annual additional day on the First Nations community calendar that can reference the unceded sovereignty asserted by First Nations peoples and act as a focus day for discussions on the path to treaties and declarations of understanding for Australia's nationhood, and a report comes back to Council.

*Cr Keenan was not present for the votes on this item.*

*At 9.20 pm at the reconvened meeting, and following the vote on this item, the meeting adjourned for a short break.*

*At 9.28 pm, the meeting resumed.*

**9. Questions with Notice**

There were no questions with notice.

**10. Urgent Business**

**CM/10.1/21.10 Greater Sydney Parklands Trust Bill (A03/0943)**

*The Chair ruled that this matter was urgent.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Burrill

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

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Burrill

That Council:

1. Notes that the Draft Exposure Bill: Greater Sydney Parklands Trust Bill was released on 1 October 2021 and the NSW Government is seeking feedback until 29 October 2021.
2. Notes that in September 2020, Council made a submission to the Department of Planning, Industry and Environment on the 50-year Vision for Sydney's Parklands and Open spaces Discussions Paper, which called for:
  - (a) The independence of the Centennial Park and More Park Trust, and other local parklands trusts, to preserve and protect independent local governing authorities of public parkland in NSW.

- (b) Providing recurrent State funding for the parkland to ensure there is no need for commercialisation of public parkland.
  - (c) Committing to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.
  - (d) Ensuring a governance model that will allow for a sufficient level of local community input.
3. Makes a submission on the Greater Sydney Parklands Trust Bill that reflects our original concerns, including:
- (a) Consideration being given to establishing a specific Community Trustee Board for Centennial Park and Moore Park (rather than a group that covers a number of different parklands) and that a Council representative be appointed to that Board.
  - (b) Safeguarding any income generated from Centennial Park, Queens Park and Moore Park is spent on Centennial Park, Queens Park and Moore Park.
  - (c) Requesting a four-week extension on the exhibition period.
4. Uses Council's social media platforms and Council's website to advise the community about the proposed changes of the management of Centennial Park and Moore Park under the proposed Greater Sydney Parklands Bill and the opportunity to make public submissions on the 'Bill.'
5. Writes to the Minister for Planning and Public Spaces about the Greater Sydney Parklands Trust Bill outlining our concerns and seeking a four-week extension of the consultation period to allow the community to make submissions.

## **Background**

Centennial Park, Queens Park and Moore Park are well loved and well used public open space. These parks provide rare open space for the Waverley local government area, which is one of the most densely populated LGAs in Australia. In fact, these parks operate like our backyards. During the COVID lockdown, they especially provided a sanctuary for many of us as a place for exercise, and maintenance of our health, mental health and wellbeing.

The proposed Bill has a significant impact on our 'backyard', yet the consultation is being rushed through under the cover of COVID. Further, consolidating all the major parks under one body runs counter to the Greater Sydney Commission's Metropolis of Three Cities Plan. Given the implications of the Bill, the public needs more time to understand what is being proposed and to have their say on this piece of legislation. A four-week extension needs to be granted immediately.

Council officers note that the Bill requires Councils adjacent to the greater Sydney Parklands to consider the potential impacts of additional overshadowing on the parks when assessing development applications to ensure the amenity of the parklands are protected from adjacent high-rise development, but not planning proposals.

On 17 July 2020, the NSW Government launched a new 50-year vision for Greater Sydney's network of parklands and green open spaces, which will see the disbanding of the Centennial Park and Moore Park Trusts.

The Centennial and Moore Park Trust (CMPT) was established in 1983 and is responsible for the long-term strategic planning of the parklands, as well as the operational day-to-day management of Centennial Park, Moore Park and Queens Park.

The Premier of the time, the Hon. Neville Wran, initiated the policy and practice of appointing local trusts to own and defend the parklands. This powerful legacy has seen the CPMPT grow to be a powerful locally based group committed to proactively and diligently protecting the parklands and ensuring they remain public, green, open spaces. For example, the Trust successfully stopped the Sydney Cricket and Sports Grounds Trust from building another stadium on its land.

I also note that the Alliance for Public Parkland's also objects to the Great Sydney Parklands Trust Exposure bill on several important grounds, key being the following:

- The Bill does not reflect or support the Minister's original 50-Year Vision or the aims and objects contained in the White Paper, providing negligible protections of the five iconic parklands across the State.
- The Bill embeds in legislation the power to commercialise the parklands and is perceived as a framework for asset recycling.
- Lacks a funding commitment from the state government.
- There needs to be an undertaking that our precious green open spaces should be for the public and not for sale or privatisation.
- There is no explicit mechanism to ensure the fulfilment of the principal objective, which is to conserve, restore and enhance the natural environment of the parklands estate.

## 11. Closed Session

### CM/11.1/21.10 CONFIDENTIAL REPORT - Rowe Street Project - Update (A13/0061)

*Council dealt with this item partly in open session.*

#### **MOTION**

Mover: Cr Masselos

Seconder: Cr Nemesh

That Council defers this item to the next Council meeting.

#### **FORESHADOWED MOTION**

Mover: Cr Wakefield

That Council adopts the recommendation contained in the confidential report.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

#### **DECISION:**

That Council defers this item to the next Committee meeting.

#### **Division**

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

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

WHILE THE MEETING WAS IN ADJOURNMENT, A NOTICE OF MOTION TO RESCIND THIS RESOLUTION WAS LODGED WITH THE GENERAL MANAGER.

WHEN THE MEETING RECONVENED ON 2 NOVEMBER 2021, COUNCIL RESOLVED UNANIMOUSLY TO DEAL

WITH THE RESCISSION MOTION AS AN ITEM OF URGENT BUSINESS ON A MOTION MOVED BY CR BETTS AND SECONDED BY CR MASSELOS.

THE FOLLOWING MOTION WAS THEN MOVED:

**MOTION**

Mover: Cr Betts  
Seconder: Cr Burrill

That Council rescinds resolution CM/11.1/21.10 – CONFIDENTIAL REPORT – Rowe Street Project – Update passed at the Council meeting on 26 October 2021.

**FORESHADOWED MOTION**

Mover: Cr Betts

That Council adopts the recommendation contained in the confidential report.

THE MOTION WAS PUT AND DECLARED CARRIED.

THE FORESHADOWED MOTION NOW BECAME THE MOTION AND WAS MOVED AS FOLLOWS:

**MOTION**

Mover: Cr Betts  
Seconder: Cr Burrill

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 draft Project Management Agreement attached to the report (Attachment 2).
3. Notes the draft Probity Plan attached to the report (Attachment 3).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Authorises the General Manager to negotiate and finalise the draft Project Management Agreement and draft Probity Plan.
6. Receives a further report in February 2022 with the finalised draft Probity Plan and draft Project Agreement for endorsement.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED:

**MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Goltsman

That:

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

CM/11.1/21.10 CONFIDENTIAL REPORT - Rowe Street Project - Update

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 sections 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 9.48 pm at the reconvened meeting, Council moved into closed session.*

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. Notes the draft Project Management Agreement attached to the report (Attachment 2).
3. Notes the draft Probity Plan attached to the report (Attachment 3).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Authorises the General Manager to negotiate and finalise the draft Project Management Agreement and draft Probity Plan.
6. Receives a further report in February 2022 with the finalised draft Probity Plan and draft Project Agreement for endorsement.

**Division**

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

**Against the Motion:** Cr Wy Kanak.

**12. Resuming in Open Session**

**CM/12/21.10 Resuming in Open Session**

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council resumes in open session.

*At 9.57 pm at the reconvened meeting, Council resumed in open session.*

***Resolutions from closed session made public***

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

**13. Meeting Closure**

**THE MEETING CLOSED AT 9.58 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**23 NOVEMBER 2021**