



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 15 FEBRUARY 2022**

**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 Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
George Bramis	Acting Director, Planning Environment and Regulatory
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
Richard Sheridan	Interim Director, Finance and Governance

*At the commencement of proceedings at 7.03 pm, those present were as listed above.*

*At 7.20 pm, during the obituaries, the meeting adjourned for a break due to technical issues with the audio link. At 8.13 pm, the meeting resumed.*

*Following the vote on item CM/8.1/22.02, a procedural motion to extend the meeting by five minutes to deal with item CM/8.6/22.02, moved by Cr Lewis and seconded by Cr Murray, was put and declared carried.*

*At 11.35 pm, following the vote on item CM/8.6/22.02, a motion to adjourn the meeting due to the lateness of the hour, moved by Cr Masselos, was put and declared carried on the casting vote of the Chair.*

*When the meeting reconvened at 6.31 pm on 22 February 2022, those present were as listed above, with the exception of Cr Keenan.*

## **WELCOME TO COUNTRY**

Aunty Barb Simms Keeley gave the Welcome to Country.

## **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 Kay declared a pecuniary interest in item CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/V.08/22.01 – 107 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property at 101 Ramsgate Avenue, and that he will leave the meeting for the consideration and vote on this item.

### **3. Obituaries**

Uncle Max Dulumunmun

David Gulpilil

Aunty Rosalie Kunoth-Monks

Luana Perina Pitt

The victims of COVID-19

Jim Kelly

*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 Transport for NSW – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/C.01/22.01 Waverley Bus Depot – Access Improvements.
- 4.2 J Kwan and L Sinn – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/C.04/22.01 – Bronte Bowling Club, 16 Wallace Street Waverley – Loading Zone.
- 4.3 D Blankfield and A Kutner – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/V.01/22.01 – 42 Murrivierie Road North Bondi – Bus Zone.
- 4.4 G Vaughan – CM/6.2/22.02 – War Memorial Hospital - Heritage Conservation Area.
- 4.5 A Douglas (on behalf of Bronte Precinct) – CM/7.20/22.02 – Bronte Park – Barbeque Location.
- 4.6 R Galt – CM/8.3/22.02 – 20 Illawong Avenue, Tamarama – Rectangular-shaped Parcel of Land Adjoining Tamarama Street.
- 4.7 P Paech – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.
- 4.7 A Findlay – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.
- 4.8 M Merten (on behalf of Bondi Beach Precinct) – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.

#### **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/5.1/22.02 Confirmation of Minutes – Council Meeting – 23 November 2021.
- CM/5.2/22.02 Confirmation of Minutes – Council (Mayoral Election) Meeting – 10 January 2022.
- CM/7.3/22.02 Acting General Manager.
- CM/7.5/22.02 Investment Portfolio Report – November 2021, December 2021 and January 2022.
- CM/7.6/22.02 Councillor Expenses and Facilities – Six-monthly Report
- CM/7.7/22.02 Delivery Program 2018-22 – Six-monthly Progress Report.
- CM/7.8/22.02 State of our City Report 2017-2021.

- CM/7.9/22.02 Community Strategic Plan – Community Engagement Plan.
- CM/7.12/22.02 Draft Waverley Development Control Plan 2012 (Amendment No. 10) – Exhibition.
- CM/7.13/22.02 Draft Planning Agreement Policy 2014 (Amendment No. 4) – Exhibition.
- CM/7.14/22.02 Electric Vehicle Transportation Policy.
- CM/7.15/22.02 Infrastructure Contributions Reforms – Submission.
- CM/7.16/22.02 BASIX Higher Standards – Submission.
- CM/7.21/22.02 Tender Evaluation – Glenayr Avenue Streetscape Upgrade – Construction Phase Services.
- CM/11.1/22.02 CONFIDENTIAL REPORT – Commercial Waste – Fees and Charges 2022-23.

## 5. Confirmation and Adoption of Minutes

### **CM/5.1/22.02 Confirmation of Minutes - Council Meeting - 23 November 2021 (SF21/279)**

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

Mover: Cr Masselos  
Seconder: Cr Keenan

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

### **CM/5.2/22.02 Confirmation of Minutes - Council (Mayoral Election) Meeting - 10 January 2022 (SF21/6063)**

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

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Council (Mayoral Election) meeting held on 10 January 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### **CM/5.3/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 (SF21/6066)**

*Cr Kay declared a pecuniary interest in item TC/V.08/22.01 – 107 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property at 101 Ramsgate Avenue. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.*

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

Mover: Cr Lewis  
Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 27 January 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/22.01 – Waverley Bus Depot – Access Improvements.
2. TC/C.04/22.01 – Bronte Bowling Club, 16 Wallace Street, Waverley – Loading Zone.
3. TC/V.01/22.01 – Murriverie Road, North Bondi – Bus Zone Modification.

And that these items be dealt with separately below.

**CM/5.3.1/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 - TC/C.01/22.01 - Waverley Bus Depot - Access Improvements (A20/0114)**

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

**MOTION**

Mover: Cr Lewis  
Seconder: Cr Murray

That Council adopts the Traffic Committee's recommendation subject to the addition of a new clause 10 such that the recommendation now reads as follows:

That Council:

1. Supports the closure of the Waverley Bus Depot access to Oxford Street and the signalisation of the York Road/Waverley Bus Depot intersection.
2. Supports 'No Stopping' restrictions on York Road across the Bus Depot intersection and 20 metres on either side in accordance with Transport for NSW (TfNSW) Technical Direction 2002/12c (Stopping and Parking Restrictions at Intersections and Crossings).
3. Extends the 20 metre 'No Stopping' restrictions on the western side of York Road north of the intersection by 30 metres on a six-month trial basis.
4. Requests TfNSW to fund the renewal of the road surface and the installation of compliant street lighting on multi-function poles between the new signals and Oxford Street.
5. Requests TfNSW to investigate options to reduce the length of the 20 metre 'No Stopping' restrictions on the approaches/departures to the York Road/Waverly Bus Depot intersection.
6. Investigates the existing parking restrictions on both sides of York Road to the north of the York Road bus depot bus access for conversion to unrestricted parking outside peak times, with a report to the Traffic Committee six months after the project's implementation.
7. Requests TfNSW to provide more detailed analysis of the effects on the Oxford Street/York Road and Syd Einfeld Drive/Ocean Street intersections.
8. Requests TfNSW to consult NSW Police and Woollahra Council.
9. Requests TfNSW to consult Mill Hill Bondi Junction Precinct, Queens Park Precinct, Moriah College and local residents prior to commencing the project.

10. TfNSW informs residents in Oxford Street, York Road and surrounding streets about TfNSW plans for the closure of the Oxford Street entrance to the bus depot, and the construction of a new signalised entrance in York Road.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 10.

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

### **UNANIMOUS DECISION**

That Council:

1. Supports the closure of the Waverley Bus Depot access to Oxford Street and the signalisation of the York Road/Waverley Bus Depot intersection, subject to no consideration being given to any widening of York Road into the nature strip on the Centennial Park side.
2. Supports 'No Stopping' restrictions on York Road across the Bus Depot intersection and 20 metres on either side in accordance with Transport for NSW (TfNSW) Technical Direction 2002/12c (Stopping and Parking Restrictions at Intersections and Crossings).
3. Extends the 20 metre 'No Stopping' restrictions on the western side of York Road north of the intersection by 30 metres on a six-month trial basis.
4. Requests TfNSW to fund the renewal of the road surface and the installation of compliant street lighting on multi-function poles between the new signals and Oxford Street.
5. Requests TfNSW to investigate options to reduce the length of the 20 metre 'No Stopping' restrictions on the approaches/departures to the York Road/Waverley Bus Depot intersection.
6. Investigates the existing parking restrictions on both sides of York Road to the north of the York Road bus depot bus access for conversion to unrestricted parking outside peak times, with a report to the Traffic Committee six months after the project's implementation.
7. Requests TfNSW to provide more detailed analysis of the effects on the Oxford Street/York Road and Syd Einfeld Drive/Ocean Street intersections.
8. Requests TfNSW to consult NSW Police and Woollahra Council.
9. Requests TfNSW to consult Mill Hill Bondi Junction Precinct, Queens Park Precinct, Moriah College and local residents prior to commencing the project.
10. Requests TfNSW to inform residents in Oxford Street, York Road and surrounding streets about TfNSW plans for the closure of the Oxford Street entrance to the bus depot and the construction of a new signalised entrance in York Road.

*Transport for NSW addressed the meeting.*

**CM/5.3.2/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 - TC/C.04/22.01 - Bronte Bowling Club, 16 Wallace Street, Waverley - Loading Zone (A14/0145)**

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

**MOTION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 1 and the addition of a new clause 3 such that the recommendation now reads as follows:

That Council:

1. Installs a 12 metre 'Loading Zone, 12 pm–4 pm, Tuesday, Thursday' on the eastern side of Wallace Street, Waverley, in front of Bronte Bowling Club on a six-month trial basis, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of the loading zone, as necessary.
3. Investigates measures to reduce the long-term storage of boats and other vehicles in the section of Wallace Street from the Bronte Bowling Club to Varna Street on the eastern side and refers a report to the Traffic Committee for consideration.

AT THIS STAGE IN THE PROCEEDINGS, THE CHAIR RULED THAT CLAUSE 3 WAS OUT OF ORDER BECAUSE IT WAS NOT RELEVANT TO THE SUBJECT MATTER. THE MOVER OF THE MOTION THEN WITHDREW CLAUSE 3.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION**

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

1. Installs a 12 metre 'Loading Zone, 12 pm–4 pm, Tuesday, Thursday' on the eastern side of Wallace Street, Waverley, in front of Bronte Bowling Club on a six-month trial basis, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of the loading zone, as necessary.

*J Kwan and L Sinn addressed the meeting.*

**CM/5.3.3/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 - TC/V.01/22.01 - Murriverie Road, North Bondi - Bus Zone Modification (A20/0076)**

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

**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts  
Seconder: Cr Nemesh

That Council defers this item for an on-site meeting between Council officers, the residents of 38, 40 and 42 Murriverie Road and other interested parties, including Councillors.

*D Blankfield and A Kutner addressed the meeting.*

**6. Mayoral Minutes**

**CM/6.1/22.02 Bondi Pavilion Amphitheatre (A15/0272)**

**MOTION / DECISION**

Mover: Cr Masselos

That Council:

1. Notes:

- (a) Resolution CM/8.3/20.10, which called for an investigation into the feasibility of modifications to the landscape plan for the Bondi Pavilion courtyard, including, among other things, the incorporation of a heritage-sympathetic amphitheatre landscape feature within the courtyard.
- (b) Resolution CM/7.11/21.04, which deferred the decision on a landscaped amphitheatre within the courtyard of the Bondi Pavilion until after the completion of the restoration of the Bondi Pavilion.
- (c) That the Bondi Pavilion is near completion and should be handed back to Council from Buildcorp in May this year.

2. Undertakes an initial consultation with key stakeholders, including industry experts, the Arts and Culture Advisory Committee and local practitioners, to determine a process for the investigation that will help identify best practice principles and background for the progression of the amphitheatre project.

3. Officers prepare a report to Council detailing the outcomes of the initial consultation and an investigation plan to address the following:

- (a) Suitable location within the Bondi Pavilion courtyard for a new amphitheatre, including a sunken item, that is below the west-east view corridor to Bondi Beach.
- (b) Heritage considerations.
- (c) Business casing the opportunity provided by an amphitheatre, including how it may supplement the arts and community program and revenue stream.
- (d) A community consultation program.



- (e) Design, estimated costs and potential timeline.
- (f) Identification of potential funding sources for the design and construction of the amphitheatre.

### Background

Council held a meeting with the key Friends of Bondi Pavilion about progressing the design and build of an amphitheatre while the Bondi Pavilion was being restored. It was agreed that the restoration of the Pavilion was the key priority and that consideration of the construction of a new amphitheatre would be reconsidered once the Pavilion had been restored.

Resolution CM/7.11/21.04 deferred a decision on a landscaped amphitheatre within the courtyard until after completion of the restoration of the Bondi Pavilion. It noted the option of additional soft landscaping in the northern courtyard to replace hard paving.

As Buildcorp will be handing the restored building back to Council in May, now is the time to reinitiate this investigation.

### CM/6.2/22.02 War Memorial Hospital - Heritage Conservation Area (A20/0261)

#### MOTION

Mover: Cr Masselos

That Council:

1. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the *Waverley Local Environmental Plan 2012*.
2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.
3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.

### Background

The papers for the Council meeting on 5 May 2020 (CM/7.5/20.05(1), p. 87) included the following recommendation from Fleur Mellor (Manager, Urban Design and Heritage):

*It is proposed to list the entire site bounded by Birrell Street, Bronte Road, Church Street and Carrington Road, or what was the original Edina Estate, as the State Heritage Register curtilage. It is also proposed that this extended curtilage be applied to the Schedule 5 listing and the associated heritage map.*

At this meeting, Council decided to nominate the War Memorial Hospital site, inclusive of its extended heritage curtilage, for inclusion on the State Heritage Register. It was an oversight that the second part of the recommendation was ignored: that the site be included in schedule 5.

The new State Environmental Planning Policy (Housing SEPP) 2021 (Housing SEPP) does not preclude the application of the SEPP from heritage conservation areas. However, the Housing SEPP carries forward a protection of Heritage Conservation Areas from the seniors housing provisions included in the previous Seniors SEPP until 1 July 2022 for councils to adapt to how the new provisions of the Housing SEPP are

applied. Council may argue for an extension beyond that date; however, justification will be required. For the purposes of the Seniors SEPP moratorium, 'heritage conservation area' is defined as follows:

- (a) land identified in another environmental planning instrument as a heritage conservation area and includes buildings, works, trees, archaeological sites, Aboriginal objects or places situated on or within that land, or*
- (b) a place of architectural significance identified in another environmental planning instrument, or*
- (c) a place of Aboriginal heritage significance identified in another environmental planning instrument.*

The moratorium would exclude bonus provisions, which provide additional height (3.8 m increase) and floor space ratio for seniors housing. A draft planning proposal for 99–117 Birrell Street, a part of this site, is currently being considered by Council.

In the War Memorial Hospital Campus Site planning proposal (125 Birrell Street), Council sought to exclude these bonuses on the basis that the proposed heights already reflected significant incentives. The Department of Planning and Environment did not accept that the exclusion of the bonuses was adequately justified. A minor component of the campus site (10.6%) is zoned R3 where these bonuses may apply, so that was of less consequence. However, all of the 99–117 Birrell Street planning proposal is zoned R3 and therefore exposed to these bonuses. The planning proposal for 99–117 Birrell Street, recently on exhibition, included heights of 15 m and 21 m compared to the *Waverley Local Environmental Plan 2012* height for R3 of 9.5 m. The application of the Housing SEPP, if not protected by heritage, would increase these by an additional 3.8 m.

Council officers have recently had discussions with Heritage NSW regarding the redevelopment of the War Memorial Hospital site. Officers raised the issue that Heritage NSW had on two occasions noted that while the site was deemed to have State Heritage significance and worthy of inclusion on the register, it was not a matter of priority. Given the nature of the proposed redevelopment, Council should write to Heritage NSW to follow up on the status of the State Heritage Listing, and request that this be expedited.

**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Nemesh

That Council defers this item to the next Council meeting to allow for further consideration.

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. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the *Waverley Local Environmental Plan 2012*, as recommended in the 5 May 2020 Council report CM/7.5/20.05(1).
2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.
3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.

**CM/6.3/22.02 Lived Experience of Overdevelopment (A22/0063)****MOTION**

Mover: Cr Masselos

That:

1. Council recognises that there is a significant and growing community concern about the extent of overdevelopment in the Waverley local government area and that this overdevelopment continues unabated.
2. Council notes that the Community Strategic Plan engagement has identified overdevelopment, traffic congestion and heritage conservation as priority issues for the Waverley community.
3. Council notes:
  - (a) That overdevelopment is changing the nature of our built environment and destroying much of the heritage values that makes Waverley unique.
  - (b) That a number of development sites have caused damage to surrounding buildings.
  - (c) The reports from schools in the area that classes are at capacity and are unable to accept new students, roads are congested and parking is increasingly difficult.
  - (d) The ongoing and unabated numbers of planning proposals and development applications (DAs) associated with large high-rise buildings being submitted to Council.
  - (e) That there has been a subsequent increase in organised resident groups objecting to these applications.
  - (f) That residents are increasingly turning to Council for assistance in understanding the planning process.
4. Council recognises that there is a cumulative impact of ongoing overdevelopment upon residents and their amenity, the public domain and the community more broadly.
5. Council officers investigate and report back to Council on the establishment of a community planning advocate within the organisation that:
  - (a) Is independent of the Planning, Environment and Regulatory directorate.
  - (b) Will not be an additional position within the organisation, but rather the duties be assigned to an existing role within the organisation.
  - (c) Will undertake awareness and education programs for residents about planning matters, such as the NSW planning system, our Local Environmental Plan and Development Control Plan, the approval process, how to read plans, developing information sheets about DAs and planning proposals that relate to large developments, and developing and implementing an accessible webinar series about planning matters in Waverley.
  - (d) Will undertake a six-monthly community planning survey about the cumulative impacts of overdevelopment and which will be fed into the social impact assessment statements.
6. The community planning survey will:

- (a) Collect metrics and lived experience of residents, businesses and the community more broadly.
- (b) Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and overdevelopment.
- (c) Provide quantitative and qualitative data to assist the officers when assessing DAs and planning proposals or when advocating at the Land and Environment Court, Waverley Local Planning Panel or the Sydney Eastern City Planning Panel.
- (d) Provide quantitative and qualitative data to assist the community when drafting their submissions on DAs and planning proposals and other relevant strategies. This information could ultimately inform the various planning bodies, such as the Waverley Local Planning Panel, the Sydney Eastern City Planning Panel, the Independent Planning Commission and the Land and Environment Court.
- (e) Consider a range of themes and issues such as, but not limited to:
  - (i) Infrastructure – Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion.
  - (ii) Environment – Reduction of tree canopy, excessive demand on limited public open space.
  - (iii) Socio-psychological and resilience impacts – How these developments contribute to alienation, loneliness, isolation, wellbeing, lack of social contacts, community resilience eroded.
  - (iv) Facilities – Loss of services and businesses, homogenisation of neighbourhoods.
  - (v) Lived experience – What are the cumulative experiences and impacts upon people and their amenity, aggressive behaviour by developers towards residents.
  - (vi) Compliance – Especially noise and unauthorised works/use, complaints, complying development certificates, private certifiers.
- (f) Be reported to Council, Council officers and to the community on a regular basis.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 5(c) AND 6 AND THE ADDITION OF A NEW CLAUSE 7.

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

### **UNANIMOUS DECISION**

That Council:

1. Recognises that there is a significant and growing community concern about the extent of overdevelopment in the Waverley local government area and that this overdevelopment continues unabated.
2. Notes that the Community Strategic Plan engagement has identified overdevelopment, traffic congestion and heritage conservation as priority issues for the Waverley community.
3. Notes:

- (a) That overdevelopment is changing the nature of our built environment and destroying much of the heritage values that makes Waverley unique.
  - (b) That a number of development sites have caused damage to surrounding buildings.
  - (c) The reports from schools in the area that classes are at capacity and are unable to accept new students, roads are congested and parking is increasingly difficult.
  - (d) The ongoing and unabated numbers of planning proposals and development applications (DAs) associated with large high-rise buildings being submitted to Council.
  - (e) That there has been a subsequent increase in organised resident groups objecting to these applications.
  - (f) That residents are increasingly turning to Council for assistance in understanding the planning process.
4. Recognises that there is a cumulative impact of ongoing overdevelopment upon residents and their amenity, the public domain and the community more broadly.
5. Officers investigate and report back to Council on the establishment of a community planning advocate within the organisation that:
  - (a) Is independent of the Planning, Environment and Regulatory directorate.
  - (b) Will not be an additional position within the organisation, but rather the duties be assigned to an existing role within the organisation.
  - (c) Will undertake awareness and education programs for residents about planning matters, such as the NSW planning system, our Local Environmental Plan and Development Control Plan, the approval process, how to read plans, developing information sheets about DAs, voluntary planning agreements and planning proposals that relate to large developments, and developing and implementing an accessible webinar series about planning matters in Waverley.
  - (d) Will undertake a six-monthly community planning survey about the cumulative impacts of overdevelopment and which will be fed into the social impact assessment statements.
6. Notes that the community planning survey will:
  - (a) Collect metrics and lived experience of residents, businesses and the community more broadly.
  - (b) Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and overdevelopment.
  - (c) Provide quantitative and qualitative data to assist the officers when assessing DAs and planning proposals or when advocating at the Land and Environment Court, Waverley Local Planning Panel or the Sydney Eastern City Planning Panel.
  - (d) Provide quantitative and qualitative data to assist the community when drafting their submissions on DAs and planning proposals and other relevant strategies. This information could ultimately inform the various planning bodies, such as the Waverley Local Planning Panel, the Sydney Eastern City Planning Panel, the Independent Planning Commission and the

Land and Environment Court.

- (e) Consider a range of themes and issues such as, but not limited to:
- (i) Infrastructure – Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion.
  - (ii) Environment – Reduction of tree canopy, excessive demand on limited public open space.
  - (iii) Socio-psychological and resilience impacts – How these developments contribute to alienation, loneliness, isolation, wellbeing, lack of social contacts, community resilience eroded.
  - (iv) Facilities – Loss of services and businesses, homogenisation of neighbourhoods.
  - (v) Lived experience – What are the cumulative experiences and impacts upon people and their amenity, aggressive behaviour by developers towards residents.
  - (vi) Compliance – Especially noise and unauthorised works/use, complaints, complying development certificates, private certifiers.
- (f) Be reported to Council, Council officers and to the community on a regular basis.

7. Communicates this resolution to all Precincts.

*G Vaughan addressed the meeting.*

## 7. Reports

### **CM/7.1/22.02 Appointment of Councillors to Committees (SF22/1)**

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

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Changes the name of the Operations and Community Services Committee to the Finance, Operations and Community Services Committee.
2. Officers prepare a report to the March Council meeting on the delegations, terms of reference, order of business and meeting schedule for the Finance, Operations and Community Services Committee.
3. Appoints Councillors/delegates to the following committees/organisations until the next mayoral election on 19 September 2023:

#### **STANDING COMMITTEES**

**Committee name:**

**Finance, Operations and Community Services Committee**

<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Membership:</b>	Crs Wy Kanak (Chair), Murray (Deputy Chair) and all other Councillors.

**Committee name:** **Strategic Planning and Development Committee**

<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Membership:</b>	Crs Lewis (Chair), Fabiano (Deputy Chair) and all other Councillors.

#### **TECHNICAL COMMITTEES**

<b>Committee name:</b>	<b><u>Traffic Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
<b>Chair of Committee:</b>	The Chair of the Committee is Council's voting representative.
<b>Membership:</b>	Crs Masselos (Chair), Fabiano and Kay (Deputy Chairs).

#### **ADVISORY AND OTHER COMMITTEES**

<b>Committee name:</b>	<b><u>Access and Inclusion Advisory Panel</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor and three councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Keenan (Chair), Gray (Deputy Chair), Fabiano and Kay.
<b>Committee name:</b>	<b><u>Arts and Culture Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	The Mayor and up to three councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

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<b>Membership:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and Kay.
<b>Committee name:</b>	<b><u>Audit, Risk and Improvement Committee</u></b>
<b>No. of Councillors to be appointed:</b>	One and an alternate. The Mayor cannot be a member of this Committee.
<b>Chair of Committee:</b>	An Independent Member (non-Councillor).
<b>Membership:</b>	Cr Wy Kanak (alternates: Crs Murray and Betts).
<b>Committee name:</b>	<b><u>Cycling Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor's nominee) and two Councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Lewis (Chair), Keenan (Deputy Chair) and Goltsman.
<b>Committee name:</b>	<b><u>Environmental Sustainability Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor's nominee) and three Councillors.
<b>Chair of Committee:</b>	A Councillor appointed by Council.
<b>Membership:</b>	Crs Keenan (Chair), Masselos (Deputy Chair), Fabiano and Nemesh.
<b>Committee name:</b>	<b><u>Housing Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	The Mayor (or the Mayor's nominee) and three councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and Betts.
<b>Committee name:</b>	<b><u>Multicultural Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	The Mayor (or the Mayor's nominee).
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Masselos (Chair) and Fabiano (Deputy Chair).



**Committee name:** **Public Art Committee**

**No. of Councillors to be appointed:** Maximum of three.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Membership:** Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

**Committee name:** **Reconciliation Action Plan Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and three councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Membership:** Crs Masselos (Chair), Wy Kanak (Co-Chair) and Gray.

**Committee name:** **Surf Life Saving Club Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Membership:** Crs Murray (Chair), Wy Kanak (Deputy Chair), Masselos and Goltzman.

**Committee name:** **Waverley Business Forum**

**No. of Councillors to be appointed:** The Mayor, and an alternate, the Deputy Mayor.

**Chair of Forum:** The Mayor, or in the absence of the Mayor, the Deputy Mayor, is Chair of the Forum.

**Membership:** Cr Masselos (alternate: Cr Keenan).

**APPOINTMENT OF COUNCILLORS AS DELEGATES  
TO VARIOUS ORGANISATIONS**

**Name:** **NSW Public Libraries Association**

**No. of Councillors to be appointed:** One.

**Membership:** Cr Lewis.

**Name:** **Southern Sydney Regional Organisation of Councils – Board**

<b>No. of Councillors to be appointed:</b>	A maximum of two delegates and two alternates (one delegate to be the Mayor).
<b>Membership:</b>	Crs Masselos (Mayor) and Keenan (Deputy Mayor) (alternates: Crs Fabiano and Murray).
<b>Name:</b>	<b><u>Southern Sydney Regional Organisation of Councils – Program Delivery Committee</u></b>
<b>Description:</b>	Deals with asset management, public works, procurement, waste management and SSROC financial reports.
<b>No. of Councillors to be appointed:</b>	One.
<b>Membership:</b>	Cr Masselos (Mayor) (alternate: Cr Wy Kanak).
<b>Name:</b>	<b><u>Southern Sydney Regional Organisation of Councils – Sustainability Program Committee</u></b>
<b>Description:</b>	Deals with regional planning, environmental management, transport planning and management, and community development.
<b>No. of Councillors to be appointed:</b>	One.
<b>Membership:</b>	Cr Fabiano (alternate: Cr Murray).
<b>Name:</b>	<b><u>Sydney Coastal Council Group</u></b>
<b>Membership:</b>	Crs Masselos and Wy Kanak (alternates: Crs Murray, Fabiano and Goltsman).

**CM/7.2/22.02                      Local Government NSW Annual Conference 2021 - Voting Delegates for Special Conference (A13/0314)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
 Seconder:    Cr Keenan

That Council:

1. In respect of the Local Government NSW Special Conference to be held in person at the Hyatt Regency Sydney from Monday, 28 February, to Wednesday, 2 March 2022:
  - (a) Nominates the Mayor, Deputy Mayor and Crs Murray, Lewis and Wy Kanak as voting delegates for motions.
  - (b) Nominates Crs Fabiano and Gray as substitute voting delegates for motions.
  - (c) Nominates Cr Goltsman to attend the Special Conference as an observer.

- (d) Approves the attendance of the General Manager or nominee at the Special Conference.
2. Cancels its Standing Committee meetings scheduled for Tuesday, 1 March 2022.

**CM/7.3/22.02            Acting General Manager (SF21/9)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council:

1. Notes that at its extraordinary meeting on 1 June 2021, Council delegated/sub-delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.
2. Appoints Richard Sheridan to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
3. Notes that when acting as General Manager pursuant to this resolution, Richard Sheridan has all the functions, delegations and sub-delegations given to the General Manager by Council.

**CM/7.4/22.02            Quarterly Budget Review (Q2) - December 2021 (A03/0346)**

**MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council:

1. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2021–22 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.

**CM/7.5/22.02            Investment Portfolio Report - November 2021, December 2021 and January 2022 (A03/2211)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for November 2021, December 2021 and January 2022 attached to the report.
2. Notes that the Interim 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/7.6/22.02                    Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2021 to 3 December 2021 attached to the report.

**CM/7.7/22.02                    Delivery Program 2018-22 - Six-monthly Progress Report (A21/0034)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

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

**CM/7.8/22.02                    State of our City Report 2017-2021 (A21/0032)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council endorses the State of our City Report 2017–2021 attached to the report.

**CM/7.9/22.02                    Community Strategic Plan - Community Engagement Plan (A21/0032)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:     Cr Keenan

That Council adopts the Community Strategic Plan Community Engagement Plan attached to the report.

**CM/7.10/22.02                    Bondi Pavilion Community Radio Studio - Licence - Exhibition (A21/0521)**

**MOTION**

Mover:        Cr Masselos  
Seconder:     Cr Goltsman

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of up to five years for a community radio studio in the dedicated community radio space at Bondi Pavilion, with the notification and exhibition

commencing no earlier than 16 February 2022.

2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions be received.
3. Subject to no submissions being received, approves the granting of the licence.
4. Expands expression of interest criterion 4 to include experience in running a community broadcasting station and experience in developing engaging programming.
5. Notes that a report will be prepared for Council to grant the licence following the end of the expression of interest process.

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

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

### **UNANIMOUS DECISION**

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of three years with an option for a further two years for a community radio studio in the dedicated community radio space at Bondi Pavilion, with the notification and exhibition commencing no earlier than 16 February 2022.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the process for granting a licence, having considered any submissions made.
4. Notes that if no submissions are received, a selection process will be undertaken by Council officers for granting the licence.
5. Expands selection criterion 4 to include experience in running a community broadcasting station and experience in developing engaging programming.
6. Further notes that a report will be prepared for Council to grant the licence following the end of the selection process.

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

**CM/7.11/22.02      Bondi Pavilion Pottery Studio - Licence - Exhibition (A15/0272)****MOTION**

Mover:      Cr Lewis  
Seconded:   Cr Wy Kanak

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of up to five years for the operation of the Bondi Pavilion Pottery Studio by a community-based organisation.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions be received.
3. Subject to no submissions being received, approves the granting of the licence in-principle to a community-based organisation.
4. Officers ensure that the expression of interest criteria for the selection of an operator clearly state that the operator must be a community-based organisation that can demonstrate it is able to run the Bondi Pavilion Pottery Studio for the benefit of the community.
5. Undertakes a select request for quotation process to appoint a preferred operator of the Pottery Studio.
6. Notes that a report will be prepared for Council to grant the licence following the end of the quotation process.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of three years with an option for a further two years for the operation of the Bondi Pavilion Pottery Studio by a community-based organisation.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the process for granting a licence, having considered any submissions made.
4. Notes that if no submissions are received, a selection process will be undertaken by Council officers for granting the licence in-principle to a community-based organisation.
5. Officers ensure that the selection criteria for the selection of an operator clearly state that the operator must be a community-based organisation that can demonstrate it is able to run the Bondi Pavilion Pottery Studio for the benefit of the community.

6. Further notes that a report will be prepared for Council to grant the licence following the end of the selection process.

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

**CM/7.12/22.02            Draft Waverley Development Control Plan 2012 (Amendment No. 10) - Exhibition (SF21/4935)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Notes that a Councillor workshop on the draft Waverley Development Control Plan 2012 (Amendment No. 10) was held on 19 October 2021.
2. Publicly exhibits the draft Waverley Development Control Plan 2012 (Amendment No. 10) attached to the report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the *Environmental Planning and Assessment Act 1979*.
3. Officers prepare a report to Council following the exhibition period.

**CM/7.13/22.02            Draft Planning Agreement Policy 2014 (Amendment No. 4) - Exhibition (SF21/4528)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Publicly exhibits the draft Planning Agreement Policy 2014 (Amendment No. 4) and the draft Public Benefit Register attached to the report for a minimum period of 28 days.
2. Officers prepare a report to Council following the exhibition period.
3. Notes that the policy includes updated benchmark rates, housekeeping amendments and the introduction of a Public Benefit Register.

**CM/7.14/22.02            Electric Vehicle Transportation Policy (A11/0853)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council adopts the Electric Vehicle Transportation Policy attached to the report.

**CM/7.15/22.02 Infrastructure Contributions Reforms - Submission (SF21/5628)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the infrastructure contributions reforms.

**CM/7.16/22.02 BASIX Higher Standards - Submission (SF22/164)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the BASIX Higher Standards.

**CM/7.17/22.02 Curlewis Street/Old South Head Road - Strategic Planning and Urban Design Review (A21/0547)****MOTION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Progresses a strategic investigation of the Curlewis Street West centre and Old South Head Road that:
  - (a) Investigates the urban design implications of increased density in the Curlewis Street West centre and along Old South Head Road.
  - (b) Explores different height and density options and their implications.
  - (c) Engages the community and landowners to undertake a co-design exercise.
  - (d) Considers a coordinated approach to ensure any up-zoning creates community benefits and is in keeping with the strategic vision of Waverley.
2. Notes that the study will commence immediately and will be funded within existing allocations in the Planning, Environment and Regulatory operational budget for 2021–22 and 2022–23.
3. Officers report the findings to a Councillor workshop before a final report is submitted to the April Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1(c) AND 3 AND THE ADDITION OF A NEW CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**



That Council:

1. Progresses a strategic investigation of the Curlewis Street West centre and Old South Head Road that:
  - (a) Investigates the urban design implications of increased density in the Curlewis Street West centre and along Old South Head Road.
  - (b) Explores different height and density options and their implications.
  - (c) Engages the relevant Precinct committees, community and landowners to undertake a co-design exercise.
  - (d) Considers a coordinated approach to ensure any up-zoning creates community benefits and is in keeping with the strategic vision of Waverley.
2. Notes that the study will commence immediately and will be funded within existing allocations in the Planning, Environment and Regulatory operational budget for 2021–22 and 2022–23.
3. Officers report the findings to a Councillor workshop before a final report is submitted to Council as soon as possible but by the end of June.
4. Takes into consideration that this site is in the middle of the worst floodplain in Waverley.

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

**CM/7.18/22.02            Voluntary Planning Agreement - 16A and 16B Llandaff Street, Bondi Junction (SF21/5338)**

**MOTION / DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Murray

That Council:

1. Endorses the draft planning agreement attached to this report applying to land at 16A and 16B Llandaff Street, Bondi Junction, offering a total monetary contribution of \$727,168, with \$181,792 (25%) to be allocated to the Waverley Affordable Housing Program and \$545,376 (75%) to be allocated to Waverley Street Mall upgrades and creative interventions, including repaving, creative lighting and outdoor media installations pursuant to the Creative Lighting Strategy, the Arts and Culture Plan and Strategic Asset Management 5, 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, Goltsman, Gray, Kay, Lewis, Masselos, Murray and Nemesh.

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

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

**CM/7.19/22.02      Mill Hill Cafe, 31-33 Spring Street, Bondi Junction - Lease - Exhibition (A21/0147)****MOTION**

Mover:      Cr Masselos

Seconder:   Cr Keenan

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of up to five years in relation to the Mill Hill Café at the Mill Hill Community Centre, 31–33 Spring Street, Bondi Junction.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions to the proposal be received.
3. Subject to no submissions being received, approves the granting of the lease.
4. Notes that a tender process will be undertaken to appoint a tenant for the Mill Hill Café in coming weeks, with a report to be brought back to Council seeking endorsement to award the lease to the preferred tenderer.

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

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

**UNANIMOUS DECISION**

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of three years with an option for a further two years in relation to the Mill Hill Café at the Mill Hill Community Centre, 31–33 Spring Street, Bondi Junction.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the tender process for the lease, having considered any submissions made.
4. Notes that if no submissions are received, a tender process will be undertaken.
5. Further notes that a report will be prepared for Council seeking endorsement to award the lease to the preferred tenderer and thereby appoint a tenant for the Mill Hill Café following the end of the tender process.

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

**CM/7.20/22.02          Bronte Park - Barbecue Location (A16/0168)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos

Seconder:   Cr Kay

That Council:

1. Undertakes a comprehensive community consultation on the location of the new barbecues in Bronte Park.
2. Consults residents, users of the park, the swim clubs based in the South Bronte Amenities building, and the Bronte Beach and Bronte Precincts.
3. In planning the location of the barbecues, considers the park usage patterns by various groups, such as the Bronte Surf Life Saving Club and the swim clubs, and proximity to facilities, such as the playground and picnic huts.

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

*A Douglas (on behalf of Bronte Precinct) addressed the meeting.*

**CM/7.21/22.02          Tender Evaluation - Glenayr Avenue Streetscape Upgrade - Construction Phase Services (A21/0504)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos

Seconder:   Cr Keenan

That Council:

1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Declines to accept any of the tenders for construction phase services for the Glenayr Avenue Streetscape Upgrade, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3) (b)-(d) of the *Local Government (General) Regulations 2021*.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with the top three ranked tenderers, as shown in the tender evaluation attached to the report, to agree contract terms.
5. Authorises the General Manager, or delegated representative, to finalise and agree terms, entering into a contract on behalf of Council with the preferred tenderer following negotiations.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

**8. Notices of Motions****CM/8.1/22.02 Solar on Residential Strata Buildings (A20/0448)****MOTION**

Mover: Cr Murray

Seconder: Cr Gray

That Council:

1. Liaises and meets with industry experts, Councillors and local sustainability experts to assist design and recommend best practice options for Council to enable the uptake of solar in residential strata buildings in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that outlines the costs, timelines and requirements of this project, including any procurement issues.
4. Implements the program into the next Environmental Action Plan

**AMENDMENT 1**

Mover: Cr Kay

Seconder: Cr Betts

That the following clause be added to the motion:

'Notes that the Our Liveable Places Centres Strategy already includes an investigation into incentivising the uptake of rooftop solar with battery storage to enhance energy security in more than nine village centres within Waverley.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1, 3 AND 4 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Liaises with industry and local sustainability experts to recommend best practice options for Council to enable the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that includes an outline of the feasibility, options, costs, timelines and requirements of this program, including any procurement issues.
4. Assuming its feasibility, integrates the program into the next draft Environmental Action Plan.

**AMENDMENT 2**

Mover: Cr Kay

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Liaises with industry and local sustainability experts to recommend best practice options for Council to incentivise the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

### **UNANIMOUS DECISION**

That Council:

1. Liaises with industry and local sustainability experts to recommend best practice options for Council to enable the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that includes an outline of the feasibility, options, costs, timelines and requirements of this program, including any procurement issues.
4. Assuming its feasibility, integrates the program into the next draft Environmental Action Plan.

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

### **CM/8.2/22.02                      Liquor Licence Application for 19 Lamrock Avenue, Bondi Beach (The Village Backpackers Hostel) (A20/0043)**

#### **MOTION**

Mover:        Cr Gray  
Seconder:    Cr Lewis

That Council:

1. In principle opposes the granting of liquor licences to backpacker hostels and accommodation.
2. Strongly opposes the granting of a liquor licence to The Village Backpackers Hostel at 19 Lamrock Avenue, Bondi Beach.
3. Notes that Council has made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.
4. Requests that the Mayor write to the ILGA:
  - (a) To advise it of Council’s in-principle opposition to the granting of liquor licences to backpacker hostels and accommodation.
  - (b) Reiterating Council’s opposition to the granting of a liquor licence to The Village Backpackers Hostel.

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

‘Notes that Council and the NSW Police have made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.’

**AMENDMENT**

Mover: Cr Kay  
Seconder: Cr Burrill

That clauses 1 and 4(a) be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. In principle opposes the granting of liquor licences to backpacker hostels and accommodation.
2. Strongly opposes the granting of a liquor licence to The Village Backpackers Hostel at 19 Lamrock Avenue, Bondi Beach.
3. Notes that Council and the NSW Police have made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.
4. Requests that the Mayor write to the ILGA:
  - (a) To advise it of Council’s in-principle opposition to the granting of liquor licences to backpacker hostels and accommodation.
  - (b) Reiterating Council’s opposition to the granting of a liquor licence to The Village Backpackers Hostel.
5. Distributes a copy of the Council officer’s submission and the Mayor’s letter to the Precincts as soon as possible.

*Crs Keenan and Nemesh were not present for the votes on this item.*

**CM/8.3/22.02**                      **20 Illawong Avenue, Tamarama - Rectangular-shaped Parcel of Land Adjoining Tamarama Street (A22/0032)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Betts

That Council:

1. Notes that the 368 sqm rectangular-shaped parcel of land currently part of 20 Illawong Avenue,

Tamarama, identified informally and interchangeably as 7B and 5 Tamarama Street (legal description being Strata Plan 1737) with its western boundary being Tamarama Street, referenced by this motion as the 'subject lot', has been advertised for sale.

2. Notes that a town planning report prepared in December 2020 by Creative Planning Solutions is available from Sotheby's, the agent for the proposed sale, as part of sale documentation provided to potential buyers.
3. Notes that the town planning report indicates the site is approved for subdivision to create the subject lot, but that this subdivision is yet to be registered and the land still forms part of 20 Illawong Avenue.
4. Notes that the subject lot has different Waverley Local Environment Plan (WLEP) characteristics to all other properties in Tamarama Street, including that the zoning is R3 rather than R2, maximum height is 9.5 m rather than 8.5 m and maximum floor space ratio is 0.6:1 rather than 0.5:1.
5. With some urgency, investigates matters for the subject lot, including:
  - (a) The status of the subdivision referred to in the Creative Planning Solutions town planning report.
  - (b) To what extent the floor space ratio (FSR) of the subject lot has been used in the development of 20 Illawong Avenue.
  - (c) An avenue by which to prevent 'double-dipping' of any FSR of the subject lot that was found to be utilised in the development of 20 Illawong Avenue.
  - (d) Confirmation, or otherwise, that a Torrens title subdivision has been approved for the subject lot.
  - (e) Advice on whether Council should initiate a planning proposal for the subject lot if the subdivision is ratified.
6. Receives a report on the above matters as soon as possible, with an interim report to the March 2022 Council meeting with any progress achieved.

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

*R Galt addressed the meeting.*

**CM/8.4/22.02                      Draft Waverley Local Environmental Plan 2022 - Community Consultation Extension (A18/0594)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconded:    Cr Fabiano

That Council:

1. Extends the consultation period for the draft Waverley Local Environmental Plan (WLEP 2022) until April 2022.
2. During the extended consultation period, implements an expanded program of consultation with and

involving the Waverley community, including information sessions, public workshops, and feedback sessions, precinct presentations, community pop-ups, demographically representative and other valid surveys.

3. Officers present the draft WLEP 2022 to the May 2022 Council meeting for the attention of the newly elected Council, alongside analysed responses to the consultative process.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

**For the Motion:** Crs Fabiano and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Goltsman, Gray, Kay, Lewis, Masselos, Murray and Nemesh.

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

**CM/8.5/22.02            100% Renewable Energy (A02/0131)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Fabiano

Seconder: Cr Wy Kanak

That Council:

1. Prioritises actions and programs that support the community to achieve net zero emissions.
2. Incorporates innovative activities that enable the community to generate, use, store, own and operate or purchase 100% renewable energy into the next Environmental Action Plan (EAP).
3. Identifies how recent amendments to NSW legislation (Energy Legislation Amendment Bill 2021) allowing Councils to host public and community battery storage for renewable energy can assist community energy initiatives.
4. Ensures that actions and programs identify Council, incorporated organisations and co-operatives, such as clubs, aged care homes, for ownership and distribution of any small-scale battery storage within Waverley.
5. Officers prepare a report to Council by June 2022, or as early as possible thereafter, outlining the scope of this very significant project, including interim targets, and how it is to be delivered over the next eight years.
6. Outlines its own operational, infrastructure and construction emissions reductions to date in the EAP to demonstrate community leadership towards net zero by 2030.

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



**CM/8.6/22.02            Tree at 15 Consett Avenue, Bondi Beach (DA-552/2021)****MOTION / DECISION**

Mover:        Cr Betts  
Seconded:    Cr Goltsman

That Council:

1.    Calls for nominations of the Mediterranean Holm Oak, located on private property at 15 Consett Avenue, to be added to the Waverley Council Significant Tree Register. The tree can clearly be seen from Hall Steet, Consett Avenue and Jacques Avenue, as well as homes along Francis and Edward Streets.
2.    Notes that Council's Tree Management staff already refer to the tree as significant.
3.    Notes that the tree is covered by a Tree Preservation Order (TPO-487/2009).
4.    Notes that the Significant Tree Register has not been updated since January 2012.

*P Paech, A Findlay and M Merten (on behalf of Bondi Beach Precinct) addressed the meeting.*

**CM/8.7/22.02            Bondi Surf Lifesaving Club - Parking Spaces (A06/0248)****MOTION**

Mover:        Cr Betts  
Seconded:    Cr Goltsman

That Council:

1.    Notes that, as a result of this motion, Council and Buildcorp have finally agreed to return three parking spots outside the Bondi Surf Life Saving Club (SLSC) to the Club with immediate effect by relocating the last jersey kerb.
2.    Considers liaising with Buildcorp to allow Bondi SLSC to have access to the remaining parking spots from Friday nights to Monday mornings.
3.    Clearly identifies the Bondi SLSC temporary spots with a sign that states 'No Parking Mon-Fri – Bondi Surf SLSC Parking Only' that is clearly visible to other vehicles looking for parking spaces if the additional spots can be returned to the Club for the weekends, or Monday to Sunday if not.

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.    Notes that Council and Buildcorp have finally agreed to return three parking spots outside the Bondi Surf Life Saving Club (SLSC) to them with immediate effect by relocating the last jersey kerb.
2.    Considers liaising with Buildcorp to allow Bondi SLSC to have access to the remaining parking spots from Friday nights to Monday mornings.

- Clearly identifies the Bondi SLSC temporary spots with a sign that states 'No Parking Mon-Fri – Bondi Surf SLSC Parking Only' that is clearly visible to other vehicles looking for parking spaces if the additional spots can be returned to the Club for the weekends, or Monday to Sunday if not.

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

**CM/8.8/22.02            Liquor Licences (A17/0067)**

**MOTION / DECISION**

Mover:     Cr Wy Kanak  
Seconder:  Cr Fabiano

That:

- Council officers prepare a report on the statistics of liquor licences and liquor applications in Waverley, particularly Bondi, as part of a report on Council's capacity to assist the community in the process of making more informed public submissions on liquor applications related to the consent authority, the NSW Independent Liquor and Gaming Authority (ILGA).
- The report is to outline how Council officers can engage with, and help the community engage with, the National Drug and Alcohol Research Centre's resources in informing public and Council submissions to NSW ILGA liquor applications and related actions to ameliorate anti-social behaviour and violence associated with unregulated alcohol consumption.

*Cr Keenan 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/11.1/22.02            CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2022-23  
(A02/0162)**

*Council dealt with this item in open session.*

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Masselos  
Seconder:  Cr Keenan

That Council:

- Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*,

as it relates to a matter specified in section 10A(2)(d)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.

2. Adopts the fees and charges for commercial waste services as set out in Table 1 of the report for the period 1 July 2022 to the 30 June 2023.

### **13. Meeting Closure**

**THE MEETING CLOSED AT 7.38 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**15 MARCH 2022**