



WAVERLEY COUNCIL

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

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson 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 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 7.00 pm, those present were as listed above.

At 9.47 pm, following the vote on item CM/7.2/22.03, the meeting adjourned for a short break. At 9.53 pm, the meeting resumed.

At 10.41 pm, during consideration of item CM/8.1/22.03, Cr Kay left the meeting and did not return.

At 10.42 pm, following the vote on item CM/8.1/22.03, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

CM/1.1/22.03 Request for Leave of Absence - Crs Betts and Nemesh (A03/0029)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Wy Kanak

That Council grants a leave of absence to Crs Betts and Nemesh for the Council meeting on 15 March 2022 for medical reasons.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Gray declared a pecuniary interest in item CM/5.2/22.03 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 February 2022 – TC/V.01/22.02 – Chaley Street, Rose Bay – Passing Bays and informed the meeting that she owns property in Chaley Street, Rose Bay.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/7.3/22.03 – Rejected Agenda Business and informed the meeting that he lodged the motion.
- 2.3 Cr Burrill declared a less than significant non-pecuniary interest in item CM/8.1/22.03 – Annual Volunteer Fair and informed the meeting she is the organiser of Bondi Beach Playgroups, which is one of the volunteer organisations.

3. Obituaries

Pamela Meyers

Mary Annabella Corowa Ivey Kanak

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 K Brimaud – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.2 D Caretti (on behalf of Waverley Action Group) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.3 M Rose – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.4 R Rychter – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.5 S von Muenster – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.6 Representative of owners of 121, 123, 125 and 127 Carrington Road – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.7 J McAlpin (on behalf of Charing Cross Precinct) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.8 P Aston (on behalf of the Board of Eastern Suburbs Legion Club) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.9 S Anderson – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.10 D Pal – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.11 N Solomon (on behalf of Larcombe and Solomon Architects) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.12 D Whitten (on behalf of the proponent, Barbary Coast Investments Pty Ltd) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.13 S Gouge (on behalf of Ethos Urban) – CM/7.7/22.03 – Planning Proposal – Charing Square – Post-Exhibition.
- 4.14 A resident – CM/7.11/22.03 – Waverley Park Management Plan – Consultation.
- 4.15 P Lovitt (on behalf of Eastern Suburbs Cricket Club) – CM/7.11/22.03 – Waverley Park Management Plan – Consultation.
- 4.16 A Bhasin (on behalf of BIKEast) – CM/8.3/22.03 Bondi Junction Cycleway – Safety.
- 4.17 H Warn – CM/9.2/22.03 – Thomas Hogan Reserve – Maintenance.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

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

CM/5.1/22.03 Confirmation of Minutes – Council Meeting – 15 February 2022.

- CM/7.4/22.03 Audit, Risk and Improvement Committee Meeting – 23 September 2021 – Minutes.
- CM/7.5/22.03 Investment Portfolio Report – February 2022.
- CM/7.9/22.03 A New Approach to Rezonings – Submission.
- CM/7.10/22.03 SSROC Electricity Procurement.
- CM/7.13/22.03 Youth Week Grant 2022.
- CM/11.2/22.03 CONFIDENTIAL REPORT – Shop 1A, Bondi Pavilion Fit-out – Procurement Exemption.
- CM/11.3/22.03 CONFIDENTIAL REPORT – 14–26 Ebley Street, Bondi Junction – Lease to Officeworks Ltd.
- CM/11.4/22.03 CONFIDENTIAL REPORT – Eastgate Car Park Ground Floor, Bondi Junction – Licence to Odessa Enterprises Pty Ltd.
- CM/11.5/22.03 CONFIDENTIAL REPORT – 65 Ebley Street, Bondi Junction – Lease to Ebley Street Holdings Pty Ltd (Metro Storage).
- CM/11.6/22.03 CONFIDENTIAL REPORT – Tender Evaluation – Safety By Design in Public Places – Bondi Junction.

5. Confirmation and Adoption of Minutes

CM/5.1/22.03 Confirmation of Minutes - Council Meeting - 15 February 2022 (SF21/6063)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council meeting held on 15 February 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 February 2022 (SF21/6066)

Cr Gray declared a pecuniary interest in this item and informed the meeting that she owns property in Chaleyer Street, Rose Bay. Cr Gray was not present at, or in sight of, the meeting for the vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 February 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.01/22.02 – Chaleyer Street, Rose Bay – Passing Bays.

And that this item be dealt with separately below.

CM/5.2.1/22.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 February 2022 - TC/V.01/22.02 - Chaley Street, Rose Bay - Passing Bays (A20/0069)

This item was saved and excepted by Cr Lewis.

Cr Gray declared a pecuniary interest in this item and informed the meeting that she owns property in Chaley Street, Rose Bay. Cr Gray was not present at, or in sight of, the meeting for the vote on this item.

MOTION

Mover: Cr Lewis

Seconder: Cr Murray

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

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaley Street, Rose Bay, as shown in Figure 4 of the report:
 - (a) 117 and 119.
 - (b) 91 and 95.
 - (c) 56 and 58.
 - (d) 28 and 30.
 - (e) 23.
 - (f) 6 and 8.
 - (g) 1 and 457 Old South Head Road.
2. Officers review the effect of the installation of the 'No Parking' zones on traffic flow and congestion and prepare a report to Council after six months from the time the zones have been installed.
3. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaley Street, with a report to be prepared for the Traffic Committee.

THE MOVER OF THE MOTION THEN ACCEPTED THE DELETION OF CLAUSES 1(b) and 1(d) AND THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council adopts the Traffic Committee's recommendation subject to the deletion of clauses 1(b) and 1(d) and the addition of new clauses such that the recommendation now reads as follows:

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaley Street,

Rose Bay, as shown in Figure 4 of the report:

- (a) 117 and 119.
 - (b) 56 and 58.
 - (c) 23.
 - (d) 6 and 8.
 - (e) 1 and 457 Old South Head Road.
2. Defers for three months the installation of 'No Parking' zones across the following addresses along Chaleyer Street for further discussion with residents
 - (a) 91 and 95 because one was against and one was no response.
 - (b) 28 and 30 because one was against and one was no response.
 3. Officers review the effect of the installation of the 'No Parking' zones on traffic flow and congestion and prepare a report to Council after six months from the time the zones have been installed.
 4. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaleyer Street, with a report to be prepared for the Traffic Committee.

6. Mayoral Minutes

CM/6.1/22.03 Net Zero Community Greenhouse Gas Emissions Target by 2035 (A02/0131)

MOTION

Mover: Cr Masselos

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
 - (a) Feasible and costed actions on how Council can support and enable the community to achieve this target
 - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.

Background

Council currently has a community greenhouse gas emissions target of being carbon neutral by 2050. A 2050 target is not in accordance with the latest scientific reports such as the latest Intergovernmental Panel

on Climate Change (IPCC) report which again emphasises the impacts of climate change currently occurring with a 1.09°C temperature rise and that there is an increasingly urgent need to rapidly reduce greenhouse gas emissions so that a low global emissions scenario can be achieved. A 2035 target is slightly later than Council's own net zero target by 2030, as Council is better able to manage and reduce emissions from its own assets.

While a net zero target by 2035 is ambitious, there is a pathway to achieve this by reducing our community emissions from electricity and gas consumption, transport and waste. Electricity makes up 60% of the community's scope 1 and 2 emissions, and in recent years the Waverley community has been reducing its electricity use through the installation of solar panels, increased energy efficiency, and the movement to 100% renewable energy in the grid will enable a net zero target to be achieved close to 2035. Combined with the increasing electrification of transportation, heating and cooling, increasing the levels of active transport and diverting waste from landfill, a net zero 2035 target is ambitious but can mobilise and accelerate action, and make this aspirational goal achievable.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 4 AND 5 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
 - (a) Feasible and costed actions on how Council can support and enable the community to achieve this target
 - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.
4. Notes that Council has declared a climate and biodiversity emergency.
5. Notes that the General Manager has entered into a contract on behalf of Council with ZEN Energy for 100% renewable energy.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Kay

That the motion be adopted subject to clause 1 being amended to read as follows:

'Investigates an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.'

AMENDMENT

Mover: Cr Kay

Seconder: Cr Burrill

That clause 1 be amended to read as follows:

'Adopts in principle an ambitious community greenhouse gas emission target of net zero by 2035 and that

this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

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

UNANIMOUS DECISION

That Council:

1. Adopts an ambitious community greenhouse gas emission target of net zero by 2035 and that this be included in the draft Environmental Action Plan and draft Waverley Community Strategic Plan for public exhibition.
2. Requests that a report be prepared outlining:
 - (a) Costed actions on how Council can support and enable the community to achieve this target.
 - (b) Other potential activities, such as increasing the penetration of solar on Waverley houses, strata and businesses in combination with the grid decarbonising, i.e. moving away from fossil fuels towards 100% renewable energy.
3. Receives this report by August 2022.
4. Notes that Council has declared a climate and biodiversity emergency.
5. Notes that the General Manager has entered into a contract on behalf of Council with ZEN Energy for 100% renewable energy.

CM/6.2/22.03 Bus Privatisation Complaints (A03/0189)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Notes:
 - (a) The very high usage of public transport, especially buses, by Waverley commuters.
 - (b) That the People, Movement and Places policy supports the role of public transport in making Waverley safer and more walkable for pedestrians, while working to reduce traffic congestion.
 - (c) That in October 2020, the State Government announced the privatisation of the last public-operated bus regions, including region 9 (Eastern Suburbs). Waverley's privatised service, to be operated by Transdev John Holland, commences in April this year.
 - (d) That in 2021, the State Government cut or modified 49 bus routes, as well as moving or removing over 50 bus stops.

- (e) The NSW Upper house Inquiry into the Privatisation of Bus services, with submissions due by 31 March 2022
 - (f) That the Mayor of Waverley has written to the then Minister Constance on at least two occasions strongly objecting to the bus cuts
2. Establishes a range of channels by which to receive any complaints about potential drops in the service quality and delivery of timely bus services, and the impact of the reduction of bus stops in time for the commencement of privatised services. These channels include:
 - (a) A dedicated webpage on Council's website.
 - (b) A dedicated bus complaints email address.
 - (c) Council's Customer Service Centre being geared up to receive complaints via telephone.
 3. Promotes these complaints channels through its various networks.

CM/6.3/22.03 Flood Relief Donations (A02/0065)

MOTION

Mover: Cr Masselos

That Council:

1. Recognises that the recent floods have left many communities and people in need and that the Waverley community is ready to provide assistance in the best way we can.
2. Notes that Resilience NSW has requested that financial support should be channelled through the GIVIT platform.
3. Endorses and promotes GIVIT as the preferred option to support victims of the recent NSW floods.
4. Requests the Mayor write to the flood-affected local government areas in NSW to offer support by way of staff resources and equipment as and when appropriate.

Background

Communities in our city, our state and our country are again in crisis. The recent persistent flooding has left many communities in need and people of Waverley would like to help, and to know where best to direct their efforts.

Specialists, such as volunteer surf lifesavers, have been providing emergency support in the Hawkesbury, and I acknowledge and applaud those efforts.

Now, communities urgently need cash for fuel, cleaning materials, pharmacy items, emergency accommodation and emergency supplies, including food, baby food and pet food. Communities in crisis need agency and choice to buy the things they need to survive and recover. They do not need unwanted or surplus goods from others, that do not meet their needs.

Resilience NSW has asked people to direct financial support through the GIVIT platform. With GIVIT, a specific amount can be donated for a specific item, such as fuel, pet food, groceries, sanitary products, underwear, towels etc. GIVIT purchases products in or near the town affected by the disaster, and then

distributes it directly to the people who require it.

It's important that we help our community to direct their goodwill to those most impacted, and also prevent the secondary waste disaster that has occurred in previous events.

100% of publicly donated funds received by GIVIT will be used to purchase exactly what's needed by people and communities impacted by storms and flooding. This enables residents and councils of Sydney meaningfully and quickly to contribute to the recovery, at their own pace.

I recommend Waverley endorse and publicise GIVIT as a way for us to support flood-impacted communities.

During the 2019–2020 bushfire season, Council supported impacted communities by offering staff and resources, when appropriate, to local councils that requested our assistance. It is proposed that Council offer similar support to flood-affected local government areas when and where appropriate and that the Mayor write to impacted communities offering support.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

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

UNANIMOUS DECISION

That Council:

1. Recognises that the recent floods have left many communities and people in need and that the Waverley community is ready to provide assistance in the best way we can.
2. Notes that Resilience NSW has requested that financial support should be channelled through the GIVIT platform.
3. Endorses and promotes GIVIT as the preferred option to support victims of the recent NSW floods.
4. Requests the Mayor write to the flood-affected local government areas in NSW within seven days to offer support by way of staff resources and equipment as and when appropriate.

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

CM/6.4/22.03 Harmony Walk (A21/0062)

MOTION

Mover: Cr Masselos

That Council:

1. Is against racism of all forms and is actively working to reduce racism in Waverley through the United to End Racism Campaign.
2. Notes that there have been a number of major 'walks' to celebrate multiculturalism and show respect for all and community harmony against hate speech and bigotry such as:
 - (a) 'Walk for Respect' organised by Tony Burke MP to object against the changes to section 18C of the *Racial Discrimination Act 1975*.

- (b) 'Harmony Walks' organised by the Moving Forward Together Association, which are humanitarian and seek to promote treating people with dignity and respect regardless of race, colour, religion, gender and nationality.
3. Joins Randwick and Bayside Councils to participate in the Moving Forward Together Association's Harmony Walk on 1 May 2022.
 4. Requests the Mayor's Office to liaise with the organisers to ensure a strong presence by Council.

Background

10 years ago, Council was involved the first Harmony Walk in Coogee. Since then, many 'walks' have occurred. This year, the Harmony Walk is returning to the east.

The Moving Forward Together Association has been set up by Ernie Friedlander and he has been a champion of community harmony. He has run a Harmony Day poster and song-writing competition, which has since been consolidated with the Harmony Walks 10 years ago.

Last year, the Association launched the Stop Racism Now campaign in Parliament House.

On 1 May, the Harmony Walk will again be conducted, bringing together the communities of the Eastern Suburbs, including residents from the Randwick and Bayside local government areas.

In addition to supporting the Stop Racism Now campaign, the Walk will feature diverse cultural entertainment.

Council's participation would be a welcome addition and I commended our participation.

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. Is against racism of all forms and is actively working to reduce racism in Waverley through the United to End Racism Campaign.
2. Notes that there have been a number of major 'walks' to celebrate multiculturalism and show respect for all and community harmony against hate speech and bigotry such as:
 - (a) 'Walk for Respect' organised by Tony Burke MP to object against the changes to section 18C of the *Racial Discrimination Act 1975*.
 - (b) 'Harmony Walks' organised by the Moving Forward Together Association, which are humanitarian and seek to promote treating people with dignity and respect regardless of race, colour, religion, gender and nationality.
3. Joins Randwick and Bayside Councils to participate in the Moving Forward Together Association's Harmony Walk on 1 May 2022.
4. Requests the Mayor's Office to liaise with the organisers to ensure a strong presence by Council.

- Promotes community harmony by installing temporary 'Racism Not Welcome Here' signs at various points in the Waverley local government area along the Harmony Walk for the duration of the Harmony Walk on 1 May 2022.

7. Reports

CM/7.1/22.03 Councillor Superannuation (SF20/1538)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

- Endorses the payment of superannuation contribution payments to Councillors in accordance with section 254B of the *Local Government Act 1993*.
- Defers payment of superannuation contribution payments to Councillors until 1 July 2023.

CM/7.2/22.03 Finance, Operations and Community Services Committee (A17/0515)

MOTION / DECISION

Mover: Cr Murray

Seconder: Cr Keenan

That Council:

- Makes no changes to the membership, delegations, order of business and meeting schedule of the Finance, Operations and Community Services Committee.
- Notes that the Finance, Operations and Community Services Committee will consider additional finance matters within its delegations, including but not limited to:
 - Financial sustainability.
 - Strategic financial reviews.
 - Financial performance.
 - Progress updates on operational and capital projects and spend against budget.
 - External audit.
 - Policy and changes to Office of Local Government codes.

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

CM/7.3/22.03 Rejected Agenda Business (A09/1010)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he lodged the motion.

MOTION / DECISION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council notes that the General Manager excluded a notice of motion from Cr Wy Kanak from the February Council meeting agenda, in accordance with clause 3.22 of the Code of Meeting Practice.

Cr Wy Kanak requested that it be recorded in the minutes that he voted against the motion.

CM/7.4/22.03 Audit, Risk and Improvement Committee Meeting - 23 September 2021 - Minutes (SF21/529)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 23 September 2021 attached to the report.

CM/7.5/22.03 Investment Portfolio Report - February 2022 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for February 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/7.6/22.03 Planning Proposal - Draft Waverley Local Environmental Plan 2022 (A18/0594)**MOTION**

Mover: Cr Lewis
Seconder: Cr Fabiano

That Council:

1. Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*.
2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal.

3. Notes the matters raised in the submissions made on the public exhibition of the draft *Waverley Local Environmental Plan 2022* planning proposal.
4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.
5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.
6. Notifies property owners of Council's decision.

AMENDMENT 1

Mover: Cr Kay
Seconder: Cr Burrill

That clause 1 be amended to read as follows:

'Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report).'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

AMENDMENT 2

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That the following clause be added to the motion:

'Notes that despite the 10-week consultation period for the *Waverley Local Environmental Plan 2022*, the 10 weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report).
2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal.
3. Notes the matters raised in the submissions made on the public exhibition of the draft *Waverley Local Environmental Plan 2022* planning proposal.

4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.
5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.
6. Notifies property owners of Council's decision.
7. Notes that despite the 10-week consultation period for the *Waverley Local Environmental Plan 2022*, the 10 weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period.

Division

For the Motion: Crs Burrill, Goltsman, Gray, Kay, Lewis, Masselos and Murray.

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

CM/7.7/22.03 Planning Proposal - Charing Square - Post-Exhibition (PP-1/2020)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Does not support the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 203–231 Bronte Road and 94–98 Carrington Road, Waverley for the following reasons:
 - (a) Primarily the proposal lacks strategic merit:
 - (i) It does not align with the Council endorsed Our Liveable Places Centres Strategy, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
 - (ii) The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
 - (b) The proposal also lacks site-specific merit regarding the following matters, which are considered to be secondary issues:
 - (i) Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage Conservation Area.
 - (ii) Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.

- (iii) Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
 - (iv) Staging issues: other landowners affected by the proposal are strongly against the proposal. As such, it is unlikely that the redevelopment of all sites would occur and that the proposed public benefits of a large and functional public square and through site link would be delivered.
- (c) Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway determination process, there was little to no co-operation on these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.
2. Notes the submissions received during public exhibition from the community and agencies.
 3. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* and decide not to make the proposed local environmental plan.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Burrill

That Council defers this item to provide additional time for:

1. The proponent to work with Council to finalise public benefit calculations.
2. The proponent to address issues raised by the community submissions.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Does not support the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 203–231 Bronte Road and 94–98 Carrington Road, Waverley for the following reasons:
 - (a) Primarily the proposal lacks strategic merit:
 - (i) It does not align with the Council endorsed Our Liveable Places Centres Strategy, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
 - (ii) The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
 - (b) The proposal also lacks site-specific merit regarding the following matters, which are considered to be secondary issues:
 - (i) Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage

Conservation Area.

- (ii) Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.
 - (iii) Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
 - (iv) Staging issues: other landowners affected by the proposal are strongly against the proposal. As such, it is unlikely that the redevelopment of all sites would occur and that the proposed public benefits of a large and functional public square and through site link would be delivered.
- (c) Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway determination process, there was little to no co-operation on these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.
2. Notes the submissions received during public exhibition from the community and agencies.
 3. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* and decide not to make the proposed local environmental plan.

Division

For the Motion: Crs Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Against the Motion: Nil.

CM/7.8/22.03 Planning Proposal - Employment Zones Reform (A21/0539)

MOTION

Mover: Cr Lewis

Seconder: Cr Burrill

That Council:

1. As part of the State Government's Employment Zones Reform, endorses the translation of the following zone changes as set out in the report:
 - (a) Existing B1 Neighbourhood Centre zone to E1 Local Centre.
 - (b) Existing B3 Commercial Core and B4 Mixed Use to MU1 Mixed Use.
 - (c) Select B4 Mixed Use centres to E1 Local Centre.
2. Endorses the changes in land use tables and zone objectives, as set out in the report.
3. Notes the mandatory Department of Planning and Environment proposed changes in land use tables and zone objectives, as set out in the report.
4. Directs the community via Council's website to the NSW Government ePlanning Portal to ensure that

the community is informed of the change and can make submissions to the NSW Government, noting that the change is led by the NSW Government, that there will be no change to development standards of height and floor space ratio, and that the Development Control Plan 2012 character chapter E3 Local Villages will remain.

5. As part of a future planning proposal, investigates further changes to zoning and development standards in Bondi Junction to emphasise commercial office and jobs to reinforce Bondi Junction's status as the primary commercial centre for the Eastern Suburbs and the classification as a Strategic Centre in the Eastern City District Plan.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 4 AND THE ADDITION OF NEW CLAUSES 6 AND 7.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. As part of the State Government's Employment Zones Reform, endorses the translation of the following zone changes:
 - (a) Existing B1 Neighbourhood Centre zone to E1 Local Centre.
 - (b) In the Bondi Junction Strategic Centre only, existing B3 Commercial Core to E2 Commercial Centre and existing B4 Mixed Use to MU1 Mixed Use.
 - (c) Existing B4 Mixed Use centres at Bondi Beach, Bondi Road, Charing Cross, Curlewis Street (Old South Head Road end), Rose Bay North and Rose Bay South to E1 Local Centre.
2. Endorses the changes in land use tables and zone objectives, as set out in the report.
3. Notes the mandatory Department of Planning and Environment proposed changes in land use tables and zone objectives, as set out in the report.
4. Directs the community via Council's website, social media platforms, media release and adverts in local papers to the NSW Government ePlanning Portal to ensure that the community is informed of the change and can make submissions to the NSW Government, noting that the change is led by the NSW Government, that there will be no change to development standards of height and floor space ratio, and that the Development Control Plan 2012 character chapter E3 Local Villages will remain.
5. As part of a future planning proposal, investigates further changes to zoning and development standards in Bondi Junction to emphasise commercial office and jobs to reinforce Bondi Junction's status as the primary commercial centre for the Eastern Suburbs and the classification as a Strategic Centre in the Eastern City District Plan.
6. Notes that the Employment Zones Reform framework is not supported by Council officers in principle as it reduces the ability to establish a clear centre hierarchy and undermines the findings of Waverley's Our Liveable Places (OLP) Centres Strategy and the changes proposed under the LSPS Implementation Planning Proposal (draft comprehensive *Waverley Local Environmental Plan 2022*).
7. Informs all Precinct committees of the changes.

Division**For the Motion:** Crs Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Murray.**Against the Motion:** Cr Wy Kanak.**CM/7.9/22.03 A New Approach to Rezoning - Submission (SF22/190)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Secunder: Cr Lewis

That Council endorses the submission to the NSW Department of Planning and Environment attached to the report on the discussion paper titled *A new approach to rezonings*.

CM/7.10/22.03 SSROC Electricity Procurement (A17/0463)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Secunder: Cr Lewis

That Council notes that the General Manager entered into a contract on behalf of Council with ZEN Energy for the supply of 100% renewable energy from 1 July 2022 till 31 December 2026, with the option to extend till 31 December 2030.

CM/7.11/22.03 Waverley Park Management Plan - Consultation Outcomes (A20/0656)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray

Secunder: Cr Fabiano

That Council:

1. Notes the results and recommendations from initial Waverley Park Plan of Management community consultation.
2. Proceeds to second stage community consultation to confirm fitness station concept design.
3. Notes that the playspace and intergenerational fitness designs will be reported to Council at the May 2022 Council meeting.
4. Notes the feedback received on the proposed Indoor Cricket Nets Facility concept design.
5. Does not include provision for an Indoor Cricket Net Facility in the draft Waverley Park Management Plan
6. Collaborates with Eastern Suburbs Cricket Club Cricket to address shortfalls in indoor training facilities, including consideration of appropriate existing facilities across the local government area.
7. Notes that Council officers will present a report to Council on the draft Waverley Park Management Plan for endorsement and approval for community consultation in April 2022, which will also include sending the draft to the Minister for Planning for approval.

CM/7.12/22.03 Council Chambers Refurbishment - Review of Environmental Factors - Exhibition (SF21/3221)**MOTION**

Mover: Cr Murray
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the Review of Environmental Factors (REF) for the Council Chambers Refurbishment Project attached to the report for 28 days.
2. Notes the planning detailed design for Option 3 for the Council Chambers Refurbishment Project, as set out in Attachments 2 and 3 of the REF.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process, key feedback and recommending revision to concept design, as necessary.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Kay

That Council places the exhibition of the Review of Environmental Factors (REF) on hold until a further detailed investigation into constructing a new Council Chambers with maximum floor space on the Bondi Road site has been completed and a comparison report is presented to Council for consideration that includes, but is not limited to, a concept design for each floor level, and the pros and cons, opportunities and risks.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Publicly exhibits the Review of Environmental Factors (REF) for the Council Chambers Refurbishment Project attached to the report for 28 days.
2. Notes the planning detailed design for Option 3 for the Council Chambers Refurbishment Project, as set out in Attachments 2 and 3 of the REF.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process, key feedback and recommending revision to concept design, as necessary.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Against the Motion: Crs Burrill, Goltsman and Kay.

CM/7.13/22.03 Youth Week Grant 2022 (A03/2784)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council, under section 356 of the *Local Government Act*, grants up to \$3,600 in financial assistance to WAYS Youth and Family to run activities that involve and benefit a diverse group of young people for Youth Week 2022.

8. Notices of Motions**CM/8.1/22.03 Annual Volunteer Fair (A16/0638)**

Cr Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting she is the organiser of Bondi Beach Playgroups, which is one of these organisations.

MOTION / UNANIMOUS DECISION

Mover: Cr Murray
Seconder: Cr Gray

That Council:

1. Investigates hosting an annual Volunteer Fair for volunteer organisations in Waverley to promote their organisations and for residents and others to find volunteer organisations.
2. Officers liaise with large volunteer organisation in the area such as One Big Kitchen, St Vincent de Paul, Wayside, Surf Clubs, Lions, Rotary, SES and others to gauge interest and need for such an event.
3. Aims to hold the first Volunteer Fair in 2022.
4. Officers prepare a report to Council by August 2022 that outlines the costs, timelines, consultation outcomes, and requirements of this project including any procurement issues.

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

CM/8.2/22.03 Raleigh Street and Lola Street, Dover Heights - Drainage Pit (A03/0804)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr Murray

That Council:

1. Notes the severe flooding in Raleigh Street and Lola Street, Dover Heights, as a result of the recent heavy rainfall.
2. Notes the officers' determination that an additional drainage pit is required at or near the junction of Raleigh Street and Lola Street and that a new pipeline will be constructed.
3. Directs officers to carry out any further investigations as may be required and prepare a design for the construction of the drainage pit and pipeline as a matter of urgency.

Crs Burrill and Kay were not present for the vote on this item.

CM/8.3/22.03 Bondi Junction Cycleway - Safety (A14/0193)**MOTION**

Mover: Cr Burrill
Seconder: Cr Kay

That Council:

1. Notes that the Bondi Junction Cycleway is nearing completion, with only the section in front of the bus depot on West Oxford Street yet to commence. The cycleway from St James Road to Waverley Mall is expected to be operational from late March/April 2022.
2. Notes that 'Safety by Design' initiatives will be introduced into the Oxford Street Mall in the second half of 2022.
3. Investigates ways to improve the safety of pedestrians and cyclists in Bondi Junction resulting from the introduction of the new cycleway, such as:
 - (a) Clearly distinguishing between the footpath and the cycleway on Spring Street by, for example, tactile paving, blisters and/or spaced planter boxes.
 - (b) Installing temporary educational cyclist 'Give Way and Stop' signs on the cycleway at conflict points.
 - (c) Installing 'No Cycling' and 'Cyclist Detour' signage at each end of the Oxford Street Mall at an appropriate time to allow transition for using the new cycleway.
 - (d) Reducing the regulatory speed limit in the Oxford Street bus transit lane between Bronte Road and Adelaide Street from 50 km/h to 30 km/h.
 - (e) Commencing an education campaign to encourage cyclists to ride through Spring Street rather than through Oxford Street Mall.
 - (f) Improving compliance with bin placement on Spring Street.
 - (g) Improving 'No Entry, Buses, Taxis Excepted' compliance into Grosvenor Street by additional signage in Bronte Road, both on poles and on the road.
4. Immediately commences the process to update the Bondi Junction cycle route in the Waverley Bike Plan 2013 to reflect the new cycleway route via Spring Street.
5. Officers prepare a report on the above matters for Council, and where relevant Traffic Committee, consideration.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that the Bondi Junction Cycleway is nearing completion, with only the section in front of the bus depot on West Oxford Street yet to commence. The cycleway from St James Road to Waverley Mall is expected to be operational from late March/April 2022.
2. Notes that 'Safety by Design' initiatives will be introduced into the Oxford Street Mall in the second half of 2022.
3. Investigates ways to improve the safety of pedestrians and cyclists in Bondi Junction resulting from the introduction of the new cycleway, such as:

- (a) Clearly distinguishing between the footpath and the cycleway on Spring Street by, for example, tactile paving, blisters and/or spaced planter boxes.
 - (b) Installing temporary educational cyclist 'Give Way and Stop' signs on the cycleway at conflict points.
 - (c) Installing 'No Cycling' and 'Cyclist Detour' signage at each end of the Oxford Street Mall at an appropriate time to allow transition for using the new cycleway.
 - (d) Reducing the regulatory speed limit in the Oxford Street bus transit lane between Bronte Road and Adelaide Street from 50 km/h to 30 km/h.
 - (e) Commencing an education campaign to encourage cyclists to ride through Spring Street rather than through Oxford Street Mall.
 - (f) Improving compliance with bin placement on Spring Street.
 - (g) Improving 'No Entry, Buses, Taxis Excepted' compliance into Grosvenor Street by additional signage in Bronte Road, both on poles and on the road.
4. Immediately commences the process to update the Bondi Junction cycle route in the Waverley Bike Plan 2013 to reflect the new cycleway route via Spring Street.
 5. Takes appropriate steps to:
 - (a) Move commercial rubbish bins placed on the Spring Street cycleway.
 - (b) Educate owners and occupiers in Spring Street of the correct location to place commercial bins.
 - (c) Issue fines for repeated offenders if appropriate.
 6. Officers prepare a report on the above matters for Council, and where relevant Traffic Committee, consideration.

CM/8.4/22.03 Disaster Relief (A02/0065)

MOTION / DECISION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council:

1. Provides relief funding as well as assisting local charities and relief organisations to redirect clothing and other suitable goods and services to the growing number of people becoming vulnerable and destitute due to climate change from floods and other natural disasters.
2. Calls on the state and federal governments to support the urgent establishment of permanent fully funded Rapid Response Disaster Teams to reflect the fact that disasters like the current flooding are no longer rare events but the new normal.
3. Calls on the NSW State Government to double the disaster recovery payment to \$2,000 and expand its eligibility so more people can get help.

Crs Burrill and Kay were not present for the vote on this item.

CM/8.5/22.03 Equal Pay for Equal Play (A22/0083)

MOTION / UNANIMOUS DECISION

Mover: Cr Fabiano

Seconder: Cr Keenan

That Council:

1. Ensures that sporting organisations and clubs that receive grants and funding from Council provide:
 - (a) Equal prize money for both boys and girls, and men and women, at all levels of competition.
 - (b) Equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.
 - (c) An actionable strategy to increase the participation, engagement and ongoing support of women and girls at all levels of competition.
2. Affirms that organisations and clubs that do not currently satisfy these criteria can still receive support if they have concrete plans to implement these by 2025.

Crs Burrill and Kay were not present for the vote on this item.

9. Questions with Notice

CM/9.1/22.03 Racism Not Welcome Street Signs (A02/0447)

QUESTION

The following question was submitted by Cr Fabiano:

When does Council expect the street sign #racismnotwelcome to be placed in busy places in Waverley?

Background

As extract from:

Waverley Cultural Diversity Strategy (WCDS) 2021–2031

Ideas for future funding

Racism not welcome street signs

In February 2021, Council passed a resolution to refer to the Multicultural Advisory Committee for discussion and guidance on ways to implement the 'Racism Not Welcome' street signs and associated campaign in the Waverley local government area, with support from Council and its officers.

Our idea is to implement the campaign in busy places in Waverley.

Each sign could have English on one side and a language, from Aboriginal through the range of other tongues spoken, on the other side.

Over time, Waverley would become populated with dozens of languages on signs speaking the same message of welcome and peace.

General Manager's answer

Last year, the Multicultural Advisory Committee (MAC) was actively engaged in broader discussions about Waverley's anti racism approach including the installation of 'Racism not Welcome' signs. There was no consensus reached supporting rollout of this program

Comments/concerns raised by MAC members at the 21 October 2021 meeting and included in the draft minutes include:

- Questions were raised as to whether the 'Racism not Welcome' message, prompts people to reflect on their own attitudes and if a more positive message would be more effective.
- MAC members expressed their interest in being informed by evaluations undertaken by other Councils who have implemented the street sign campaign.

These discussions will continue to include the IHRA definition and Council's resolution at the next meeting on 23 March.

Council officers are progressing well with the implementation of the Cultural Diversity Strategy. Last December, we had a Welcome Picnic organised in partnership with Settlement Services International and Uniting. The event was covered by Plus61j Media and the coverage did well in making a connection with the Jewish refugee experience.

We are also making good progress on our anti-racism campaign, which will be launched soon to run until September. We're mindful of people's different views and experiences and in our consultation with the MAC around campaign objective and anticipated outcomes, will be focusing on designing inclusive community activities that will bring people together.

In summary, we've developed/are still working on a range of temporary activations/activities and events connected to the campaign including:

- Strategic placement of street decals with wording recommended from the MAC.
- Further consideration of the 'Racism not Welcome' signs.
- A generic holding statement condemning racist incidents within Waverley.
- A web page to link to resources and information, which will be accessible through QR codes (on decals, posters etc).
- An art competition to be launched in March for two Sea Wall panels with anti-racism messaging
- Storytelling workshops.
- Supporting consultation for the National Anti-Racism Framework.

Sharon Cassidy

Acting Director, Community, Assets and Operations

CM/9.2/22.03

Thomas Hogan Reserve - Maintenance (A03/1399)

QUESTION

The following questions were submitted by Cr Kay:

The questions relate to the upper portion of the Thomas Hogan Reserve ('the Reserve') with its southern boundary at Martins Avenue.

1. Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the Reserve.'
2. How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?
3. What is the plan and time frame to eradicate inundating weeds in this section of the Reserve?
4. How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans?

General Manager's answer

For each question the current status and next steps are outlined:

Question 1 – Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the Reserve.'

There are several adopted strategies that sit above the Thomas Hogan Plan of Management that guide the operational functions of Council including:

- Open Space and Recreation Strategy (OSRS).
- Waverley Strategic Asset Management Plan (SAMP).
- Waverley Environmental Action Plan.
- Thomas Hogan Environmental Restoration Action Plan.

The adopted OSRS directly addresses Action A3. The adopted OSRS applied a classification system to our parks and reserves based around several criteria including things like size, complexity, uses, user catchment, profile or prestige. It also aligns with the hierarchy applied to play spaces in our Play Space Strategy.

Parks that have significant visitation and high usage and broad catchment require more resources to manage and maintain while smaller spaces require far less. Adopting a classification or hierarchy system enables Council to allocate our finite budgets and resources more sustainably, equitably and effectively across the 79 parks we maintain. With each classification of park, the OSRS defines a maintenance and servicing framework. Thomas Hogan is classified as a neighbourhood park. The OSRS (Appendix A) details the maintenance activities undertaken for a Neighbourhood Park with the general service frequency being 6 weeks to 3 months. It should be noted there are some maintenance activities including for example herbicide spraying that are undertaken at longer intervals.

Council officers are currently reviewing the adopted versus the current maintenance regime.

Question 2 – How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?

Council manages its public domain trees in accordance with its Tree Management Policy and Street Tree Masterplan.

In addition to its regular maintenance schedule, Council responds to requests for work on specific trees. Work is prioritised according to urgency. Issues of public safety must be given more immediate attention. Accordingly, every request for tree work is placed in one of the following categories:

Category	Example
Urgent	Broken branches over property or footpath
Potentially Hazardous	Branches contacting electricity lines
Routine Maintenance	Canopy requires thinning or pruning off property
Unnecessary Work	Pruning for views; pruning to reduce leaf or flower drop

Work placed in the routine maintenance category will be carried out as priorities allow and the availability of staff and equipment in particular areas. There may therefore be some delay in attending to such requests. However, they remain on record and will be attended to.

The fig referred to in the motion was assessed by external Arborist in 2015 who determined it was in good health and structural condition with a safe and useful life expectancy of greater than 40 years.

Merit has a history of request for inspections and pruning of this tree over several years. The last request was in February 2021 to address safety concerns of falling branches. Council Arborist's attended site and determined that only small branches of 1-2mm of die back were present and these do not present hazard or any significant risk. The last major pruning was performed February 2020 for property clearances. It should be noted that this tree is in a very difficult to access site requiring external contractors to access as the works are dangerous.

Council officers will continue to manage these tree assets in accordance with Tree Management Policy and customer requests logged via Merit.

Question 3 – What is the plan and timeframe to eradicate inundating weeds in this section of the Reserve?

Restoration and revegetation of bushland areas is an ongoing process and takes many years of ongoing dedication to manage a living ecosystem.

Continual eradication of all weeds is unrealistic as the site has decades of weed infestation. Weeds are contained in soil profiles that can take generations to reduce, weeds can be ingested and carried by animals such as birds and deposited into the park, some weeds work on wind dispersion, some are carried by water or rain and other coming from adjoining private properties which are out of the control and management of Council.

Council undertook extensive slope stabilisation works to embankments either side of the stairs as part of the stair upgrade project in late 2019 with Bushcare contractors undertaking several visits a month during the planting establishment period.

Before restoration works, the slope was covered with Madeira and Ipomea. Madeira tubers remain viable in the soil for several years requiring ongoing management.

Ongoing maintenance of the lower portion of the stairs is covered under the Ecological Restoration Action Plan (ERAP) referred to as Zone 1A and Zone 2. The upper portion of the stairs is maintained in accordance with the OSRS maintenance and servicing framework for a neighbourhood park as described in response to Question 1.

Question 4 – How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans.

The ERAP is based around 4 zones (1A, 1B, 2 and 3) and Council has established zone 1A (the south east corner) with an understory of plantings that have had good rates of survival. Zone 2 (the north west corner), has had ongoing understory weed management, problem tree management and some infill planting and is actively progressing including into the edge of zone 1B. This work has taken longer as potentially dangerous trees have been required to be pruned or removed. The area around the stairs (zones 1A and 1B) has been successfully planted out and is requiring less maintenance as the groundcovers are becoming established. Except on the border Zone 1B work has largely not commenced with only some weed suppression occurring. Due to the slope and weed density of zone 1B, and the resources available Council is waiting for the other zones to establish before commencing active work in this area. Ongoing work is dependent on annual budget and resourcing availability.

Sharon Cassidy
Acting Director, Community, Assets and Operations

10. Urgent Business

There were no items of urgent business.

11. Closed Session

CM/11/22.03 **Closed Session**

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

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 reasons specified:

CM/11.1/22.03 **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 10.45 pm, Council moved into closed session.

CM/11.1/22.03 CONFIDENTIAL REPORT - Rowe Street Project - Update (SF22/143)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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 finalised Project Management Agreement attached to the report (Attachment 1).
3. Notes the finalised Probity Plan attached to the report (Attachment 2).
4. Affirms the appointment of Blare Management as external project manager representing both parties.
5. Notes the finalised Project Agreement between Council and Zondaro Pty Ltd for the Rowe Street DA Project attached to the report (Attachment 3).
6. Authorises the General Manager to execute both the Project Agreement and the Project Management Agreement.

Division

For the Motion: Crs Fabiano, Goltsman, Gray, Keenan, Lewis, Masselos and Murray.

Against the Motion: Nil.

Crs Burrill, Kay and Wy Kanak were not present for the vote on this item.

CM/11.2/22.03 CONFIDENTIAL REPORT - Shop 1A, Bondi Pavilion Fit-out - Procurement Exemption (A06/1246)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Approves a procurement exemption to engage Sitform Projects Pty Ltd to undertake the fit-out of Shop 1A, Bondi Pavilion, for the reasons set out in the report.
3. Authorises the General Manager to complete all necessary negotiations and execute all documents associated with the matter.

CM/11.3/22.03 CONFIDENTIAL REPORT - 14-26 Ebley Street, Bondi Junction - Lease to Officeworks Ltd (A02/0239)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats 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 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. Grants a lease to Officeworks Ltd for 14–26 Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete all necessary documentation to finalise the matter.

CM/11.4/22.03 CONFIDENTIAL REPORT - Eastgate Car Park Ground Floor, Bondi Junction - Licence to Odessa Enterprises Pty Ltd (A08/1284)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats 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 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. Grants a licence to Odessa Enterprises Pty Ltd for the premises located on the ground floor of Eastgate Car Park, Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete all necessary documentation to finalise the matter, including any future assignment of the licence.

CM/11.5/22.03 CONFIDENTIAL REPORT - 65 Ebley Street, Bondi Junction - Lease to Ebley Street Holdings Pty Ltd (Metro Storage) (A02/0256)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats 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 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. Grants a lease to Ebley Street Holdings Pty Ltd (trading as Metro Storage) for 65 Ebley Street, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete negotiations and execute all necessary documents to complete the matter.

CM/11.6/22.03 CONFIDENTIAL REPORT - Tender Evaluation - Safety By Design in Public Places - Bondi Junction (A21/0576)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(e) of the *Local Government Act 1993*. The report contains information that would, if disclosed, prejudice the maintenance of law.
2. Declines to accept any of the tenders for construction phase services for the Safety By Design in Public Places – Bondi Junction project, in accordance with clause 178(1)(b) of the *Local Government (General) Regulations 2021*.
3. Declines to invite fresh tenders or application as referred to in clause 178(1)(b)-(d) of the *Local Government (General) Regulation 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 ranked tenderer, 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*.

12. Resuming in Open Session

CM/12/22.03 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council resumes in open session.

At 10.49 pm, Council resumed in open session.

Resolutions from closed session made public

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

13. Meeting Closure

THE MEETING CLOSED AT 10.51 PM.

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SIGNED AND CONFIRMED
MAYOR
12 APRIL 2022