



# WAVERLEY COUNCIL

## MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 17 MAY 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
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
Mitchell Reid	Acting Director, Planning, Environment and Regulatory
Richard Sheridan	Interim Director, Finance and Governance

*At the commencement of proceedings at 7.04 pm, those present were as listed above.*

*At 7.33 pm, following the vote on item CM/5.2.1/22.05, Cr Betts left the meeting and did not return.*

*At 8.01 pm, during the consideration of item CM/8.1/22.05, Cr Nemesh left the meeting and did not return.*

*At 9.04 pm, having declared a significant non-pecuniary interest in item CM/11.2/22.05, Cr Masselos vacated the chair and left the meeting and Cr Keenan assumed the chair for the item.*

## **PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

### **1. Apologies/Leaves of Absence**

There were no apologies.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

- 2.1 Cr Burrill declared a pecuniary interest in item CM/7.7/22.05 – Voluntary Planning Agreement – 154 Ramsgate Avenue, North Bondi, and informed the meeting that she owns property in the street and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Burrill declared a significant non-pecuniary interest in item CM/7.8/22.05 – Small Grants Program 2021-22 – Round 2 and informed the meeting that she is the organiser of Bondi Beach Playgroups and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Goltsman declared a significant non-pecuniary interest in item CM/7.8/22.05 – Small Grants Program 2021-22 – Round 2 and informed the meeting that he is a volunteer with COA and will leave the meeting for the consideration and vote on this item.
- 2.4 Cr Goltsman declared a less than significant non-pecuniary interest in item CM/7.9/22.05 – Sydney Water Refresh Vacluse Diamond Bay Project – Review and Preliminary Submission and informed the meeting that he was a part of the consultation group.
- 2.5 Cr Masselos declared a significant non-pecuniary interest in item CM/11.2/22.05 – CONFIDENTIAL REPORT – Bondi Pavilion Community Radio Station Licence and informed the meeting that she is interviewed every three weeks on Eastside Radio and will leave the meeting for the consideration and vote on this item.

### **3. Obituaries**

Chris Bonney

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

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

- 4.1 D Finnimore (on behalf of Bronte Surf Life Saving Club) – CM/7.11/22.05 – Bronte Surf Club and Community Facilities Building Upgrade – Project Update.
- 4.2 D Hui – CM/7.11/22.05 – Bronte Surf Club and Community Facilities Building Upgrade – Project Update.
- 4.3 S Kenny – CM/8.1/22.05 – Queens Park Laneway Safety.

#### 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/5.1/22.05 Confirmation of Minutes – Council Meeting – 12 April 2022.
- CM/7.2/22.05 Investment Portfolio Report – April 2022.
- CM/7.3/22.05 Audit, Risk and Improvement Committee – Annual Report 2021.
- CM/7.4/22.05 High Impact Event – The Drop Live.
- CM/7.5/22.05 High Impact Event – Diner en Blanc.
- CM/7.6/22.05 High Impact Events 2022-23.
- CM/7.9/22.05 Sydney Water Refresh Vacluse Diamond Bay Project – Review and Preliminary Submission.

#### 5. Confirmation and Adoption of Minutes

##### CM/5.1/22.05 Confirmation of Minutes - Council Meeting - 12 April 2022 (SF21/6063)

##### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 12 April 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### CM/5.2/22.05 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 April 2022 (SF21/6066)

##### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 28 April 2022 be received

and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/22.04 – Birrell Street, Waverley – Cycleway.

And that this item be dealt with separately below.

**CM/5.2.1/22.05 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 April 2022 - TC/C.01/22.04 - Birrell Street, Waverley - Cycleway (A18/0579)**

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

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Burrill

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 2(c) such that the recommendation now reads as follows:

That Council:

1. Does not adopt the Council Officer's Proposal.
2. Defers this item to undertake community consultation with respect to:
  - (a) Demand for the proposed Birrell Street cycleway.
  - (b) The draft route attached to the report.
  - (c) Other options for the cycleway, such as adding a further separated cycle lane on the westbound uphill section of Birrell Street between Tamarama Street and Henrietta Street.
  - (d) The intersection of Carrington Road and Birrell Street being further investigated as to safety and impacts on traffic flow.
3. Works with Transport for NSW to review the associated line markings, including line markings within the Traffic Control Signal.

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

**6. Mayoral Minutes**

**CM/6.1/22.05 Walking to School - Safe Routes (A04/0668)**

**MOTION**

Mover: Cr Masselos

That Council:

1. Notes that:

- (a) Victoria Walks, an evidence-based health promotion charity, cites a dramatic decline in Australian school children walking to school since the 1970s, when 40% of children walked, in 1994 it was 24% and in 2021 it is thought to be as low as 15%.
  - (b) The benefits of school students walking to school are significant, including improved physical and mental health, increased exercise, maintenance of healthy weight, improved confidence and independence in children, and reduced traffic congestion on roads.
  - (c) Many schools in Waverley require students to cross busy main roads
2. Investigates:
- (a) The establishment of a series of safe walking routes to schools.
  - (b) The types of safety and traffic signage to facilitate safely crossing busy streets and roads.
  - (c) The traffic speeds and any adjustments that may be required to facilitate safe walking routes.
  - (d) Consultation needs of key stakeholders, such as school principals, P&C associations, police and the broader community, and develops an outreach and community consultation strategy.
  - (e) A time frame that will ensure successful stakeholder buy-in and implementation.
  - (f) The required budget necessary for successful implementation and a funding source, including potential State and Federal grant funding.
3. Receives a report on the proposed Walking to School study addressing the identified elements in clause 2, the recommended project plan and required funding.

### **Background**

In a study in south-eastern Sweden, which has relatively high rates of active travel to school, 90% of girls and 67% of boys aged 7–9 years met the recommended number of steps per day (12,000 for girls and 15,000 for boys). In comparison, in Australia, 50% of girls and 32% of boys aged 5–8 meet the recommended number of steps. For more information and comparison between Australia and other countries, see the VicHealth report on *Active Travel, Children and Young People*.

A recent study of more than 12,000 Australian teenagers found they were much more likely to eat their recommended intake of fruit (41%) and vegetables (24%) per day than they were to get the recommended level of exercise (15%). This was particularly so for girls, with only 8% getting the 60 minutes moderate to vigorous physical activity recommended for teenagers, compared to 22% of boys (Morley 2012). Active travel is critical for exercise during teenage years and in the transition to adulthood, because as children grow older they get less exercise through play. Active travel tends to increase during teenage years and young adulthood, while other forms of exercise are declining.

Perhaps more surprising than the connection between walking and physical health is the evidence that walking to school is good for a child's educational development. A study of nearly 20,000 Danish children found that children who walked or cycled to school were able to concentrate much better than others for the first four hours of the day. Research in Washington DC found some correlation between the level of walkability and overall school performance.

Walking to school is not only good for a child's health and education, it helps them understand their world. As part of VicHealth's 'Streets Ahead' program, children at four schools in the Darebin area were asked to map their neighbourhood. Those who walked to school were better able to describe the area they lived in.

Children who were driven drew their neighbourhood as a series of fragmented, abstract images (Streets Ahead 2008-2011, p. 20).

The capacity to walk in their neighbourhood is highly important to children's independent mobility and their general development. Patterns established during childhood tend to carry into adulthood. Those who take up healthy behaviours, such as walking, when they are young are more likely to continue these practices as adults. Children are more likely to walk if their parents walk—and parents are best placed to teach them to negotiate their neighbourhood safely. See the opinion piece below for more on the role of parents in encouraging their children to walk.

Council can further assist in the improvement of the health and safety of our Waverley school students by encouraging walking to school through the establishment of safe walking routes, associated signage, street and road speed adjustments, and support of parents and schools.

<https://www.smh.com.au/politics/federal/try-walking-and-talking-20100131-n6ec.html>

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

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

### **UNANIMOUS DECISION**

That Council:

1. Notes that:
  - (a) Victoria Walks, an evidence-based health promotion charity, cites a dramatic decline in Australian school children walking to school since the 1970s, when 40% of children walked, in 1994 it was 24% and in 2021 it is thought to be as low as 15%.
  - (b) The benefits of school students walking to school are significant, including improved physical and mental health, increased exercise, maintenance of healthy weight, improved confidence and independence in children, and reduced traffic congestion on roads.
  - (c) Many schools in Waverley require students to cross busy main roads
2. Investigates:
  - (a) The establishment of a series of safe walking routes to schools.
  - (b) The types of safety and traffic signage to facilitate safely crossing busy streets and roads.
  - (c) The traffic speeds and any adjustments that may be required to facilitate safe walking routes.
  - (d) Consultation needs of key stakeholders, such as school principals, P&C associations, police and the broader community, and develops an outreach and community consultation strategy.
  - (e) A time frame that will ensure successful stakeholder buy-in and implementation.
  - (f) The required budget necessary for successful implementation and a funding source, including potential State and Federal grant funding.
  - (g) Existing resources available through the NSW Government and other State and Territory governments.

3. Receives a report on the proposed Walking to School study addressing the identified elements in clause 2, the recommended project plan and required funding.

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

## 7. Reports

### **CM/7.1/22.05 Quarterly Budget Review (Q3) - March 2022 (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.

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

### **CM/7.2/22.05 Investment Portfolio Report - April 2022 (A03/2211)**

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

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for April 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/7.3/22.05 Audit, Risk and Improvement Committee - Annual Report 2021 (SF21/5557)**

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

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council receives and notes the Audit, Risk and Improvement Committee's Annual Report to Council for 2021 attached to the report.

**CM/7.4/22.05 High Impact Event - The Drop Live (A22/0117)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves The Drop Live event at south Bondi Park and Beach on Saturday, 1, 8 or 15 October 2022 pending the availability of the headline act.
2. Approves the High Impact event fee of \$63,776 excluding GST.
3. Authorises the General Manager, or delegated representative, to complete negotiations and execute a licence agreement with The Drop Live.

**CM/7.5/22.05 High Impact Event - Diner en Blanc (A22/0117)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves the Diner en Blanc event at Bondi Beach on Saturday, 12 November 2022.
2. Approves the High Impact event fee of \$32,411 excluding GST.
3. Authorises the General Manager, or delegated representative, to complete negotiations and execute a licence agreement with Diner en Blanc.

**CM/7.6/22.05 High Impact Events 2022-23 (A22/0117)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves the following program of High Impact 2 events scheduled for the period 1 July 2022 to 30 June 2023:
  - (a) Bondi Festival (including extended tenure of Ferris wheel).
  - (b) City2Surf and Council Marquee Program.
  - (c) Festival of the Winds.
  - (d) The Drop Live.
  - (e) Sculpture by the Sea.
  - (f) Head On Photo Festival.

- (g) Diner en Blanc.
  - (h) Dudley Page New Year's Eve.
  - (i) Summer of Surf Series.
  - (j) Nutri Grain Ironperson Series (subject to confirmation).
  - (k) Outdoor Cinema (venue to be confirmed).
  - (l) Latin American Festival.
  - (m) Sydney WorldPride Bondi Beach Party (2023 only).
  - (n) Ocean Lovers Festival.
  - (o) North Bondi RSL ANZAC Day Dawn Service Ceremony.
2. Notes the following High Impact 1 and Medium Impact events that are included in the annual calendar of events:
- (a) Flickerfest (previously High Impact 2, now High Impact 1).
  - (b) Bondi Blitz (previously High Impact 2, now Medium Impact 1).
  - (c) Carols by the Sea (previously High Impact 2, now Medium Impact 1).
  - (d) Bondi to Bronte Swim (previously High Impact 2, now Medium Impact 1).
  - (e) Global Table (previously High Impact 2, now Medium Impact 1).
3. Notes that all scheduled High Impact events outlined in Attachment 1 of the report are required to submit a COVID-19 Safety Plan and comply with Council's Events Policy and Event Management Guidelines.
4. Authorises the General Manager, or delegated representative, to finalise and execute licence agreements with event organisers as necessary and as noted in the 2022–23 program.

**CM/7.7/22.05                      Voluntary Planning Agreement - 154 Ramsgate Avenue, North Bondi (SF22/1000)**

*Cr Burrill declared a pecuniary interest in this item and informed the meeting that she owns property in the street. Cr Burrill was not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION / DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Murray

That Council:

1. Endorses the draft planning agreement attached to the report applying to land at 154 Ramsgate Avenue, North Bondi, offering a total monetary contribution of \$260,862, with \$195,646.50 (75%) to be allocated to Bondi Park works, including upgrades to Biddigal Reserve, sea walls and/or the ocean

pools, and \$65,215.50 (25%) to be allocated to the Waverley Affordable Housing Program (25%) in accordance with Council's Planning Agreement Policy.

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 Goltsman, Gray, Kay, Lewis, Masselos and Murray.

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

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

**CM/7.8/22.05 Small Grants Program 2021-22 - Round 2 (A21/0468)**

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

*Cr Goltsman declared a significant non-pecuniary interest in this item and informed the meeting that he is a volunteer with COA. Cr Goltsman was not present at, or in sight of, the meeting for the consideration and vote.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Gray

Seconder: Cr Wy Kanak

That Council, under the Small Grants Program 2021–22 (Round 2), grants \$43,938 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

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

**CM/7.9/22.05 Sydney Water Refresh Vaucluse Diamond Bay Project - Review and Preliminary Submission (A22/0135)**

*Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he was part of the consultation group.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Continues to support the overall project aim to capture untreated wastewater entering the ocean from the Diamond Bay and Eastern Reserve ocean outfalls by redirecting wastewater flow to the Bondi Wastewater Treatment Plant.
2. Notes the preliminary submission to Sydney Water attached to the report (Attachment 1) on the proposed infrastructure works at Eastern Reserve with recommendations to mitigate the landscape character and visual impacts and address the park user and residential amenity concerns of the project, as outlined in the report.

3. Seeks clarification as Trust Manager of Eastern Reserve from Crown Lands on the approvals pathway for Sydney Water infrastructure development and operations within the Crown Land Reserve.
4. Continues to engage with Sydney Water on the project to ensure the project impacts are suitably mitigated to achieve the best landscape, environmental and residential amenity outcomes are achieved within the scope of the project.

**CM/7.10/22.05 Curlewis Street Streetscape and Cycleway Upgrade - Community Consultation (SF20/3091)**

**MOTION**

Mover: Cr Gray  
Seconded: Cr Wy Kanak

That Council:

1. Approves and publicly exhibits for 28 days the Curlewis Street Streetscape and Cycleway Upgrade concept design attached to the report.
2. Notes that the community consultation report will be circulated to Councillors following the exhibition period with an update on the revised concept design, in accordance with Step 5 of the Councillor Engagement Process for Capital Works Projects.
3. Notes that traffic-related design elements will be presented to the Waverley Traffic Committee for review, with subsequent consideration by Council.
4. Notes that Transport for NSW has granted Council \$165,000 in funding to develop the design and a further \$835,000 for the construction of the cycleway.
5. Notes that officers have applied to Transport for NSW for an additional \$2,000,000 grant funding for the construction of the cycleway.

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

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

**UNANIMOUS DECISION**

That Council:

1. Approves the Curlewis Street Streetscape and Cycleway Upgrade concept design attached to the report for 28 days' public exhibition.
2. Notes that the community consultation report will be circulated to Councillors following the exhibition period with an update on the revised concept design, in accordance with Step 5 of the Councillor Engagement Process for Capital Works Projects.
3. Notes that traffic-related design elements will be presented to the Waverley Traffic Committee for review, with subsequent consideration by Council.
4. Notes that Transport for NSW has granted Council \$165,000 in funding to develop the design and a further \$835,000 for the construction of the cycleway.
5. Notes that officers have applied to Transport for NSW for an additional \$2,000,000 grant funding for

the construction of the cycleway.

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

**CM/7.11/22.05            Bronte Surf Club and Community Facilities Building Upgrade - Project Update  
(A20/0329)**

**MOTION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Notes that the Public Private Partnership design process for the Bronte Surf Club and Community Facilities Building Upgrade has been paused with Bronte Surf Life Saving Club in line with the processes detailed in the Probity Guidelines for Capital Project Partnerships.
2. Notes the process the Public Private Partnership Project Control Group and Project Executive Group have followed to terminate the contract with the previous architect and progress to updating the Heads of Agreement.
3. Notes the outcomes of the stakeholder and community consultation undertaken by Bronte Surf Life Saving Club and detailed in the Engagement Report attached to the report (Attachment 3).
4. Notes that the Project Control Group will work to resolve issues raised through community consultation in the detailed design phase of the project.
5. Notes that Council officers will continue to investigate step-free access from the northern section of Bronte Park as a priority action from the Bronte Park Plan of Management.
6. Endorses the concept design prepared by Bronte Surf Life Saving Club attached to the report (Attachments 1 and 2) and proceeds to lodge a development application.
7. Authorises the General Manager negotiate an updated Heads of Agreement between Council and the Club, with the agreement (including revised funding proposal) to be reported to Council for endorsement prior to execution.
8. Notes that, under section 55(3)(m) of the *Local Government Act 1993*, Council is not required to invite tenders before entering into a contract if it has entered into a Public Private Partnership.
9. Authorises the General Manager to negotiate directly with Philip Leamon and Associates for head consultant services for the design documentation for the Bronte Surf Club and Community Facilities Building Upgrade.
10. Notes that any contract resulting from the direct negotiations will be between Council and Bronte Surf Club and jointly, and Philip Leamon and Associates.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 3, 7 AND 13 AND AMENDMENTS TO CLAUSES 1 AND 8.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Notes that the Public Private Partnership design process for the Bronte Surf Club and Community Facilities Building Upgrade has been paused with Bronte Surf Life Saving Club in line with the processes detailed in the Probity Guidelines for Capital Project Partnerships, as agreement could not be reached on an agreed design.
2. Notes the process the Public Private Partnership Project Control Group and Project Executive Group have followed to terminate the contract with the previous architect and progress to updating the Heads of Agreement.
3. Notes that Bronte Surf Life Saving Club has worked with architects to develop an alternative concept design that meets the Club's needs and responds to community feedback.
4. Notes the outcomes of the stakeholder and community consultation undertaken by Bronte Surf Life Saving Club and detailed in the Engagement Report attached to the report (Attachment 3).
5. Notes that the Project Control Group will work to resolve issues raised through community consultation in the detailed design phase of the project.
6. Notes that Council officers will continue to investigate step-free access from the northern section of Bronte Park as a priority action from the Bronte Park Plan of Management.
7. Notes that Council's additional contribution in option 4 is up to \$2.9 million.
8. Endorses the concept design (Option 4) prepared by Bronte Surf Life Saving Club attached to the report (Attachments 1 and 2) and proceeds to lodge a development application.
9. Authorises the General Manager negotiate an updated Heads of Agreement between Council and the Club, with the agreement (including revised funding proposal) to be reported to Council for endorsement prior to execution.
10. Notes that, under section 55(3)(m) of the *Local Government Act 1993*, Council is not required to invite tenders before entering into a contract if it has entered into a Public Private Partnership.
11. Authorises the General Manager to negotiate directly with Philip Leamon and Associates for head consultant services for the design documentation for the Bronte Surf Club and Community Facilities Building Upgrade.
12. Notes that any contract resulting from the direct negotiations will be between Council and Bronte Surf Club and jointly, and Philip Leamon and Associates.
13. Notes that the design prepared for development application (DA) will be presented at a Councillor briefing followed by a report to Council prior to DA lodgement planned for September 2022.

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

*Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.*

*D Finnimore (on behalf of Bronte Surf Life Saving Club) and D Hui addressed the meeting.*

**CM/7.12/22.05 Charing Cross Streetscape Upgrade - Project Update (A18/0541)****MOTION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Progresses Option 3 for the Charing Street Streetscape Upgrade to detailed design, noting the following key items will be addressed in development of the design as appropriate:
  - (a) Selection of tree species to vary and consider the heritage status of building façades.
  - (b) Completion of a posted awning review to inform locations of trees and street furniture items in detailed design.
  - (c) Undertake an options analysis on materiality interpretations to acknowledge the original kerb alignment within the widened footpath.
  - (d) Undertake an options analysis on appropriate lighting, hanging baskets and street furniture in the detailed design.
2. Engages with members of the community during detailed design development, including those from the Charing Cross Precinct that have shown significant interest in the project.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

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

**UNANIMOUS DECISION**

That Council:

1. Progresses Option 3 for the Charing Street Streetscape Upgrade to detailed design, noting the following key items will be addressed in development of the design as appropriate:
  - (a) Selection of tree species to vary and consider the heritage status of building façades.
  - (b) Completion of a posted awning review to inform locations of trees and street furniture items in detailed design.
  - (c) Undertake an options analysis on materiality interpretations to acknowledge the original kerb alignment within the widened footpath.
  - (d) Undertake an options analysis on appropriate lighting, hanging baskets and street furniture in the detailed design.
2. Engages with members of the community during detailed design development, including those from the Charing Cross Precinct that have shown significant interest in the project.
3. Receives a further report indicating final draft design for consideration and endorsement.

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

**8. Notices of Motions****CM/8.1/22.05 Queens Park Laneway Safety (A22/0153)****MOTION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. As a precursor to investigating a program of changes to laneways across Waverley, investigate measures to reduce vehicle speed and volumes, as well as improving the safety of pedestrians, in the laneways of Queens Park such as:
  - (a) Introducing speed limiting devices, including raised thresholds and different surface treatments of the lane.
  - (b) Introducing 10 km/h shared zones.
2. Uses Alt Lane, Queens Park, to trial the recommended changes from the above investigation following community consultation, a Councillor briefing, and then a report to the Waverley Traffic Committee.
3. Notes that speed and volume counts are currently underway in Alt Lane.
4. Alerts the NSW Police to the unsafe speeding and illegal 'wrong way' vehicular movement alleged to be occurring in Alt Lane.
5. Conducts an education program about the Street Play program for residents whose properties adjoin laneways in Waverley.

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. As a precursor to investigating a program of changes to laneways across Waverley, investigate measures to reduce vehicle speed and volumes, as well as improving the safety of pedestrians, in the laneways of Queens Park such as:
  - (a) Introducing speed limiting devices, including raised thresholds and different surface treatments of the lane.
  - (b) Introducing 10 km/h shared zones.
2. Uses Alt Lane, Queens Park, to trial the recommended changes from the above investigation following community consultation, a Councillor briefing, and then a report to the Waverley Traffic Committee.
3. Notes that speed and volume counts are currently underway in Alt Lane.
4. Alerts the NSW Police to the unsafe speeding and illegal 'wrong way' vehicular movement alleged to

be occurring in Alt Lane, and raises these matters for review at the next community precinct safety committee of the Eastern Suburbs Police Area Command.

5. Conducts an education program about the Street Play program for residents whose properties adjoin laneways in Waverley.

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

*S Kenny addressed the meeting.*

**CM/8.2/22.05                      Heritage Assessment - 34 and 40 Simpson Street and 152 Wellington Street, Bondi Beach (A13/0619)**

**MOTION**

Mover:        Cr Fabiano  
Seconder:    Cr Keenan

That Council:

1. Notes that a request has been submitted by a local resident for Council to initiate an Interim Heritage Order for 40 Simpson Street, Bondi Beach.
2. Officers undertake a preliminary heritage assessment of 34 and 40 Simpson Street and 152 Wellington Street, Bondi Beach, to ascertain the heritage significance of these buildings and report back to Council with recommendations.
3. Notes that the three subject buildings are included in the curtilage of the proposed Bondi Basin Heritage Conservation Area (HCA).

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Notes that a request has been submitted by a local resident for Council to initiate an Interim Heritage Order for 40 Simpson Street, Bondi Beach.
2. Officers continue to undertake a preliminary heritage assessment of 34 and 40 Simpson Street and 152 Wellington Street, Bondi Beach, to ascertain the heritage significance of these buildings and report back to Council with recommendations.
3. Notes that the three subject buildings are included in the curtilage of the proposed Bondi Basin Heritage Conservation Area (HCA).

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

**CM/8.3/22.05            Raised Pedestrian Crossings - Dover Heights (A14/0145)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis  
Seconded:    Cr Masselos

That Council:

1. Investigates installing a raised pedestrian crossing:
  - (a) In Blake Street, Dover Heights, at the Military Road intersection.
  - (b) Opposite Dudley Page Reserve, Dover Heights.
2. Identifies a funding source for the construction of the raised pedestrian crossings.
3. Receives a report with recommendations and an implementation timeline.

*Crs Betts and Nemesh were 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/11/22.05            Closed Session****MOTION / DECISION**

Mover:        Cr Masselos  
Seconded:    Cr Keenan

That:

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

CM/11.1/22.05        CONFIDENTIAL REPORT - Bus Shelter Advertising and Maintenance - Procurement Exemption

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

## CM/11.2/22.05 CONFIDENTIAL REPORT - Bondi Pavilion Community Radio Station Licence

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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.

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

*At 8.52 pm, Council moved into closed session and adjourned for a short break.*

*At 8.54 pm, the meeting resumed in closed session.*

**CM/11.1/22.05 CONFIDENTIAL REPORT - Bus Shelter Advertising and Maintenance - Procurement Exemption (A04/0403)****MOTION / DECISION**

Mover: Cr Murray  
Seconder: Cr Goltsman

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes that the COVID-19 pandemic and market volatility have resulted in extenuating circumstances that have prevented Council from tendering its bus shelter advertising and maintenance contract.
3. In accordance with section 55(3)(i) of the *Local Government Act 1993*, approves a short-term extension of its bus shelter advertising contract with JC Decaux until 12 June 2024.
4. Authorises the General Manager to complete negotiations and execute the necessary contractual arrangements.
5. Investigates opportunities for bus shelter upgrades, including advertising installations, with the findings to be presented at a Councillor briefing session in preparation for a long-term contract.

*Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.*

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

**CM/11.2/22.05                    CONFIDENTIAL REPORT - Bondi Pavilion Community Radio Station Licence  
(A22/0084)**

*The Mayor, Cr Masselos, declared a significant non-pecuniary interest in this item and informed the meeting that she is interviewed every three weeks on Eastside Radio. Cr Masselos vacated the chair and was not present at, or in sight of, the meeting for the consideration and vote on this item. The Deputy Mayor, Cr Keenan, assumed the chair.*

**MOTION / DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Murray

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Grants a licence to Eastside Radio to operate the Bondi Pavilion Community Radio Studio for three years with a two-year option, on the terms and conditions set out in the report.
3. Authorises the General Manager to complete negotiations and execute all necessary documentation to finalise the matter.

*Crs Fabiano and Wy Kanak requested that their votes against the motion be recorded in the minutes.*

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

**12. Resuming in Open Session**

**CM/12/22.05                    Resuming in Open Session**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Murray

That Council resumes in open session.

*At 9.07 pm, Council resumed in open session.*

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

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

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

**13. Meeting Closure**

**THE MEETING CLOSED AT 9.10 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**21 JUNE 2022**