



WAVERLEY
COUNCIL

**MINUTES OF THE FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 3 MAY 2022**

Present:

Councillor Dominic Wy Kanak (Chair)	Bondi Ward
Councillor Paula Masselos (Mayor)	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

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 7.01 pm, those present were as listed above.

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 Chair 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

Apologies were received from Cr Nemesh.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in item FC/5.7/22.05 – Warren Zines Reserve – Naming and informed the meeting that he was at the Maccabiah bridge collapse.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

FC/4.1/22.05 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 5 April 2022 (SF21/6064)

MOTION / UNANIMOUS DECISION

Mover: Cr Fabiano
Seconder: Cr Gray

That the minutes of the Finance, Operations and Community Services Committee meeting held on 5 April 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

FC/5.1/22.05 Code of Meeting Practice - Exhibition (SF20/873)

MOTION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Publicly exhibits the draft Code of Meeting Practice attached to the report for 28 days with a 42-day submission period, in accordance with section 361 of the *Local Government Act 1993*.
2. Receives a further report at the June 2022 Council meeting considering any submissions received and presenting the final version of the Code of Meeting Practice for adoption.

AMENDMENT (WITHDRAWN)

Mover: Cr Kay

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Publicly exhibits the draft Code of Meeting Practice attached to the report for 28 days with a 42-day submission period, in accordance with section 361 of the *Local Government Act 1993* subject to the following amendments:

- (a) Clause 5.19 (page 43 of the agenda) – Amend the second sentence to read: “Where a councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same rights, including voting rights, as if they were attending the meeting in person.”
- (b) Clause 16.2 (page 79 of the agenda) – Amend the second sentence, which refers to Councillors attending a meeting by audio-visual link only, to read: “Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor must suspend their audio-visual link to the meeting so that the councillor cannot be seen or heard by the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.”
- (c) Clause 15.14 (pages 75–76 of the agenda) – Amend to read: “Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor’s audio link to the meeting for the purposes of enforcing compliance with this code. Before taking this action, the chairperson must state the provision of this code that they believe has been breached.”

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED THE AMENDMENT.

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

UNANIMOUS DECISION

That Council:

1. Publicly exhibits the draft Code of Meeting Practice attached to the report for 28 days with a 42-day submission period, in accordance with section 361 of the *Local Government Act 1993* subject to the

following amendments:

- (a) Clause 5.19 (page 43 of the agenda) – Amend the second sentence to read: ‘Where a councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same rights, including voting rights, as if they were attending the meeting in person.’
 - (b) Clause 16.2 (page 79 of the agenda) – Amend the second sentence, which refers to Councillors attending a meeting by audio-visual link only, to read: ‘Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor must suspend their audio-visual link to the meeting so that the councillor cannot be seen or heard by the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.’
 - (c) Clause 15.14 (pages 75–76 of the agenda) – Amend to read: ‘Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor’s audio link to the meeting for the purposes of enforcing compliance with this code. Before taking this action, the chairperson must state the provision of this code that they believe has been breached.’
2. Receives a further report at the June 2022 Council meeting considering any submissions received and presenting the final version of the Code of Meeting Practice for adoption.

FC/5.2/22.05 Public Gardening Policy and Verge Garden Guidelines - Adoption (A13/0054)

MOTION

Mover: Cr Masselos
Seconder: Cr Goltsman

That Council:

1. Adopts the Public Gardening Policy attached to the report (Attachment 1).
2. Notes the Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3).

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

‘Adopts the Public Gardening Policy attached to the report (Attachment 1) subject to the following amendments:

- (a) Definitions (page 107 of the agenda) – Amend the definition of “verge garden” so that:
 - (i) The third sentence reads: “Verge gardens are small in size and mostly located on verges next to footpaths, either between the footpath and a private property boundary or between the footpath and the kerb.”
 - (ii) “In-ground gardens” is replaced with “garden beds” for consistency with the Guidelines.
- (b) Definitions (page 107 of the agenda) – Add a new definition entitled “Exclusion Zone” to read: “An exclusion zone (referenced in section 3 – Scope of this policy) is a State Road, median strip and

roundabout, along with Village Centres, and is not part of this policy.”

AMENDMENT

Mover: Cr Kay

Seconder: Cr Burrill

That clause 2 be amended to read as follows:

‘Defers consideration of the draft Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3) to the 21 June 2022 Council meeting for officers to update the documents to ensure greater clarity, consistency, appropriateness and visual appeal in consultation with Council’s Project Control Group (PCG) following Councillor feedback.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

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

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

UNANIMOUS DECISION

That Council:

1. Adopts the Public Gardening Policy attached to the report (Attachment 1) subject to the following amendments:
 - (a) Definitions (page 107 of the agenda) – Amend the definition of ‘verge garden’ so that:
 - (i) The third sentence reads: ‘Verge gardens are small in size and mostly located on verges next to footpaths, either between the footpath and a private property boundary or between the footpath and the kerb.’
 - (ii) ‘In-ground gardens’ is replaced with ‘garden beds’ for consistency with the Guidelines.
 - (b) Definitions (page 107 of the agenda) – Add a new definition entitled ‘Exclusion Zone’ to read: ‘An exclusion zone (referenced in section 3 – Scope of this policy) is a State Road, median strip and roundabout, along with Village Centres, and is not part of this policy.’
2. Notes that the draft Verge Garden Guidelines and expression of interest form attached to the report (Attachments 2 and 3) will be updated to ensure greater clarity, consistency, appropriateness and visual appeal in consultation with Council’s Project Control Group following Councillor feedback and then the Policy, Guidelines and expression of interest form will be placed on Council’s website.

FC/5.3/22.05 Draft Disability Inclusion Action Plan (DIAP) - Exhibition (A21/0205)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Publicly exhibits the draft Disability Inclusion Action Plan 2022–26 (DIAP) attached to the report (Attachment 1) for 28 days.
2. Officers prepare a report to Council following the exhibition period.

FC/5.4/22.05 Aboriginal Keeping Place - Feasibility Report (A15/0272)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Notes the investigation into the feasibility of an Aboriginal Keeping Place at Bondi Pavilion.
2. Notes the constraints identified with the retention and display of physical Aboriginal cultural artefacts at Bondi Pavilion.
3. Does not pursue an Aboriginal Keeping Place at Bondi Pavilion in the context of the constraints set out in the report.
4. Endorses the continued development of relevant partnerships in the pursuit of effective ongoing First Nations cultural interpretation, education and reinforcement, including at Bondi Pavilion, in keeping with commitments outlined in the Innovate Reconciliation Action Plan and the Arts and Culture Plan 2021–2026.
5. Continues to explore and advocate for the identification of suitable locations for the establishment of Aboriginal Keeping Places to house artefacts that are returned to Place.

FC/5.5/22.05 Multicultural Advisory Committee - Minutes and Recommendations (A02/0447)**MOTION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Receives and notes the minutes of the Multicultural Advisory Committee meetings held on 27 May and 21 October 2021 attached to the report.
2. Endorses the anti-racism program as set out on page 176 of the agenda to include an investigation of appropriate high-visibility sites for the installation of #racismNOTwelcome street signs in Waverley.
3. Notes that Council, in accordance with its Cultural Diversity Strategy, will implement a local anti-racism campaign, which was developed in consultation with the Multicultural Advisory Committee,

with key messages, temporary installations and activities.

AMENDMENT (WITHDRAWN)

Mover: Cr Kay
Seconder: Cr Betts

That the following clause 4 be added to the motion:

‘Requests the Multicultural Advisory Committee to consider how Council’s October 2021 adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism and its contemporary examples informs Council’s local anti-racism campaigns and actions in Council’s Community Strategic Plan 2022–32 and Cultural Diversity Strategy 2021–2031’.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED THE AMENDMENT.

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

UNANIMOUS DECISION

That Council:

1. Receives and notes the minutes of the Multicultural Advisory Committee meetings held on 27 May and 21 October 2021 attached to the report.
2. Endorses the anti-racism program as set out on page 176 of the agenda to include an investigation of appropriate high-visibility sites for the installation of #racismNOTwelcome street signs in Waverley.
3. Notes that Council, in accordance with its Cultural Diversity Strategy, will implement a local anti-racism campaign, which was developed in consultation with the Multicultural Advisory Committee, with key messages, temporary installations and activities.
4. Requests the Multicultural Advisory Committee to consider how Council’s October 2021 adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism and its contemporary examples informs Council’s local anti-racism campaigns and actions in Council’s Community Strategic Plan 2022–32 and Cultural Diversity Strategy 2021–2031.

FC/5.6/22.05 Clifftop Walkway Upgrade (A20/0387)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr Gray

That Council:

1. Notes that the length of the boardwalk at Diamond Bay could potentially be widened subject to assessments.
2. Does not proceed with widening the boardwalk at Diamond Bay for the following reasons:
 - (a) The approved development application design of the boardwalk meets the project purpose, objective and Australian Standard compliance requirements.

- (b) The costs and program implications associated with the assessments and subsequent redesign.

FC/5.7/22.05 Warren Zines Reserve - Naming (A09/0618)

Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he was at the Maccabiah bridge collapse.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that Council endorsed the naming of Warren Zines Reserve in 1999, but that an application was not made to the Geographical Names Board.
2. Notes that the Gujaga Foundation is currently working on a Cultural Audit in Waverley, including reviewing current locations, names and information referencing Aboriginal cultures to ensure they are culturally appropriate.
3. Awaits the outcome of the Cultural Audit prior to taking steps regarding the naming of Warren Zines Reserve.

THE MOVER OF THE MOTION THEN ACCEPTED THE DELETION OF CLAUSE 3 AND THE ADDITION OF NEW CLAUSES 3–5.

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

UNANIMOUS DECISION

That Council:

1. Notes that Council endorsed the naming of Warren Zines Reserve in 1999, but that an application was not made to the Geographical Names Board.
2. Notes that the Gujaga Foundation is currently working on a Cultural Audit in Waverley, including reviewing current locations, names and information referencing Aboriginal cultures to ensure they are culturally appropriate.
3. Notes that the Cultural Audit will be a lengthy process as research and consultation with a range of stakeholders, including the La Perouse Local Aboriginal Land Council and Elders, is required.
4. Submits an application to the Geographical Names Board to name the reserve Warren Zines Reserve.
5. Notes a further submission to the Geographical Names Board may be required at a future date depending on the outcomes of the Cultural Audit.

FC/5.8/22.05 Fleet Management Update (A19/0429)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray

Seconder: Cr Wy Kanak

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the progress against Council resolutions CM/8.2/21.03, CM/8.4/18.09 and CM/7.22/19.07 regarding Council's fleet, as set out in the report.
3. Notes the progress of the strategic review of Council's fleet management initiatives, as set out in the report.
4. Notes the update on the 2020–21 fleet management initiatives, including the pool vehicle utilisation and management review, amendments to the staff vehicle list to include hybrid vehicles, and continued work on the most appropriate funding mechanism for Council's fleet.
5. Supports the continued effort to trial emerging alternative technologies for all vehicle types as they become available.

6. Urgent Business

There were no items of urgent business

7. Closed Session

FC/7/22.05 **Closed Session**

MOTION / DECISION

Mover: Cr Murray
Seconder: Cr Masselos

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:

FC/7.1/22.05 CONFIDENTIAL REPORT - Bondi Pavilion Forecourt - Additional Outdoor Seating Area Licence - 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.

2. Pursuant to section 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 8.29 pm, Council moved into closed session.

FC/7.1/22.05 CONFIDENTIAL REPORT - Bondi Pavilion Forecourt - Additional Outdoor Seating Area Licence - Procurement Exemption (SF22/935)

MOTION / DECISION

Mover: Cr Gray
Seconder: Cr Masselos

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 the quotation evaluation attached to the report regarding the outcome of a select request for quotation process to appoint a licensee for the additional 70 m2 outdoor seating area in the Bondi Pavilion forecourt.
3. Approves under a procurement exemption, for the reasons set out in the report, the granting of a licence to Glorrietta Pty Ltd (trading as Glory Days) for the additional outdoor seating area in the Bondi Pavilion forecourt on the terms and conditions set out in the report.
4. Authorises the General Manager to complete negotiations and execute all necessary documentation to finalise the matter.

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

8. Resuming in Open Session

FC/8/22.05 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Murray

That Council resumes in open session.

At 8.35 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.

9. Meeting Closure

THE MEETING CLOSED AT 8.37 PM.

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SIGNED AND CONFIRMED
CHAIR
5 JULY 2022