



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 19 JULY 2022**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter 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:

Richard Sheridan	Acting General Manager
Sharon Cassidy	Acting Director, Assets and Operations
Meredith Graham	Acting Director, Community, Culture and Customer Experience
Mitchell Reid	Acting Director, Planning, Sustainability and Compliance

At the commencement of proceedings at 7.07 pm, those present were as listed above.

Crs Goltsman, Gray, Kay, Nemesh and Wy Kanak attended the meeting by audio-visual link.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Acting 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/1.1/22.07 Request for Leave of Absence - Cr Burrill (A03/0029)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council grants Cr Angela Burrill leave of absence from the Council meeting on 19 July 2022 due to her being overseas.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Obituaries

There were no obituaries.

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 B White – CM/8.4/22.07 – Beaumont Street, Rose Bay – Traffic Calming.

4.2 S von der Heide – CM/8.7/22.07 – Soft Plastic Recycling Services.

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/5.1/22.07 Confirmation of Minutes – Council Meeting – 21 June 2022.
- CM/5.2/22.07 Adoption of Minutes – Waverley Traffic Committee Meeting – 23 June 2022.
- CM/7.2/22.07 Councillor Expenses and Facilities – Six-monthly Report.
- CM/7.7/22.07 Community Services and Cultural Grants 2022-23.
- CM/7.8/22.07 Multicultural Advisory Committee Meeting – 23 March 2022 – Minutes.
- CM/8.1/22.07 Bronte Pool Resurfacing.
- CM/8.5/22.07 Local First Nations Community Visibility for NAIDOC and Reconciliation Weeks.
- CM/8.6/22.07 Friends of Waverley Library – Re-establishment.

5. Confirmation and Adoption of Minutes**CM/5.1/22.07 Confirmation of Minutes - Council Meeting - 21 June 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council meeting held on 21 June 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 June 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 23 June 2022 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

CM/6.1/22.07 Developer Contributions (A12/0147)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions scheme in NSW.
 - (b) This Bill proposes to change the way developer contributions are paid, with a significant proportion proposed to be paid to the State Government to fund regional infrastructure in areas where the important connection between development and the provision of infrastructure does not exist.
 - (c) Community infrastructure, such as parks and playgrounds, local roads, community facilities, footpaths and open spaces, that is currently funded through developer contributions will either have to be delayed, unfunded or fully funded by Council rates.
 - (d) If adopted, it is estimated that Council would stand to lose over \$40 million in developer contributions over 10 years.
 - (e) The Mayor wrote to the Minister in October 2021 protesting about this reform
2. Notes that the Upper House inquiry report was tabled on 10 August 2021, but as yet there has been no Government response.
3. Requests the Mayor to write to all Members of the Legislative Council (Upper House) of NSW asking them to categorically reject the proposed developer contribution reforms, which will dramatically reduce Council's ability to fund vital infrastructure for our community and unfairly burden taxpayers.

Background

The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions system in NSW that, if adopted, will leave councils financially crippled and communities without essential infrastructure.

The Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 proposes that developers contribute more to the State Government and less towards local priorities and projects. Currently, Council uses developer contributions to provide important local infrastructure in an area where development occurs. This Bill will, instead, look to fund infrastructure in areas where the connection between development and the provision of infrastructure does not exist.

The Minister, in putting forward these reforms, suggested that the 'shortfall' could be compensated by charging our ratepayers higher rates, which is completely unacceptable.

I am becoming increasingly concerned that the current Minister for Planning, Anthony Roberts, MP, is supportive of these reforms, which will clearly direct contributions by developers to State Government coffers. The proposed reforms include changes that will:

- Limit the range of infrastructure that councils can levy contributions for and exclude collecting for

- libraries and community facilities.
- Dictate state-wide standards for infrastructure (one size fits all) that will not reflect the real cost of constructing infrastructure in an urban area or meet our community's needs
 - Direct contributions to a State-controlled Regional Infrastructure Fund for which there is no plan, and no requirement to spend the funds in the area where they were collected.
 - Delay collection of larger contributions until residents move into a new development, meaning that new infrastructure cannot be provided to coincide with population growth.
 - Impose unrealistically low caps on the contribution paid per new dwelling.
 - Force councils to burden ratepayers with higher rates to make up for the shortfall that developers should be paying.

Importantly, it serves to undermine local government's sovereignty as the third tier of government, as a good deal of our own decision-making concerning the type of infrastructure we might want to build will be subject to State Government approval.

If the changes come into effect, Council could stand to lose over \$40 million in contributions over the next 10 years compared to what would be collected under the current system. Rates would need to increase immediately by at least \$150 per household to cover the gap.

The only winner is the State Government—the reforms must be scrapped immediately. I call on the crossbenchers and Labor members of the Upper House to unite to defeat this appalling piece of legislation.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(f).

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

UNANIMOUS DECISION

That Council:

1. Notes that:
 - (a) The previous Minister for Planning, Rob Stokes, MP, introduced a range of reforms to the developer contributions scheme in NSW.
 - (b) This Bill proposes to change the way developer contributions are paid, with a significant proportion proposed to be paid to the State Government to fund regional infrastructure in areas where the important connection between development and the provision of infrastructure does not exist.
 - (c) Community infrastructure, such as parks and playgrounds, local roads, community facilities, footpaths and open spaces, that is currently funded through developer contributions will either have to be delayed, unfunded or fully funded by Council rates.
 - (d) If adopted, it is estimated that Council would stand to lose over \$40 million in developer contributions over 10 years.
 - (e) The Mayor wrote to the Minister in October 2021 protesting about this reform.
 - (f) The Minister for Planning had stated that councils would not be worse off, although there was limited detail on this.
2. Notes that the Upper House inquiry report was tabled on 10 August 2021, but as yet there has been no Government response.

3. Requests the Mayor to write to all Members of the Legislative Council (Upper House) of NSW asking them to categorically reject the proposed developer contribution reforms, which will dramatically reduce Council's ability to fund vital infrastructure for our community and unfairly burden taxpayers.

**CM/6.2/22.07 Oxford Street Mall - Design Competition and Place Activation Pilot Program
(A14/0404)**

MOTION

Mover: Cr Masselos

That Council:

1. Notes that:
 - (a) Work has commenced on interim upgrade works in Oxford Street Mall, such as upgrades at either end of the Mall, replacement of the sails, repairing identified infrastructure damage, and beautification such as installation of hanging baskets.
 - (b) In the next two to three years, there is a planned total upgrade, including a new design and beautification of the Mall.
 - (c) The proposed Rowe Street sale and redevelopment will have a major impact on the Mall and potential visitation and usage patterns.
 - (d) A number of businesses in the Mall have reported challenges in their post-COVID recovery.
 - (e) The Mall is a major access point for almost three million commuters per year who access the Bondi Junction Interchange
2. Prepares a short-term place activation program for Oxford Street Mall that will pilot a range of activities to encourage increased visitation and help identify long-term programming opportunities.
3. Undertakes a design competition open to all interested architects for the design and development of the new Oxford Street Mall, which addresses the following criteria:
 - (a) Creates a beautiful space that becomes a destination for the community, visitors and business, and not just a throughway for commuters to access the Interchange.
 - (b) Enshrines best practice architectural principles in urban activation and rejuvenation, beautification and greening to help mitigate the heat island effect.
 - (c) The design must help mitigate wind tunnel effects while maximising solar access, and accommodate any specifications from the Rowe Street project.
 - (d) An understanding that key stakeholders in the development of design include Council, Transport for NSW, Bondi and Districts Chamber of Commerce, Mill Hill Bondi Junction Precinct and the community and business sector more widely.
4. Publicly exhibits the three best designs for consultation and voting, with the winning entry receiving a prize of a value to be recommended by officers.
5. Officers report to Council for approval of the following:

- (a) A design competition brief.
- (b) A design selection process, including potential judges.
- (c) The value of the winning prize and identification of budget.
- (d) A community and stakeholder engagement process.
- (e) Proposed timeline.

Background

COVID lockdowns have had a significant impact on many businesses as they struggled to stay viable during this period. To help businesses in Bondi Junction with their post-COVID recovery, it is essential that Oxford Street Mall once again be activated to draw visitors and potential shoppers into this precinct. Prior to COVID, Oxford Street Mall hosted a number of events and activations that were popular and created a good vibe in the Mall.

Work has also commenced on the interim upgrade of the Mall, which includes current hostile vehicle mitigation works such as landscaping, seating and bollards, with further upgrades over this financial year, including lighting upgrades, umbrella replacements and repairs, and other furniture upgrades. These works will bring the Mall to a suitable standard until such time that the full upgrade can be undertaken.

Work has already begun on the built form master plan in time for work to commence in 2026–27. On this basis, the calling of a design competition is timely. As there is a desire to make Oxford Street Mall a destination, it is expected that a design competition will attract high quality applications that can turn Bondi Junction into a beautiful oasis for residents, visitors and businesses.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(f).

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

UNANIMOUS DECISION

That Council:

1. Notes that:

- (a) Work has commenced on interim upgrade works in Oxford Street Mall, such as upgrades at either end of the Mall, replacement of the sails, repairing identified infrastructure damage, and beautification such as installation of hanging baskets.
- (b) In the next two to three years, there is a planned total upgrade, including a new design and beautification of the Mall.
- (c) The proposed Rowe Street sale and redevelopment will have a major impact on the Mall and potential visitation and usage patterns.
- (d) A number of businesses in the Mall have reported challenges in their post-COVID recovery.
- (e) The Mall is a major access point for almost three million commuters per year who access the Bondi Junction Interchange.

- (f) The budget for the current phase 1 works is \$1 million and the budget for phase 2 works, scheduled for 2026–27, is \$4 million.
2. Prepares a short-term place activation program for Oxford Street Mall that will pilot a range of activities to encourage increased visitation and help identify long-term programming opportunities.
 3. Undertakes a design competition open to all interested architects for the design and development of the new Oxford Street Mall, which addresses the following criteria:
 - (a) Creates a beautiful space that becomes a destination for the community, visitors and business, and not just a throughway for commuters to access the Interchange.
 - (b) Enshrines best practice architectural principles in urban activation and rejuvenation, beautification and greening to help mitigate the heat island effect.
 - (c) The design must help mitigate wind tunnel effects while maximising solar access, and accommodate any specifications from the Rowe Street project.
 - (d) An understanding that key stakeholders in the development of design include Council, Transport for NSW, Bondi and Districts Chamber of Commerce, Mill Hill Bondi Junction Precinct and the community and business sector more widely.
 4. Publicly exhibits the three best designs for consultation and voting, with the winning entry receiving a prize of a value to be recommended by officers.
 5. Officers report to Council for approval of the following:
 - (a) A design competition brief.
 - (b) A design selection process, including potential judges.
 - (c) The value of the winning prize and identification of budget.
 - (d) A community and stakeholder engagement process.
 - (e) Proposed timeline.

CM/6.3/22.07 Library Extension and New Neighbourhood Library (A22/0254)

MOTION

Mover: Cr Masselos

That Council:

1. Notes that Waverley Library:
 - (a) Is a well-loved and used service with consistent and significant demand for its study and meeting places, as well as popular children and young people programs.
 - (b) Often reaches peak capacity and, as such, would benefit from a much-needed additional floor that would encompass an expansion of its services and facilities to meet demand.
 - (c) Is part of the Knowledge and Innovation Precinct.

- (d) Staff are presently developing a new Library Strategy, which includes a digital component.
 - (e) Has the structural capacity to safely erect an additional floor.
2. Requests officers to:
- (a) Investigate the logistics of adding an additional floor to the Library using modern and lightweight materials.
 - (b) Consider options for usages of this additional floor, including the establishment of:
 - (i) Digital laboratories with associated technical and fit-out requirements to ensure state-of-the-art facilities.
 - (ii) Additional large meeting rooms.
 - (iii) Additional state-of-the-art study spaces.
 - (c) Consider options for a new neighbourhood library with a focus on meeting the needs as identified in Council's Community Strategic Plan (CSP).
3. Receives a report that:
- (a) Details potential options for the third floor of the Library, including initiatives identified in clause 2 above.
 - (b) Provides a budget breakdown for the above.
 - (c) Identifies potential sources of funding, including from Council and grants.
 - (d) Considers how this initiative can be incorporated into the 10-year plan for the Library.

Background

Waverley Library is a well-loved and well used facility that offers important Library and community services. It is especially popular with school students who use the Library's study spaces, and with young children and their parents who avail themselves of the many wonderful program offerings.

Community groups and precincts also use the Library meeting rooms on a very regular basis, while its spaces are also used to host various art exhibitions.

The CSP has identified the importance of the Library to our community and that its services are valued and appreciated. The Library is presently developing its strategic plans based on the findings of the CSP and this is an opportune time to review, plan and enhance its services, including providing additional community services such as flexible meeting places, and a new facility that caters specifically to our children and young people.

The Library has also been identified as part of the Knowledge and Innovation Precinct, and it is timely to consider how the Library can contribute to the furthering of innovation and knowledge in Waverley. The establishment of digital laboratories will make a considerable contribution.

Council has also resolved to consider suitable alternatives to the Bondi Pavilion for a Keeping Place to house important First Nations artefacts. It may also be beneficial for the report to Council to consider

potential options for a Keeping Place on country.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 2(a) AND 3(a), THE ADDITION OF A NEW CLAUSE 2(d) AND THE DELETION OF CLAUSE 1(e).

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

UNANIMOUS DECISION

That Council:

1. Notes that Waverley Library:
 - (a) Is a well-loved and used service with consistent and significant demand for its study and meeting places, as well as popular children and young people programs.
 - (b) Often reaches peak capacity and, as such, would benefit from a much-needed additional floor that would encompass an expansion of its services and facilities to meet demand.
 - (c) Is part of the Knowledge and Innovation Precinct.
 - (d) Staff are presently developing a new Library Strategy, which includes a digital component.
2. Requests officers to:
 - (a) Investigate the logistics of adding an additional floor to the Library, including compliance with the *Waverley Local Environment Plan*, using modern and lightweight materials.
 - (b) Consider options for usages of this additional floor, including the establishment of:
 - (i) Digital laboratories with associated technical and fit-out requirements to ensure state-of-the-art facilities.
 - (ii) Additional large meeting rooms.
 - (iii) Additional state-of-the-art study spaces.
 - (c) Consider options for a new neighbourhood library with a focus on meeting the needs as identified in Council's Community Strategic Plan (CSP).
 - (d) Identify a suitable location for a First Nations Keeping Place.
3. Receives a report that:
 - (a) Details potential options for the third floor of the Library, including initiatives identified in clause 2 above and options for the new neighbourhood library.
 - (b) Provides a budget breakdown for the above.
 - (c) Identifies potential sources of funding, including from Council and grants.
 - (d) Considers how this initiative can be incorporated into the 10-year plan for the Library.

7. Reports

CM/7.1/22.07 Local Government NSW Annual Conference 2022 (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council, in respect of the Local Government NSW Annual Conference 2022:

1. Nominates the Mayor, Deputy Mayor and Crs Murray, Wy Kanak and Lewis as voting delegates for motions.
2. Nominates Crs Gray and Fabiano as reserve voting delegates for motions.
3. Nominates Crs Goltsman and Nemesh to attend the Conference as observers.
4. Approves the attendance of the General Manager or nominee at the Conference.

CM/7.2/22.07 Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 22 December 2021 to 30 June 2022 attached to the report.

CM/7.3/22.07 Tamarama Park and Beach Plan of Management - Stage 1 Consultation Outcomes (A03/0094)

MOTION / UNANIMOUS DECISION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Officers prepare a draft Plan of Management for Tamarama Park and Beach based on the results and recommendations of the Stage 1 community consultation attached to the report, including the following key consultation points:
 - (a) No shade structures to be installed in the upper gully and limit new seating.
 - (b) Off-leash dog area to be constrained.
 - (c) Limit footprint of pathway up to Birrell Street.
 - (d) Limit development on access to the waterfall.
2. Officers prepare a report to Council on the draft Tamarama Park and Beach Plan of Management and Stage 2 community consultation.

**CM/7.4/22.07 Waverley Park Play Space Concept Design - Stage 2 Community Consultation
(A21/0103)****MOTION**

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Publicly exhibits the Waverley Park Play Space concept design attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

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. Publicly exhibits the Waverley Park Play Space concept design attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.
3. Officers investigate funding options, including grants, for delivering all three stages, being the (1) Central Play Space, (2) Adventure/Nature Play Space and (3) Picnic Area and Intergenerational Fitness Area, in calendar year 2023 as part of one contract that would optimise project costs and timing, and then make funding and scheduling recommendations in the post-exhibition report for Council's consideration.

CM/7.5/22.07 Bronte Park and Beach Plan of Management - Exhibition (A16/0168)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Submits the draft Bronte Park and Beach Plan of Management attached to the report to the Minister for Lands and Water for approval.
2. Publicly exhibits the draft Bronte Park and Beach Plan of Management for 42 days once the Plan is approved by the Minister.
3. Authorises the Acting Director, Assets and Operations, to make any amendments to the Plan that may be required by the Minister prior to its public exhibition.
4. Officers prepare a report to Council following the exhibition period.

CM/7.6/22.07 Crown Land Initial Categorisation and Plans of Management (A14/0201)**MOTION**

Mover: Cr Masselos
Second: Cr Keenan

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister for Lands and Water administering the *Crown Lands Management Act 2016* of the initial categorisation of Council-managed crown land reserves, as set out in Attachment 2 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by the Minister.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Wy Kanak

That Council defers this item to a Councillor workshop and the Reconciliation Action Plan Advisory Committee to discuss, among other things, the facility of categorising all Crown land as culturally significant to First Nations peoples.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister for Lands and Water administering the *Crown Lands Management Act 2016* of the initial categorisation of Council-managed crown land reserves, as set out in Attachment 2 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by the Minister.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.

Division

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

Against the Motion: Cr Wy Kanak.

CM/7.7/22.07 Community Services and Cultural Grants 2022-23 (A20/0375)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Second: Cr Lewis

That Council:

1. Under the Community Services and Cultural Grants Program 2022–23, grants a total of \$335,705 to the organisations set out in Attachment 1 of the report, subject to any conditions contained in the attachment.
2. Authorises the Acting Director, Community, Culture and Customer Experience, to determine the value of the grant to Kiteflyers Society up to the amount specified in Attachment 1 of the report depending on the final plan for the Festival of the Winds.
3. Conducts an expression of interest process under the Community Services and Cultural Grants Program to seek small project proposals that can provide improved access to mainstream activities for people with disability, with funding up to \$20,000 to be allocated.

**CM/7.8/22.07 Multicultural Advisory Committee Meeting - 23 March 2022 - Minutes
(A02/0447)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council receives and notes the minutes of the Multicultural Advisory Committee meeting held on 23 March 2022 attached to the report.

CM/7.9/22.07 Tender Evaluation - Clifftop Walkway Upgrade (A20/0387)

MOTION

Mover: Cr Lewis
Seconder: Cr Fabiano

That Council:

1. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract for the Clifftop Walkway Upgrade project.
2. Authorises the General Manager, or delegated representative, to finalise and agree terms, entering a contract on behalf of Council with the preferred contractor following negotiations.
3. In accordance with clause 178(4) of the *Local Government (General) Regulation 2021*, notes the reasons for not pursuing clauses 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as set out in the report.

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. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with any person (whether or not the

person was a tenderer) with a view to entering into a contract for the Clifftop Walkway Upgrade project.

2. Authorises the General Manager, or delegated representative, to finalise and agree terms, and enter into a contract on behalf of Council with the preferred contractor following negotiations after a confidential Councillor email briefing.
3. In accordance with clause 178(4) of the *Local Government (General) Regulation 2021*, notes the reasons for not pursuing clauses 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as set out in the report.

8. Notices of Motions

CM/8.1/22.07 Bronte Pool Resurfacing (A22/0224)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that:
 - (a) There has been considerable time, effort and money spent on resurfacing Bronte Pool to ensure it operates and is maintained at a level that is appropriate given its popularity and is safe to use.
 - (b) The last major pool resurfacing occurred in 2016, which saw the pool closed for over five weeks.
 - (c) Large pieces of the surface of the pool have lifted as a result of the constant movement of the pool.
 - (d) Sections of the pool floor and wall, and the steps at the top of the pool, have lifted creating sharp edges, which also pose a hazard to swimmers and other users of the pool.
 - (e) The old lime lining of Bronte Pool appeared to weather well and accommodate the ongoing pool movements.
 - (f) Officers make safe any sharp edges as required each time the pool is emptied for cleaning.
2. Officers:
 - (a) Continue to make safe the Bronte Pool surfaces as necessary.
 - (b) Investigate:
 - (i) The appropriateness and cost effectiveness of reverting to the original style of pool surface of lime.
 - (ii) Other suitable surfaces that are able to withstand a hostile ocean environment and are flexible enough to accommodate the movement of the pool.

- (c) Advise of potential costs and budget allocation.
3. Receives a report outlining findings and options on how to proceed.

CM/8.2/22.07 E-scooter Trial (A18/0633)

MOTION

Mover: Cr Masselos
Seconder: Cr Murray

That Council:

1. Defers this item to seek further information from Council officers on:
 - (a) What enforcement and fining powers Council has where e-scooter riders are contravening the parameters of the trial.
 - (b) Potential terms of operation between Council and interested e-scooter companies including:
 - (i) Terms and conditions for operation, including management of e-scooters and their placement, collection, maintenance and safety.
 - (ii) Termination/withdrawal of participation, including identification of potential ramifications such as incurring fines.
 - (iii) Responsibility for monitoring and compliance.
 - (c) What additional State Government and non-governmental organisation stakeholders will be involved in the trial and their roles and responsibilities, such as NSW Police and Transport for NSW.
2. Receives a report addressing the above for the August Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1(b)(iii) AND THE ADDITION OF NEW CLAUSE 1(d).

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

UNANIMOUS DECISION

1. Defers this item to seek further information from Council officers on:
 - (a) What enforcement and fining powers Council has where e-scooter riders are contravening the parameters of the trial.
 - (b) Potential terms of operation between Council and interested e-scooter companies including:
 - (i) Terms and conditions for operation, including management of e-scooters and their placement, collection, maintenance and safety.
 - (ii) Termination/withdrawal of participation, including identification of potential ramifications such as incurring fines.

- (iii) Responsibility for monitoring, compliance and insurance.
 - (c) What additional State Government and non-governmental organisation stakeholders will be involved in the trial and their roles and responsibilities, such as NSW Police and Transport for NSW.
 - (d) Any other relevant information, with reference to the parameters of the e-scooter trial published by the NSW Government.
2. Receives a report addressing the above for the August Council meeting.

CM/8.3/22.07 Development Application at 2 Birrell Street, Bondi Junction - Private Certification (CCB-415/2021)

MOTION

Mover: Cr Keenan
Seconder: Cr Fabiano

That Council:

1. Notes that:
- (a) Section 8.1 (page 21) of the Heritage Impact Statement for the development at 2 Birrell Street, Bondi Junction, states that 'The proposed development is in a Heritage Conservation Area and is a Heritage item...' and that 2 Birrell Street is listed as a local heritage item: item 141 in schedule 5, Environmental Heritage, of the *Waverley Local Environment Plan 2012*.
 - (b) Residents assert that a number of building changes at 2 Birrell Street have not adhered to the requirements set out in approved development application for this project or adhered to the status of the existing building as a 'heritage item', particularly:
 - (i) The new brick fence does meet the requirements set out under section 9.10.1(i), Heritage and Contributory Buildings, on page 26 of the Heritage Impact Statement, which states that 'Bricks should match the existing brick and mortar colours as well as the type of joint and brick laying patterns'. The brick work for the new fence is not consistent with the existing brick fence.
 - (ii) The change to the building's windows are not consistent with requirements set out in the Heritage Impact Statement, which states that 'No changes are proposed to existing windows' and 'New windows should match the existing in size and detail, including the existing sill details, window heads, and stained or patterned glass type...' (section 9.16.1). The window at the front of the house has been moved to the western side of the house and replaced with an aluminium window, and the window moved to the western side has a sill that does not match those on existing windows.
 - (iii) The size of the planters around the backyard perimeter are shorter (780 mm) than the required 'minimum 1 m in soil width for the full extent': condition 2(e)(iii) of the notice of determination.
 - (iv) The street curbing on the St James Road side of the 2 Birrell Street development was sandstone as it is for much of St James Road. A large section of this sandstone curb was broken by the builder's heavy machinery. This has now been replaced with a long section of concrete.

- (c) The name and contact details of the private certifier were not displayed on the site as required by law.
 - (d) Private certification is failing the community of Waverley.
2. Writes to the private certifier for 2 Birrell Street to inform them of the community concerns and require them to prominently display their name and contact details at the site where they can be viewed by the public.
 3. Investigates the establishment of a dedicated development compliance complaints email address and procedure, and a Council-specific complaints app and section on Council's website for complaints and Council's response, and that these compliance complaint channels be promoted through its various public networks, including through the soon-to-be appointed community planning advocate.
 4. Requests the Mayor to write to the Minister of Planning and Homes, Anthony Roberts, to express Council's and the community's ongoing concerns in relation to private certification.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that:
 - (a) Section 8.1 (page 21) of the Heritage Impact Statement for the development at 2 Birrell Street, Bondi Junction, states that 'The proposed development is in a Heritage Conservation Area and is a Heritage item...' and that 2 Birrell Street is listed as a local heritage item: item 141 in schedule 5, Environmental Heritage, of the *Waverley Local Environment Plan 2012*.
 - (b) Residents assert that a number of building changes at 2 Birrell Street have not adhered to the requirements set out in approved development application for this project or adhered to the status of the existing building as a 'heritage item', particularly:
 - (i) The new brick fence does meet the requirements set out under section 9.10.1(i), Heritage and Contributory Buildings, on page 26 of the Heritage Impact Statement, which states that 'Bricks should match the existing brick and mortar colours as well as the type of joint and brick laying patterns'. The brick work for the new fence is not consistent with the existing brick fence.
 - (ii) The change to the building's windows are not consistent with requirements set out in the Heritage Impact Statement, which states that 'No changes are proposed to existing windows' and 'New windows should match the existing in size and detail, including the existing sill details, window heads, and stained or patterned glass type...' (section 9.16.1). The window at the front of the house has been moved to the western side of the house and replaced with an aluminium window, and the window moved to the western side has a sill that does not match those on existing windows.
 - (iii) The size of the planters around the backyard perimeter are shorter (780 mm) than the required 'minimum 1 m in soil width for the full extent': condition 2(e)(iii) of the notice of determination.

- (iv) The street curbing on the St James Road side of the 2 Birrell Street development was sandstone as it is for much of St James Road. A large section of this sandstone curb was broken by the builder's heavy machinery. This has now been replaced with a long section of concrete.
 - (c) The name and contact details of the private certifier were not displayed on the site as required by law.
 - (d) Private certification is failing the community of Waverley.
2. Officers continue to monitor the site for further non-compliance and complaints.
 3. Investigates the establishment of a dedicated development compliance complaints email address and procedure, and a Council-specific complaints app and section on Council's website for complaints and Council's response, and that these compliance complaint channels be promoted through its various public networks, including through the soon-to-be appointed community planning advocate.
 4. Requests the Mayor to write to the Minister of Planning and Homes, Anthony Roberts, to express Council's and the community's ongoing concerns in relation to private certification, with a copy being distributed to all Councillors.

CM/8.4/22.07 Beaumont Street, Rose Bay - Traffic Calming (A03/0569)

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Nemesh

That Council:

1. Notes that the 85th percentile traffic speeds in Beaumont Street, Rose Bay, are higher than a desirable 40 km/h.
2. Notes that Beaumont Street is narrow, windy and steep, with a single travel lane for most of its length.
3. Investigates the introduction of a reduced speed limit, such as 30 km/h, and traffic calming measures, including speed humps and other solutions, to decrease the speed of traffic in Beaumont Street to significantly improve the safety of pedestrians, especially children, and to reduce the incidence and potential for cars to be sideswiped and to be involved in an accident because of excess speed.
4. Officers prepare a report to the next Waverley Traffic Committee with options and recommendation.

B White addressed the meeting.

**CM/8.5/22.07 Local First Nations Community Visibility for NAIDOC and Reconciliation Weeks
(A03/0905)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. For future NAIDOC and Reconciliation Week programs, Council officers explore more synergies in the networks between the Reconciliation Action Plan (RAP), RAP Advisory Committee, the new Bondi Pavilion and the Bondi and Districts Chamber of Commerce to express the visibility of our local First Nations cultural community practitioners upon the 'world stage' that is the new Bondi Pavilion Community Cultural Centre and Bondi Beach.
2. This discussion be progressed in consultation with Council's RAP Advisory Committee and local First Nations resident networks with a view to more visible involvement of our local First Nations community in cultural expressions.

CM/8.6/22.07 Friends of Waverley Library - Re-establishment (A05/0535-02)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council investigates a process for re-establishing the Friends of Waverley Library.

CM/8.7/22.07 Soft Plastic Recycling Services (SF19/2823)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council, as part of its commitment to Plastic Free July:

1. Investigates the establishment of a soft plastic, textile, batteries and e-waste recycling service by Council.
2. Provides enhanced community education on the options for recycling waste of this type.
3. Receives a report at the November Council meeting with the outcomes of the investigation and options for proceeding with implementation.

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

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

UNANIMOUS DECISION

That Council, as part of its commitment to Plastic Free July:

1. Investigates the establishment of a soft plastic, textile, batteries and e-waste, used and unused

electrical goods recycling collection service by Council.

2. Provides enhanced community education on the options for recycling waste of this type.
3. Receives a report at the November Council meeting with the outcomes of the investigation and options for proceeding with implementation.

S von der Heidt addressed the meeting.

CM/8.8/22.07 Affordable Housing - Purchase by General Manager (A07/0597)

MOTION

Mover: Cr Betts

Seconder: Cr Kay

That Council:

1. Officers prepare a report to Council on the process and criteria to enable the General Manager to purchase property for the purposes of affordable housing funded from the Affordable Housing reserves.
2. Notes that:
 - (a) Council's Affordable Housing Contributions Reserve has a projected closing balance of \$5.7 million as of June 2023.
 - (b) The purpose of this reserve is to increase Council's affordable housing stock.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Betts, Goltsman, Kay and Nemesh.

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

9. Questions with Notice

CM/9.1/22.07 Friends of Waverley Library (A05/0535-02)

QUESTION

The following question was submitted by Cr Wy Kanak:

Can officers please outline the process that led to the recent closing of the Friends of Waverley Library (FOWL) group and indicate what procedures may be able to answer the community's call for FOWL's re-establishment?

General Manager's answer

In recent years, COVID-19 and the passing of committee members has had an impact on the operations of the Friends of Waverley Library (FOWL). As a result of this, as well as dwindling interest over the past four years, a review of FOWL was conducted by the Library Manager, Jody Rodas, in early 2021.

This review outlined and acknowledged the great work that the FOWL had contributed over the years to Waverley Library, including the support of great initiatives such as the NIB and school holiday programs. However, it also highlighted ongoing concerns, such as:

- The rapid decline in membership since 2017 despite efforts to engage the community.
- Longstanding vacancies of committee positions, which placed additional strain on the standing committee.
- A lack of communication and engagement since the AGM of February 2020 (declared invalid due to a lack of financial members present and no quorum being achieved).
- The fact that responsibility for the sale of discarded books had been passed to the Library and that money received was having to be transferred from the Library to the FOWL bank account and back to the Library
- The benefit of having Library professionals sourcing and delivering Library programs to the community.

This information was presented to the FOWL committee on 22 April 2021, along with the proposal to dissolve the FOWL group and replace it with a Library VIP membership program to continue to address the social aspects of the group. The newly established VIP program incorporates all 2019–2020 FOWL members and renders similar benefits and engagement opportunities that the FOWL members enjoyed. The Library at this time made a commitment to continue support for the FOWL Writers Group, Poetry Group and Book Club, and these groups continue to meet and thrive without FOWL as a formal organisation.

Acting FOWL President, Cleo Lynch, and all members present agreed with the proposal and were supportive of the dissolution of FOWL and the introduction of a Library VIP membership program. The agreed course of action was for Cleo to send an email to all FOWL members outlining the proposed changes. Cleo sent this email on 4 May 2021. Her email received seven replies, all of which were supportive of the dissolution of the group and the introduction of a VIP program. It is noted that one member arrived as the 22 April meeting was completed, and verbally disagreed with the dissolution of the group. However, no formal disagreement was subsequently received in response to Cleo's email. Additionally, following the April 2021 meeting and Cleo's follow-up email to all members in May 2021, the call of an extraordinary general meeting about the dissolution of FOWL was raised. Despite the Library's willingness to support this meeting by providing a room and/or giving access to the Library's Zoom account, this meeting was not organised by the group.

On 13 January 2022, following no further communication from FOWL members, the Acting President, Cleo Lynch, sent a final email thanking the group and outlining some new elements of the VIP membership program, along with a suggestion for how to spend the remaining funds FOWL had raised for the Library. This email received three responses, all positive, about the new VIP program. One member (the member previously mentioned who expressed disagreement at the 22 April meeting) at this time responded to Cleo's email directly, copying in Jody Rodas, stating their disagreement with the dissolution of the group and expressed that an AGM should be called to make this decision. The FOWL committee did not call an AGM and FOWL was effectively dissolved. Following no further communication or an AGM, both Peter Quartly and Lorna Graham (as signatories on the account) attended Westpac bank on 8 June 2022 and closed the FOWL bank account and signed all remaining funds to Waverley Library.

The fundraising aspect of the FOWL group was taken over by the Library when the annual book fair was replaced by the 'book sale' shelving in the Library foyer in 2018.

The social aspects of the FOWL group are being addressed in the following ways:

- By the continuation of support for the existing FOWL Writers Group, Poetry Group and Book Club (rebranded and opened up to other participants if space available).

- With the launch of the Library VIP program offering special benefits to members as well as an annual social event.
- With opportunities to assist the Library through the Library's volunteer program.

Meredith Graham
Acting Director, Community, Culture and Customer Experience

CM/9.2/22.07 Curlewis Street Cycleway (SF20/3091)

QUESTION

The following question was submitted by Cr Wy Kanak:

Given issues raised in a recent representation from a local Curlewis Street business, Carology, what action have Council officers taken, or can they take, to assess business impacts of the proposed Curlewis Street Cycleway?

General Manager's answer

Curlewis Street has been identified by Transport for NSW as a priority route (within a strategic corridor) for a bike path and the proposed streetscape upgrade aims to address this need whilst creating a more vibrant and welcoming street for residents and visitors. This route has also been highlighted in Waverley's Bike Plan which was adopted in 2013, as well as the recent Our Liveable Centres Strategy, as the route provides a connection from Bondi Beach to Rose Bay.

A community consultation ran for four weeks from 18 May to 15 June 2022 on the concept design for the streetscape upgrade. Businesses were informed of the opportunity to provide feedback via a number of different channels including a letterbox drop, email, Council e-news, social media and Council's Business Liaison Officer visiting on Tuesday, 31 May. An online information session of business owners was held on Monday, 2 June, and three Have Your Say days were held during the consultation period. The feedback provided by the community, including businesses, from the consultation period will inform the next stages of the project. The consultation summary report will be circulated to Councillors in the coming weeks.

The impacts to businesses of the bike path will broadly fall into two categories: construction and operational impacts. The impacts specific to the bike path construction are minimal in the context of the overall streetscape construction that would occur alongside it. These would be coordinated primarily once a contractor is engaged to deliver the construction. Prior to construction, Project Officers and the eventual contractor would visit businesses to confirm business opening hours, critical business operation requirements, access requirements and opportunities to manage and minimise construction impacts during construction phase.

The operational impacts specific to the bike path would be further assessed during the detailed design stage. A Road Safety Audit and Review of Environmental Factors would be prepared. Project Officers would liaise with businesses along the route to discuss the design outcomes in their business frontage. It is important to note the end operation of the street would be same as current; i.e. all approved/compliant existing residential and commercial driveways would be retained, with vehicles crossing the bike path to enter. Examples are found throughout the City of Sydney, and more recently through Bondi Junction. Further, parking along the street is maintained, except approximately five spaces lost across the entirety of the project. Furthermore, industrial-type business operations within Curlewis Street are not unlike some of the businesses within Bondi Junction adjacent to the newly constructed bike path.

Shane Smith

Acting Director, Assets and Operations**CM/9.3/22.07 Soft Plastic Recycling Services (SF19/2823)****QUESTION**

The following question was submitted by Cr Wy Kanak:

Given that community representations have been received in the context of recent election sustainability policy platforms, can officers please outline the process that led to the change in assistance in the Waverley local government area (LGA) to soft plastic collection/recycling services such as RecycleSmart, and can officers please also outline other ways in which recycling soft plastic can occur in our LGA?

General Manager's answer

Council did not discontinue the pick-up service with RecycleSmart, as there was never an agreement between Council and RecycleSmart for this service. Council had an agreement with RecycleSmart to provide an online waste calendar via its app. This is no longer required, as Council's own website can complete this function. Separate to this, RecycleSmart independently offered a problem waste pick-up service to residents across the Eastern Suburbs. This was not something that Council was involved in and RecycleSmart is now discontinuing this in Waverley.

Soft plastic recycling points are available at supermarkets in Bondi Beach, Bondi Junction, Bronte and Rose Bay. Details on soft plastic recycling are available at redcycle.net.au

Shane Smith
Acting Director, Assets and Operations

10. Urgent Business

There were no items of urgent business.

11. Closed Session**CM/11/22.07 Closed Session****MOTION**

Mover: Cr Masselos
Seconder: Cr Fabiano

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/11.1/22.07 CONFIDENTIAL REPORT - Bondi Pavilion Pottery Studio - 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.

At 9.30 pm, Council moved into closed session and adjourned for a short break.

At 9.33 pm, Council resumed in closed session.

CM/11.1/22.07 CONFIDENTIAL REPORT - Bondi Pavilion Pottery Studio - Licence (A15/0272)

MOTION / DECISION

Mover: Cr Gray
Seconder: Cr Keenan

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 Sydney Clay Studio to operate the Bondi Pavilion pottery 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.

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

12. Resuming in Open Session

CM/12/22.07 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council resumes in open session.

At 9.41 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 9.42 PM.

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SIGNED AND CONFIRMED
MAYOR
16 AUGUST 2022