



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 16 AUGUST 2022

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemes	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Assets and Operations
Meredith Graham	Acting Director, Community, Culture and Customer Experience
Sam McGuinness	Acting Director, Planning, Sustainability and Compliance
Richard Sheridan	Acting Director, Corporate Services

At the commencement of proceedings at 7.01 pm, those present were as listed above.

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

At 8.18 pm, during the consideration of item CM/7.9/22.08, Cr Burrill left the meeting and did not return.

At 9.37 pm, following the vote on item CM/7.7/22.08, the meeting adjourned for a short break.

At 9.44 pm, the meeting resumed.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

CM/1.1/22.08 Leave of Absence - Cr Betts (A03/0029)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Nemesh

That Council grants Cr Sally Betts leave of absence from the Council meeting on 16 August 2022 due to her being out of Sydney.

CM/1.2/22.08 Leave of Absence - Cr Murray (A03/0029)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Gray

That Council grants Cr Tim Murray leave of absence from the Council meeting on 16 August 2022 due to him being out of Sydney.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in item CM/5.2/22.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 July 2022 – TC/V.06/22.07 – 154 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property within 20 metres of the site and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Kay declared a less than significant non-pecuniary interest in item CM/5.2/22.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 July 2022 – TC/V.08/22.07 – Griffith Avenue and Plowman Street, North Bondi – ‘No Stopping’ Zones and informed the meeting that he lives within 100 metres of the site.

3. Obituaries

Uncle Archie Roach

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 Robinson (on behalf of Bondi Precinct) – CM/5.2/22.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 July 2022 – TC/V.02/22.07 – Hall Street, Bondi Beach – Temporary One-Way Trial.
- 4.2. N Boaz (on behalf of Friends of Bondi Pavilion) – CM/7.6/22.08 – Bondi Pavilion – Strategic Vision, Programming Framework and Artistic Direction.
- 4.3. J Klein (on behalf of Toga Group) – CM/7.9/22.08 – Destination Hall Street – Street as Shared Space (SASS).
- 4.4. J Rudd (on behalf of The Transport Planning Partnership) – CM/7.9/22.08 – Destination Hall Street – Street as Shared Space (SASS).
- 4.5. A resident – CM/7.9/22.08 – Destination Hall Street – Street as Shared Space (SASS).
- 4.6. A resident – CM/8.5/22.08 – 32-34 and 36-38 Hall Street, Bondi Beach - Development Application.

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/5.1/22.08 | Confirmation of Minutes – Council Meeting – 19 July 2022. |
| CM/7.1/22.08 | Delivery Program 2018-22 – Six-monthly Progress Report. |
| CM/7.3/22.08 | Investment Portfolio Report – June 2022. |
| CM/7.4/22.08 | Investment Portfolio Report – July 2022. |
| CM/7.5/22.08 | Audit, Risk and Improvement Committee Meeting Minutes – November 2021, March 2022 and June 2022. |
| CM/8.1/22.08 | Thomas Hogan Reserve – Drainage. |
| CM/8.6/22.08 | Motion for the 2022 LGNSW Conference – Climate Change Impacts and Resilience. |
| CM/8.7/22.08 | Motion for the 2022 LGNSW Conference – Better Waste and Recycling Fund. |

- CM/11.3/22.08 CONFIDENTIAL REPORT – Bondi Pavilion Public Security Lockers – Licence.
- CM/11.4/22.08 CONFIDENTIAL REPORT - Bus Shelter in Bronte Road, Bondi Junction – Procurement Exemption.

5. Confirmation and Adoption of Minutes

CM/5.1/22.08 Confirmation of Minutes - Council Meeting - 19 July 2022 (SF21/6063)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 19 July 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 July 2022 (SF21/6066)

Cr Kay declared a pecuniary interest in item TC/V.06/22.07 – 154 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property within 20 metres of the site. Cr Kay was not present at, or in sight of, the meeting for the vote on this item.

Cr Kay declared a less than significant non-pecuniary interest in item TC/V.08/22.07 – Griffith Avenue and Plowman Street, North Bondi – ‘No Stopping’ Zones and informed the meeting that he lives within 100 metres of the site.

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 28 July 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.02/22.07 – Hall Street, Bondi Beach - Temporary One-Way Trial.

And that this item be dealt with separately below.

D Robinson (on behalf of Bondi Precinct) addressed the meeting.

CM/5.2.1/22.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 July 2022 - TC/V.02/22.07 Hall Street, Bondi Beach - Temporary One-Way Trial (A22/0171)

This item was saved and excepted by Cr Gray.

MOTION

Mover: Cr Gray
Seconder: Cr Fabiano

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. Defers this item to the August 2022 Traffic Committee meeting for officers to present alternative options for the Glenayr, O'Brien and Hall Street intersection and Roscoe Street to allow better two-way access to the Hub Hall Street Retail Precinct car park and Roscoe Street from O'Brien Street.
3. Officers prepare a report to the September 2022 Finance, Operations and Community Services Committee on the alternative options.

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

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That the following clause be added to the motion:

'That during the Destination Hall Street trial, restrictions be placed on heavy vehicle construction traffic using Hall Street and the surrounding neighbourhoods for developments in the Bondi area.'

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

DECISION

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. Defers this item to the August Traffic Committee meeting for officers to:
 - (a) Present alternative options for the Glenayr, O'Brien and Hall Street intersection and Roscoe Street to allow better two-way access to the Hub Hall Street Retail Precinct car park and Roscoe Street from O'Brien Street.
 - (b) Investigate temporary kerb extensions at the following pedestrian crossings to improve pedestrian safety during the trial:
 - (i) Immediately east of the Glenayr Avenue/O'Brien Street (west) intersection.
 - (ii) O'Brien Street (east).
3. Officers prepare a report to the September Finance, Operations and Community Services Committee on the alternative options, including an examination of the submissions made by the public speakers at the Council meeting on 16 August 2022, as well as the associated email communications on the same item.

4. Officers, before a trial commences, develops clear and measurable goals for the trial to determine its level of success as the trial proceeds.

Division

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

Against the Motion: Crs Burrill, Goltsman, Kay, Nemesh and Wy Kanak.

6. Mayoral Minutes**CM/6.1/22.08 Lifeguard Drone Shark Patrol Program (A22/0341)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council:

1. Notes:

- (a) The resolution of March 2021 that Council supports shark management options that reduce or eliminate impacts upon marine diversity.
- (b) That this includes no longer supporting shark meshing.
- (c) That shark nets, introduced in 1937, are identified as a key threatening process under the *Biodiversity Conservation Act 2016* (NSW).
- (d) That Waverley has two shark nets, one at Bondi and one at Bronte, but no nets at Tamarama.
- (e) That these shark nets, which are 150 metres long, six metres high and sit at a depth of approximately 10 metres, do not provide comprehensive coverage, given that Bondi is 1,000 metres long and Bronte is 220 metres long.
- (f) That research by the Department of Planning and the Environment shows that:
 - (i) Fewer sharks are tagged in the Sydney region than for other areas, such as the North Coast.
 - (ii) Between 2009 and 2019, in the Sydney Region, 19 sharks dangerous to humans were caught in netting, of which 14 died, while 140 non-target sharks were caught as well as six species of marine animals, including 15 turtles and one dugong, with most animals dying.
- (g) That Council adopted a mayoral minute in December 2019 declaring a State of Climate and Biodiversity Emergency.
- (h) That since February 2022, the Department of Planning and the Environment places and removes daily six SMART drum lines off Waverley beaches, which are designed to intercept and release target sharks that come close to shore.
- (i) That the summer season is soon to commence.

2. Investigates:

- (a) The development of a shark patrol using drone technology operated by Waverley's professional lifeguards.
- (b) The training and logistical requirements to successfully operate such a patrol.
- (c) The appropriate drone technology suitable for shark spotting.
- (d) Budgetary impacts, costs and sources of funding, including applying for any potential grants that may be available.

3. Receives a report as a matter of urgency.

Background

In Waverley, there are two main shark management strategies in place. Shark meshing was introduced in 1937 and currently involves the positioning of two separate nets at Bondi and at Bronte but not at Tamarama. The nets are 150 m long, six metres high and sit at a depth around 10 metres. These nets are not comprehensive in their coverage, as Bondi is 1,000 metres long, Bronte 220 metres and Tamarama 890 meters.

The perception that shark meshing improves bathers' and surfers' safety is ill founded, given the limited coverage.

Council resolved in March 2021 not to continue to support shark nets because of the considerable issues with by-catch and the death of marine animals.

Research by the Department of Planning and Environment shows that the number of sharks detected at Bondi is significantly lower when compared to other locations, such as the North Coast. The Bondi listening buoy, which responds to sharks that have been tagged as part of the SMART drum line program, detected 10 white sharks and 14 bull sharks between April 2019 and March 2022 compared with 140 white sharks at South West Rocks.

Shark meshing is also old technology, as it dates back to 1937. We are now in the 21st century and we have access to much better technology for monitoring sharks while reducing or stopping the dreadful consequences and deaths by shark nets. Our community is also demanding that stop of these dreadful consequences on our valued marine life.

The use of drones has been found to be able to detect the presence of sharks and, integrated within our professional lifeguard duties, can not only ensure the safety of our swimmers and surfers but of our precious marine life. It is what our community expects and what we, as caretakers, are morally bound to protect.

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

7. Reports

CM/7.1/22.08 Delivery Program 2018-22 - Six-monthly Progress Report (A21/0034)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Second: Cr Keenan

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

report.

CM/7.2/22.08 Budget Carry Over - 2021-22 to 2022-23 (A03/0346)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Carries over \$7,350,403 from the 2021–22 financial year budget to 2022–23, as set out in Attachment 1 of the report.
2. Allocates the \$1 million NSW Severe Weather and Flood Grant to the following capital works projects:
 - (a) Glenayr Avenue flood improvements – \$500,000.
 - (b) Notts Avenue boardwalk remediation works – \$400,000
 - (c) North Bondi promenade remediation works – \$100,000.

CM/7.3/22.08 Investment Portfolio Report - June 2022 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for June 2022 attached to the report.
2. Notes that the Acting Director, Corporate Services, 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/7.4/22.08 Investment Portfolio Report - July 2022 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for July 2022 attached to the report.
2. Notes that the Acting Director, Corporate Services, 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/7.5/22.08 Audit, Risk and Improvement Committee Meeting Minutes - November 2021,
March 2022 and June 2022 (SF21/6067)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council notes the minutes of the Audit, Risk and Improvement Committee meetings held on 25 November 2021, 31 March 2022 and 2 June 2022 attached to the report.

**CM/7.6/22.08 Bondi Pavilion - Strategic Vision, Programming Framework and Artistic Direction
(A21/0521)**

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses the strategic vision, programming framework and principles for delivering arts and culture programming at Bondi Pavilion, as set out in the report.
2. Endorses the proposal for a dedicated Artistic Director, Bondi Pavilion, funded from the reallocation of existing resources, as set out in the report.
3. Reaffirms the Bondi Pavilion is also a community hub and that the needs of the community are balanced against those of arts and culture programming.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 4.

AMENDMENT (RULED OUT OF ORDER)

Mover: Cr Wy Kanak

That the following clause be added to the motion:

‘Deletes the following dot point from the expression of interest criteria set out in the report: “Apply to the core suitable spaces for arts and culture programming in Bondi Pavilion, that is: Art Gallery, Theatre, Yalagang Room and Courtyards’ from the Expression of Interest.”’

THE AMENDMENT WAS RULED OUT OF ORDER ON THE GROUNDS THAT IT ATTEMPTED TO AMEND THE OFFICER’S REPORT.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Endorses the strategic vision, programming framework and principles for delivering arts and culture programming at Bondi Pavilion, as set out in the report.
2. Endorses the proposal for a dedicated Artistic Director, Bondi Pavilion, funded from the reallocation of existing resources, as set out in the report.

3. Reaffirms the Bondi Pavilion is also a community hub and that the needs of the community are balanced against those of arts and culture programming.
4. Notes that:
 - (a) Cultural diversity is a vital and integral part of any artistic programming for the Pavilion.
 - (b) Art produced by the broader community is recognised as equally important to artistic programming, as that considered to be 'world class art.'
 - (c) Engaging with the smart sector and industry partnerships should always reflect Council's ethical standards and net zero commitment.

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

N Boaz (on behalf of Friends of Bondi Pavilion) addressed the meeting.

**CM/7.7/22.08 Lived Experience of Overdevelopment and Community Planning Advocate
(A22/0063)**

MOTION

Mover: Cr Masselos
 Seconder: Cr Keenan

That Council:

1. Endorses the approach to the establishment of the Community Planning Advocate, as set out in the report.
2. Notes the interim resourcing approach of a fixed term project officer to be appointed to a newly established position of Community Planning Advocate.
3. Notes that the Community Planning Advocate and community planning survey are not currently funded in the 2022–23 budget.
4. Funds the position and community planning survey from existing vacant positions or other costs savings at the quarterly budget review (Q1).

AMENDMENT

Mover: Cr Kay
 Seconder: Cr Nemesh

That clause 1 be amended to read as follows:

'Endorses in-principle the approach to the establishment of the Community Planning Advocate, as set out in the report.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Goltsman, Kay and Nemesh.

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

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Endorses the approach to the establishment of the Community Planning Advocate, as set out in the report.
2. Notes the interim resourcing approach of a fixed term project officer to be appointed to a newly established position of Community Planning Advocate.
3. Notes that the Community Planning Advocate and community planning survey are not currently funded in the 2022–23 budget.
4. Officers, as part of the quarterly budget review (Q1) to be presented to Council:
 - (a) Identify funding sources and cost savings that can be used to fund the new Community Planning Advocate position and community planning survey in the current financial year 2022–23.
 - (b) Provide further details of the new role, its relationship with existing planning staff and how community expectations will be managed.

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

CM/7.8/22.08 Voluntary Planning Agreement - 157-159 Military Road, Dover Heights (SF22/3173)

MOTION

Mover: Cr Lewis
Seconder: Cr Gray

That Council:

1. Endorses the planning agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$192,855.40, for an exceedance of the maximum floor space ratio of 13% (99.41 square metres), with 25% (\$48,213.85) to be allocated to Waverley’s Affordable Housing Program and 75% (\$144,641.55) to the upgrade of local parks and parks infrastructure in accordance with Council’s Planning Agreement Policy and the relevant Council Plans and Strategies.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Endorses the planning agreement attached to the report applying to land at 157–159 Military Road, Dover Heights, offering a total monetary contribution of \$192,855.40, for an exceedance of the maximum floor space ratio of 13% (99.41 square metres), with 25% (\$48,213.85) to be allocated to Waverley's Affordable Housing Program and 75% (\$144,641.55) to the upgrade of local parks and parks infrastructure in Dover Heights, Diamond Bay and Vacluse in accordance with Council's Planning Agreement Policy and the relevant Council Plans and Strategies.
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 Nemesh.

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

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

CM/7.9/22.08 Destination Hall Street - Street as Shared Space (SASS) (SF21/5511)

MOTION

Mover: Cr Gray

Seconder: Cr Fabiano

That Council:

1. Defers this item to the August 2022 Traffic Committee meeting for officers to present alternative options for the Glenayr, O'Brien and Hall Street intersection and Roscoe Street to allow better two-way access to the Hub Hall Street Retail Precinct car park and Roscoe Street from O'Brien Street.
2. Officers prepare a report to the September 2022 Finance, Operations and Community Services Committee on the alternative options.
3. Brings forward, as a matter of urgency, an expanded local area traffic study bounded by Warners Avenue, Campbell Parade, Francis Street and Old South Head Road, with officers to prepare a report to Council.

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That the following clause be added to the motion:

'Officers prepare a report to the September Finance, Operations and Community Services Committee on the alternative options, including an examination of the submissions made by the public speakers at the Council meeting on 16 August 2022, as well as the associated email communications on the same item.'

AMENDMENT (RULED OUT OF ORDER)

Mover: Cr Wy Kanak

That the following clause be added to the motion:

'That during the Destination Hall Street trial, restrictions be placed on heavy vehicle construction traffic using Hall Street and the surrounding neighbourhoods for developments in the Bondi area.'

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT HIS MOTION WAS OUT OF ORDER ON THE GROUNDS THAT IT WAS PRE-EMPTING TRAFFIC

MANAGEMENT PLANS.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Cr Wy Kanak.

Against the Motion of Dissent: Crs Fabiano, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Nemesh.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Defers this item to the August 2022 Traffic Committee meeting for officers to present alternative options for the Glenayr, O'Brien and Hall Street intersection and Roscoe Street to allow better two-way access to the Hub Hall Street Retail Precinct car park and Roscoe Street from O'Brien Street.
2. Officers prepare a report to the September 2022 Finance, Operations and Community Services Committee on the alternative options.
3. Brings forward, as a matter of urgency, an expanded local area traffic study bounded by Warners Avenue, Campbell Parade, Francis Street and Old South Head Road, with officers to prepare a report to Council.

Division

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

Against the Motion: Crs Goltsman, Kay, Nemesh and Wy Kanak.

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

J Klein (on behalf of Toga Group), J Rudd (on behalf of The Transport Planning Partnership) and a resident addressed the meeting.

CM/7.10/22.08 NSW Police Vehicle Sponsorship Program (A12/0805)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Nemesh

That Council:

1. Extends the vehicle sponsorship agreement with the NSW Police Eastern Suburbs Local Area Command Crime Management Unit for two years until 16 October 2024.
2. Authorises the General Manager or delegated representative to complete negotiations and execute all necessary documentation to finalise the matter.

Division

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

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

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

8. Notices of Motions

CM/8.1/22.08 Thomas Hogan Reserve - Drainage (A03/1399)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes local residents' concerns about the poor drainage in Thomas Hogan Reserve, with muddy conditions and flooding of the paths resulting in the inability to use the park for extended periods after rain.
2. Requests a report including indicative costing and schedule, and possible funding sources for drainage improvements works.

CM/8.2/22.08 Royal Sydney Golf Club - Tree Removal (A17/0168)

MOTION

Mover: Cr Lewis
Seconder: Cr Gray

That Council:

1. Notes that:
 - (a) The Royal Sydney Golf Club (RSGC) is intending to remove 595 trees on its land as part of a proposed redevelopment.
 - (b) The RSGC borders the boundary of Waverley Council along Old South Head Road and is a significant habitat corridor that is mapped in the Waverley Development Control Plan.
 - (c) Council has flood issues immediately adjacent to the RSGC in streets running off Old South Head Road between Beach Road to the south and The Avenue to the north.
 - (d) The recent ongoing La Nina that produced significant increases in rainfall and flooding with four floods in 18 months, including in the Waverley local government area (LGA).
 - (e) Waverley's Flood Management Study 2021 states that all flood waters of the main flood prone areas and streets in Waverley drain into the RSGC (section 7.9.1).
 - (f) The role mature trees play in helping mitigate flooding, in providing important habitat for fauna and flora, and contributing to the alleviation of the heat island effects.
2. Requests that:
 - (a) The Mayor write to the RSGC and Woollahra Council as a matter of urgency to undertake an urgent hydrological study and flood risk assessment prior to finalisation of any development application to determine the ramifications and impacts of the removal of these 595 trees upon flooding in the Waverley LGA.
 - (b) Council officers undertake an urgent investigation into the ramifications of the removal of 595

trees from the RSGC in the Waverley LGA on:

- (i) Flooding.
 - (ii) Biodiversity and habitat.
 - (iii) Environmental cooling.
 - (iv) Other relevant factors deemed appropriate.
- (c) Undertakes benchmarking of flood levels using historic data.
3. The report be submitted to the September 2022 Council meeting for approval and submission to the RSGC and Woollahra Council.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that:
- (a) The Royal Sydney Golf Club (RSGC) is intending to remove 595 trees on its land as part of a proposed redevelopment.
 - (b) The RSGC borders the boundary of Waverley Council along Old South Head Road and is a significant habitat corridor that is mapped in the Waverley Development Control Plan.
 - (c) Council has flood issues immediately adjacent to the RSGC in streets running off Old South Head Road between Beach Road to the south and The Avenue to the north.
 - (d) The recent ongoing La Nina that produced significant increases in rainfall and flooding with four floods in 18 months, including in the Waverley local government area (LGA).
 - (e) Waverley's Flood Management Study 2021 states that all flood waters of the main flood prone areas and streets in Waverley drain into the RSGC (section 7.9.1).
 - (f) The role mature trees play in helping mitigate flooding, in providing important habitat for fauna and flora, and contributing to the alleviation of the heat island effects.
2. Requests that:
- (a) The Mayor write to the RSGC and Woollahra Council as a matter of urgency to undertake an urgent hydrological study and flood risk assessment prior to finalisation of any development application to determine the ramifications and impacts of the removal of these 595 trees upon flooding in the Waverley LGA.
 - (b) Council officers undertake an urgent investigation into the ramifications of the removal of 595 trees from the RSGC in the Waverley LGA on:
 - (i) Flooding.

- (ii) Biodiversity and habitat.
 - (iii) Environmental cooling.
 - (iv) Other relevant factors deemed appropriate.
- (c) Undertakes benchmarking of flood levels using historic data.
- (d) The Mayor urgently writes to the Mayor of Woollahra informing Woollahra Council of Waverley Council's resolution, with a view to having Waverley Council's concerns on this matter included in the discussions occurring in the Land and Environment Court mediation.
3. The report be submitted to the September 2022 Council meeting for approval and submission to the RSGC and Woollahra Council.

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

CM/8.3/22.08 Royal Sydney Golf Club - Tree Removal and Flood Risk (A17/0168)

MOTION (WITHDRAWN)

Mover: Cr Wy Kanak

That Council:

1. Notes that the Waverley Flood Study was adopted in April 2021 and that the Waverley Development Control Plan 2012 (Amendment No. 10) on flood-related planning matters was recently on public exhibition.
2. Requests officers, as a matter of urgency, to investigate and report on the increased flood risk to Rose Bay within the Waverley local government area (LGA) that could result due to the Royal Sydney Golf Club's action in the Land and Environment Court (case 2022/9577) that seeks to remove 595 trees from the golf club site adjoining the Waverley LGA.

CM/8.4/22.08 Indigenous Ranger Program (A02/0424)

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Nemesh

That Council:

1. Investigates applying aspects of the Indigenous Ranger Strategy to the Waverley local government area.
2. Officers prepare a report that examines applying for Indigenous Ranger funding that can support an urban version of the Indigenous Ranger Program to increase the First Nations employment opportunities in Waverley and recognise, in connection with discussions raised in the context of the Reconciliation Action Plan Panel members, that the Aboriginal custodianship of Waverley endures with the actions of our resident First Nations peoples and descendant custodians.
3. Officers, in the context of the Indigenous Ranger Program, explore an inclusion in Waverley's

employment, access, workforce and related Indigenous strategies that recognises and facilitates a real and operational expression of Council's recognition that:

'Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.'

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

CM/8.5/22.08 32-34 and 36-38 Hall Street, Bondi Beach - Development Application (DA-271/2022)

MOTION

Mover: Cr Gray
Seconder: Cr Lewis

That Council:

1. Notes that a development application, DA-271/2022, has been lodged for the demolition of the existing residential units and retail shops at 32–34 and 36–38 Hall Street, Bondi Beach, and the construction of a new four-storey shop-top housing building containing 16 units with two levels of basement parking containing 17 car spaces.
2. Further notes that the proposed development exceeds the height control development standard under the *Waverley Local Environmental Plan 2012* (LEP) and there have been a large number of objections lodged from local residents about this proposal. These objections include that the proposed development will:
 - (a) Exceed the maximum allowable height development standard in the LEP.
 - (b) Have insufficient setbacks from the neighbouring property at 15 Consett Avenue, Bondi Beach.
 - (c) Impact on the amenity of neighbouring properties on Consett Avenue, Bondi Beach.
 - (d) Result in increased commercial area in Consett Avenue, Bondi Beach.
 - (e) Negatively impact on the local trees lining Consett Avenue, Bondi Beach.
3. Directs the Mayor to lodge a submission in respect of DA-271/2022 to the Waverley Local Planning Panel, noting the concerns of local residents referred to in clause 2 above.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that a development application, DA-271/2022, has been lodged for the demolition of the existing residential units and retail shops at 32–34 and 36–38 Hall Street, Bondi Beach, and the construction of a new four-storey shop-top housing building containing 16 units with two levels of basement parking containing 17 car spaces.

2. Further notes that the proposed development exceeds the height control development standard under the *Waverley Local Environmental Plan 2012* (LEP) and there have been a large number of objections lodged from local residents about this proposal. These objections include that the proposed development will:
 - (a) Exceed the maximum allowable height development standard in the LEP.
 - (b) Have insufficient setbacks from the neighbouring property at 15 Consett Avenue, Bondi Beach.
 - (c) Impact on the amenity of neighbouring properties on Consett Avenue, Bondi Beach.
 - (d) Result in increased commercial area in Consett Avenue, Bondi Beach.
 - (e) Negatively impact on the local trees lining Consett Avenue, Bondi Beach, as well as trees on private property.
3. Directs the Mayor to lodge a submission in respect of DA-271/2022 to the Waverley Local Planning Panel, noting the concerns of local residents referred to in clause 2 above.

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

A resident addressed the meeting.

**CM/8.6/22.08 Motion for the 2022 LGNSW Conference - Climate Change Impacts and Resilience
(A13/0314)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests urgent access and availability of funding to assist councils to prepare and respond to extreme climate events and infrastructure damage, outside of natural disaster declarations, and that State Government agencies are held accountable to commitments to mitigate the impacts of climate-related disruptions on local communities across the state.’

**CM/8.7/22.08 Motion for the 2022 LGNSW Conference - Better Waste and Recycling Fund
(A13/0314)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests the NSW Government to urgently reinstate the non-contestable waste and recycling grant program funding under the Better Waste and Recycling Fund, so that councils have secure funding for waste and recycling education programs to drive waste minimisation, cleaner waste streams and more efficient resource recovery.’

CM/8.8/22.08 Motion for the 2022 LGNSW Conference - Private Certification (A13/0314)**MOTION / DECISION**

Mover: Cr Keenan
Seconder: Cr Fabiano

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests the NSW Government to take steps towards abolishing or substantially reforming the private certification system so that:

1. Compliance powers are returned to councils for developments up to \$50 million
2. A transition period be determined to allow councils to plan, fund and deliver this responsibility.
3. Pending the above, clear mechanisms be established for reporting poor performance to the Private Certification Board for disciplinary action’.

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

CM/8.9/22.08 Motion for the 2022 LGNSW Conference - Categorisation of Crown Land (A13/0314)**MOTION (RULED OUT OF ORDER)**

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council submits the following motion for consideration by the 2022 Local Government NSW Conference:

‘That LGNSW requests councils to categorise all Crown land in relation to section 105 of the *Local Government (General) Regulation 2021* (guidelines for categorisation of land) as an area of cultural significance.’

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING THAT HIS MOTION WAS OUT OF ORDER ON THE GROUNDS THAT IT CALLED FOR ACTION THAT IS OUTSIDE COUNCIL’S JURISDICTION AND THEREFORE UNLAWFUL.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

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

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session

CM/11/22.08 **Closed Session**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

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/11.1/22.08 CONFIDENTIAL REPORT - COVID-19 Impacts on Projects - Boot Factory Adaptive Reuse and Mill Hill Building Upgrade

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.2/22.08 CONFIDENTIAL REPORT - Bronte House - Gardening and Horticultural Services - Tender Evaluation and Options

This matter is considered to be confidential in accordance with section 10A(2)(g) 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.5/22.08 CONFIDENTIAL REPORT - Senior Staff Appointments

This matter is considered to be confidential in accordance with section 10A(2)(a) 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 personnel matters concerning particular individuals (other than councillors).

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*.

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

At 9.45 pm, Council moved into closed session.

CM/11.1/22.08 CONFIDENTIAL REPORT - COVID-19 Impacts on Projects - Boot Factory Adaptive Reuse and Mill Hill Building Upgrade (A19/0074)

MOTION

Mover: Cr Masselos

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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the impact of COVID-19 on delay costs, the building supply chain and increasing costs of materials and labour across a number of Council's construction projects.
3. Increases the budget of the Boot Factory Adaptive Reuse and Mill Hill Building Upgrade Project by the amount set out in the report to cover delay and escalation costs, to be funded from savings to the capital works program that will be identified as part of the quarterly budget review (Q1).
4. Authorises the General Manager or delegated representative to enter into negotiations with Lloyd Group on delay and escalation costs, with the outcome to be reported as part of the Q1 budget review.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3.

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

UNANIMOUS DECISION

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes the impact of COVID-19 on delay costs, the building supply chain and increasing costs of materials and labour across a number of Council's construction projects.
3. Increases the budget of the Boot Factory Adaptive Reuse and Mill Hill Building Upgrade Project **by** up to the amount set out in the report to cover delay and escalation costs, to be funded from savings to the capital works program that will be identified as part of the quarterly budget review (Q1).
4. Authorises the General Manager or delegated representative to enter into negotiations with Lloyd Group on delay and escalation costs, with the outcome to be reported as part of the Q1 budget review.

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

**CM/11.2/22.08 CONFIDENTIAL REPORT - Bronte House - Gardening and Horticultural Services -
Tender Evaluation and Options (SF22/3267)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes the risks of the options available to Council in relation to the Bronte House gardening and horticultural services tender process, as set out in the report.
3. Declines to accept any of the tenders for the Bronte House gardening and horticultural services tender, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*.
4. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as the best value outcome for Council would be achieved by entering into negotiations with the top two tenderers, as identified in the tender evaluation attached to the report (Attachment 3).
5. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with the top two ranked tenderers to ensure the best value for money outcome for Council, with a view to entering into a contract in relation to the Bronte House gardening and horticultural services tender.
6. Notes that a report will be presented to Council on the outcome of the direct negotiation process to appoint the successful contractor.
7. Notifies tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

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

**CM/11.3/22.08 CONFIDENTIAL REPORT - Bondi Pavilion Public Security Lockers - Licence
(A22/0199)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

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 BRD Trading Pty Ltd (trading as Advanced Locker) to provide and manage public security lockers at Bondi Pavilion for a period of three years with two one-year options, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegated representative to complete negotiations and execute all necessary documentation to finalise the matter.

**CM/11.4/22.08 CONFIDENTIAL REPORT - Bus Shelter in Bronte Road, Bondi Junction -
Procurement Exemption (A19/0820)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

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. Approves a procurement exemption to engage Ooh Media to supply and install a designed bus shelter in Bronte Road, Bondi Junction, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegated representative to complete negotiations and execute all necessary documentation to finalise the matter.

CM/1.1/22.08 CONFIDENTIAL REPORT - Senior Staff Appointments (A22/0329)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning particular individuals (other than Councillors).
2. The General Manager gives consideration to the feedback provided at the meeting on the proposed appointment of the Director, Planning, Sustainability and Compliance, and the Director, Assets and Operations, as set out in the report.

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

12. Resuming in Open Session

CM/12/22.08 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Nemesh

That Council resumes in open session.

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

At 10.35 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.

13. Meeting Closure

THE MEETING CLOSED AT 11.12 PM.

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SIGNED AND CONFIRMED
MAYOR
20 SEPTEMBER 2022