



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 SEPTEMBER 2022**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

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

At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Goltsman who arrived at 7.15 pm during obituaries.

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

At 9.08 pm, following the vote on item CM/7.7/22.09, the meeting adjourned for a short break.

At 9.15 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. Leaves of Absence

CM/1.1/22.09 Request for Leave of Absence - Cr Lewis (A03/0029)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council grants Cr Lewis leave of absence from the Council meeting on 20 September 2022.

CM/1.2/22.09 Request for Leave of Absence - Cr Kay (A03/0029)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council grants Cr Kay leave of absence from the Council meeting on 20 September 2022.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Obituaries

Queen Elizabeth II

Uncle Jack Charles

Uncle Kevin Kelly

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. M Rosenzveig OAM (on behalf of Head On Foundation) – CM/7.6/22.09 – Head On Photo Festival 2022 - Fee Waiver.
- 4.2. D Finnimore (on behalf of Bronte Surf Life Saving Club) – CM/7.9/22.09 – Bronte Surf Club and Community Facilities Building Upgrade – Project Update.
- 4.3. G Brownbill - CM/8.4/22.09 - Best Practice Turf.
- 4.4. A Gammo, A Morley and Z Kelley – CM/8.6/22.09 – Wellington Street – Development Impacts on Residents.

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/5.1/22.09 Confirmation of Minutes – Council Meeting - 16 August 2022.
- CM/5.2/22.09 Confirmation of Minutes – Extraordinary Council Meeting - 23 August 2022.
- CM/5.3/22.09 Confirmation of Minutes – Extraordinary Council Meeting - 30 August 2022.
- CM/7.1/22.09 Acting General Manager.
- CM/7.4/22.09 Complaint Handling Policy.
- CM/7.5/22.09 Annual Venue Hire Grants 2022-23.
- CM/7.6/22.09 Head On Photo Festival 2022 – Fee Waiver.
- CM/7.10/22.09 Waverley Park Play Space Concept Design – Stage 2 Consultation Outcomes.
- CM/7.11/22.09 Bond Beach Lifeguard Tower Surf Camera – Licence – Exhibition.
- CM/7.12/22.09 Tender Evaluation - Williams Park/Bondi Golf Club - Golf Ball Stop Fence.

5. Confirmation and Adoption of Minutes

CM/5.1/22.09 Confirmation of Minutes - Council Meeting - 16 August 2022 (SF21/6063)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 16 August 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/22.09 Confirmation of Minutes - Extraordinary Council Meeting - 23 August 2022
(SF21/6063)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Extraordinary Council meeting held on 23 August 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/22.09 Confirmation of Minutes - Extraordinary Council Meeting - 30 August 2022
(SF21/6063)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Extraordinary Council meeting held on 30 August 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.4/22.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 August 2022
(SF21/6066)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 25 August 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.07/22.08 – Hall Street, Bondi Beach – Temporary One-Way Trial.

And that this item be dealt with separately below.

**CM/5.4.1/22.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 August 2022 -
TC/V.07/22.08 Hall Street, Bondi Beach - Temporary One-Way Trial (A22/0171)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Does not adopt the Traffic Committee's recommendation.
2. In accordance with resolution FC/5.7/22.09, passed at the Finance, Operations and Community Services Committee meeting on 6 September 2022, does not proceed with the Streets as Shared Spaces (SASS) trial at Hall Street, Bondi Beach, also known as Destination Hall Street.

6. Mayoral Minutes

CM/6.1/22.09 Her Majesty Queen Elizabeth II (A02/0017)

MOTION Mover: Cr Masselos

That Council:

1. Expresses its great sadness at the passing of Her Majesty Queen Elizabeth II.
2. Places a book of condolence at the opening of the Bondi Pavilion on Wednesday, 21 September 2022, with it to remain there for the National Day of Mourning on Thursday, 22 September 2022.
3. Sends all messages and books of condolence held by Council to the Department of Prime Minister and Cabinet, to be forwarded to Buckingham Palace.

Background

Queen Elizabeth II passed away on 8 September 2022 at the age of 96.

For 70 years, Queen Elizabeth II reigned as Australia's Head of State. During her reign, the Queen visited Australia 16 times and saw more of this country than most Australians, visiting every state and territory.

The Queen consulted with 16 Prime Ministers, and 16 Governors-General served in her name. She was the patron of more than 20 Australian charities and associations.

When visiting Australia in 2002, the Queen said:

'For myself, I thank all Australians...I declare again...that my admiration, affection and regard for the Australian people of Australia will remain, as it has been...constant, sure and true.'

The Department of Prime minister and Cabinet has offered a number of channels for Australians to offer their condolences. People are able to leave an online condolence message or sign a condolence book.

The condolences will be collated and sent to Buckingham Palace. The messages will also be archived by the Commonwealth and may be displayed at its national institutions, such as the National Library of Australia, to form a lasting record of this moment in history.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2 AND THE ADDITION OF A NEW CLAUSE 4.

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

UNANIMOUS DECISION

That Council:

1. Expresses its great sadness at the passing of Her Majesty Queen Elizabeth II.
2. Places a book of condolence at the Library and at the opening of the Bondi Pavilion on Wednesday, 21 September 2022, with the books to remain there until midday Friday, 23 September 2022.

3. Sends all messages and books of condolence held by Council to the Department of Prime Minister and Cabinet, to be forwarded to Buckingham Palace.
4. Promotes the locations of the condolence books through Council's social media channels.

7. Reports

CM/7.1/22.09 Acting General Manager (SF21/6084)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that at its meeting on 1 June 2021, Council delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.
2. Appoints Sharon Cassidy to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of Council.
3. Notes that when acting as General Manager pursuant to this resolution, Sharon Cassidy has all the functions, delegations and sub-delegations given to the General Manager by Council.

CM/7.2/22.09 Draft Financial Statements 2021-22 (A21/0527)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That:

1. Council, in relation to the financial statements required by section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2022 attached to the report:
 - (a) Have been properly drawn up in accordance with the the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign:
 - (a) The Statement by Councillors and management for the General Purpose Financial Statements

and Special Purpose Financial Statements on page 7 of the Annual Financial Statements attached to the report.

- (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report.
 - (c) The financial statements attached to the report.
4. Sends the signed financial statements to Council's auditor for final clearance.
 5. Forwards a copy of the audited financial statements to the Office of Local Government.
 6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the *Local Government Act 1993*.

CM/7.3/22.09

Investment Portfolio Report - August 2022 (A03/2211)

MOTION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Receives and notes the Investment Summary Report for August 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.
3. Notes the limited supply of non-fossil fuel and green investments on the market.
4. Notes a temporary suspension of the non-fossil fuel and green investments direction for 90 days until the market is restocked/reassessed and receives an options paper from Council's investment advisor by December 2022 addressing how suitable green investments can be found that comply with the NSW Minister's Investment Order.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

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

UNANIMOUS DECISION

That Council:

1. Receives and notes the Investment Summary Report for August 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.
3. Notes the limited supply of non-fossil fuel and green investments on the market.

4. Notes a temporary suspension of the non-fossil fuel and green investments direction for 90 days until the market is restocked/reassessed and receives an options paper from Council's investment advisor by December 2022 addressing how suitable green investments can be found that comply with the NSW Minister's Investment Order.
5. Notes that from June 2018 to August 2022, Council has reduced its investment in fossil-fuel-lending authorised deposit-taking institutions from 59% to 16%.

CM/7.4/22.09 Complaint Handling Policy (SF22/2811)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts the Complaint Handling Policy attached to the report.

CM/7.5/22.09 Annual Venue Hire Grants 2022-23 (A22/0278)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council, in accordance with section 356 of the *Local Government Act* and the Venue Hire Grants Program 2022–23, grants \$29,871.76 in financial assistance to the community organisations and groups as set out in the attachment to the report.

CM/7.6/22.09 Head On Photo Festival 2022 - Fee Waiver (A21/0347)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council, in accordance with section 610E of the *Local Government Act 1993*, waives \$48,386.50 (excluding GST) in fees to support Head On Foundation in running the 2022 Head On Photo Festival.

M Rosenzveig OAM (on behalf of Head On Foundation) addressed the meeting.

CM/7.7/22.09 Community Greenhouse Gas Emissions - Net Zero 2035 (A02/0131)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes:
 - (a) Its declaration of a Climate and Biodiversity emergency.

- (b) The implementation of current greenhouse gas reduction actions in Table 1 of the report and outlined in the Environmental Action Plan 2022–2032.
 - (c) The urgency of reducing greenhouse gas emissions and the potential shortfall in Council’s current emissions reduction pathway to achieve net zero community emissions by 2035, which could be assisted by actions in Table 2 of the report.
2. Publishes the list of strata energy service consultants attached to the report to support Waverley residents living in apartments to access high-quality advice on energy management and emissions reduction actions.
 3. Investigates grant and other funding opportunities to increase the scale of Council’s community greenhouse gas reduction programs and receives a report for the December 2022 Council meeting.
 4. Requests the Mayor to convene a round table in December 2022 with key community and business stakeholders seeking:
 - (a) Their support and contribution for the net zero by 2035 community target.
 - (b) A commitment to the development and implementation of key strategies that will assist in meeting the 2035 target.
 5. Requests officers to review the existing roadmap and develop it further with more detail and more ambitious timelines to achieve community target of net zero by 2035 by June 2023 as follows:
 - (a) By arranging a series of working groups with expertise in the field of climate science, active transport, solar and battery power infrastructure, electric vehicle (EV) infrastructure, community activists, residents, representatives from state and federal government, Council officers, interested Councillors and other stakeholders (with the first meeting to occur no later than February 2023).
 - (b) The working groups are to:
 - (i) Make recommendations for the further development of the roadmap that incorporates a holistic approach across all relevant aspects of Council’s jurisdiction, including Local Environmental Plan and Development Control Plan amendments, active transport initiatives, EV charging infrastructure, solar on multi-unit dwellings etc.
 - (ii) Consider, specifically, whether the plan will ensure our Council area achieves net zero by 2035, with minimal reliance on carbon offsets.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THE FOLLOWING CLAUSE:

‘Officers invite interested Councillors to an informal workshop as soon as practicable to identify how they can contribute towards achieving our goals and commitments.’

AMENDMENT

Mover: Cr Burrill

Seconder: Cr Betts

That the following clause be added to the motion:

‘Considers live streaming the round table event and working groups set out in clauses 4 and 5, and provides a link to these recordings on Council’s website.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division:

For the Amendment: Crs Betts, Burrill, Goltsman and Nemesh.

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

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 5(a).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes:
 - (a) Its declaration of a Climate and Biodiversity emergency.
 - (b) The implementation of current greenhouse gas reduction actions in Table 1 of the report and outlined in the Environmental Action Plan 2022–2032.
 - (c) The urgency of reducing greenhouse gas emissions and the potential shortfall in Council’s current emissions reduction pathway to achieve net zero community emissions by 2035, which could be assisted by actions in Table 2 of the report.
2. Publishes the list of strata energy service consultants attached to the report to support Waverley residents living in apartments to access high-quality advice on energy management and emissions reduction actions.
3. Investigates grant and other funding opportunities to increase the scale of Council’s community greenhouse gas reduction programs and receives a report for the December 2022 Council meeting.
4. Requests the Mayor to convene a round table in December 2022 with key community and business stakeholders seeking:
 - (a) Their support and contribution for the net zero by 2035 community target.
 - (b) A commitment to the development and implementation of key strategies that will assist in meeting the 2035 target.
5. Requests officers to review the existing roadmap and develop it further with more detail and more ambitious timelines to achieve community target of net zero by 2035 by June 2023 as follows:
 - (a) By arranging a series of working groups with expertise in the field of climate science, active transport, solar and battery power infrastructure, electric vehicle (EV) infrastructure, community activists, residents, representatives from state and federal government, Council officers, interested Councillors, First Nations custodians and other stakeholders (with the first meeting to occur no later than February 2023).
 - (b) The working groups are to:
 - (i) Make recommendations for the further development of the roadmap that incorporates a holistic approach across all relevant aspects of Council’s jurisdiction, including Local Environmental Plan and Development Control Plan amendments, active transport

initiatives, EV charging infrastructure, solar on multi-unit dwellings etc.

- (ii) Consider, specifically, whether the plan will ensure our Council area achieves net zero by 2035, with minimal reliance on carbon offsets.

6. Officers invite interested Councillors to an informal workshop as soon as practicable to identify how they can contribute towards achieving our goals and commitments.

Division:

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

Against the Motion: Nil.

CM/7.8/22.09 Electric Vehicle Chargers in Waverley Library Car Park (A11/0853)

MOTION

Mover: Cr Murray

Seconder: Cr Gray

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Subject to technical constraints, enters into a licence agreement with Tesla to install six electric vehicle ultra-fast chargers in the Waverley Library car park, as set out in the attachment to the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 4 AND 5.

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

UNANIMOUS DECISION

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Subject to technical constraints, enters into a licence agreement with Tesla to install six electric vehicle ultra-fast chargers in the Waverley Library car park, as set out in the attachment to the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

4. Promotes the installation of the six chargers at the Library via all of Council's social media channels and all other communication channels, including a formal launch of the chargers.
5. Considers including a face-to-face education program for the community to educate them on the benefits of electric vehicles.

**CM/7.9/22.09 Bronte Surf Club and Community Facilities Building Upgrade - Project Update
(A20/0329)**

MOTION / DECISION

Mover: Cr Masselos
Second: Cr Keenan

That Council approves the design for the Bronte Surf Club and Community Facilities Building included in the Councillor briefing presentation attached to the report and proceeds to lodge a development application.

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

**CM/7.10/22.09 Waverley Park Play Space Concept Design - Stage 2 Consultation Outcomes
(A21/0103)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Second: Cr Keenan

That Council approves the Waverley Park Play Space Concept Designs for Stage 1 (Central Play Space), Stage 2 (Adventure/Nature Play Space), and Stage 3 (Picnic and Intergenerational Fitness Area) of the project attached to the report (Attachment 3) to proceed to detailed design, with Stage 1 and 2 proceeding to tendering for construction.

CM/7.11/22.09 Bond Beach Lifeguard Tower Surf Camera - Licence - Exhibition (A02/0762)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Second: Cr Keenan

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days the proposal to grant a licence to Wavetrak Oceania Pty Ltd for three years with two one-year options for surf camera services at the Bondi Beach Lifeguard Tower.
2. Officers prepare a report to Council following the exhibition period should any submissions be received.
3. Subject to no submissions being received by the end of the exhibition period:
 - (a) Grants the licence to Wavetrak Oceania Pty Ltd on the terms and conditions set out in the report.
 - (b) Authorises the General Manager or delegate to complete negotiations and execute all

necessary documentation to finalise the matter.

CM/7.12/22.09 Tender Evaluation - Williams Park/Bondi Golf Club - Golf Ball Stop Fence (A22/0121)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Under clause 178(1)(b) of the *Local Government (General) Regulation 2021*, declines to accept any of the tenders for the design and construction of the Williams Park/Bondi Golf Club golf ball stop fence.
2. Under clause 178(3)(b) – (d) of the *Local Government (General) Regulation 2021*, declines to invite fresh tenders or applications for the works.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.
4. Notes that the 2020–2021 Crown Reserves Improvement Fund grant funding will be used to complete other works under the grant funding agreement, including installation of coastal fencing upgrades to the eastern portions of the park.
5. Notes that the scope of the golf ball stop fence will be reviewed for delivery as part of the 2023–2024 capital works program.

8. Notices of Motions

CM/8.1/22.09 Tamarama Fitness Station - Mitigation of Amenity Impacts (A17/0353)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts

Seconder: Cr Burrill

That Council brings forward the investigation into the Tamarama Fitness Station resolved by Council in February 2020 (CM/8.13/20.02) so that recommendations can be considered in a report to the November 2022 Finance, Operations and Community Services Committee.

CM/8.2/22.09 Whale Watching (A22/0407)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council:

1. Notes its delight at:
 - (a) The increase in whale numbers travelling up and down Australia's eastern seaboard.
 - (b) The removal of Humpback whales from Australia's threatened species list in February 2022.

- (c) The provision of numerous, spectacular vantage points for whale watching along the Waverley Council section of the Coastal Walk.
- (d) Our community's interest in local biodiversity, including whales.

2. Investigates:

- (a) Council-run whale watching walks to be held four times annually for small groups.
- (b) Signage detailing whale species and migration patterns at strategic vantage points along the coastal walk such as in Bronte (Waverley Cemetery), Tamarama (Marks Park) Bondi (Hunter Park) and Dover Heights parks.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Nemesh

That clause 2(b) be amended to read as follows:

'Signage detailing whale species and migration patterns at strategic vantage points along the coastal walk such as in Bronte (Waverley Cemetery), Tamarama (Marks Park) Bondi (Hunter Park) and Dover Heights Coastal Reserve, noting that Council has essentially blocked ocean views by the inappropriate planting of trees and shrubs.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

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

UNANIMOUS DECISION

That Council:

1. Notes its delight at:

- (a) The increase in whale numbers travelling up and down Australia's eastern seaboard.
- (b) The removal of Humpback whales from Australia's threatened species list in February 2022.
- (c) The provision of numerous, spectacular vantage points for whale watching along the Waverley Council section of the Coastal Walk.
- (d) Our community's interest in local biodiversity, including whales.

2. Investigates:

- (a) Council or community-run whale watching walks to be held during the whale watching season for small groups.
- (b) Signage detailing whale species and migration patterns at strategic vantage points along the coastal walk such as in Bronte (Waverley Cemetery), Tamarama (Marks Park) Bondi (Hunter Park) and Dover Heights parks.

CM/8.3/22.09 City2Surf - Bus Pollution (A03/0152)**MOTION**

Mover: Cr Fabiano
Seconder: Cr Wy Kanak

That:

1. Council notes that a large number of contestants enter the City2Surf and that once they have completed the race they are encouraged to leave the area by public transport buses.
2. Council investigates ways to minimise diesel exhaust fumes from buses in Bondi's residential streets, particularly Lamrock Avenue, for City2Surf 2023 and beyond.
3. The Mayor writes to David Elliot, Minister for Transport, seeking confirmation of the timetable for the roll-out and quantum of electric buses that will be part of the public bus fleet.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That:

1. Council notes that a large number of contestants enter the City2Surf and that once they have completed the race they are encouraged to leave the area by public transport buses.
2. Council investigates ways to minimise diesel exhaust fumes from buses in Bondi's residential streets, particularly Lamrock Avenue, for City2Surf 2023 and beyond.
3. The Mayor writes to David Elliot, Minister for Transport, seeking confirmation that all buses used in relation to City2Surf for 2023 onwards will be electric buses only.

CM/8.4/22.09 Best Practice Turf (A20/0386)**MOTION / UNANIMOUS DECISION**

Mover: Cr Fabiano
Seconder: Cr Keenan

That Council:

1. Notes that:
 - (a) 'Best practice' turf processes take a holistic approach to a field: the drainage, the need for irrigation, the access to sunlight, the type of soil and the appropriate turf cultivar for the location.
 - (b) The Synthetic Turf Study in Public Open Space commissioned by the Department of Planning and Environment has been completed.
 - (c) The Minister for Planning and Public Spaces requested the NSW Chief Scientist and Engineer to provide expert advice on the use of synthetic turf in public open space in NSW, which is due in

mid-2022.

2. In any future field upgrade considers the use of 'best practice' natural turf .
3. That the General Manager makes representations to SSROC to commission an independent study on the whole of life environmental and cost benefits of natural turf.

G Brownbill addressed the meeting.

CM/8.5/22.09 Parklets Program (A14/0584)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Murray

That Council:

1. Notes the success of the parklets program in Waverley, which has been used to trial streetscape changes, including the now permanent changes on Spring Street, Bondi Junction.
2. Notes the overwhelming community support for the Brighton Boulevard parklet, which has become an important and loved community asset.
3. Takes steps to ensure that the parklet in Brighton Boulevard remains in place, for the benefit of the community.
4. Officers prepare a report for the October 2022 Council meeting outlining the continued and future use of the parklets, including the criteria and timing for their placement in Waverley commercial areas.

CM/8.6/22.09 Wellington Street - Development Impacts on Residents (DA-268/2020/A)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council:

1. Notes the letter received on 6 September 2022 from Wellington Street residents on their concerns regarding development impacts in Bondi.
2. Officers actively monitor the construction site at 79–103 Wellington Street, Bondi, to ensure that it is compliant with Council-approved conditions over which Council has jurisdiction.

Division:

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

Against the Motion: Nil.

A Gammo, A Morley and Z Kelley addressed the meeting.

9. Questions with Notice

CM/9.1/22.09 Question with Notice - 8 Consett Avenue, Bondi Beach (DA-384/2018)

QUESTION

The following question was submitted by Cr Wy Kanak:

Given ongoing issues in the vicinity of, and related to, the construction activities at 8 Consett Avenue, Bondi Beach, and recent Merit customer reference numbers allocated to the situation of alleged vandalism/theft resulting in number plates being removed from a vehicle on the public roadway close to 6 and 8 Consett Avenue, can Council officers please outline what is being done by Council to attend to ongoing complaints/disputes raised between the resident, a vulnerable former community member (tetraplegic) of Council's Disability Access Committee in 2010, and construction workers at 6 and 8 Consett Avenue, in order to settle the ongoing tension precipitated by development at 8 Consett Avenue?

General Manager's answer

Construction works are being carried out under DA-384/2018/B and CCB-355/2021. The certifier for these works is Darren Ball of DM Ball and Associates. Matters relating to the approval should be directed to the certifier.

Merit customer requests have been received relating to several issues including illegal parking, construction noise, traffic control, illegal work, abandoned vehicles and obstruction of the footpath. Appropriate action has been taken and two matters remain under investigation.

During the investigation of a Merit customer request, an allegation was made concerning vandalism and/or theft relating to a missing vehicle number plate. Allegations of this nature should be referred to the Police and it is understood that a report was made.

Council officers will continue to respond to Merit customer requests but will not involve itself in any private dispute. In these circumstances, affected parties are referred to the NSW Civil and Administrative Tribunal (NCAT).

Sam McGuinness

Acting Director, Planning, Sustainability and Compliance

CM/9.2/22.09 Question with Notice - Tree at 15 Consett Avenue, Bondi Beach (DA-271/2022)

QUESTION

The following question was submitted by Cr Wy Kanak:

Given a recent discussion raised in Council's Audit Risk and Improvement Committee as a result of a reference to trees, can Council officers please specifically inform Councillors as to what stage the assessment of DA-271-2022 at 32-38 Hall Street, Bondi Beach, is at and what the latest situation is regarding the community-perceived 'significant tree' that has been the subject of recent media attention in relation to being perceived as threatened/encroached upon by the development.

General Manager's answer

DA-271/2022 was submitted to Council in July 2022 and proposes to demolish the existing buildings,

amalgamate the existing lots and construct a new four storey shop-top housing building, with two levels of basement parking, and is currently under assessment. The DA has been exhibited and submissions received, and referrals have been submitted by Council officers, including on tree issues. Development Assessment staff are currently assessing the DA documents, submissions and internal referrals.

The significant tree assessment is in process, with ownership now established and a consultant engaged to assess the tree.

Sam McGuinness
Acting Director, Planning, Sustainability and Compliance

CM/9.3/22.09 Question with Notice - Accounting Standards for Trees (A02/0760)

QUESTION

The following question was submitted by Cr Wy Kanak:

Can Council officers please outline what accounting standards and contexts apply to valuing trees and tree canopy, and what type of accounting standards Council applies to trees in the private domain as opposed to the public domain, if different approaches are in fact applied in valuing trees as living assets in the 'community estate'?

General Manager's answer

The accounting standard applicable to trees is AASB116 Property Plant and Equipment. This applies to assets that the Council has control of and is part of its core business operations. Due to these reasons, Council cannot include any trees in the private domain as we do not have control of them, and accounting standards do not permit trees in the public domain as an asset as they are not a core part of business operations as defined by accounting standards.

Richard Sheridan
Acting Director, Corporate Services

CM/9.4/22.09 Question with Notice - Black Deaths in Custody Memorial Day (A02/0424)

QUESTION

The following question was submitted by Cr Wy Kanak:

Given relevant Council resolutions, what arrangements will Council officers have in place to lower the First Nations Aboriginal and Torres Strait Islander flags to half-mast on 28 September 2022 to mark the Memorial of 'John Pat Day', otherwise known as a day to focus on the issue of preventing Aboriginal/Torres Strait Islander (black) deaths in custody (police and prison)?

What activities will Council be engaging in/supporting for National Police Remembrance Day?

General Manager's answer

Council staff have the lowering of flags scheduled at the Pavilion and Chambers on the 28 September.

Officers are unaware of any actions by Council to mark Police Remembrance Day (held on 29th September) in the past.

Other remembrance events for National Police Remembrance Day are noted as follows:
<https://npm.org.au/about/remembrance-day-services/> (noting an event at the Domain for NSW).

A memorial for the Waverley area is located at Eastern Suburbs Cemetery
<https://www.smcnsw.org.au/eastern/memorialisation/unique-memorials/police-memorial>

Meredith Graham
Acting Director, Community, Culture and Customer Experience

10. Urgent Business

There were no items of urgent business.

11. Meeting Closure

THE MEETING CLOSED AT 10.13 PM.

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SIGNED AND CONFIRMED
MAYOR
18 OCTOBER 2022