



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 15 NOVEMBER 2022

Present:

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

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

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

Crs Fabiano and Kay attended the meeting by audio-visual link.

At 9.08 pm, following the vote on item CM/8.3/22.11, 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. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Obituaries

Gisele Scales

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. P Goodrick (chief petitioner) – CM/7.10/22.11 – Petition – Charing Cross Streetscape Upgrade Project.
- 4.2. L Wright – CM/8.1/22.11 – 53 Francis Street, Bondi Beach – Complying Development and Private Certification.
- 4.3. N Boaz – CM/8.6/22.11 – External Events Program – Review.
- 4.4. E Constantinou (on behalf of Bondi and Districts Chamber of Commerce) – CM/8.7/22.11 – Charing Cross Streetscape Upgrade – Economic Impact and Footpath Repairs.
- 4.5. D Caretti (on behalf of Charing Cross Precinct) – CM/8.7/22.11 – Charing Cross Streetscape Upgrade – Economic Impact and Footpath Repairs.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconded: Cr Murray

That the recommendations for the following items be adopted as recommended in the business paper:

- CM/5.1/22.11 Confirmation of Minutes – Council Meeting – 18 October 2022.
- CM/5.2/22.11 Confirmation of Minutes - Extraordinary Council Meeting – 1 November 2022.
- CM/7.1/22.11 Annual Report 2021-22.
- CM/7.4/22.11 Investment Portfolio Report – October 2022.
- CM/7.5/22.11 Schedule of Meeting Dates for Council and its Standing Committees 2023.
- CM/7.6/22.11 Acting General Manager.
- CM/7.7/22.11 Returns Disclosing Interests of Designated Persons.
- CM/7.8/22.11 Annual Code of Conduct Complaints Statistics.
- CM/7.9/22.11 Audit, Risk and Improvement Committee Meeting Minutes – 28 July 2022.
- CM/7.11/22.11 Latin American Festival 2024-2026 – Approval and Financial Assistance.
- CM/7.12/22.11 Tender Evaluation – 2A Edmund Street, Queens Park – Construction Services.
- CM/7.13/22.11 IPART Rate Peg Methodology Review – Submission.
- CM/8.2/22.11 Council Meetings – Addresses by Members of the Public.
- CM/8.4/22.11 Tree at 15 Consett Avenue, Bondi Beach.
- CM/8.6/22.11 External Events Program – Review.
- CM/8.8/22.11 Onslow Street Reserve, Rose Bay – Upgrade.

5. Confirmation and Adoption of Minutes**CM/5.1/22.11 Confirmation of Minutes - Council Meeting - 18 October 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconded: Cr Murray

That the minutes of the Council meeting held on 18 October 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/22.11 Confirmation of Minutes - Extraordinary Council Meeting - 1 November 2022
(SF21/6063)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Murray

That the minutes of the extraordinary Council meeting held on 1 November 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/22.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 October 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 27 October 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.06/22.10 – Brighton Boulevard, North Bondi – Kerb Buildout at Campbell Parade.

And that this item be dealt with separately below.

**CM/5.3.1/22.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 October 2022 -
TC/V.06/22 - 10 Brighton Boulevard, North Bondi - Kerb Buildout at Campbell
Parade (A20/0069)**

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council defers this item for the benefit of further community consultation regarding the public safety and amenity of the proposed works.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Betts, Fabiano, Kay and Wy Kanak.

Against the Motion: Crs Burrill, Goltsman, Gray, Keenan, Lewis, Masselos, Murray and Nemes.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/22.11 Annual Report 2021-22 (A21/0034)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council notes the Annual Report 2021–22 attached to the report.

CM/7.2/22.11 Quarterly Budget Review (Q1) - September 2022 (A03/0346)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2022–23 operating and capital budgets in accordance with the attachments to the report.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR LEWIS, WAS PUT AND DECLARED CARRIED.

Division

For the Procedural Motion: Crs Fabiano, Goltsman, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Against the Procedural Motion: Crs Betts, Burrill, Kay and Nemes.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2022–23 operating and capital budgets in accordance with the attachments to the report.

CM/7.3/22.11 Audited Financial Statements 2021-22 (A21/0527)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. In accordance with section 419 of the *Local Government Act 1993*, notes the auditor's report on the 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. Refers any public submissions on the 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.
3. Notes the presentation to Council of the audited 2021–22 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.

CM/7.4/22.11 Investment Portfolio Report - October 2022 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Notes the Investment Summary Report for October 2022 attached to the report.
2. Notes that the Executive Manager, Finance, 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/7.5/22.11 Schedule of Meeting Dates for Council and its Standing Committees 2023 (A04/1869)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council adopts the schedule of meeting dates for Council and its Standing Committees 2023 attached to the report.

CM/7.6/22.11 Acting General Manager (SF21/6084)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That:

1. Council 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. Sharon Cassidy be appointed 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 the Council.
3. Should Sharon Cassidy be unable or unwilling to act as General Manager at any time, Tara Czinner be appointed 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 the Council.
4. Should Sharon Cassidy and Tara Czinner be unable or unwilling to act as General Manager at any time, Fletcher Rayner be appointed 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 the Council.
5. Should Sharon Cassidy, Tara Czinner and Fletcher Rayner be unable or unwilling to act as General Manager at any time, Ben Thompson be appointed 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 the Council.
6. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.

CM/7.7/22.11 Returns Disclosing Interests of Designated Persons (A21/0564)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council notes the returns of designated persons disclosing interests, as set out in the report.

CM/7.8/22.11 Annual Code of Conduct Complaints Statistics (SF17/2821)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2021–22 attached to the report.

**CM/7.9/22.11 Audit, Risk and Improvement Committee Meeting Minutes - 28 July 2022
(SF21/6069)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 28 July 2022 attached to the report.

CM/7.10/22.11 Petition - Charing Cross Streetscape Upgrade Project (A18/0541)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak
Seconded: Cr Burrill

That Council:

1. Receives and notes the petition requesting that Council pause the Charing Cross Streetscape Upgrade Project.
2. Refers the petition to the Director, Assets and Operations for consideration.
3. Notes that any potential economic impact of the project on the Charing Cross business community will be considered in the review of environmental factors.
4. Notes that information will be provided to individual businesses about:
 - (a) The planned works and schedule of works.
 - (b) When available, insights from the review of environmental factors of likely impact of the project on the Charing Cross businesses.
5. Notes that officers will rectify, at the first opportunity, any footpath safety issues in Charing Cross that require immediate attention.

P Goodrick (chief petitioner) addressed the meeting.

**CM/7.11/22.11 Latin American Festival 2024-2026 - Approval and Financial Assistance
(A22/0248)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council:

1. Approves the inclusion of the Latin American Festival in its program of High Impact 2 events for 2024, 2025 and 2026.
2. In accordance with section 356 of the *Local Government Act*, grants \$71,090 in financial assistance over three years to Canvas Events Pty Ltd to support the cost of the Latin American Festival in 2024, 2025 and 2026.

3. Authorises the General Manager or delegate to execute a three-year memorandum of understanding with Canvas Events Pty Ltd to deliver the Latin American Festival in 2024, 2025 and 2026.

CM/7.12/22.11 Tender Evaluation - 2A Edmund Street, Queens Park - Construction Services (A22/0107)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. In accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*, declines to accept the tender for construction services for 2A Edmund Street, Queens Park.
2. In accordance with section 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 construction services.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
4. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.
5. In accordance with section 178(4) of the *Local Government (General) Regulation 2021*, notes that the reason for not pursuing sections 178(3)(b)–(d) of the *Local Government (General) Regulation 2021* is that Council has tested the market with an open tender and there is not a suitable pool of tenderers for the works.

CM/7.13/22.11 IPART Rate Peg Methodology Review - Submission (A08/1245)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council approves the submission to IPART attached to the report (Attachment 1) on the rate peg methodology review.

8. Notices of Motions**CM/8.1/22.11 53 Francis Street, Bondi Beach - Complying Development and Private Certification (CD-85/2022)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Murray

That Council

1. Notes that community members emailed Council in June 2022 complaining about a complying development certificate (CDC) issued by a privately appointed registered certifier for 53 Francis Street, Bondi Beach.
2. Notes the issues raised by Mr Lee Wright in representations to the Bondi Precinct and Councillors about the CDC and private certifier process at 53 Francis Street.
3. Notes the Precinct motions in relation to the stop work order at 53 Francis Street.
4. Places the information provided by Mr Wright, the community and the Precinct in dealing with 53 Francis Street on file for future reference.
5. Notes the recent Local Government NSW (LGNSW) 2022 conference resolution posed by Council's motion to LGNSW on the topic of complying development and private certification.
6. Updates its website to provide information on the complying development certificate process, including links to the NSW Fair Trading website on how to make complaints about registered certifiers.

L Wright addressed the meeting.

CM/8.2/22.11 Council Meetings - Addresses by Members of the Public (A22/0057)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Investigates allowing:
 - (a) Members of the public to address Council and Committee meetings by audio-visual link.
 - (b) Councillors to ask questions of members of the public at the end of their address.
2. Officers prepare a report to Council on the outcome of the investigation.

CM/8.3/22.11 Bronte Pool - Pump House Upgrade and Pump Replacement (SF21/750)**MOTION**

Mover: Cr Burrill

Seconder: Cr Betts

That Council:

1. Notes that Option 2 (new pump house and stairs) was endorsed as the preferred option for the Bronte Pool pump house at the Finance, Operations and Community Services Committee on 1 November.
2. Notes that the report did not include the design concepts for Options 1 and 3 that were presented at a Councillor briefing on 7 June 2022.
3. Includes Options 1 and 3 as part of the consultation package to inform the community of the options considered and analysis undertaken.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 3 SUCH THAT IT NOW READS AS FOLLOWS:

‘Includes Options 1 and 3 as part of the consultation package to inform the community of the options considered and analysis undertaken to arrive at the preferred option.’

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR LEWIS AND SECONDED BY CR KEENAN, WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED LOST.

Division

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

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

CM/8.4/22.11 Tree at 15 Consett Avenue, Bondi Beach (DA-552/2021)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That:

1. The tree management and forestry consultancy group TreeiQ report on the significant tree nomination of the *Quercus illex* (evergreen oak) at 15 Consett Avenue, Bondi Beach, be reported to the December Finance, Operations and Community Services Committee meeting.
2. No further Council administration dealing with this TreeiQ report allowing further impacts to that tree be sanctioned by Council until the report mentioned in clause 1 is brought before the December Finance, Operations and Community Services Committee meeting.

CM/8.5/22.11 Charing Cross - Posted Awning Strategy and Heritage Works (A22/0513)**MOTION**

Mover: Cr Keenan

Seconder: Cr Fabiano

That Council:

1. Notes that the Posted Awning Strategy is available, but there is no project to deliver the physical works. This is not something that has been planned or budgeted at this time.
2. Officers prepare a report to Council outlining the next steps for the Posted Awning Strategy, including options funding and timelines and how the project could be incorporated into the next round of Development Control Plan updates.
3. Officers prepare a report to Council recommending options for restoration works to heritage buildings in the shopping strip to inform debate over progressing heritage restoration plans for Charing Cross.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that the Charing Cross Discussion Paper – Exploration of Colonnaded Awnings (the Posted Awnings Strategy) has been prepared and will be reported to Council in early 2023 with the detailed design for the Charing Cross Streetscape Upgrade prior to tender. This is not something that has been planned or budgeted at this time.
2. Officers prepare a report to Council outlining the next steps for the Posted Awning Strategy, including options funding and timelines and how the project could be incorporated into the next round of Development Control Plan updates.
3. Officers prepare a report to Council recommending options for restoration works to heritage buildings in the shopping strip to inform debate over progressing heritage restoration plans for Charing Cross.

CM/8.6/22.11 External Events Program - Review (A22/0117)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Undertakes a review of its external/non-Council-run high-impact events to understand the:
 - (a) Community benefits/costs.
 - (b) Desired and actual economic outcomes.

- (c) Environmental impacts.
 - (d) Public domain impacts (including beach and parks).
 - (e) Total cost to Council.
2. Officers prepare a report to Council with details of the review to inform discussion on current approach and policy.

N Boaz addressed the meeting.

**CM/8.7/22.11 Charing Cross Streetscape Upgrade - Economic Impact and Footpath Repairs
(A18/0541)**

This motion was withdrawn by Cr Fabiano at the meeting.

MOTION (WITHDRAWN)

That Council:

1. Notes the global economic downturn and the impact of COVID-19 and resulting skills and material shortages. Along with weather delays, these factors are likely to extend construction duration and increase costs of Council construction projects.
2. Notes concerns from within the Charing Cross business community (including a petition) about the impact of the proposed improvement works on their economic viability following ongoing recovery from the pandemic.
3. Ensures that the economic impact assessment for the proposed streetscape upgrade plans being undertaken as part of the Review of Environmental Factors takes into account:
 - (a) The effect on Charing Cross businesses of construction, including a likely extended construction period.
 - (b) The effects of the operation of the new streetscape design on the existing business models in the shopping strip, including the impact of proposed widened footpaths and removal of the slip road.
4. Ensures that the construction budget includes adequate contingency plan for delays during construction.
5. Officers provide advice to Councillors on Council's obligations and options relating to compensation and/or financial support for loss of trade for businesses.
6. Determines the appropriate start date for these large engineering works, taking into consideration whether the global economy has entered a recovery using key economic indicators.
7. Undertakes immediate small works to repair existing footpaths in Charing Cross to a safe condition.

E Constantinou (on behalf of Bondi and Districts Chamber of Commerce) and D Caretti (on behalf of Charing Cross Precinct) addressed the meeting.

CM/8.8/22.11 Onslow Street Reserve, Rose Bay - Upgrade (A20/0540)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Notes the recent upgrades to Onslow Street Reserve and installs an additional table and bench within the Reserve, with the exact location to be determined in consultation with residents of Onslow Street.
2. Reinstates a bench within the Onslow Street Roundabout Reserve.
3. Officers inform the Rose Bay Precinct of the Council resolution.

CM/8.9/22.11 Diamond Bay Reserve - Improvements (A03/0946)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Betts

That Council:

1. Installs a bin enclosure over the exposed red lidded bin at Diamond Bay Reserve.
2. Investigates refurbishment or replacement of the current seating located at Diamond Bay Reserve which is in poor condition.
3. Relocates the bush care signage on a sandstone plinth to a location adjacent to the current seating.
4. Actively maintains the remnant Bushcare area from invading weeds.
5. Clears and restores the fisherman's path that leads along the southern boundary wire fence of the Bushcare area.
6. Removes the green plastic temporary fencing on the edge of Rosa Gully.
7. Officers prepare a report to Council by February 2023.
8. Officers inform the Diamond Bay Vauclose precinct of this resolution.

CM/8.10/22.11 Diamond Bay - One-Way Traffic (A03/0042-04)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts

Seconder: Cr Lewis

That Council investigates introducing a one-way traffic route for Diamond Bay Road, Craig Avenue and Isabel Avenue, Vauclose, by:

1. Surveying residents.

2. Officers preparing a report for Council.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/22.11 **Closed Session**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Murray

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/11.1/22.11 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land

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/11.2/22.11 CONFIDENTIAL REPORT - Rowe Street Project - Update

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.

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 9.21 pm, Council moved into closed session.

CM/11.1/22.11 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)

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. Defers this item pending a report returning to Council that:
 - (a) Provides an alternative valuation methodology that is based on the value capture of the developer gaining access to that land. The value of the total development will likely increase with better parking access. The valuation of the land should reflect a share of that value capture from that uplift.
 - (b) Reports on selected stakeholder consultations, including the Mill Hill Bondi Junction Precinct and Save West Oxford Street Group, about the options excluding any commercial-in-confidence information.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 2

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. Defers this item pending a report returning to the February 2023 Council meeting that:
 - (a) Investigates alternative valuation methodologies.
 - (b) Reports on selected stakeholder consultations, including the Mill Hill Bondi Junction Precinct, Save West Oxford Street Group, local businesses and such other interested parties as determined by the General Manager, about the options excluding any commercial-in-confidence information.

Division

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

Against the Motion: Nil.

CM/11.2/22.11 CONFIDENTIAL REPORT - Rowe Street Project - Update (A22/0011)**MOTION / DECISION**

Mover: Cr Masselos
Second: 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 that the development application for the Rowe Street Project will:
 - (a) Comply with Council's existing Local Environmental Plan and Development Control Plan.
 - (b) Take into consideration the design competition to encourage the best design that will ensure that Bondi Junction Mall becomes a destination.
3. Extends the scope of the Rowe Street Project to include 426–432 Oxford Street, Bondi Junction, subject to amalgamation of the sites by Zondaro Pty Ltd.
4. Authorises the General Manager to execute the amended Project Agreement, if required.

Division

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

Against the Motion: Cr Wy Kanak.

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

12. Resuming in Open Session**CM/12/22.11 Resuming in Open Session****MOTION**

Mover: Cr Keenan
Second: Cr Masselos

That Council resumes in open session.

At 9.49 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 9.52 PM.

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SIGNED AND CONFIRMED
MAYOR
13 DECEMBER 2022