



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 13 DECEMBER 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 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 Dominic Wy Kanak | Bondi Ward |

Staff in attendance:

| | |
|-----------------|--|
| Emily Scott | General Manager |
| Sharon Cassidy | Director, Assets and Operations |
| 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 Betts, Kay, Murray and Wy Kanak attended the meeting by audio-visual link.

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/1.1/22.12 Request for Leave of Absence - Cr Fabiano (A03/0029)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Goltsman

That Council grants Cr Ludovico Fabiano leave of absence from the Council meeting on 13 December 2022.

CM/1.2/22.12 Request for Leave of Absence - Cr Nemesh (A03/0029)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Lewis

That Council grants Cr Will Nemesh leave of absence from the Council meeting on 13 December 2022.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/7.7/22.12 – Waverley Artist Studios – Appointments – 2023-2024 and informed the meeting that he knows Rox De Luca through Waverley's Precincts.

3. Obituaries

There were no obituaries.

Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.

4. Addresses by Members of the Public

There were no addresses by members of the public.

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/5.1/22.12 | Confirmation of Minutes – Council Meeting – 15 November 2022. |
| CM/7.1/22.12 | Councillor Expenses and Facilities Policy – Adoption. |
| CM/7.2/22.12 | Audit, Risk and Improvement Committee Meeting Minutes – 8 September 2022. |
| CM/7.3/22.12 | Investment Portfolio – Outlook for Socially Responsible Investment Options. |
| CM/7.4/22.12 | Investment Portfolio Report – November 2022. |
| CM/7.5/22.12 | SSROC Supplier Panels – Bush Regeneration and Landscape Services, Plants and Trees and Line Marking. |
| CM/7.9/22.12 | 26 January 2023 – Event at Bondi Beach. |
| CM/7.10/22.12 | Brighton Boulevard and Campbell Parade, North Bondi – Kerb Buildout. |
| CM/7.13/22.12 | Williams Park – Licence to Sydney Water. |
| CM/7.14/22.12 | Eastgate Car Park – Pedestrian Walkway Ramps – Licence to ISPT. |
| CM/7.15/22.12 | Code of Conduct and Procedures – Adoption. |
| CM/11.2/22.12 | CONFIDENTIAL REPORT – Oxford Street Mall – Shade Structures – Procurement Exemption. |
| CM/11.3/22.12 | CONFIDENTIAL REPORT – Commercial Waste – Fees and Charges – 2023. |

5. Confirmation and Adoption of Minutes

CM/5.1/22.12 Confirmation of Minutes - Council Meeting - 15 November 2022

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 15 November 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 November 2022 (SF21/6066)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 November 2022 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

CM/6.1/22.12 CONFIDENTIAL MAYORAL MINUTE - General Manager's Annual Performance Review (P01/054)

Council moved into closed session to deal with this item (see CM/11.4/22.12 below).

7. Reports

CM/7.1/22.12 Councillor Expenses and Facilities Policy - Adoption (SF22/3722)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Adopts the Councillor Expenses and Facilities Policy attached to the report.
2. Commits to supporting the ongoing professional development of Councillors.

CM/7.2/22.12 Audit, Risk and Improvement Committee Meeting Minutes - 8 September 2022 (SF21/6069)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 8 September 2022 attached to the report.

CM/7.3/22.12 Investment Portfolio - Outlook for Socially Responsible Investment Options (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the options paper on socially responsible investments attached to the report.

CM/7.4/22.12 Investment Portfolio Report - November 2022 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the Investment Summary Report for November 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/7.5/22.12 SSROC Supplier Panels - Bush Regeneration and Landscape Services, Plants and Trees and Line Marking (SF17/2878)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Treats the attachments to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Adopts the SSROC-approved supplier panel for the supply of bush regeneration and landscape-related services for three years with three one-year options, with the panel comprising:
 - (a) Dragonfly Environmental Pty Ltd.
 - (b) Echort Pty Ltd.
 - (c) National Trust of Australia (NSW) Pty Ltd.
 - (d) Plus Love Group Pty Ltd T/A Bushy Landscapes.
 - (e) Southern Habitat (NSW) Pty Ltd.
 - (f) Symbiota Ecology Pty Ltd T/A Apunga Ecological Management.
 - (g) The Irrawong Trust T/A Total Earth Care Pty Ltd.
 - (h) Toolijooa Pty Ltd.
3. Adopts the SSROC-approved supplier panel for the supply of plants and trees and associated services for three years with three one-year options, with the panel comprising:
 - (a) Category 1 – Plants and trees stock supply:
 - (i) Alpine Nurseries Pty Ltd.

- (ii) Andreasen's Green (NSW) Pty Ltd.
- (b) Category 2 – Plants and tree planting and maintenance services:
 - (i) Green Options Pty Ltd.
 - (ii) Asplundh Tree Expert Australia Pty Ltd trading as Summit Open Space Services.
 - (iii) The Tree Guardian Group Pty Ltd.
 - (iv) Waratah Lawn Care & Garden Management Pty Ltd trading as Waratah Group Services.
- 4. Adopts the SSROC-approved supplier panel for the provision of line marking services for three years with three one-year options, with the panel comprising:
 - (a) Complete Linemarking Services.
 - (b) Guidance Road Management.
 - (c) Gumbay Holding Pty Ltd T/A Avante Linemarking.
 - (d) Workforce Road Services.

CM/7.6/22.12 Local Hero and Best of the Best Awards 2023 - Judging Panel and Award Updates (A22/0554)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Appoints Crs Masselos, Keenan and Betts to participate on the judging panel for the Waverley Local Hero and Best of the Best Awards 2023.
2. Notes the minor changes to the Awards following a review of feedback in 2021, as set out in the report.

CM/7.7/22.12 Waverley Artist Studios - Appointments - 2023-2024 (A20/0106)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting he knows Rox De Luca through Waverley's Precincts.

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Offers the following artists a placement in the Waverley Artist Studios for the period of March 2023–February 2024:

- (a) JD Reforma.
 - (b) Daniel Mudie Cunningham.
 - (c) Georgia Banks.
 - (d) Zoe Slee.
 - (e) Phillipa Hagon.
 - (f) Armando Chant.
2. Offers the following artists a reserve placement in the Waverley Artist Studios for the period of March 2023–February 2024:
- (a) Andrew Liversidge.
 - (b) Natalie O’Loughlin.
 - (c) Rox De Luca.
 - (d) Nick Brennon.

AMENDMENT

Mover: Cr Burrill

Seconder: Cr Betts

That:

1. Clause 1(c) be amended to read as follows:

‘Andrew Liversidge.’

2. Clause 2(a) be amended to read as follows:

‘Georgia Banks.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Offers the following artists a placement in the Waverley Artist Studios for the period of March 2023–February 2024:
 - (a) JD Reforma.

- (b) Daniel Mudie Cunningham.
 - (c) Georgia Banks.
 - (d) Zoe Slee.
 - (e) Phillipa Hagon.
 - (f) Armando Chant.
2. Offers the following artists a reserve placement in the Waverley Artist Studios for the period of March 2023–February 2024:
- (a) Andrew Liversidge.
 - (b) Natalie O’Loughlin.
 - (c) Rox De Luca.
 - (d) Nick Brennon.

Division**For the Motion:** Crs Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman and Kay.**CM/7.8/22.12 Uluru Statement from the Heart - Update (A22/0555)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the update in the report in response to resolution CM/6.1/22.10 on the Uluru Statement from the Heart.
2. Notes that a more comprehensive report will be prepared in early 2023 following further research and officer participation in Inner West Council’s community training program.

CM/7.9/22.12 26 January 2023 - Event at Bondi Beach (A14/0173)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council acknowledges the ongoing survival of Aboriginal peoples and cultures by hosting a small community event at Bondi Beach on 26 January 2023.

CM/7.10/22.12 Brighton Boulevard and Campbell Parade, North Bondi - Kerb Buildout (A20/0069)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts recommendation TC/V.06/22.10 of the Traffic Committee meeting of 27 October 2022 subject to an amendment to clause 2 such that the recommendation now reads as follows:

That Council:

1. Installs a kerb buildout on the southern side of Brighton Boulevard, North Bondi, just west of Campbell Parade in accordance with the drawing attached to the report.
2. Retains the parklet in its existing location on Brighton Boulevard until the kerb buildout is completed.
3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant changes.

CM/7.11/22.12 Parklet Program Extension (A14/0584)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis
Seconder: Cr Goltsman

That Council:

1. Expands the Parklet Program, as set out in the report, including the purchase of five new parklets to be placed along the journey from Bondi Junction to Bondi Beach, to be reviewed in 2024.
2. Notes the successful variation of the Streets as Shared Spaces grant to support the purchase of five new parklets.
3. Notes the addendum to the Urban Intervention Framework attached to the report (Attachment 1) outlining the approval process for parklets under sections 138 and 125 of the *Roads Act 1993*.

CM/7.12/22.12 Draft Tamarama Park and Beach Plan of Management - Exhibition (A03/0094)**MOTION**

Mover: Cr Murray
Seconder: Cr Keenan

That Council:

1. Treats Attachment 2 of 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. Submits the draft Tamarama Park and Beach Plan of Management (TPB PoM) attached to the report (Attachment 1) to the Minister for Lands and Water for approval.

3. Publicly exhibits the draft Plan of Management for 42 days once the Plan is approved by the Minister.
4. Authorises the Director, Assets and Operations, to make any amendments to the Plan that may be required by the Minister prior to its public exhibition.
5. Officers prepare a report to Council following the exhibition period.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2 AND 4 AND THE ADDITION OF TWO NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Treats Attachment 2 of 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. Submits the draft Tamarama Park and Beach Plan of Management (TPB PoM) attached to the report (Attachment 1), and as amended by clause 3 below, to the Minister for Lands and Water for approval, subject to the following amendments:
 - (a) Page 216 of the agenda, section 4.4.4, Hydrology and Services – Delete the second sentence ‘An automatic irrigation system operates in the park, and a manual system operates in the gully’ to remove the duplication and wording error.
 - (b) Page 249 of the agenda, section 6.3.1, Action Plan, item C1.4, Fitness Station – In point (i), delete the word ‘existing’ so that it now reads ‘Maintain the fitness station’ to align with Council resolution FC/5.4/22.11.
 - (c) Page 275 of the agenda, section 6.11, Compliance Restrictions – Amend the dot point ‘No commercial activities’ to read as follows: ‘No commercial activities, without Council approval’ to align with Council practice.
3. Authorises the Director, Assets and Operations, to make administrative amendments to the draft Tamarama Park and Beach Plan of Management prior to it being submitted to the Minister and following feedback from Councillors by close of business Friday, 16 December 2022.
4. Publicly exhibits the draft Plan of Management for 42 days once the Plan is approved by the Minister.
5. Authorises the Director, Assets and Operations, to make any amendments to the Plan that may be required by the Minister prior to its public exhibition and to email Councillors with an updated, marked-up draft Plan.
6. Officers prepare a report to Council following the exhibition period.
7. Notes that the report states that Crown Lands is currently taking at least six months to review and approve draft plans of management prior to public exhibition, which means that Council could expect to receive a report to formally adopt the Plan in the second half of 2023.

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

CM/7.13/22.12 Williams Park - Licence to Sydney Water (A13/0485)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Grants a licence to Sydney Water to carry out urgent infrastructure works in Williams Park for three years, on the terms and conditions set out in the report
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/7.14/22.12 Eastgate Car Park - Pedestrian Walkway Ramps - Licence to ISPT (A19/0770)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

1. Grants a licence to ISPT Nominees Pty Ltd over the pedestrian walkway ramps in Eastgate Car Park, on the terms and conditions set out in the report.
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/7.15/22.12 Code of Conduct and Procedures - Adoption (SF21/5735)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Adopts the Code of Conduct attached to the report (Attachment 1).
2. Adopts the Procedures for the Administration of the Code of Conduct attached to the report (Attachment 2).

8. Notices of Motions**CM/8.1/22.12 Bondi Pavilion Advisory Committee (A19/0092)****MOTION (LAPSED)**

Mover: Cr Wy Kanak

That:

1. Council establishes a Bondi Pavilion Advisory Committee to work with the Artistic Director and other Council officers and stakeholders to ensure that the uses of the various spaces in the Bondi Pavilion Community Cultural Centre reflect the needs of Bondi's and Waverley's local communities.

2. The Committee include as a minimum at least one member from each of the following communities and groups:
 - (a) First Nations (traditional owners plus Aboriginal Torres Strait Islander creatives), multicultural and LGBTIQ communities.
 - (b) Cultural groups or people who have expertise in dance, music, theatre, film, radio and/or the visual arts.

CM/8.2/22.12 Recycling (A18/0410)

MOTION

Mover: Cr Keenan
Seconder: Cr Wy Kanak

That Council:

1. Works with neighbouring Councils, the Southern Sydney Regional Organisation of Councils (SSROC), industry partners and other relevant stakeholders to identify options to reduce waste and, in particular, avoid soft plastics going to landfill.
2. Writes to the NSW Government to return 100% of the monies collected by the NSW State Government as part of the waste Levy to local governments to:
 - (a) Support local and regional Council resource recovery programs.
 - (b) Build a recycling industry that actually creates a market for recycled products and creates jobs from the transformation of our waste for reuse in other materials.
 - (c) Expand and urgently implement education programs for residents and local businesses to drive down waste to landfill.
3. Promotes the innovative research being developed by Professor Sahajwalla at the Centre for Sustainable Materials Research and Technology (SMaRT Centre) at UNSW.
4. Writes to the local members for Vaucluse, Gabrielle Upton, and Coogee, Dr Marjorie O'Neill, the NSW Environment Minister, James Griffin MP, as well as Penny Sharpe MLC, Shadow ALP Environment Minister, and Cate Faehrmann MLC, Greens Waste and Circular Economy portfolio holder, to notify them of the concerns raised in this motion and call on them to commit to waste reduction initiatives, particularly soft plastics, as part of their NSW 2023 election commitments.

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

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

UNANIMOUS DECISION

That Council:

1. Works with neighbouring Councils, the Southern Sydney Regional Organisation of Councils (SSROC), industry partners and other relevant stakeholders to identify options to reduce waste and, in particular, avoid soft plastics going to landfill.

2. Writes to the NSW Government to return 100% of the monies collected by the NSW State Government as part of the waste Levy to local governments to:
 - (a) Support local and regional Council resource recovery programs.
 - (b) Build a recycling industry that actually creates a market for recycled products and creates jobs from the transformation of our waste for reuse in other materials.
 - (c) Expand and urgently implement education programs for residents and local businesses to drive down waste to landfill.
3. Promotes the innovative research being developed by Professor Sahajwalla at the Centre for Sustainable Materials Research and Technology (SMaRT Centre) at UNSW, and other similar contributors as Council officers see fit.
4. Writes to the local members for Vacluse, Gabrielle Upton, and Coogee, Dr Marjorie O'Neill, the NSW Environment Minister, James Griffin MP, as well as Penny Sharpe MLC, Shadow ALP Environment Minister, and Cate Faehrmann MLC, Greens Waste and Circular Economy portfolio holder, to notify them of the concerns raised in this motion and call on them to commit to waste reduction initiatives, particularly soft plastics, as part of their NSW 2023 election commitments.

CM/8.3/22.12 Danny Lim - Treatment by NSW Police (A02/0421)

MOTION

Mover: Cr Keenan
 Seconder: Cr Wy Kanak

That Council:

1. Notes the recent incident involving Danny Lim, a 78-year-old man and well-known local identity, at the Queen Victoria building, which has been described by Wentworth MP, Allegra Spender, as 'disturbing' and who questioned the use of force. Federal Senator David Shoebridge described the incident as 'disturbing and wrong'. And NSW Premier, Dominic Perrottet, has called for the 'strongest action' to be taken if any wrongdoing is uncovered.
2. Expresses its concern for Mr Lim and his treatment by two members of the NSW Police Force and wishes Mr Lim a full recovery and hopes to get our happy icon back with his smiles and signs soon.
3. Supports an independent investigation by the Law Enforcement Conduct Commission (LECC) into the incident involving Mr Lim and NSW Police Force and not an investigation by another police station.
4. Writes to the Premier, Dominic Perrottet, the Minister for Police, Paul Toole, and the Members for Sydney, Coogee and Vacluse, strongly supporting the renaming the NSW Police Force to the NSW Police Service to highlight that purpose of NSW Police.

FORESHADOWED MOTION

Mover: Cr Goltsman

That Council defers this item until the investigation by NSW Police has been finalised.

AMENDMENT

Mover: Cr Goltsman
 Seconder: Cr Kay

That the following clause 5 be added to the motion:

‘Notes the General Manager’s comment that Council has limited information on this incident (other than what has been reported in the media), which occurred in the City of Sydney and is therefore not within Council’s purview.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman and Kay.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes the recent incident involving Danny Lim, a 78-year-old man and well-known local identity, at the Queen Victoria building, which has been described by Wentworth MP, Allegra Spender, as ‘disturbing’ and who questioned the use of force. Federal Senator David Shoebridge described the incident as ‘disturbing and wrong’. And NSW Premier, Dominic Perrottet, has called for the ‘strongest action’ to be taken if any wrongdoing is uncovered.
2. Expresses its concern for Mr Lim and his treatment by two members of the NSW Police Force and wishes Mr Lim a full recovery and hopes to get our happy icon back with his smiles and signs soon.
3. Supports an independent investigation by the Law Enforcement Conduct Commission (LECC) into the incident involving Mr Lim and NSW Police Force and not an investigation by another police station.
4. Writes to the Premier, Dominic Perrottet, the Minister for Police, Paul Toole, and the Members for Sydney, Coogee and Vaucluse, strongly supporting the renaming the NSW Police Force to the NSW Police Service to highlight that purpose of NSW Police.

Division

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

Against the Motion: Crs Betts, Goltsman and Kay.

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

CM/8.4/22.12 Fire in Wilga Street, Bondi - Resident Assistance (A02/0421)

MOTION (LAPSED)

Mover: Cr Wy Kanak

That Council:

1. Notes the suspected arson in Wilga Street, Bondi, affecting Waverley residents, which has been reported in the media.
2. Assists any community members affected by the reported arson through its housing, community support and older people services.

3. Assists the Police and any other agencies in their investigation into the matter.
4. Requests the Mayor to respond to the media reports and the broader public safety issues.

9. Questions with Notice

CM/9.1/22.12 Rodney Reserve - CSIRO Astronomical and Viewing Platform Project (A03/1221)

QUESTION

The following question was submitted by Cr Nemesch:

What steps have Council taken to action resolutions CM/7.8/21.07 and CM/8.6/21.06 relating to Rodney Reserve, Dover Heights? I note that CM/7.8/21.07 quarantines monies from a voluntary planning agreement for a period of 18 months for the Rodney Reserve CSIRO Astronomical and Viewing Platform Project. Given this resolution was passed in July 2021, what steps have been taken to progress this and how has the money been spent?

General Manager's answer

Council officers have commenced the Coastal Reserve Plan of Management, which includes Rodney Reserve and the CSIRO Radio Astronomy Facility.

Rodney Reserve is Crown Land (Reserve No 100259) and Council is the gazetted Crown Land Manager. As such, any developments on Crown Land must be in accordance with a Plan of Management (PoM) adopted by the Minister for Land and Water.

A viewing platform at Rodney Reserve would be considered a substantial development on Crown Land and needs to be supported by an adopted PoM that has been tested with the community. Similar to the Clifftop Walkway, a platform of this nature would also be subject to a development application process requiring land owner's consent—in this case Crown Lands—to lodge with Council. Crown Lands will not provide consent until an adopted PoM is in place.

As such, the idea of a viewing platform needs to be investigated for its feasibility in this highly unstable cliff top edge, which has recently experienced several land slips, before being tested with the broader community to gauge support for the project as part of the PoM process.

In developing the PoM, Council officers are seeking to engage suitably qualified and experienced heritage consultants to identify all heritage within the coastal reserves so their management and conservation can be included in the future PoM. Part of the scope of works for the heritage consultant is to investigate further the CSIRO Radio Astronomy Facility and provide recommendations for its conservation, interpretation and eligibility to meet the criteria for nomination as a state significant heritage item as well as preparing material to support such an application should it be deemed worthy.

The PoM process will take into account both Council resolutions and will take approximately 18 months to complete. Nomination of CSIRO Radio Astronomy Facility for the State Heritage listing may be expedited pending the findings and recommendations of the Heritage Consultant.

The voluntary planning agreement (VPA) covering DA-452/2018/B (657 Old South Head Road, Vaucluse) has been approved by Council but is still awaiting execution and payment by the applicant, who may or may not choose to proceed with the VPA. Council cannot allocate VPA contributions to a capital works project, in accordance with the executed public purpose, until such funds are received.

Sharon Cassidy
Director, Assets and Operations

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/22.12 **Closed Session**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Goltsman

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/11.1/22.12 CONFIDENTIAL REPORT - Clifftop Walkway Upgrade - Update

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.4/22.12 CONFIDENTIAL REPORT - General Manager's Annual Performance Review

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*.

At 8.35 pm, Council moved into closed session.

CM/11.1/22.12 CONFIDENTIAL REPORT - Clifftop Walkway Upgrade - Update (A20/0387)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Gray

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 Option 2 (galvanised steel), as set out in the report, as the material to be used in the Clifftop Walkway Upgrade.
3. Allocates \$2,323,539.30 to financial year 2023–24 to fund the construction of the project.
4. Applies for grants as they become available to supplement Council’s funding of the project.
5. Notes the closure of Diamond Bay boardwalk will continue until the new upgrade works are completed, in accordance with structural engineering advice.

CM/11.2/22.12 CONFIDENTIAL REPORT - Oxford Street Mall - Shade Structures - 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 MakMax Australia to supply and replace the sails on the large shade structures along Oxford Street Mall, Bondi Junction.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

**CM/11.3/22.12 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges - 2023
(A02/0162)**

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)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for commercial waste services as set out in Table 2 of the report for the period 1 January 2023 to 30 June 2023.

**CM/11.4/22.12 CONFIDENTIAL MAYORAL MINUTE - General Manager's Annual Performance
Review (P01/054)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Treats the mayoral minute 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 mayoral minute contains personnel matters concerning particular individuals (other than Councillors).
2. Notes the report of the General Manager Performance Review Committee for the review period ending 30 June 2022.
3. Notes that in the unanimous opinion of the Review Committee, the General Manager, Emily Scott, is performing at a very high level, and in recognition of that performance increases the General Manager's total remuneration package in accordance with clause 8.3 of her contract of employment by 2.5% as from the date of this Council resolution.
4. For the 2022–23 Performance Review period, includes the major projects and issues outlined in the report in the General Manager's performance agreement.

12. Resuming in Open Session**CM/12/22.12 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council resumes in open session.

At 8.54 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 8.57 PM.

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SIGNED AND CONFIRMED
MAYOR
21 FEBRUARY 2023