



W A V E R L E Y
C O U N C I L

FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING

A meeting of the FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 2 MAY 2023

A handwritten signature in black ink, appearing to read 'Emily Scott'.

Emily Scott
General Manager

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

Delegations of the Finance, Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Finance, Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

Live Streaming of Meeting

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the 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 Chair will 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

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

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5. Reports

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6. Urgent Business

7. Meeting Closure

**CONFIRMATION OF MINUTES
FC/4.1/23.05**

Subject: Confirmation of Minutes - Finance, Operations and
Community Services Committee Meeting - 4 April 2023

TRIM No: SF23/17

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Finance, Operations and Community Services Committee meeting held on 4 April 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

1. Finance, Operations and Community Services Committee Meeting Minutes - 4 April 2023



**MINUTES OF THE FINANCE, OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 4 APRIL 2023**

Present:

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

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 7.00 pm, those present were as listed above.

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

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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.

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

Apologies were received from Cr Sally Betts and Cr Dominic Wy Kanak.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Nemesh declared a less than significant non-pecuniary interest in item FC/5.1/23.04 – Multicultural Advisory Committee – Membership and informed the meeting that he knows some of the nominees for the Committee.

3. Addresses by Members of the Public

- 3.1 C Vaughan – FC/5.4/23.04 – Skatepark Facilities.

4. Confirmation of Minutes

FC/4.1/23.04 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 7 March 2023 (SF23/17)

MOTION / UNANIMOUS DECISION

Mover: Cr Murray
Seconder: Cr Keenan

That the minutes of the Finance, Operations and Community Services Committee meeting held on 7 March 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports**FC/5.1/23.04 Multicultural Advisory Committee - Membership (A15/0509)**

Cr Nemesh declared a less than significant non-pecuniary interest in this item and informed the meeting that he knows some of the nominees for the Committee.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council appoints the following individuals to the Multicultural Advisory Committee for a term of two years from May 2023 to May 2025:

1. Community representatives/residents:
 - (a) Emily Bogue.
 - (b) Raphael Crowe.
 - (c) S Marie Denizard.
 - (d) Linda Deutsch.
 - (e) Rozy Dorias.
 - (f) Robert Farotto.
 - (g) Anna Friedman.
 - (h) Marcia Monje.
2. Subject matter experts/service representatives:
 - (a) Baris Atayman.
 - (b) Valentina Bau.
 - (c) Lana Kofman.
 - (d) Margaret Teed.

FC/5.2/23.04 Sydney Water Customer Reference Group - Councillor Representatives (A23/0196)**MOTION**

Mover: Cr Murray

Seconder: Cr Fabiano

That Council nominates Crs Murray, Fabiano and Lewis as its representatives on the Sydney Water Customer Reference Group.

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

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

UNANIMOUS DECISION

That Council nominates Crs Murray, Fabiano and Goltsman as its representatives on the Sydney Water Customer Reference Group.

FC/5.3/23.04 Pauline Menczer - World Surfing Champion - Recognition and Statue (A20/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council notes the potential locations, materials, funding sources and time frames for a statue commemoration of Pauline Menczer, as set out in the report.

FC/5.4/23.04 Skatepark Facilities (A02/0434)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray

Seconder: Cr Fabiano

That Council:

1. Notes that scoping and master planning work has commenced on the upgrade of Bondi Skatepark.
2. Notes that there is currently no funding allocated for the upgrade of Bondi Skatepark in the Long Term Financial Plan.
3. Officers continue to apply for grants for the upgrade of Bondi Skatepark.
4. Following the future upgrade of Bondi Skatepark, investigates potential greyfield sites for a skatepark in the Waverley local government area, in accordance with the Open Space and Recreation Study.

C Vaughan addressed the meeting.

FC/5.5/23.04 Charing Cross Streetscape Upgrade - Project Update (A18/0541)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Approves the Charing Cross Streetscape Upgrade design intent, as set out in the report, to inform the detailed design with respect to the following components:
 - (a) Selection of appropriate tree species for heritage and non-heritage building façades.
 - (b) Street tree and furniture locations with consideration given to the Posted Awnings Strategy.

- (c) Material interpretations and treatments to acknowledge original kerb alignment within the widened footpath.
 - (d) Material detailing for lighting, hanging baskets and street furniture.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should design constraints and on-site circumstances warrant changes.
3. Notes that:
- (a) The Charing Cross Precinct Committee has been consulted in recent months, and its feedback has been considered for the development of the final detailed design.
 - (b) The detailed design will progress to final completion, and Council officers will proceed to advertising a tender for the project to undertake the construction works.
 - (c) The Review of Environmental Factors will be publicly advertised as legislatively required and then the General Manager will make a decision on the project proceeding.

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 7.34 PM.

.....
SIGNED AND CONFIRMED
CHAIR
2 MAY 2023

REPORT
FC/5.1/23.05

Subject: Petition - St Catherine's School, Waverley - Kiss and Ride Parking Reduction

TRIM No: A05/0908

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services
Richard Coelho, Executive Manager, Governance

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Refers the petition requesting a reduction in 'kiss and ride' parking in Macpherson Street, Waverley, to the St Catherine's Development Community Consultative Committee (CCC) for consideration at the next CCC meeting.
2. Notes that:
 - (a) The CCC is a requirement of the State Significant Development of St Catherine's School, which is required to run the Committee for two years from the date of the occupation certificate (30 March 2022).
 - (b) Council will resume responsibility for the 'kiss and ride' parking zone from April 2024, at which time a report with options for improvements to the operation of the zone will be prepared for the Waverley Traffic Committee if required.

1. Executive Summary

Council has received a petition containing 28 signatures of residents of Macpherson Street, Leichardt Street, Albion Street and Carrington Road requesting a reduction in 'kiss and ride' parking in front of St Catherine's School in Macpherson Street, Waverley.

2. Introduction/Background

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, businesses or in some other capacity. Petitions must concern matters that Council is authorised to determine.

The development at St Catherine's School is a State Significant Development (SSD). As a condition of consent, the school is required to run a Community Consultative Committee (CCC). The petition will need to be referred to the CCC because the 'kiss and ride' zone was approved through the SSD process and there is an Operational Traffic Management Plan in place.

3. Relevant Council Resolutions

Nil.

4. Discussion

The petition states:

We, the undersigned, petition the Mayor and Councillors of Waverley to reduce the amount of restricted 'Kiss n' Go' school drop off parking at St Catherine's School on Macpherson Street in Waverley. The amount of this parking has increased, leaving residents and rate payers in a high density area without adequate unrestricted parking.

The petition complies with Council's Petitions Policy.

St Catherine's School has a 'kiss and ride' zone, which was approved through the State Significant Development (SSD) process. The SSD determination stipulates requirements that must be met as part of the operations of the site. One such stipulation is:

A7. The applicant must establish and operate a Community Consultative Committee (CCC) during construction and operation of the project in accordance with the Draft Consultative Committee Guidelines State Significant Projects (Department of Planning and Environment, 2016, or its latest version), unless otherwise approved by the Secretary. This CCC must:

- a) be operating prior to the issue of any Construction Certificate;*
- b) meet at least quarterly, and for a period of at least two years post the commencement of operation, or as otherwise approved by the Secretary; and*
- c) review:*
 - i) traffic and parking impacts, independent audit reports; and*
 - ii) the implementation and effectiveness of the Operational Transport Management Plan including the results of the monitoring conducted under the plan.*

Given these requirements, the petition will need to be referred to the CCC for consideration at its next meeting.

If approved by Council, officers will refer the petition to the school and request an invitation for the Executive Manager, Infrastructure Services, to attend the meeting. Residents are also encouraged to make representations to the CCC members.

Officers will continue to monitor the operation of the 'kiss and ride' zone for the duration of the two-year operational period. If Council and the community deem it appropriate at the expiration date, changes can be made through the normal Waverley Traffic Committee process.

The Operational Traffic Management Plan and the agendas and minutes of the CCC are available on the St Catherine's School website. <https://www.stcatherines.nsw.edu.au/community/community-consultation/>

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in receiving the petition.

6. Conclusion

It is recommended that Council refers the petition the St Catherine's Development Community Consultative Committee for it to be considered at the next meeting of that Committee.

7. Attachments

Nil

REPORT

FC/5.2/23.05



Subject: Arts and Culture Advisory Committee Meeting - Minutes - 24 November 2022

TRIM No: A23/0237

Manager: Tanya Goldberg, Executive Manager, Arts, Culture and Events

Director: Ben Thompson, Director, Community, Culture and Customer Experience

RECOMMENDATION:

That Council notes the minutes of the Arts and Culture Advisory Committee meeting held on 24 November 2022 attached to the report.

1. Executive Summary

Council's Arts and Culture Advisory Committee (ACAC) has been active since January 2021, providing input and advice on a range of issues relating to arts and culture activities in Waverley. The Terms of Reference were last updated in March 2021. The Committee's inaugural members were recruited to join the ACAC in late 2020 and their tenure was extended by Council on 6 September 2022.

Attached to this report are the minutes of the Arts and Culture Advisory Committee meeting held 24 November 2022.

2. Introduction/Background

The Arts and Culture Advisory Committee was formed in September 2020 as the Cultural Advisory Committee. On 8 December 2020, Council endorsed its inaugural members, their two-year term commencing in January 2021 and concluding in January 2023.

Due to disruptions to in-person meetings and to arts and culture program activity during the COVID-19 pandemic and ensuing lockdowns, on 6 September 2022 Council determined to offer Arts and Culture Advisory Committee members the opportunity to extend their membership term by an additional 12 months, so that expectations upon commencing their committee engagement would have time to be met. Current members, listed in these minutes, are serving until January 2024.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 6 September 2022	FC/5.4/22.09	That Council extends the term of the community members of the Arts and Culture Advisory Committee for 12 months until 31 January 2024.
Council 20 April 2021	CM/7.5/21.04	That Council: <ol style="list-style-type: none"> Adopts the Arts and Culture Plan 2021–2026 attached to the report.

		2. Changes the name of the Cultural Advisory Committee to the Arts and Culture Advisory Committee, to match the proposed name of the redrafted Plan.
Council 8 December 2020	CM/7.4/20.12	That Council appoints the following individuals to the Cultural Advisory Committee for a term of two years, from 2021 to 2023: 1. Members: (a) Su Goldfish. (b) Mark Gould. (c) Jonathan Nolan. (d) Sophia Thalís. (e) Tessa Leong. (f) Morwenna Collett. (g) Sue Saxon. 2. Reserve members: (a) Chris Bendall. (b) Danella Bennett. (c) Michaela Boland. (d) Faith Wieland.

4. Discussion

The Arts and Culture Advisory Committee Terms of Reference states the Committee's objectives are to:

- *Support Waverley Council in the on-going delivery of its Arts and Culture Plan by providing input into Council's arts and culture processes and projects.*
- *Contribute to the development and enhancement of a strong, recognisable profile for arts, culture and innovation in Waverley that reflects the local identity, diversity, and values of Waverley.*
- *Support and contribute to Council's aspirations to establish Waverley as an international arts and culture destination.*
- *Provide input to consideration of Council's priorities for innovation, arts and cultural development within the Waverley area, within the parameters of Council's strategies and policies.*

- *Facilitate communication between community representatives, cultural organisations and Council in arts and cultural related disciplines, and assist in gathering input from the local creative community in future cultural planning opportunities.*
- *Contribute to the reviews of Council's arts and cultural strategies, policies, programs and services*
- *Provide input into the assessment of applications or proposals related to cultural residencies programs and related recommendations.*
- *Identify funding sources for culture in Waverley, including sponsorship and philanthropic opportunities for Council's consideration.*

Attached to this report are the minutes for the meetings of the ACAC held on the 24 November 2022.

5. Financial impact statement/Time frame/Consultation

The operations and administration of the ACAC requires the commitment of Councillor, volunteer and staff resources and any relevant costs are included in Council's operational budget.

The most recent meeting of the ACAC took place on 27 March 2023. The draft minutes will be confirmed by email and reported to the next available Council or Standing Committee meeting.

6. Conclusion

This report provides meeting minutes of the Arts and Culture Advisory Committee for noting held on 24 November 2022.

7. Attachments

1. ACAC - 24 November 2022 - Minutes [↓](#)



Title: Waverley Arts and Culture Advisory Committee Minutes		Date: Thursday 24 November 2022		Time: 6:45pm-8:00pm	
		Location: In person and zoom – Waverley Library Theory Room			
Participants: Cr Paula Masselos, Mark Gould (MG) , Jonathan Nolan (JN), Sophia Thalys (ST), Michaela Boland (MB), Faith Wieland (FW), Su Goldfish (SG), Ben Thompson (BT), Tanya Goldberg (TG), Sue Saxon (SS)					
Online: Cr Tony Kay, Danella Bennett (DB)					
Apologies: Cr Elaine Keenan, Tim Williams					
Chair: Cr. Paula Masselos			Minutes: Joanna Dinning		
NO.	SUBJECT			MINUTES	
1.	Welcome, Introduction of new Committee members & Apologies			Meeting commenced at 6.45pm. Cr Paula Masselos welcomed, and delivered the Acknowledgment of Country Apologies: Tim Williams and Cr Elaine Keenan. PM welcomed new members Michaela Boland, Faith Wieland and Ben Thompson – roundtable introductions.	
2.	Confirmation of Minutes from meeting of 22 August 2022			Minutes formally accepted, no amendments required. Moved: JN. Seconded: ST. Carried unanimously.	
3.	Urban Planning, Policy & Design presentation on Bondi Junction place management and activation			Apology from Tim Williams who was unable to attend and present – this item will be carried over to 2023.	
4.	Arts & Culture updates			TG and SS were invited to give updates on Arts and Culture Local Creative Artists Survey: TG reported on the Survey – Aim is to engage, understand needs and preferences of artists and gain ideas on cultural programming. This first round survey was open Sept - November – with 44 submissions received. Closing date to be extended to 10 December with another push to increase volume of responses.	



			<p>TG's ppt presentation outlined statistics and information gleaned from the survey. Action: A copy of the survey presentation is to be distributed to the ACAC.</p> <p>Actions: PM asked TG to share more statistics from the survey, ie CALD representation</p> <p>Councillor Kay left the meeting at 7.16pm due to sound issues.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Survey date deadline to be extended until 10 December • Officers to share active link with Committee Members post-meeting. • Officers to define purpose and incentive for respondents ie to contact them directly re: EOI, and mentorships for example
5.	Bondi Pavilion		<p>SS reported:</p> <ul style="list-style-type: none"> • There are currently 20 regular groups at the Pavilion • A host of free summer activities are coming up across November to January 2023. A marketing and comms plan is in place to promote events to locals. Activities included Tai Chi, Summer films, music, Glee Club pop up choirs, face painting. • <i>The New Normal</i> exhibition by the Waverley studio artists is currently on show in the gallery • Live music in the courtyards from November to Jan 2023 • Popular Local History Tours are no offer. • Flickerfest is coming back to the Pavilion Theatre and Garu Courtyard from 20-29 January • The <i>Liquid Mountains</i> exhibition opens in the gallery with a suite of public programs on 10 December. <p>All these events are on the Bondi Pavilion website. Artistic Director is currently being recruited.</p> <p>Action: Officers to investigate back end of HR website – reported that a job applicant did not receive an acknowledgement.</p>



6.	General business			<p>General Discussion:</p> <ul style="list-style-type: none"> • MB: On the Pavilion booking system: MB attempted to book a school formal and was unable to contact anyone. Applied through the website but did not receive a response for a fortnight. • BT: will take that on notice, and thanked MB for information. • PM: Bondi Pavilion will now become a standing agenda item for the committee • Brief discussion on Sydney World Pride and Waverley Council's participation
7.	Next year's Meeting Dates			<p>6.30-8:00pm, Mondays:</p> <ul style="list-style-type: none"> • 27 March • 17 July 2023 • 11 September 2023 • 11 December 2023
				Meeting closed at 8:00pm

REPORT

FC/5.3/23.05



WAVERLEY
COUNCIL

Subject: Public Art Committee Meeting - Minutes - 6 March 2023

TRIM No: A20/0160

Manager: Tanya Goldberg, Executive Manager, Arts, Culture and Events

Director: Ben Thompson, Director, Community, Culture and Customer Experience

RECOMMENDATION:

That Council notes the minutes of the Public Art Committee meeting held on 6 March 2023 attached to the report.

1. Executive Summary

The purpose of this report is to note the minutes of the Public Art Committee (PAC) meeting held on 6 March 2023.

2. Introduction/Background

Council established the Public Art Committee in 1992. In December 2017, Council endorsed the current Terms of Reference for the Committee.

As per the Terms of Reference, the Public Art Committee aims to:

- Foster the ongoing development of quality, diverse and creative public art and visual art so as to enhance public access and experience of the arts
- Select and develop public artworks that serve as important markers reflective of our heritage and cultural identity.
- Involve the community through information and promoting public art programs.

Members of the Public Art Committee listed in these sets of minutes were appointed by Council in 2020.

In September 2022, the term of the Committee was extended by 12 months due to delays in projects incurred as a result of the COVID-19 pandemic.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 6 September 2022	FC/5.5/22.09	That Council extend the term of the community members of the Public Art Committee for 12 months until 30 September 2023.
Council 18 February 2020	CM/7.5/20.02	That Council appoints the following resident members to the Waverley Public Art Committee for a term of two years:

		<ol style="list-style-type: none">1. Steven Thomson2. Max Lyandvert3. Jerome Harris4. Jennifer Cook5. Alexander Georgouras6. Kimberly Crofts7. Rohan Hawthorn8. Liane Rossler
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4. Discussion

The minutes have been confirmed by Committee members via email. Feedback was received from one Committee member that they did not agree that individual votes were recorded for the North Bondi Children's Pool Artwork agenda item. However, this has been recorded in this instance as the chair specifically requested that Committee members vote individually on the matter.

5. Financial impact statement/Time frame/Consultation

The operations and administration of the Public Art Committee requires the commitment of Councillor, volunteer and staff resources and any relevant costs are included in Council's operational budget.

6. Conclusion

The minutes of the Public Art Committee meeting held 6 March 2023 are attached to this report.

7. Attachments

1. PAC - 6 March 2023 - Minutes [↓](#)



Title: Waverley Public Art Committee		Date: 6 March 2023		Time: 7:00pm-8:30pm	
Location: Zoom					
Participants:					
Kimberley Croft, Alexander Georgouras, Rohan Hawthorn, Steven Thomson, Liane Rossler, Cr. Paula Masselos, Cr. Angela Burrill.					
Council Staff: Ben Thompson, Tanya Goldberg, Alice Farley, Elizabeth Reidy, Todd Fuller,					
Apologies: Jennifer Cook, Jerome Harris, Max Lyandvert, Cr Elaine Keenan					
Chair: Cr. Paula Masselos			Minute Taker: Todd Fuller		
No	Subject	Type	Discussion	Responsibility	
1.	Welcome, Introductions & Apologies	For information	Cr. Paula Masselos acknowledges the Gadigal, Birrabirrigal and Bidjigal people, extends her acknowledgement to the land on which committee members are streaming from. Apologies received from Jennifer Cook.	Chair/All	
2.	Confirmation of Minutes from meeting held 31 October 2022	For information	The minutes arising from 31/10/22 are deemed to be true and accurate by Paula Masselos and seconded by Liane Rossler, motion carried unanimously.	Chair/All	
3.	The Boot Factory – temporary public artwork - Update on project - Program timeframe	For Information and questions	Deferred to next committee meeting.	TG	
4.	Bondi Pavilion Indigenous Public Art Project - Update on project - Program timeframe	For information and questions	Elizabeth Reidy presents an overview on the Bondi Pavilion Public Artwork.	ER	

REPORT
FC/5.4/23.05

Subject: Bondi Beach Mobile Vendor Licences - Exhibition

TRIM No: SF22/4119

Manager: Andrew Best, Executive Manager, Property and Facilities

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for 28 days the proposal to grant four licences of up to five years to mobile vendors at Bondi Beach for the provision of beach-related services.
2. Officers prepare a report to Council following the exhibition period should any submissions be received.
3. Subject to no submissions being received, approves in principle the granting of the licences.
4. Notes that a tender process will be undertaken to seek licensees, with a report to be prepared to Council to grant the licences to the preferred tenderers.

1. Executive Summary

Council has approved the award of mobile vendor licences at Bondi Beach for many years. The licences are for the provision of beach-related services and refreshments to locals and visitors.

Section 47A of the *Local Government Act 1993* (the Act) requires that if a council proposes to grant a license in respect of community land for a period of up to five years it must publicly notify and exhibit the proposal for a period of no less than 28 days.

This report seeks Council approval to publicly exhibit the intent to award four mobile vendor licences at specific locations at Bondi Beach, for a term of three-years, plus two one-year options (maximum of five years).

Should submissions be received through the exhibition period a report will be brought back to Council to deal with the submissions. Should no submissions be received, officers will undertake a tender process, with a report to be brought back to Council seeking endorsement to award the licences to the preferred tenderers.

2. Introduction/Background

Bondi Park, Beach and Pavilion Plan of Management authorises mobile vendors licences for goods and services ancillary to public recreation.

Council permits four licences to provide beach services and refreshments to beach users. The purpose of the licences is to provide supplementary beach refreshments and beach equipment hire to visitors and not directly replicate or be detrimental to existing operators in the Bondi Pavilion and Bondi Park area.

The current licences were awarded in late 2017 following a tender process conducted in mid-2017 for a term of three-year licence plus two one-year options (maximum of five years). Licences were previously awarded via tender in 2010.

The licences would normally have gone to tender in late 2022. However, due to the impacts of COVID-19, a one-year extension was granted to the existing operators.

Of the four licences approved in 2017, only the three providing beach refreshments are still trading. The other licensee that provided beach equipment services including locker hire, beach chairs and umbrellas ceased trading in late 2022 due to the impact of COVID-19 restrictions on the viability of the business.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations and Community Services Committee 7 November 2017	OC/5.6/17.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the Local Government Act 1993 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. 2. Enters into a contract under clause 178 of the <i>Local Government (General) Regulation 2005</i> with Dorajar Pty Ltd for the Bondi Beach Mobile Beach Equipment Hire Services on the terms and conditions contained in this report. 3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the <i>Local Government (General) Regulation 2005</i>.
Council 8 August 2017	CM/7.6/17.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 10A(2)(c) of the <i>Local Government Act 1993</i>. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 2. Enters into mobile vendor licences with the following individuals and/or companies in accordance with the terms and conditions detailed in this report and their tender proposals: <ol style="list-style-type: none"> (a) Messina Events Pty Ltd. (b) David Pearson (trading as Tropical Snow). (c) Polar Cones Pty Ltd.

		<ol style="list-style-type: none"> 3. Authorises the Mayor and the General Manager to execute all necessary documents to complete the matter. 4. In accordance with clause 179 of the Local Government (General) Regulation 2005, notifies unsuccessful tenderers of the decision.
Council 17 November 2009	0911.16.2	<p>That:</p> <ol style="list-style-type: none"> 1. The report be treated as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2) of the <i>Local Government Act 1993</i>. 2. Authority be granted for the General Manager in conjunction with the Mayor to enter into agreements on behalf of Council with four businesses to provide Mobile Refreshment and/or Beach Related Services, namely Serious Sausage, David Pearson Snow Cones, Polar Cones T/A Dairy King and Peter Taylor T/A Dorajar Pty Ltd. 3. The unsuccessful applicants be notified of the result.

4. Discussion

Section 47A of the *Local Government Act 1993* (the Act) requires that if a council proposes to grant a lease or license in respect of community land for a period of up to five years it must publicly notify and exhibit the proposal for a period of no less than 28 days. Should any submissions be received through the notice period, a report will be brought back to Council to deal with the responses in accordance with section 47(4) of the Act.

The Act requires that information in relation to the land intended to be licensed, the term of the lease and the use of the premises be provided in the public notice.

The details of the licences are as follows:

- Land – The areas identified in Attachment 1.
- Term – Three years plus two one-year options.
- Use – The provision of beach-related services and refreshments.

A tender process to appoint the future licensees will commence in the coming weeks with a report to be brought back to Council on the outcome, seeking endorsement of the license awards.

The tender will seek to procure licensees to deliver services consistent with those being delivered for many years at Bondi Beach. These include the provision of beach related refreshments—such as ice-cream, shaved ice, gelato, soft drinks—as well as beach equipment hire service to provide beach chairs, umbrellas, lockers for hire by visitors to the beach and the sale of sunscreen.

5. Financial impact statement/Time frame/Consultation

There is no financial impact from publicly exhibiting the intent to award four mobile vendor licences at Bondi Beach. Should there be no submissions through the exhibition period, then officers will commence a

tender process with a report to be presented to Council to endorse the award of licences to the preferred tenderers.

6. Conclusion

It is recommended that Council publicly exhibits the intent to grant the four mobile vendor licences at specific locations at Bondi Beach. The notice period will be for no less than 28 days in accordance with section 47A of the *Local Government Act 1993*.

7. Attachments

1. Licence locations [↓](#)

