



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 12 SEPTEMBER 2023**

Present:

Councillor Paula Masselos (newly elected Mayor) (Chair)	Lawson Ward
Councillor Ludovico Fabiano (newly elected Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan (outgoing Deputy Mayor)	Lawson 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 Burrill, Goltsman and Wy Kanak attended the meeting by audio-visual link.

Cr Masselos, the outgoing Mayor, chaired the meeting up to and including item CM/7.1/23.09 and relinquished the chair to the Returning Officer to conduct the mayoral and deputy mayoral elections.

Cr Masselos, the newly elected Mayor, assumed the chair following the election of the Mayor and Deputy Mayor.

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 the following were received:

- 2.1 Cr Kay declared a significant non-pecuniary interest in item CM/5.2/23.09 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 August 2023 – TC/V.01/23.08 – 12 Penkivil Street, Bondi – ‘P Motor Bikes Only’ Parking Zone and informed the meeting that his mother-in-law owns a nearby property, and that he will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Burrill declared a pecuniary interest in item CM/7.12/23.09 – Motion for the 2023 LGNSW Conference – Short-Term Rental Accommodation and the Rental Housing Market and informed the meeting that she has a current Airbnb listing and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Lewis declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.4 Cr Gray declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that she is a dog owner.
- 2.5 Cr Goltsman declared a less than significant non-pecuniary interest in Item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.6 Cr Fabiano declared a less than significant non-pecuniary interest in item CM/8.1/23.09 – Dog Control Enforcement – Bondi Beach and informed the meeting that he is a dog owner.
- 2.7 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/8.5/23.09 – 53 Francis Street, Bondi Beach – Building Information Certificate and informed the meeting that he has been in discussions with the neighbours of the site regarding the complying development certificate and building information certificate.
- 2.8 Cr Burrill declared a less than significant non-pecuniary interest in item CM/11.1/23.09 – CONFIDENTIAL REPORT – Wairoa Baby Health Clinic, North Bondi – Community Tenancy Lease and

informed the meeting that she is a committee member of Bondi Beach Playgroups, which is in the same building.

3. Obituaries

Antony Ennis
Jeremy Jones

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/5.1/23.09 Confirmation of Minutes – Council Meeting – 15 August 2023.
- CM/7.5/23.09 Audit, Risk and Improvement Committee Meeting – Minutes – 8 June 2023.
- CM/7.6/23.09 Arts and Culture Advisory Committee Meetings – Minutes – 27 March 2023 and 17 July 2023.
- CM/7.7/23.09 Public Art Committee Meeting – Minutes – 10 August 2023.
- CM/7.8/23.09 Motion for the 2023 LGNSW Conference – Cost-Shifting.
- CM/7.9/23.09 Motion for the 2023 LGNSW Conference – Local Government's Contribution to Arts and Culture.
- CM/7.10/23.09 Motion for the 2023 LGNSW Conference – Early Education and Care.
- CM/7.14/23.09 Motion for the 2023 LGNSW Conference – Private Certification.
- CM/7.16/23.09 Motion for the 2023 LGNSW Conference – Tourism Impacts.
- CM/7.17/23.09 Motion for the 2023 LGNSW Conference – Hostile Vehicle Mitigation.
- CM/8.2/23.09 Parking Permits – Adult Education Centres and Local Businesses.
- CM/8.3/23.09 Repair Cafe – Repair Skill-Sharing and Upcycling.

- CM/8.5/23.09 53 Francis Street, Bondi Beach – Building Information Certificate.
- CM/11.2/23.09 CONFIDENTIAL REPORT – Oxford Street Mall – Small Umbrellas – Procurement Exemption.

5. Confirmation and Adoption of Minutes

CM/5.1/23.09 Confirmation of Minutes - Council Meeting - 15 August 2023 (SF23/16)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 15 August 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 August 2023 (SF23/19)

Cr Kay declared a significant non-pecuniary interest in this item and informed the meeting that his mother-in-law owns a nearby property. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 August 2023 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/23.09 Election of Mayor and Deputy Mayor by Councillors (SF23/196)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that the term of office of the Mayor elected at this meeting is up to and including 13 September 2024.
2. Agrees to elect a Deputy Mayor to hold office up to and including 13 September 2024.

3. Notes the procedure for the election of Mayor and Deputy Mayor by Councillors outlined in the report.
4. Determines the method of voting for the election of Mayor and Deputy Mayor to be the open voting method.

Election of Mayor

The election of the Mayor was conducted by the Returning Officer as follows:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Kay and Cr Masselos.

The election of Mayor proceeded by means of open voting and the following votes were recorded:

Cr Kay

5 votes – Crs Betts, Burrill, Goltsman, Kay and Nemes.

Cr Masselos

7 votes – Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Cr Masselos was declared elected as Mayor of Waverley Council up to and including 13 September 2024.

Election of Deputy Mayor

The election of the Deputy Mayor was conducted by the Returning Officer as follows:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Fabiano and Cr Nemes.

The election of Deputy Mayor proceeded by means of open voting and the following votes were recorded:

Cr Nemes

5 votes - Crs Betts, Burrill, Goltsman, Kay and Nemes.

Cr Fabiano

7 votes - Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.

Cr Fabiano was declared elected as Deputy Mayor of Waverley Council up to and including 13 September 2024.

CM/7.2/23.09 Appointment of Councillors to Committees (SF23/196)**MOTION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report.
2. Appoints Councillors to the committees listed in section 4 of the report, as amended, up to and including 13 September 2024.
3. Appoints delegates to the organisations listed in section 4 of the report, as amended, up to and including 13 September 2024.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2 AND 3 AND TO THE MEMBERSHIP OF THE MULTICULTURAL ADVISORY COMMITTEE.

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

UNANIMOUS DECISION

That Council:

1. Disestablishes the Surf Life Saving Club Committee for the reasons set out in the report.
2. Appoints Councillors to the committees listed below up to and including 13 September 2024.
3. Appoints delegates to the organisations listed below up to and including 13 September 2024.

COUNCIL COMMITTEES

Committee name: **Finance, Operations and Community Services Committee**

No. of Councillors to be appointed: All Councillors are members of this committee.

Chair of Committee: The Mayor unless s/he declines in which case Council will appoint the Chair.

Membership: Crs Wy Kanak (Chair), Murray (Deputy Chair) and all other Councillors.

Committee name: **Strategic Planning and Development Committee**

No. of Councillors to be appointed: All Councillors are members of this committee.

Chair of Committee: The Mayor unless s/he declines in which case Council will appoint the Chair.

Membership: Crs Lewis (Chair), Fabiano (Deputy Chair) and all other Councillors.

TECHNICAL COMMITTEES

Committee name:	<u>Traffic Committee</u>
No. of Councillors to be appointed:	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
Chair of Committee:	The Chair of the Committee is Council's voting representative.
Membership:	Cr Masselos (Chair), Crs Kay and Fabiano (Deputy Chairs).

ADVISORY COMMITTEES

Committee name:	<u>Access and Inclusion Advisory Panel</u>
No. of Councillors to be appointed:	Mayor and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Keenan (Chair), Gray (Deputy Chair), Fabiano and Kay.

Committee name:	<u>Arts, Culture and Creativity Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor and up to two councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and Kay.

Committee name:	<u>Audit, Risk and Improvement Committee</u>
No. of Councillors to be appointed:	One and an alternate. The Mayor cannot be a member of this Committee.
Chair of Committee:	An Independent Member (non-Councillor).
Membership:	Cr Wy Kanak, alternates: Crs Murray and Betts.

Committee name:	<u>Cycling Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and two Councillors.

Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Most recent membership:	Crs Lewis (Chair), Keenan (Deputy Chair) and Goltsman.
Committee name:	<u>Sustainability Expert Advisory Panel</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and three Councillors.
Chair of Committee:	A Councillor appointed by Council.
Membership:	Crs Keenan (Chair), Masselos (Deputy Chair), Fabiano and Nemesh.
Committee name:	<u>Housing Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor (or the Mayor's nominee) and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and Betts.
Committee name:	<u>Multicultural Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor (or the Mayor's nominee) and up to three Councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair) and Fabiano (Deputy Chair) and Goltsman.
Committee name:	<u>Reconciliation Action Plan Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair), Wy Kanak (Deputy Chair) and Gray.

**APPOINTMENT OF COUNCILLORS AS DELEGATES
TO ORGANISATIONS**

Name:	<u>NSW Public Libraries Association</u>
No. of Councillors to be appointed:	One.

Membership:	Cr Lewis.
Name:	<u>Southern Sydney Regional Organisation of Councils – Board</u>
No. of Councillors to be appointed:	A maximum of two delegates and two alternates (one delegate to be the Mayor).
Membership:	Crs Masselos (Mayor) and Fabiano (Deputy Mayor), alternates: Crs Keenan and Murray.
Name:	<u>Southern Sydney Regional Organisation of Councils – Program Delivery Committee</u>
Description:	Deals with asset management, public works, procurement, waste management and SSROC financial reports.
No. of Councillors to be appointed:	One.
Membership:	Cr Masselos (Mayor), alternate: Cr Wy Kanak.
Name:	<u>Southern Sydney Regional Organisation of Councils – Sustainability Program Committee</u>
Description:	Deals with regional planning, environmental management, transport planning and management, and community development.
No. of Councillors to be appointed:	One.
Membership:	Cr Fabiano, alternate: Cr Murray.
Name:	<u>Sydney Coastal Council Group – Delegate</u>
No. of Councillors to be appointed:	One Councillor (no alternate).
Membership:	Cr Wy Kanak.
Name:	<u>Sydney Coastal Council Group – Executive Committee</u>
No. of Councillors to be appointed:	One Councillor (no alternate and must not be the delegate).
Membership:	Cr Masselos.

CM/7.3/23.09 Floodplain Management Committee (A23/0567)**MOTION**

Mover: Cr Lewis
Seconder: Cr Keenan

That Council:

1. Reinstates the Floodplain Management Committee.
2. Adopts the Terms of Reference for the Floodplain Management Committee attached to the report.
3. Appoints the Mayor and Crs Fabiano and Kay to the Committee up to and including 13 September 2024.
4. Calls for expressions of interest for up to four community representatives to be appointed to the Committee for a two-year term.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Reinstates the Floodplain Management Committee.
2. Adopts the Terms of Reference for the Floodplain Management Committee attached to the report, subject to the following amendments:
 - (a) Page 48 of the agenda, section 4, 'Principles', clause 4.5 – Amend to read as follows: 'The Committee and its members will continuously identify opportunities for the improvement of the operation of the Committee and may, as a result, recommend an update to these Terms of Reference.'
 - (b) Page 49 of the agenda, section 5, 'Decision-making' – Add the following: 'The minutes of the Committee are to be circulated to the Committee within 10 business days of the meeting and then submitted to Council for noting.'
 - (c) Page 50 of the agenda, section 11, 'Membership' – Amend the number of Council staff from six to four.
 - (d) Minor grammatical corrections, which can be undertaken as an administrative update.
3. Notes that the Floodplain Management Committee Constitution was adopted by Council in August 2018.
4. Notes that the fourth dot point on page 46 of the agenda has been included in error, as the nomination of the Chair is covered by the Constitution for the Committee and there is therefore no proposed update to the Terms of Reference.
5. Appoints the Mayor and Crs Fabiano and Kay to the Committee up to and including 13 September 2024.

6. Calls for expressions of interest for up to four community representatives to be appointed to the Committee for a two-year term.

CM/7.4/23.09 Draft Financial Statements 2022-23 (A23/0026)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council, in relation to the financial statements required by section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2023 attached to the report:
 - (a) Have been properly drawn up in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) To the best of the Council's knowledge and belief, present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign:
 - (a) The Statement by Councillors and management for the General Purpose Financial Statements and Special Purpose Financial Statements on page 6 of the Annual Financial Statements attached to the report.
 - (b) The Statement by Councillors and management for the Special Purpose Financial Statements on page 3 of the Special Purpose Financial Statements attached to the report.
 - (c) The financial statements attached to the report.
4. Council sends the signed financial statements to Council's auditor for final clearance.
5. Council forwards a copy of the audited financial statements to the Office of Local Government.
6. Council gives public notice of the audited financial statements and presents them at a Council meeting, in accordance with sections 418 and 419 of the *Local Government Act 1993*.

**CM/7.5/23.09 Audit, Risk and Improvement Committee Meeting - Minutes - 8 June 2023
(SF23/1014)**

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 June 2023 attached to the report.

**CM/7.6/23.09 Arts and Culture Advisory Committee Meetings - Minutes - 27 March 2023 and 17
July 2023 (A23/0237)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Arts and Culture Advisory Committee meetings held on 27 March 2023 and 17 July 2023 attached to the report.

CM/7.7/23.09 Public Art Committee Meeting - Minutes - 10 August 2023 (A20/0106)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council notes the minutes of the Public Art Committee meeting held on 10 August 2023 attached to the report.

CM/7.8/23.09 Motion for the 2023 LGNSW Conference - Cost-Shifting (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW increases its advocacy to oppose any cost-shifting that impacts member councils, including returning 100% of income from the waste levy to all NSW councils and reimbursing councils for the mandatory pensioner rate rebates.

**CM/7.9/23.09 Motion for the 2023 LGNSW Conference - Local Government's Contribution to
Arts and Culture (A13/0314)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with State and Federal government decision-makers, including at the newly established federal Creative Australia agency, Create NSW and Destination NSW, to support urgently needed recognition and support of the significant contribution made by local government to the arts and culture sector.

CM/7.10/23.09 Motion for the 2023 LGNSW Conference - Early Education and Care (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Establishes a taskforce to work collaboratively with the State and Federal governments on urgently needed sector reforms following this year's early childhood education and care services inquiries by the Australian Competition and Consumer Commission, the Independent Pricing and Regulatory Tribunal and Deloitte.
2. Advocates to the NSW Government to set up a dedicated local government funding stream in recognition of councils' significant role and status in the early education and care sector.

CM/7.11/23.09 Motion for the 2023 LGNSW Conference - Unaffordable Rents and Rent Increases (A13/0314)

MOTION

Mover: Cr Gray
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and the lack of renters' rights through measures that ensure rents do not increase faster than inflation and that promote longer and more secure tenure.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That the motion be amended to read as follows:

'That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and

the lack of renters' rights through measures that promote longer and more secure tenure.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW steps up concerted advocacy efforts with decision-makers, government agencies, the newly established office of Rental Commissioner and the broader community to support urgently needed rental reforms, intervention and innovation across the housing system to effectively address escalating rents and the lack of renters' rights through measures that ensure rents do not increase faster than inflation and that promote longer and more secure tenure.

CM/7.12/23.09 Motion for the 2023 LGNSW Conference - Short-Term Rental Accommodation and the Rental Housing Market (A13/0314)

Cr Burrill declared a pecuniary interest in this item and informed the meeting that she has a current Airbnb listing. Cr Burrill was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That Council defers this item pending further information about the financial impact of short-term rental accommodation in the Waverley local government area.

CM/7.13/23.09 Motion for the 2023 LGNSW Conference - Rezoning Reviews and Local Strategic Planning Statements (A13/0314)

MOTION (WITHDRAWN)

Mover: Cr Lewis
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Notes the importance of the Local Strategic Planning Statements (LSPS) as councils' key strategic planning document setting the vision for its area.
2. Notes that there have been rezoning review decisions that have directly contravened councils' LSPS.
3. Advocates to the NSW Department of Planning and Environment to adopt changes that ensure that:
 - (a) When planning proposals are inconsistent with a council's adopted LSPS, then a planning proposal should not be allowed to proceed to a rezoning review.

- (b) A representative from the Greater Cities Commission is involved in any rezoning review decision to ensure the LSPS is being considered.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 3(a) SUCH THAT IT NOW READS AS FOLLOWS:

‘Should a council resolve not to support a planning proposal, the proposal should not be allowed to proceed to a rezoning review.’

THE MOVER OF THE MOTION THEN WITHDREW THE MOTION AND MOVED THE FOLLOWING MOTION, WHICH WAS PUT AND DECLARED CARRIED UNANIMOUSLY:

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Betts

That Council defers this item for further consideration and officers prepare a report to Council.

CM/7.14/23.09 Motion for the 2023 LGNSW Conference - Private Certification (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

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

1. Compliance powers are returned to councils for developments up to \$30 million.
2. A transition period is determined to allow councils to plan, fund and deliver this responsibility.
3. Pending the above, the regulatory role of Council is clarified in dealing with complaints about building works being conducted under a principal certifying authority.
4. Mechanisms are established for councils to report poor performance directly to the Private Certification Board for disciplinary action.

CM/7.15/23.09 Motion for the 2023 LGNSW Conference - Electric Vehicle Chargers (A13/0314)

MOTION / DECISION

Mover: Cr Murray
Seconder: Cr Gray

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW:

1. Urgently advocates to the NSW Government against the mandatory requirement for councils to undergo an assessment and produce a review of environmental factors (REF) for on-street electric

vehicle (EV) chargers under the new *State Environmental Planning Policy (Transport and Infrastructure) Amendment (Electric Vehicles) 2023*.

2. Notes that while LGNSW fully supports the NSW Government's efforts to promote electric mobility and reduce greenhouse gas emissions, it believes that this particular regulatory requirement is unnecessary and will significantly delay the roll-out of EV chargers across NSW.

CM/7.16/23.09 Motion for the 2023 LGNSW Conference - Tourism Impacts (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW increases its advocacy to ensure local councils receive fair funding from both the Federal and State governments in order to manage security-related risks and anti-social behaviour, including removal of user pays for government services, and to meet the additional costs from waste and cleansing from the impacts of tourism, in particular the influx of visitors to the local area.

CM/7.17/23.09 Motion for the 2023 LGNSW Conference - Hostile Vehicle Mitigation (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council submits the following motion for consideration by the 2023 Local Government NSW Conference:

That LGNSW advocates to the State and Federal governments to support councils' risk and safety requirements as specified by the Federal Government by funding programs to protect the community at identified crowded places.

8. Notices of Motions

CM/8.1/23.09 Dog Control Enforcement - Bondi Beach (A21/0449)

Crs Fabiano, Goltsman, Gray and Lewis declared a less than significant non-pecuniary interest in this item and informed the meeting that they are dog owners.

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Notes that dogs are prohibited from beaches unless otherwise signposted under the *Companion Animals Act 1998*.
2. Organises morning patrols of Bondi Beach by Council Rangers, especially between 6 am and 8 am, to

provide community education on rules about dogs on the sand.

3. Installs informational signage at Bondi Beach for dog owners, as appropriate, in alignment with Council's current Signage Review project.
4. Evaluates the effectiveness of these morning patrols through data collection and public feedback received.
5. Officers prepare a report summarising the results and insights from these patrols and recommending further actions.
6. Notes that officers will update Council's website to reflect better responsible dog ownership, specifically for dogs in prohibited areas, such as beaches.
7. Notes that officers will implement an education program on responsible dog ownership, which will be led by Council Rangers and include 'open days' to engage the public on-site. The beach and surrounding areas of Bondi Beach will be prioritised.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 6.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that dogs are prohibited from beaches unless otherwise signposted under the *Companion Animals Act 1998*.
2. Organises morning patrols of Bondi Beach by Council Rangers, especially between 6 am and 8 am, to provide community education on rules about dogs on the sand.
3. Installs informational signage at Bondi Beach for dog owners, as appropriate, in alignment with Council's current Signage Review project.
4. Evaluates the effectiveness of these morning patrols through data collection and public feedback received.
5. Officers prepare a report summarising the results and insights from these patrols and recommending further actions.
6. Notes officers will update the Council's website to better reflect responsible dog ownership, specifically for dogs in prohibited areas such as the beaches.
7. Notes that officers will implement an education program on responsible dog ownership, which will be led by Council Rangers and include 'open days' to engage the public on-site. The beach and surrounding areas of Bondi Beach will be prioritised.

CM/8.2/23.09 Parking Permits - Adult Education Centres and Local Businesses (A23/0529)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council, in order to support workers of local businesses, adult students attending local art school/colleges and residents in a more equitable way, and as part of the comprehensive review of the resident parking scheme being undertaken this financial year:

1. Investigates the possibility of a daily parking permit within the hours of 9 am and 5 pm for adult students attending local adult education centres.
2. Investigates the parking problems associated with employees of small businesses within the local government area.

CM/8.3/23.09 Repair Cafe - Repair Skill-Sharing and Upcycling (A18/0410)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the recent ABC program *War on Waste* has increased interest in the repair and reuse of materials.
2. Investigates the possibility and opportunity for a repair café, repair skill-sharing and/or upcycling location and facilities within the Waverley local government area.
3. Officers prepare a report to Council on the outcome of the investigation, including potential locations for the repair cafe, constraints and opportunities in implementing it, and possible grant and funding opportunities.

CM/8.4/23.09 Bondi Skatepark (A02/0634)**MOTION**

Mover: Cr Gray

Seconder: Cr Murray

That Council:

1. Notes that in 2016, Council undertook extensive consultation to develop a feasibility study for the redevelopment of Bondi Skatepark.
2. Subject to funding, engages skatepark specialists to review the feasibility work completed in 2016 and update the costing for the redevelopment of Bondi Skatepark.
3. Officers present the results of the review and updated costing at a Councillor briefing session.
4. Following confirmation of feasibility and cost estimates, considers including the project in the Long Term Financial Plan when it comes to Council in early 2024.

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

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

UNANIMOUS DECISION

That Council:

1. Notes that in 2016, Council undertook extensive consultation to develop a feasibility study for the redevelopment of Bondi Skatepark.
2. Subject to funding, engages skatepark specialists to review the feasibility work completed in 2016 and update the costing for the redevelopment of Bondi Skatepark.
3. Officers present the results of the review and updated costing at a Councillor briefing session.
4. Following confirmation of feasibility and cost estimates, considers including the project in the Long Term Financial Plan when it comes to Council in early 2024.
5. Notes that the current Bondi Skatepark design features a stylised shark that honours nearby First Nations sandstone rock engravings.

CM/8.5/23.09 53 Francis Street, Bondi Beach - Building Information Certificate (BC-48/2022)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he has been in discussions with the neighbours of the site regarding the complying development certificate and building information certificate.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the motion, background and resolution of Council dated 15 November 2022 (CM/8/1/22.11) concerning a complying development certificate issued by a privately appointed registered certifier for 53 Francis Street, Bondi Beach.
2. Places on file the previous and recent submissions from Mr Wright and other persons who raised concerns and objections with the construction process leading to the proponent's present building information certificate for 53 Francis Street.
3. Requests that officers consider these previous concerns and submissions, and extend the time frame for receiving current submissions, in their assessment of the building information certificate.
4. Officers provide an update on how Council's website has been updated 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.
5. Continues to advocate to Local Government NSW (LGNSW) at the 2023 annual conference and supports conference resolutions seeking changes in the public interest to the complying development, private certification and building information certificate legislation and regulations.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/23.09 **Closed Session**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Nemes

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/11.1/23.09 CONFIDENTIAL REPORT - Wairoa Baby Health Clinic, North Bondi - Community Tenancy Lease

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 8.47 pm, Council moved into closed session.

CM/11.1/23.09 CONFIDENTIAL REPORT - Wairoa Baby Health Clinic, North Bondi - Community Tenancy Lease (A17/0117)

Cr Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting that she is a committee member of Bondi Beach Playgroups, which is in the same building.

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
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. Grants a lease to the South Eastern Sydney Local Health District for part of the Wairoa Baby Health Clinic building at 2B Brighton Boulevard, North Bondi, on the terms and conditions set out in the report, subject to the rent being set at the current contribution level for the duration of the lease.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.2/23.09 CONFIDENTIAL REPORT - Oxford Street Mall - Small Umbrellas - 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 Xtreme Awnings to supply and replace the small umbrellas 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.

12. Resuming in Open Session

CM/12/23.09 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council resumes in open session.

At 8.56 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 8.59 PM.

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SIGNED AND CONFIRMED
MAYOR
17 OCTOBER 2023