



WAVERLEY COUNCIL

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, 1 NOVEMBER 2022

Present:

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

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 7.03 pm, those present were as listed above.

Crs Goltsman, Kay, Keenan and Nemes 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

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 Betts declared a less than significant non-pecuniary interest in item FC/5.2/22.11 – Sports Fields and Outdoor Courts Hire – 2022-2023 and informed the meeting that she is on the board of Easts Cricket Club, which uses Waverley Park.
- 2.2 Cr Burrill declared a less than significant non-pecuniary interest in item FC/5.5/22.11 – Thomas Hogan Reserve – Drainage and informed the meeting that she is the organiser of North Bondi Playgroups, which uses the Scout Hall in the reserve.

3. Addresses by Members of the Public

- 3.1 W Jones – FC/5.2/22.11 – Sports Fields and Outdoor Courts Hire – 2022-2023.
- 3.2 W Jones – FC/5.3/22.11 – Barracluff Park Dog Management Options - Consultation Outcomes.
- 3.3 M Cox – FC/5.3/22.11 – Barracluff Park Dog Management Options – Consultation Outcomes.
- 3.4 M Goodall – FC/5.4/22.11 – Tamarama Fitness Station – Mitigation of Amenity Impacts.

4. Confirmation of Minutes

FC/4.1/22.11 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 6 September 2022 (SF21/6064)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That the minutes of the Finance, Operations and Community Services Committee meeting held on 6 September 2022 be received and noted, and that such minutes be confirmed as a true record of the

proceedings of that meeting.

5. Reports

FC/5.1/22.11 Draft Councillor Expenses and Facilities Policy - Exhibition (SF22/3722)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak
Seconder: Cr Lewis

That Council:

1. Publicly exhibits the draft Councillor Expenses and Facilities Policy attached to the report for 28 days, subject to the following changes:
 - (a) Clause 6.36 (page 32 of the agenda) – Amend to read as follows:

‘Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities include provision for:

 - i. Councillors who are the principal carer of a child or an elderly, disabled and/or sick immediate family member.
 - ii. Councillors with a disability.
 - (b) Clause 6.39 (page 32 of the agenda) – Amend to read as follows:

‘Councillors who are the principal carer of a child or an elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer’s expenses up to a maximum of \$40 per hour for attendance at official business (\$12,000 total per year for all Councillors).’
2. Officers prepare a report to Council following the exhibition period.

FC/5.2/22.11 Sports Fields and Outdoor Courts Hire - 2022-2023 (A22/0369)

Cr Betts declared a less than significant, non-pecuniary interest in this item and informed the meeting that she is on the board of Easts Cricket Club, which uses Waverley Park.

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Fabiano

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council’s proposal to grant licences of three years with one two-year option for the long-term hire of the following sports fields and outdoor courts:
 - (a) Waverley Park Oval.
 - (b) Waverley Park #2 (synthetic).

- (c) Waverley Park #3.
 - (d) Waverley Park netball courts.
 - (e) Waverley Park multipurpose courts.
 - (f) Waverley Park Southern Club Room (Margaret Whitlam Recreation Centre).
 - (g) Hugh Bamford Reserve sports field.
 - (h) Rodney Reserve sports field.
 - (i) Dudley Page Reserve.
2. Undertakes an expression of interest (EOI) process for a minimum of 42 days for the long-term hire of the sports fields and outdoor courts above.
 3. Officers prepare a report to Council following the EOI period.

W Jones addressed the meeting.

FC/5.3/22.11 Barracluff Park Dog Management Options - Consultation Outcomes (A22/0336)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Wy Kanak

That Council defers this item until a Councillor briefing and report back to Council for the purpose of discussing further options for the usage of Barracluff Park.

W Jones and M Cox addressed the meeting.

FC/5.4/22.11 Tamarama Fitness Station - Mitigation of Amenity Impacts (A17/0353)

MOTION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Notes the community consultation feedback received during the draft Tamarama Plan of Management in support of the fitness station and proposed buffer planting.
2. Following the completion of the Tamarama Surf Life Saving Club Building Upgrade, re-establishes and maintains appropriate screen planting to provide a buffer between the fitness station and neighbouring properties in consultation with the owners/residents of 21, 23, and 25 Gaerloch Avenue.
3. Notes that the approved plans for the development at 21 Gaerloch Avenue, Tamarama, adequately dealt with the privacy and amenity of the development, which directly adjoins a Crown Reserve and is in proximity to the fitness station and the busy Coastal Walk.

AMENDMENT 1

Mover: Cr Kay
Seconder: Cr Burrill

That the following clause be added to the motion:

‘Notes that the adjoining neighbours at 21, 23 and 25 Gaerloch Avenue, Tamarama, were not directly consulted on measures to mitigate privacy and noise impacts of the Tamarama Fitness Station, as requested by clause 2 of Council resolution CM/8.13/20.02.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Kay
Seconder: Cr Betts

That clause 3 be amended to read as follows:

‘Notes that the approved plans for the development at 21 Gaerloch Avenue, Tamarama, adequately dealt with the privacy and amenity of the development as it related to the former much smaller and further setback fitness station on the site, which directly adjoins a Crown Reserve and is in proximity to the new fitness station and the busy Coastal Walk.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 3

Mover: Cr Kay
Seconder: Cr Betts

That the following clause be added to the motion:

‘Before completion of the Tamarama Surf Life Saving Club Building Upgrade and as soon as possible, investigates lowering the height and changing the style of the fitness equipment in consultation with the owners of 21, 23 and 25 Gaerloch Avenue to further mitigate privacy and noise impacts to these properties, with a report on the matter to come back for Council consideration.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

Division

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

Against the Amendment: Nil.

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

UNANIMOUS DECISION

That Council:

1. Notes the community consultation feedback received during the draft Tamarama Plan of Management in support of the fitness station and proposed buffer planting.
2. Following the completion of the Tamarama Surf Life Saving Club Building Upgrade, re-establishes and maintains appropriate screen planting to provide a buffer between the fitness station and neighbouring properties in consultation with the owners/residents of 21, 23, and 25 Gaerloch Avenue.
3. Notes that the approved plans for the development at 21 Gaerloch Avenue, Tamarama, adequately dealt with the privacy and amenity of the development, which directly adjoins a Crown Reserve and is in proximity to the fitness station and the busy Coastal Walk.
4. Before completion of the Tamarama Surf Life Saving Club Building Upgrade and as soon as possible, investigates lowering the height and changing the style of the fitness equipment in consultation with the owners of 21, 23 and 25 Gaerloch Avenue to further mitigate privacy and noise impacts to these properties, with a report on the matter to come back for Council consideration.

Cr Keenan was not present for the vote on the motion.

M Goodall addressed the meeting.

FC/5.5/22.11 Thomas Hogan Reserve - Drainage (SF22/4259)

Cr Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting that she is the organiser of North Bondi Playgroups, which uses the Scout Hall in the reserve.

MOTION / UNANIMOUS DECISION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Investigates the options set out in the report to improve drainage and mitigate flooding at Thomas Hogan Reserve as part of a future Floodplain Risk Management Study and Plan.
2. Includes these stormwater management solutions for Thomas Hogan Reserve in the Local Parks Plan of Management when it is reviewed in 2023–24.
3. In the short-term:
 - (a) Raises the gravel path at Thomas Hogan Reserve to ensure the footpath link remains viable for pedestrian use in wet conditions but does not impede water flow out of the central basin.
 - (b) Continues to assess the central basin grass areas of the park and close this area to public access as required until conditions are suitable for returfing works to be completed.

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

FC/5.6/22.11 Bronte Pool - Pump House Upgrade and Pump Replacement (SF21/750)**MOTION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Approves Option 2 (new pump house and stairs), as set out in Attachment 1 of the report, for the Bronte Pool pump house to address structural issues and access requirements. The new design accommodates elements that discourage users of the pool from jumping off the rocks or from the top of the fence into the pool.
2. Incorporates a wider pipe intake and new pump, as well as best practice filters and strainers, into the design and construction of the pump house to improve pool water quality.
3. Publicly exhibits the concept design for the new pump house and stairs for a period of 28 days.
4. Officers prepare a report to Council following the exhibition period.
5. Notes that in parallel with the pump house upgrade, officers will investigate options for replacing the pool surface.

AMENDMENT 1

Mover: Cr Burrill

Seconder: Cr Betts

That:

1. Clause 1 be amended to read as follows:

‘Publicly exhibits the concept design for the new pump house and stairs showing Option 2 and Option 3 as set out in Attachment 1 of the report for the Bronte Pool pump house to address structural issues and access requirements for a period of 28 days. The new design accommodates elements that discourage users of the pool from jumping off the rocks or from the top of the fence into the pool.’

2. Clause 3 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Betts, Burrill, Goltsman, Kay and Nemesh.**Against the Amendment:** Crs Fabiano, Gray, Keenan, Lewis, Masselos, Murray and Wy Kanak.**AMENDMENT 2 (RULED OUT OF ORDER)**

Mover: Cr Burrill

That the following clause be added to the motion:

‘Publicly exhibits concept designs Option 2 and Option 3 for the new pump house and stairs for a period of 28 days’.

AT THIS STAGE IN THE PROCEEDINGS, CR BURRILL MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING THAT CR BURRILL DID NOT HAVE AN OPPORTUNITY TO RESPOND TO THE POINT OF ORDER RAISED BY CR LEWIS THAT THE AMENDMENT WAS INCONSISTENT WITH THE MOTION.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 6.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Approves Option 2 (new pump house and stairs), as set out in Attachment 1 of the report, for the Bronte Pool pump house to address structural issues and access requirements. The new design accommodates elements that discourage users of the pool from jumping off the rocks or from the top of the fence into the pool.
2. Incorporates a wider pipe intake and new pump, as well as best practice filters and strainers, into the design and construction of the pump house to improve pool water quality.
3. Publicly exhibits the concept design for the new pump house and stairs for a period of 28 days.
4. Officers prepare a report to Council following the exhibition period.
5. Notes that in parallel with the pump house upgrade, officers will investigate options for replacing the pool surface.
6. Notes that the concept designs for Option 1 and Option 3 are not included in this report and remain confidential.

Division

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

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

6 Urgent Business

There was no urgent business.

7. Closed Session

FC/7/22.11 Closed Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Burrill

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:

FC/7.1/22.11 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Service Trial - Licence

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.

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 8.59 pm, Council moved into closed session.

FC/7.1/22.11 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Service Trial - Licence (A21/0525)

MOTION / 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. Grants a licence to Glory Days Bondi Pty Ltd for the supply of bar and catering services at Bondi Pavilion on an eighteen-month trial basis.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
4. Officers notify the unsuccessful respondents of the decision.
5. Officers prepare a report to Council following the trial period on the outcomes of the trial and seeking approval to undertake an open public tender process to appoint an operator to provide bar and catering services at the Bondi Pavilion under a longer-term licence.

8. Resuming in Open Session

FC/8/22.11 Resuming in Open Session

MOTION / DECISION

Mover: Cr Wy Kanak

That Council resumes in open session.

At 9.16 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.

9. Meeting Closure

THE MEETING CLOSED AT 9.18 PM

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SIGNED AND CONFIRMED
CHAIR
6 DECEMBER 2022