



## WAVERLEY COUNCIL

### MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 21 FEBRUARY 2023

#### Present:

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

#### Staff in attendance:

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

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

*No councillors attended the meeting by audio-visual link.*

*At 9.26 pm, following the vote on item CM/7.12/23.02, the meeting adjourned for a short break.*

*At 9.35 pm, the meeting resumed.*

## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

The Mayor read the following Acknowledgement of Indigenous Heritage:

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

### 1. Apologies/Leaves of Absence

**CM/1.1/23.02 Request for Leave of Absence - Cr Keenan (A03/0029)**

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council grants Cr Elaine Keenan leave of absence from the Council meeting on 21 February 2023 due to personal reasons.

### 2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a significant non-pecuniary interest in item CM/7.8/23.02 – Uluru Statement from the Heart and Voice to Parliament – Community Education Strategy and informed the meeting that he is campaigning on the issue as a candidate in the NSW State Election for the seat of Vacluse and will leave the meeting for the consideration and vote on this item.

### 3. Obituaries

Yvonne Jayawardena

Myron Love

Michael Marx AM

*Council rose for a minute's silence for the souls of people generally who have died in our local government area.*

### 4. Addresses by Members of the Public

- 4.1. N Boaz (on behalf of Friends of Bondi Pavilion) – CM/8.1/23.02 – Bondi Pavilion – Public Square.

**ITEMS BY EXCEPTION****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

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

- CM/5.1/23.02 Confirmation of Minutes – Council Meeting – 13 December 2022.
- CM/5.2/23.02 Confirmation of Minutes – Extraordinary Council Meeting – 6 December 2022.
- CM/5.3/23.02 Confirmation of Minutes – Extraordinary Council Meeting – 5 January 2023.
- CM/7.1/23.02 Delivery Program 2022-26 – Six-monthly Progress Report.
- CM/7.3/23.02 Investment Portfolio Report – December 2022 and January 2023.
- CM/7.4/23.02 Pricing Policy, Fees and Charges 2022-23 – Amendment – Social Impact Statement Peer Review.
- CM/7.5/23.02 Council Elections – Engagement of NSW Electoral Commission.
- CM/7.7/23.02 Councillor Expenses and Facilities – Six-monthly Report.
- CM/7.10/23.02 Ocean Lovers Festival 2023 – Fee Waiver.
- CM/7.11/23.02 Community Services and Cultural Grants 2022-23 – Pathways to Inclusion in Waverley Life.
- CM/8.2/23.02 NSW Protected Area Network –Expansion.

**5. Confirmation and Adoption of Minutes****CM/5.1/23.02 Confirmation of Minutes - Council Meeting - 13 December 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council meeting held on 13 December 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/23.02 Confirmation of Minutes - Extraordinary Council Meeting - 6 December 2022 (SF21/6063)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the extraordinary Council meeting held on 6 December 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.3/23.02 Confirmation of Minutes - Extraordinary Council Meeting - 5 January 2023  
(SF23/16)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That the minutes of the extraordinary Council meeting held on 5 January 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.4/23.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 2 February 2023  
(SF23/19)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 2 February 2023 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.02/23.02 – Belgrave Street, Dickson Street and Blandford Avenue, Bronte – ‘No Stopping’ Zone.

And that this item be dealt with separately below.

**CM/5.4.1/23.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 2 February 2023 -  
TC/C.02/23.02 - Belgrave Street, Dickson Street and Blandford Avenue, Bronte -  
'No Stopping' Zone (A14/0145)**

*This item was saved and excepted by Cr Kay.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Fabiano

That Council adopts the Traffic Committee’s recommendation subject to it being amended to read as follows:

That Council:

1. Installs 10 metre ‘No Stopping’ zones at the following Bronte locations:
  - (a) The eastern side of Dickson Street to the south of Belgrave Street.
  - (b) The western side of Dickson Street to the south of Blandford Avenue.
2. Officers investigate ‘No Stopping’ zones on the eastern side of Dickson Street, between Dickson Lane and Belgrave Street, Bronte, such as:
  - (a) A 10 metre ‘No Stopping’ zone to the south of Dickson Lane.

- (b) A 12 metre 'No Stopping' zone to the north of Belgrave Street, acknowledging that line of sight exiting Belgrave Street at the intersection and southbound vehicular speed on the downhill section of Dickson Street are current issues.
- (c) A part-time or full-time 'No Stopping' zone between Dickson Lane and Belgrave Street, noting that 4–5 parking spaces would be removed.

With a report to be prepared for the Traffic Committee's consideration, to include on-street parking occupancy, congestion and vehicular safety concerns, especially at peak times, and accident history.

- 3. Officers, in their investigation and report above, consider 10 metre 'No Stopping' zones on the northern and southern sides of Belgrave Street to the east of Dickson Street, where vehicles are often parked illegally and unsafely.
- 4. Notes that the Bronte Precinct committee indicated its support for the above investigations at its meeting on Monday, 13 February 2023.

## 6. Mayoral Minutes

### CM/6.1/23.02 Waverley - The Rainbow City (A19/0568)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

- 1. Notes that:
  - (a) Council is a Festival and Venue Partner of Sydney WorldPride 2023.
  - (b) Council is hosting a number of official Sydney WorldPride events, including the Bondi Beach Party and six Pride Amplified events.
  - (c) A launch will be held to celebrate Sydney WorldPride and its significance to the Waverley community.
  - (d) Council looks forward to welcoming hundreds of thousands of festival visitors who will also dine, shop and stay in the Bondi region.
  - (e) Council is proud of our diverse, inclusive and progressive community.
  - (f) Sydney WorldPride is a State Significant Event supported by the NSW Government and is the first WorldPride to be held in the southern hemisphere.
  - (g) 2023 also marks 50 years of Australian Gay Pride Week and the 45th Sydney Gay and Lesbian Mardi Gras.
- 2. Declares the Waverley local government area as the 'Rainbow City' for the duration of Sydney WorldPride 2023 in acknowledgment of our involvement in and support of Sydney WorldPride, including the creation of Waverley's very own 'Rainbow Road' outside Council Chambers.
- 3. Promotes and celebrates 'Waverley – The Rainbow City' and our diverse community in Council's communications and marketing of Sydney WorldPride 2023.

4. Continues to promote Sydney WorldPride 2023 events in Waverley through various communications channels, including paid and earned media, street banners, murals and iVisuals.

### **Background**

Council is proud to be a Festival and Venue Partner of Sydney WorldPride, 17 February to 5 March 2023. Sydney WorldPride will be the first WorldPride in the southern hemisphere and the most significant global tourism event in Australia since COVID-19.

Council is hosting a number of official Sydney WorldPride events including the Bondi Beach Party on Saturday, 4 March, six Pride Amplified events at Bondi Pavilion and three Council events at Waverley Library including:

- Friday, 10 February, to Sunday, 26 March – The Air is Electric: David McDiarmid in America.
- Saturday, 18 February – Fambo Queer Arts for Kids and Families.
- Sunday, 19 February – Rainbow Shorts, curated by Flickerfest.
- Wednesday, 22 February – Reuben Kaye: Live and Intimidating.
- Wednesday, 1 March – Paul Capsis: Dry My Tears.
- Friday, 3 March – Bondi’s Comedy Extravaganza.
- Thursday, 23 February, to Monday, 20 March – Gender Euphoria Looks Good on You: An Archival Exhibition of Samuel Luke (Waverley Library).
- Tuesday, 28 February – Drag Makeup Tutorial with Ruby Royale (Waverley Library).
- Thursday, 2 March – Drag Trivia with Ruby Royale (Waverley Library).
- Monday 6 March – Paint and Sip with Ruby Royale (Waverley Library).

In addition to this, Council will fly Sydney WorldPride flags and our ‘Rainbow City’ art installations on the Bondi Sea Wall. The WorldPride rainbow road will lead to Bondi – Waverley’s WorldPride hub.

Sydney WorldPride is expected to draw up to 1.2 million attendees and will be a major boost to the Waverley and Greater Sydney tourism economy, with a focus on the arts, culture, and hospitality sectors.

Bondi is synonymous with diversity, inclusion, respect, and fun and this positive perception of Waverley’s local identity combined with the natural beauty of Bondi Beach is key to the Bondi Beach Party event’s prominent inclusion in the Sydney WorldPride program.

Sydney WorldPride 2023 provides Waverley the unique opportunity to affirm itself as the essential beachside lifestyle, dining and entertainment hub destination, as well as a ‘must-stay’ accommodation location for the duration of the event and will benefit of local businesses greatly during this period of economic recovery after lockdowns.

It will showcase our newly restored Bondi Pavilion to an international audience both as venue for world-class events and as community gathering space and a place of local history and connection.

A detailed Event Management and Delivery Plan is being developed to deliver a safe event with a quality participant experience that respects the natural environment and manages any potential adverse impacts on the non-event community.

Council has the unique opportunity to affirm itself as a key Sydney WorldPride destination by declaring Waverley ‘the Rainbow City.’

**CM/6.2/23.02                      Unauthorised and Co-ordinated Large Gatherings in Public Places (A23/0149)****MOTION / DECISION**

Mover:     Cr Masselos

That Council:

1. Investigates further strategic and operational measures that can be implemented during major public holidays and hallmark and pop-up events to improve the management of increased visitation, and limit its impact on Waverley's beaches, coastal parks and residents.
2. Includes in the investigation:
  - (a) Options to restrict co-ordinated large gatherings that are in contravention of Council's events and noise policies, including compliance measures and media monitoring.
  - (b) Options to improve management of enforcing alcohol-free zones.
  - (c) Options to reduce the impacts of litter and ensure respectful use of community open space.
  - (d) Traffic management arrangements to reduce traffic congestion near beaches and public car parks.
  - (e) Whether the provision of temporary facilities including toilets and bins are required.
  - (f) Outcomes of any meetings with social media platforms, such as Facebook, about how large event notices can limit numbers and include notifications to comply with Council's events policy.
3. Officers prepare a report to Council on the outcome of the investigation.

**Background**

With the easing of Public Health Order restrictions associated with the COVID-19 pandemic, Waverley has experienced an influx of visitors to Waverley's beaches and coastal reserves during major, summer public holiday periods. The increase in visitation and the popularity of the area is important for Waverley, however it can often lead to an increase in the likelihood of traffic congestion, illegal parking issues, crowded open spaces and anti-social behaviour. There is also an increase in the chance of co-ordinated and unauthorised large gatherings occurring at popular coastal parks, such as the unauthorised party that occurred at Bronte Beach on 25 December 2022, which resulted in significant crowding, prohibited alcohol consumption and litter issues at the park.

Council currently implements a co-ordinated response for coastal open space management during the summer periods via the Summer Safe Program. Council also works proactively with local surf clubs to ensure effective communication arrangements are in place during major public holidays over summer period.

The increase in visitation to our beaches and parks during the summer period requires significant Council resources including Rangers, Open Space Maintenance and Waste and Cleansing staff to ensure that outdoor public spaces are maintained throughout the day and problematic issues are effectively managed, should they occur. NSW Police also provides significant resources to ensure coverage and presence at Waverley beaches over summer and major public holidays.

To ensure that Waverley's beaches, coastal parks, and residents are not impacted during major public holidays and hallmark events, Council needs to investigate further strategic and operational measures that

can be implemented to better manage the increased visitation and restrict unauthorised large gatherings. Options to be investigated could include:

- Options to restrict unauthorised large gatherings including compliance measures and media monitoring.
- Options to improve management of enforcing alcohol-free zones.
- Options to reduce the impacts of litter and ensure respectful use of community open space.
- Temporarily limiting access to facilities including public barbeques after hours.
- Explore the feasibility of ticketed events at various coastal reserve areas.
- Traffic management arrangements to reduce traffic congestion near beaches and public car parks.
- Determine whether the provision of temporary facilities including toilets and bins are required.

## 7. Reports

### CM/7.1/23.02 Delivery Program 2022-26 - Six-monthly Progress Report (A21/0035)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council notes the progress report on the Delivery Program 2022–2026 attached to the report.

### CM/7.2/23.02 Quarterly Budget Review (Q2) - December 2022 (A03/0346)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Murray

Seconder: Cr Fabiano

That Council:

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

### CM/7.3/23.02 Investment Portfolio Report - December 2022 and January 2023 (A03/2211)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes the Investment Summary Report for December 2022 and January 2023 attached to the report.
2. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.



**CM/7.4/23.02 Pricing Policy, Fees and Charges 2022-23 - Amendment - Social Impact Statement Peer Review (A20/0396)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council amends the Pricing Policy, Fees and Charges 2022–23 to include a social impact statement peer review fee for proponent-led planning proposals, as set out in Table 1 of the report.

**CM/7.5/23.02 Council Elections - Engagement of NSW Electoral Commission (SF23/238)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Waverley Council ('the Council') resolves:

1. Pursuant to sections 296(2) and (3) of the *Local Government Act 1993* ('the Act'), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to sections 296(2) and (3) of the Act, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to sections 296(2) and (3) of the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**CM/7.6/23.02 Australian Local Government Association - National General Assembly 2023 - Attendance and Motions (A13/0314)****MOTION**

Mover: Cr Lewis

Seconder: Cr Murray

That Council:

1. Nominates the Mayor, Deputy Mayor, Cr Murray, and Cr Fabiano as an alternate for the Deputy Mayor, to attend the 2023 Australian Local Government Association National General Assembly to be held at the National Convention Centre in Canberra from Tuesday, 13 June, to Thursday, 15 June 2023.
2. Meets the applicable registration fees and travel, accommodation, meal and incidental expenses, in accordance with its Councillor Expenses and Facilities Policy for those Councillors nominated to attend the Assembly.
3. Nominates the Mayor, Cr Masselos, as voting delegate.
4. Approves the attendance of the General Manager at the Assembly.

5. Considers any motions for submission to the conference at the March Council meeting.

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

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

#### **UNANIMOUS DECISION**

That Council:

1. Nominates the Mayor, Deputy Mayor, Cr Murray, Cr Goltsman, and Cr Fabiano as an alternate for the Deputy Mayor, to attend the 2023 Australian Local Government Association National General Assembly to be held at the National Convention Centre in Canberra from Tuesday, 13 June, to Thursday, 15 June 2023.
2. Meets the applicable registration fees and travel, accommodation, meal and incidental expenses, in accordance with its Councillor Expenses and Facilities Policy for those Councillors nominated to attend the Assembly.
3. Nominates the Mayor, Cr Masselos, as voting delegate.
4. Approves the attendance of the General Manager at the Assembly.
5. Considers any motions for submission to the conference at the March Council meeting.

#### **CM/7.7/23.02 Councillor Expenses and Facilities - Six-monthly Report (SF23/170)**

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2022 to 31 December 2022 attached to the report.

#### **CM/7.8/23.02 Uluru Statement from the Heart and Voice to Parliament - Community Education Strategy (A22/0555)**

*Cr Wy Kanak declared a significant non-pecuniary interest in this item and informed the meeting that he is campaigning on the issue as a candidate for the seat of Vaucluse in the NSW State Election. Cr Wy Kanak was not present at, or in sight of, the meeting for the consideration and vote on this item.*

##### **MOTION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Approves the community education strategy, as set out in the report, to raise awareness of the Uluru Statement from the Heart and the Voice to Parliament in the lead up to the referendum.
2. Strongly supports the 'Yes' case for the referendum through our community education strategy.

3. Endorses the tag line 'Waverley says Yes' for use in our community education strategy.
4. Notes the Action on the Referendum initiative, with Waverley holding a BBQ in support on 25 February 2023 in the Northern Courtyard of Bondi Pavilion from 9.30–11.30 am.

**AMENDMENT 1**

Mover: Cr Kay  
Seconder: Cr Burrill

That clause 1 be amended to read as follows:

'Approves the community education strategy, as set out in the report, to raise awareness of the Uluru Statement from the Heart and the Voice to Parliament in the lead up to the referendum, subject to the following:

- (a) The "No" case is included whenever the "Yes" case is being prosecuted so that an impartial, equitable, factual and balanced approach is taken throughout Council's community education strategy of The Voice.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

**Against the Amendment:** Crs Fabiano, Gray, Lewis, Masselos and Murray.

**AMENDMENT 2**

Mover: Cr Kay  
Seconder: Cr Burrill

The following clause be added to the motion:

'Notes that Council's community education strategy on The Voice to Parliament only prosecutes the "Yes" case. Residents must seek their own information and do their own research to understand the "No" case, and then vote on the referendum with an open, well-informed mind.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

**Against the Amendment:** Crs Fabiano, Gray, Lewis, Masselos and Murray.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Approves the community education strategy, as set out in the report and agreed by Council on 18 October 2022, to raise awareness of the Uluru Statement from the Heart and the Voice to Parliament in the lead up to the referendum.
2. Strongly supports the 'Yes' case for the referendum through our community education strategy.
3. Endorses the tag line 'Waverley says Yes' for use in our community education strategy.

4. Notes the Action on the Referendum initiative, with Waverley holding a BBQ in support on 25 February 2023 in the Northern Courtyard of Bondi Pavilion from 9.30–11.30 am.

**Division**

**For the Motion:** Crs Fabiano, Goltsman, Gray, Lewis, Masselos, Murray and Nemesh.

**Against the Motion:** Crs Betts, Burrill and Kay.

**CM/7.9/23.02 Multicultural Advisory Committee - Terms of Reference - Review (A15/0509)**

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council adopts the Terms of Reference for the Multicultural Advisory Committee attached to the report.

**CM/7.10/23.02 Ocean Lovers Festival 2023 - Fee Waiver (A23/0025)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council, in accordance with section 610E of the *Local Government Act 1993*, waives \$77,908 in fees to support Ocean Lovers Alliance in running the 2023 Ocean Lovers Festival.

**CM/7.11/23.02 Community Services and Cultural Grants 2022-23 - Pathways to Inclusion in Waverley Life (A22/0365)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. In accordance with the Community Services and Cultural Grants Program's 'Pathways to Inclusion in Waverley Life' initiative, grants \$19,000 to Wairoa School in 2022–23 for its Bondi Pavilion music program, subject to the school developing a detailed implementation plan in collaboration with Council officers.
2. Includes Wairoa School as a nominated organisation under the Community Grants Policy until the end of the 2025 school year to enable the school to apply annually for funding to develop the music program.

**CM/7.12/23.02 NSW Shark Management Program Survey (A09/0347)****MOTION**

Mover: Cr Gray  
Seconded: Cr Murray

That Council:

1. Approves the response to the NSW Shark Management Strategy survey attached to the report.
2. Notes that Council will be receiving a report about the use of drone technology to assist with shark management.
3. Attaches a covering letter to its response referred to in clause 1 above that:
  - (a) Explains that Council has left sections of the survey blank where:
    - (i) A response is not possible in the limited time frame, as community engagement and research would be required to provide an informed community response.
    - (ii) Council is asked to comment on the effectiveness of the current program and technology mix, which is difficult given the very limited data available on shark interactions.
  - (b) States that Council:
    - (i) Does not support the use of shark nets due to the indiscriminate way in which they kill and harm marine life.
    - (ii) Is concerned about the use of funds in the current Shark Management Program on shark nets, as this may impact the availability of funds to use on more effective shark mitigation measures.

**AMENDMENT**

Mover: Cr Betts  
Seconded: Cr Goltsman

That the following clause 4 be added to the motion:

‘Consults its lifeguards to seek their opinion on the shark nets, and that their comments be included in any report to the State Government.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

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

**UNANIMOUS DECISION**

That Council:

1. Approves the response to the NSW Shark Management Strategy survey attached to the report.
2. Notes that Council will be receiving a report about the use of drone technology to assist with shark management.
3. Attaches a covering letter to its response referred to in clause 1 above that:

- (a) Explains that Council has left sections of the survey blank where:
    - (i) A response is not possible in the limited time frame, as community engagement and research would be required to provide an informed community response.
    - (ii) Council is asked to comment on the effectiveness of the current program and technology mix, which is difficult given the very limited data available on shark interactions.
  - (b) States that Council:
    - (i) Does not support the use of shark nets due to the indiscriminate way in which they kill and harm marine life.
    - (ii) Is concerned about the use of funds in the current Shark Management Program on shark nets, as this may impact the availability of funds to use on more effective shark mitigation measures.
4. Consults its lifeguards to seek their opinion on the shark nets, and that their comments be included in any report to the State Government.

## 8. Notices of Motions

### CM/8.1/23.02 Bondi Pavilion - Public Square (A15/0272)

#### MOTION

Mover: Cr Gray  
Seconder: Cr Murray

That Council:

1. Notes the important role of Council in fostering a sense of community.
2. Notes the popularity of the Bondi Pavilion since reopening, with over 25 regular hirers, hundreds of casual bookings, Summer at the Pav and the upcoming Sydney WorldPride programming, plus major events such as Flickerfest.
3. Notes that increasing the use/utility of the Pavilion by different groups of people should be a priority for Council.
4. Notes the potential role of the refurbished Pavilion as a venue for the community to gather to watch, celebrate and soak up the atmosphere of exciting sporting (and other) events.
5. Officers investigate and prepare a report to the April 2023 Council meeting on:
  - (a) The use of the inner courtyard of the Pavilion to host screenings of popular sporting (and other) events.
  - (b) Steps required to get the Pavilion ready to host screenings (overall and for each screening).
  - (c) Crowd, traffic and noise management required for screenings.

- (d) The possibility of partnering with relevant organisations to deliver screenings.
- (e) Estimated costings in relation to clause 5(b) above.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 4 AND 5 AND THE ADDITION OF A NEW CLAUSE 6.

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

### **UNANIMOUS DECISION**

That Council:

1. Notes the important role of Council in fostering a sense of community.
2. Notes the popularity of the Bondi Pavilion since reopening, with over 25 regular hirers, hundreds of casual bookings, Summer at the Pav and the upcoming Sydney WorldPride programming, plus major events such as Flickerfest.
3. Notes that increasing the use/utility of the Pavilion by different groups of people should be a priority for Council.
4. Notes the potential role of the refurbished Pavilion as a venue for the community to gather to watch, celebrate and soak up the atmosphere of exciting sporting, cultural (and other) events.
5. Officers investigate and prepare a report by the June 2023 Council meeting on:
  - (a) The use of the inner courtyard and the two external, natural amphitheatres of the Pavilion to host screenings of popular sporting, cultural (and other) events.
  - (b) Steps required to get the Pavilion ready to host screenings (overall and for each screening).
  - (c) Crowd, traffic and noise management required for screenings.
  - (d) The possibility of partnering with relevant organisations to deliver screenings, provided that no gambling sponsorship be included.
  - (e) Estimated costings in relation to clause 5(b) above and funding source.
6. Undertakes consultation with all Precinct committees in relation to the proposal.

*N Boaz (on behalf of Friends of Bondi Pavilion) addressed the meeting.*

### **CM/8.2/23.02 NSW Protected Area Network - Expansion (A05/0878)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council:

1. Notes that protected areas of land and water in original or nearly original natural condition are the foundation of nature conservation in NSW and they play a vital role in protecting habitat and

providing refuge for many threatened species that are sensitive to habitat disturbance.

2. Notes that in NSW currently, 78 species are extinct, 1,043 species are threatened with extinction and 116 species are listed as critically endangered, with extinction and the number of species at risk of extinction rising every year.
3. Notes that currently only around 9.6% of the land of NSW is within the Protected Area Network.
4. Notes that increasing the Protected Area Network in NSW to at least 30% by 2030 would help to reverse biodiversity loss and revive ecosystems that are critical to species and humanity's survival. A strong and healthy Protected Area Network will contribute to landscape resilience, mitigate the impacts of climate change and increase NSW's natural capital.
5. Writes to the NSW Government to expand the Protected Area Network to cover at least 30% of NSW by 2030 and ensure that the Protected Area Network:
  - (a) Is based on First-Nations-led conservation.
  - (b) Prioritises the inclusion of intact ecosystems and areas most important for biodiversity and climate.
  - (c) Protects areas that are ecologically representative, well-connected, and maintain species diversity and abundance.

**CM/8.3/23.02 Harry Seidler in Bondi - Exhibition (A23/0101)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray  
Seconder: Cr Gray

That Council:

1. Notes that an interim heritage order to protect the Harry-Seidler-designed building at 34–36 Flood Street, Bondi, has been lodged by Council (see resolution PD/5.1/23.02).
2. Prepares an exhibition on the Seidler-designed building, in consultation with appropriate academics and the community, to be displayed at the Bondi Pavilion to promote awareness of the historical importance of the building to the Waverley community.
3. Focuses the exhibition on the following elements:
  - (a) Harry Seidler's design of the building, including drawings and photographs. It should consider this building in his body of work.
  - (b) The community use of the building as a community centre, place of worship and education facility. This may include photographs of the community use and also oral history in the form of video interviews of people who have used the building.
  - (c) The history of the site, including the opening with HV Evatt and Malcom Fraser's visit and the prominent rabbis who have been associated with the building and community.
  - (d) Reference other Seidler buildings in the Waverley local government area.



4. Officers prepare a report to Council with a planned time for the exhibition.

**CM/8.4/23.02                      Frontier Wars - Recognition and Commemoration (A23/0116)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconder:     Cr Fabiano

That:

1. Council allocates a prominent space on the Waverley Cenotaph, or in the rose garden beside the Crete commemoration, for a plaque that commemorates those killed in the Frontier Wars.
2. The language, design and ceremonial affixing of the plaque be done with community consultation, cultural protocols and in conjunction with local First Nation descendants and Aboriginal organisations, including the La Perouse Local Land Council and Land Council networks.
3. Council displays a link to the University of Newcastle's map of colonial frontier massacres on its various webpages, including the Waverley Library website.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council:

1. Investigates the feasibility, location, cost, and possible budget implications and options for a commemorative plaque for those First Nations people killed in the Frontier Wars.
2. Undertakes community consultation with Council's Reconciliation Action Plan Advisory Committee, local First Nation descendants and Aboriginal organisations, including the La Perouse Local Land Council and Land Council Networks.
3. Receives a report addressing the matters detailed in clauses 1 and 2.
4. Displays a link to the University of Newcastle's map of colonial frontier massacres on its various webpages, including the Waverley Library website.

**AMENDMENT**

Mover:        Cr Lewis  
Seconder:     Cr Goltsman

That clause 4 be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION MOVED BY CR LEWIS AND SECONDED BY CR GOLTSMAN TO LAY THE ITEM ON THE TABLE UNTIL THE MARCH COUNCIL MEETING TO ALLOW OFFICERS TO DETERMINE WHETHER THE MOTION AS AMENDED IS OUT OF ORDER, WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

*This matter will now be considered at the March Council meeting.*

## 9. Questions with Notice

### CM/9.1/23.02 Kerb Extensions - Bondi (A23/0112)

#### QUESTION

The following question was submitted by Cr Fabiano:

Can officers advise on the feasibility of constructing kerb extensions at the following locations:

1. Corner of Castlefield Street and Bondi Road, Bondi.
2. Corner of Miller Street and Castlefield Street, Bondi.
3. Corner of Imperial Avenue and Bondi Road, Bondi.
4. Corner of Miller Street and Imperial Street, Bondi.
5. Corner of Imperial Avenue and Edward Street, Bondi.

#### Background

Kerb extensions are traffic calming elements that locally widen the verge and kerb lines and narrow the carriage way.

Kerb extensions improve street quality through traffic calming, improved pedestrian crossing, additional street trees and understorey planting and stormwater management.

Council officers are currently in the process of responding to a resolution Miller Street (CM/8.2/22.04), which would include consideration of buildouts.

Local residents have been requesting ways to improve the street quality of these locations by making it safer for pedestrians, cyclists and drivers alike and increasing the local greenery to further protect local biodiversity.

#### General Manager's answer

Kerb extensions now form part of the standard suite of treatments at intersections. This new suite includes continuous footpaths, kerb extensions, rain gardens, raised pedestrian crossings. Council officers now design with guidance from Council's Street Design Manual, which outlines the intent and function of these treatments and sets overall principles in designing cohesive and well-designed streets.

The specific locations requested form part of the greater Local Area Traffic Study for the Bondi and Bondi Beach Area. As such, treatments for these locations will be considered as part of that review process. It is important to note that kerb extensions are not the only treatment that can be used to improve pedestrian safety, reduction in vehicular speeds and for improved greenery/water quality improvements. The question with notice will be added to the list of items to be investigated by the traffic consultants.

**Sharon Cassidy**  
**Director, Assets and Operations**

## 10. Urgent Business

There was no urgent business.

## 11. Closed Session

### CM/11/23.02 Closed Session

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

#### CM/11.1/23.02 CONFIDENTIAL REPORT - Clifftop Walkway Upgrade - Update

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

#### CM/11.2/23.02 CONFIDENTIAL REPORT - Nib Literary Award Sponsorship 2023-2027

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 9.51 pm, Council moved into closed session.

### CM/11.1/23.02 CONFIDENTIAL REPORT - Clifftop Walkway Upgrade - Update (A20/0387)

#### MOTION

Mover: Cr Lewis

Seconder: Cr Gray

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves Option 1 (stainless steel), as set out in the report, as the material to be used in the Clifftop Walkway Upgrade.
3. Notes that the current budget allocated to the project is \$6,416,639.
4. Allocates an additional \$744,219 to financial year 2023–24 to fund the shortfall for Option 1, as set out in the report.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2 AND THE ADDITION OF A NEW CLAUSE 5.

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

### **UNANIMOUS DECISION**

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves Option 1 (316 stainless steel custom design), as set out in the report, as the material to be used in the Clifftop Walkway Upgrade.
3. Notes that the current budget allocated to the project is \$6,416,639.
4. Allocates an additional \$744,219 to financial year 2023–24 to fund the shortfall for Option 1, as set out in the report.
5. Notes that using an industrial-style galvanised steel proprietary product is rejected on the basis that it does not support community expectations for the project and will trigger a DA modification process, which will further delay the project and risk withdrawal of NSW grant funding.

### **CM/11.2/23.02                      CONFIDENTIAL REPORT - Nib Literary Award Sponsorship 2023-2027 (A23/0085)**

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Burrill

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 the principal sponsorship proposal for the Nib Literary Award, as set out in the report, for

2023–2027.

- 3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
- 5. Instructs the Mayor to write a letter of thanks to the principal sponsors acknowledging their generosity and ongoing support of the NIB Awards.

**12. Resuming in Open Session**

**CM/12/23.02 Resuming in Open Session**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council resumes in open session.

*At 10.04 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 10.08 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**21 MARCH 2023**