



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, 7 MARCH 2023**

**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 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 Nemesh	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 7.01, those present were as listed above, with the exception of Cr Keenan who arrived at 7.07 pm during item FC/5.1/23.03 and Cr Goltsman who arrived at 7.41 pm during item FC/5.2/23.03.*

*At 8.04 pm, during the consideration of item FC/5.2/23.03, Cr Nemesh left the meeting and did not return.*

*Crs Betts, Goltsman, Gray, Kay, Keenan and Nemesh attended the meeting by audio-visual link.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the Opening Prayer:

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

The Chair 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**

Apologies were received from Cr Angela Burrill.

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

Cr Grey declared a less than significant non-pecuniary interest in item FC/5.3/23.03 – Chaley Street, Rose Bay – Passing Bays and informed the meeting that she lives in Chaley Street.

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Confirmation of Minutes**

**FC/4.1/23.03 Confirmation of Minutes - Finance, Operations and Community Services Committee Meeting - 7 February 2023 (SF23/17)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Murray

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

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

## 5. Reports

### FC/5.1/23.03 Sydney Football Stadium Community Consultative Committee - Council Representative (A03/0943)

#### MOTION

Mover: Cr Masselos  
Seconder: Cr Lewis

1. Nominates the Mayor, Cr Masselos, as its representative on the Sydney Football Stadium Community Consultative Committee.
2. Nominates Cr Fabiano as its alternate representative on the Committee

#### AMENDMENT

Mover: Cr Betts  
Seconder: Cr Kay

That clause 2 be amended to read as follows:

‘Nominates Cr Kay as its alternate representative on the Committee.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

#### DECISION

That Council:

1. Nominates the Mayor, Cr Masselos, as its representative on the Sydney Football Stadium Community Consultative Committee.
2. Nominates Cr Fabiano as its alternate representative on the Committee.

*Cr Goltsman was not present for the votes on this item.*

### FC/5.2/23.03 Street Performance Policy and Guidelines - Adoption (A22/0473)

#### MOTION

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council adopts the Street Performance Policy and Guidelines attached to the report.

#### AMENDMENT

Mover: Cr Kay  
Seconder: Cr Betts

That the motion be amended to read as follows:

That Council adopts the Street Performance Policy and Guidelines attached to the report, subject to the following amendments:

1. Page 52 of the agenda, section 4, third paragraph – Amend to read as follows: ‘Council will assess applications against the Assessment Criteria in Section B: Street Performance Guidelines and advise

applicants of the result of their application. Council may issue a restricted licence (such as limited hours, locations, or trial approval) due to the proposed nature of the performance.'

2. Page 53 of the agenda, 'Unacceptable Acts', second dot point – Amend to read as follows: 'loud performances that unduly interfere with the amenity of residents, business operations and visitors to the area.'
3. Page 53 of the agenda, 'Licences', first paragraph – Amend to read as follows: 'Licences are granted for a 12-month period or less, or on a trial basis. 30 licences are available.'
4. Page 53 of the agenda, 'Register', first paragraph – Amend to read as follows: 'This register will be publicly available, at the offices of Council, within business hours and without charge, in accordance with section 113(5) of the *Local Government Act 1993*.'
5. Page 54 of the agenda, 'Monitoring', third paragraph – Amend to read as follows: 'Authorised Council officers can prohibit the use of an area for performances.'
6. Page 55 of the agenda, 'Group Acts', third sentence – Amend to read as follows: 'Licences may be issued for larger groups at the discretion of authorised Council officers.'
7. Page 55 of the agenda, 'Hours and Duration' – Amend to read as follows:

'Street performance licence holders may perform, unless restricted by the licence:

  - (a) In designated zones only between the times of 9 am–9 pm, Monday–Sunday.
  - (b) For a maximum period of 2 hours concurrently in any one zone. Performers must leave the zone for at least an hour before a second performance.'
8. Pages 55 and 56 of the agenda, 'Approval', second and third paragraphs – Amend to read as follows:

'If more than one street performer forms part of a group, each member of the group must hold a current Street Performance Licence.

Licences must be clearly displayed during a performance to allow for Council monitoring and enforcement of the licence under these guidelines.

Council may revoke a current Street Performance Licence if a licence holder is found to be in breach of licence terms and conditions.'
9. Page 56 of the agenda, 'Terms and Conditions', section 4.1 – Amend to read as follows: 'A Street Performance Licence is granted for a 12-month period, or any lesser period as determined by the licence approval process. 30 licences are available each year.'
10. Page 57 of the agenda, 'Terms and Conditions', section 4.19 – Amend to read as follows: 'Performers may not perform within 10 metres of bank ATMs.'
11. Page 57 of the agenda, 'Terms and Conditions', section 4.22 – Amend to read as follows: 'Performers must not deliberately upset any member of the public or business operator by their behaviour.'

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO LAY THE ITEM ON THE TABLE, MOVED BY CR LEWIS AND SECONDED BY CR MASSELOS, WAS PUT AND DECLARED CARRIED.

LATER IN THE MEETING, A PROCEDURAL MOTION TO TAKE THE ITEM FROM THE TABLE, MOVED BY CR

BETTS AND SECONDED BY CR LEWIS, WAS PUT AND DECLARED CARRIED.

**FORESHADOWED AMENDMENT**

Mover: Cr Lewis

That the motion be amended to read as follows:

That Council adopts the Street Performance Policy and Guidelines attached to the report, subject to the following amendments:

1. Page 52 of the agenda, section 4, third paragraph – Amend to read as follows: ‘Council will assess applications against the Assessment Criteria in Section B: Street Performance Guidelines and advise applicants of the result of their application. Council may issue a restricted licence (such as limited hours, locations) due to the proposed nature of the performance.’
2. Page 53 of the agenda, ‘Licences’, first paragraph – Amend to read as follows: ‘Licences are granted for a 12-month period or less. 30 licences are available.’
3. Page 53 of the agenda, ‘Register’, first paragraph – Amend to read as follows: ‘This register will be publicly available, at the offices of Council, within business hours and without charge, in accordance with section 113(5) of the *Local Government Act 1993*.’
4. Page 54 of the agenda, ‘Monitoring’, third paragraph – Amend to read as follows: ‘Authorised Council officers can prohibit the use of an area for performances.’
5. Page 55 of the agenda, ‘Group Acts’, third sentence – Amend to read as follows: ‘Licences may be issued for larger groups at the discretion of authorised Council officers.’
6. Page 55 of the agenda, ‘Hours and Duration’ – Amend to read as follows:

‘Street performance licence holders may perform, unless restricted by the licence:

  - (a) In designated zones only between the times of 9 am–9 pm, Monday–Sunday.
  - (b) For a maximum period of 2 hours concurrently in any one zone. Performers must leave the zone for at least an hour before a second performance.’
7. Pages 55 and 56 of the agenda, ‘Approval’, second and third paragraphs – Amend to read as follows:

‘If more than one street performer forms part of a group, each member of the group must hold a current Street Performance Licence.

Licences must be clearly displayed during a performance to allow for Council monitoring and enforcement of the licence under these guidelines.

Council may revoke a current Street Performance Licence if a licence holder is found to be in breach of licence terms and conditions.’
8. Page 56 of the agenda, ‘Terms and Conditions’, section 4.1 – Amend to read as follows: ‘A Street Performance Licence is granted for a 12-month period, or any lesser period as determined by the licence approval process. 30 licences are available each year.’
9. Page 57 of the agenda, ‘Terms and Conditions’, section 4.19 – Amend to read as follows: ‘Performers may not perform within 10 metres of bank ATMs.’

10. Page 57 of the agenda, 'Terms and Conditions', section 4.22 – Amend to read as follows: 'Performers must not deliberately upset any member of the public or business operator by their behaviour.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

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

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2.

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

**UNANIMOUS DECISION**

That Council:

1. Adopts the Street Performance Policy and Guidelines attached to the report, subject to the following amendments:
  - (a) Page 52 of the agenda, section 4, third paragraph – Amend to read as follows: 'Council will assess applications against the Assessment Criteria in Section B: Street Performance Guidelines and advise applicants of the result of their application. Council may issue a restricted licence (such as limited hours, locations, or trial approval) due to the proposed nature of the performance.'
  - (b) Page 53 of the agenda, 'Licences', first paragraph – Amend to read as follows: 'Licences are granted for a 12-month period or less, or on a trial basis. 30 licences are available.'
  - (c) Page 53 of the agenda, 'Register', first paragraph – Amend to read as follows: 'This register will be publicly available, at the offices of Council, within business hours and without charge, in accordance with section 113(5) of the *Local Government Act 1993*.'
  - (d) Page 54 of the agenda, 'Monitoring', third paragraph – Amend to read as follows: 'Authorised Persons and Event Organisers Council officers can prohibit the use of an area for performances.'
  - (e) Page 55 of the agenda, 'Group Acts', third sentence – Amend to read as follows: 'Licences may be issued for larger groups at the discretion of the Council authorised Council officers.'
  - (f) Page 55 of the agenda, 'Hours and Duration' – Amend to read as follows:

'Street performance licence holders may perform, unless restricted by the licence:

    - (i) In designated zones only between the times of 9 am–9 pm, Monday–Sunday.
    - (ii) For a maximum period of 2 hours concurrently in any one zone. Performers must leave the zone for at least an hour before a second performance.'
  - (g) Pages 55 and 56 of the agenda, 'Approval', second and third paragraphs – Amend to read as

follows:

'If more than one street performer forms part of a group, each member of the group must hold a current Street Performance Licence.

Licences must be clearly displayed during a performance to allow for Council monitoring and enforcement of the licence under these guidelines.

Council may revoke a current Street Performance Licence if a licence holder is found to be in breach of licence terms and conditions.'

- (h) Page 56 of the agenda, 'Terms and Conditions', section 4.1 – Amend to read as follows: 'A Street Performance Licence is granted for a 12-month period, or any lesser period as determined by the licence approval process. 30 licences are available each year.'
  - (i) Page 57 of the agenda, 'Terms and Conditions', section 4.19 – Amend to read as follows: 'Performers may not perform within 10 metres of bank ATMs.'
  - (j) Page 57 of the agenda, 'Terms and Conditions', section 4.22 – Amend to read as follows: 'Performers must may not deliberately upset any member of the public or business operator by their behaviour.'
2. Refers the policy to the Reconciliation Action Plan Advisory Committee for further discussion on busking as a cultural practice.

**FC/5.3/23.03 Chaleyer Street, Rose Bay - Passing Bays (A20/0069)**

*Cr Gray declared a less than significant non-pecuniary interest in this item and informed the meeting that she lives in Chaleyer Street.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Gray

That Council:

1. Retains the 'No Parking' zones across the driveways of the following addresses along Chaleyer Street, Rose Bay:
  - (a) 117 and 119.
  - (b) 56 and 58.
  - (c) 23.
  - (d) 6 and 8.
  - (e) 1 and 457 Old South Head Road.
2. Does not install 'No Parking' zones across the driveways of the following addresses in Chaleyer Street:
  - (a) 91 and 95.

(b) 28 and 30.

**FC/5.4/23.03 Strategic Communication to the Community (SF22/2811)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan  
Seconder: Cr Masselos

That Council:

1. Reinstates a printed newsletter delivered to all households in the Waverley local government area three times a year, funded from existing budgets.
2. Includes upcoming consultation opportunities in each edition of the printed newsletter, and in other communications, wherever possible.
3. Produces a video summary of each Council meeting, highlighting the top decisions and issues from the meeting.

**6. Urgent Business**

There was no urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 8.08 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**4 APRIL 2023**