



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 27 JUNE 2023**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy 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 7.00 pm, those present were as listed above.

Crs Burrill, Nemes and Wy Kanak attended the meeting by audio-visual link.

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 none were received.

3. Obituaries

Joan O'Sullivan

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 Kay

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

- CM/5.1/23.06 Confirmation of Minutes – Council Meeting – 16 May 2023.
- CM/5.2/23.06 Adoption of Minutes – Waverley Traffic Committee Meeting – 18 May 2023.
- CM/7.3/23.06 Investment Portfolio Report – May 2023.
- CM/7.4/23.06 Investment Policy – Adoption.
- CM/7.7/23.06 Audit, Risk and Improvement Committee Meeting – 6 April 2023 – Minutes.
- CM/7.8/23.06 Events Policy – Adoption.
- CM/7.9/23.06 Access and Inclusion Advisory Panel Meeting – 11 May 2023 – Minutes.
- CM/7.10/23.06 Multicultural Advisory Committee Meeting – 1 February 2023 – Minutes.
- CM/7.11/23.06 Reconciliation Action Plan Advisory Committee Meeting - 28 November 2022 – Minutes.
- CM/7.12/23.06 Bus Driver Amenity Facilities – Licence to Transdev John Holland Buses – Post-Exhibition.
- CM/11.1/23.06 CONFIDENTIAL REPORT – 74 Newland Street, Bondi Junction – Community Tenancy Leases.

5. Confirmation and Adoption of Minutes**CM/5.1/23.06 Confirmation of Minutes - Council Meeting - 16 May 2023 (SF23/16)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Kay

That the minutes of the Council meeting held on 16 May 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 18 May 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 18 May 2023 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

CM/6.1/23.06 Bondi Festival (A23/0016)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Acknowledges the significance of Council delivering Bondi Festival, a major contemporary performing arts festival.
2. Congratulates all officers involved in the planning and launch of the festival, and encourages all residents to support and enjoy the festival from 30 June to 16 July 2023.

Background

As Mayor, I am proud that Council's Bondi Festival is bigger and better than ever, providing exciting opportunities for locals and visitors alike to enjoy the natural beauty of Bondi and world class arts and culture. This year's festival is double in size and is a significant achievement for our Council.

This year's festival is a showcase of local, national and international artists, with comedy, cabaret and theatre taking the stage. The bulk of the festival program will be presented at Bondi Pavilion after a hiatus while the renovation and restoration project was completed.

A major focus of the festival's audience development strategy is bringing together the Bondi community, with free events occurring each of the three festival Saturdays. Festival favourites, Bondi Festival Ice Rink and Bondi Vista Ferris Wheel, also return for another year, bringing significant footfall and visitation to our beach in the winter period and much needed economic activity for our small businesses.

The festival has a strong commitment to arts accessibility, not only hosting free events enabling everyone to engage in arts and culture, but also ensuring that the program is open to all. We deliver some wheelchair accessible, Auslan-interpreted and sight-no-obstacle performances to ensure that d/Deaf and disabled audiences have access to the shows. We also include Deaf and disabled artists in the festival programming (PAH! Stories, Date Night).

It gives me great pleasure as Mayor that this year Council is bringing more inter-state artists to Bondi Festival than ever before. This year's festival features three world premiers: Helios (international), Josh Glanc: Collections and Songs of Sirens, an operatic performance taking place on Bondi Beach, making the most of our incredible natural environment. These are presented alongside many award-winning shows, such as Gillian Cosgriff: Actually, Good (Most Outstanding Show, Melbourne International Comedy Festival, 2023); Waterloo by Bron Batten (Summerhall Edinburgh Fringe Touring Award, 2019, Arts House Evolution Award, Melbourne Fringe Festival 2019, Best Theatre Overall Category Award, Perth Fringe Festival 2020); and Betwixt by Pink Matter, presented in association with MetroArts (Adelaide Fringe Award for Best Dance 2023).

Council continues to 'punch above our weight' and sit among other arts and culture sector leaders in the presentation of accessible, high quality, contemporary artistic programming.

Our community values and celebrates cultural activity in all its forms, is hungry for innovation, great public offerings, diversity of representation on our stages and opportunities to connect and build social cohesion, and this year's festival program demonstrates and celebrates our commitment to this.

Congratulations to all Officers involved in developing this program and bringing these exciting opportunities to Waverley audiences.

I encourage all of our residents to enjoy the festival and all Bondi has to offer!

7. Reports

CM/7.1/23.06 Pricing Policy, Fees and Charges 2023-24, Budget and Long Term Financial Plan 6.1 - Adoption (SF22/3751)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Adopts the Pricing Policy, Fees and Charges 2023–24 attached to the report (Attachment 2), subject to the following amendments:
 - (a) Page 58 of the attachments under separate cover – Section 32.10 – Margaret Whitlam Recreation Centre – Active Seniors Program: pensioner fees to remain at the 2022–23 fee (including multipasses).
 - (b) Page 74 of the attachments under separate cover – Section 39 – Seniors Centre: full pension fees to be set at \$7 per class and \$70 for a multipass.
2. Adopts the budget for 2023–24 attached to the report (Attachment 3).
3. Adopts the Long Term Financial Plan (LTFP) 6.1 attached to the report (Attachment 4), noting that the LTFP will be reviewed annually in line with the Operational Plan and annual budget development.

CM/7.2/23.06 Operational Plan 2023-24 including Budget and Statement of Revenue Policy - Adoption (A22/0557)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Adopts the Operational Plan 2023–24, incorporating the Budget and Statement of Revenue Policy, attached to the report, including:
 - (a) The rating structure for 2023–24 contained on page 83 of the Operational Plan 2023–24. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act 1993* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2023 to 30 June 2024:
 - (i) An ordinary rate of 0.076000 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act.

- (ii) An ordinary rate of 0.385566 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529(2)(d) of the Act.
- (iii) An ordinary rate of 0.784942 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act.
- (b) The Domestic Waste Management Service Charge being set at \$616 per service per annum for the financial year 2023–24 in accordance with section 496 of the Act.
- (c) The Stormwater Management Service Charge contained on page 86 of the Operational Plan 2023–24 in accordance with section 496A of the Act for the financial year 2023–24 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or charge (\$)
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

- 2. Authorises the General Manager to make any necessary editorial and content changes to the Operational Plan and Budget in order to give effect to Council’s resolution and to update data for performance measures where baseline data is not currently available.

AMENDMENT 1

Mover: Cr Wy Kanak
 Seconder: Cr Fabiano

That the following clause 1(d) be added to the motion:

‘Subject to the following amendment: on page 133 of the attachments under separate cover, delete “Uluru” when referring to the Statement from the Heart.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 2 (LAPSED)

Mover: Cr Wy Kanak

That the following clause 1(d) be added to the motion:

‘Subject to the following amendment: on page 133 of the attachments under separate cover, amend the eighth paragraph to read as follows:

“We continue to raise awareness of the Statement from the Heart, the Voice and the constitutional referendum.

The Statement expresses the Aboriginal Torres Strait Islander belief that with substantive constitutional change and structural reform, First Nations ancient sovereignty can shine through as a fuller expression of Australia’s nationhood.

The Statement calls for: recognition of Aboriginal Torres Strait Islander sovereignty, a Voice to Parliament

enshrined in the Constitution and a Makarrata Commission to supervise agreement making and truth-telling about First Nations history. We believe the Statement is a path forward for truth-telling, treaties and self-determination for First Nations peoples.”

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Operational Plan 2023–24, incorporating the Budget and Statement of Revenue Policy, attached to the report, including:
 - (a) The rating structure for 2023–24 contained on page 83 of the Operational Plan 2023–24. In accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act 1993* (the Act), it is proposed that the following rates and charges be set for every parcel of rateable land within the local government area for the period 1 July 2023 to 30 June 2024:
 - (i) An ordinary rate of 0.076000 cents in the dollar subject to a minimum rate in accordance with section 548(3) of the Act per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act.
 - (ii) An ordinary rate of 0.385566 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529(2)(d) of the Act.
 - (iii) An ordinary rate of 0.784942 cents in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act.
 - (b) The Domestic Waste Management Service Charge being set at \$616 per service per annum for the financial year 2023–24 in accordance with section 496 of the Act.
 - (c) The Stormwater Management Service Charge contained on page 86 of the Operational Plan 2023–24 in accordance with section 496A of the Act for the financial year 2023–24 as follows:

Stormwater Management Service Charge		
Category	Unit	Fee or charge (\$)
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

2. Authorises the General Manager to make any necessary editorial and content changes to the Operational Plan and Budget in order to give effect to Council’s resolution and to update data for performance measures where baseline data is not currently available.

Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.

CM/7.3/23.06 Investment Portfolio Report - May 2023 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Kay

That Council:

1. Notes the Investment Summary Report for May 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/7.4/23.06 Investment Policy - Adoption (A05/0197)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Kay

That Council adopts the Investment Policy attached to the report.

CM/7.5/23.06 Councillors' Fees - Local Government Remuneration Tribunal Determination 2023 (A03/1343)**MOTION / DECISION**

Mover: Cr Gray

Seconder: Cr Goltsman

That Council, in accordance with the Local Government Remuneration Tribunal's Annual Determination 2023 attached to the report, approves the annual fees payable to Councillors for the year 1 July 2023 to 30 June 2024 as follows:

1. All Councillors (including the Mayor) – \$21,730.
2. Mayor – \$47,390 in addition to the Councillor fee.
3. Deputy Mayor – \$4,194 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.

CM/7.6/23.06 Council Meetings - Addresses by Members of the Public by Audio-Visual Link (A22/0057)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Burrill

That Council:

1. Trials the following practice at Council and Council Committee meetings for a minimum of three months:
 - (a) Allowing members of the public to address meetings by audio-visual link.
2. Officers prepare a report to Council following the trial.

CM/7.7/23.06 Audit, Risk and Improvement Committee Meeting - 6 April 2023 - Minutes (SF23/1014)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 6 April 2023 attached to the report.

CM/7.8/23.06 Events Policy - Adoption (A23/0269)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council adopts the Events Policy attached to the report.

CM/7.9/23.06 Access and Inclusion Advisory Panel Meeting - 11 May 2023 - Minutes (A21/0096)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council notes the minutes of the Access and Inclusion Advisory Panel meeting held on 11 May 2023 attached to the report.

CM/7.10/23.06 Multicultural Advisory Committee Meeting - 1 February 2023 - Minutes (A02/0447)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council notes the minutes of the Multicultural Advisory Committee meeting held on 1 February 2023.

CM/7.11/23.06 Reconciliation Action Plan Advisory Committee Meeting - 28 November 2022 - Minutes (A14/0173)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council notes the minutes of the Reconciliation Action Plan Advisory Committee meeting held on 28 November 2022 attached to the report.

CM/7.12/23.06 Bus Driver Amenity Facilities - Licence to Transdev John Holland Buses - Post-Exhibition (A22/0152)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That Council:

1. Grants three licences to Transdev John Holland Buses (Aust) Pty Ltd for eight years for the use of bus driver amenities at the following locations on the terms and conditions set out in the report:
 - (a) South Head Cemetery, Old South Head Road, Vaucluse.
 - (b) North Bondi Terminus, Campbell Parade, North Bondi.
 - (c) Bronte Tram Shed, Bronte Road, Bronte.
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

8. Notices of Motions

CM/8.1/23.06 North Bondi Shops and Bus Terminus Upgrade - Consultation (A18/0394)

MOTION

Mover: Cr Goltsman
Seconder: Cr Burrill

That Council:

1. Notes the North Bondi bus terminus's dual role as an operational public transport infrastructure asset and a historical landmark.
2. Notes the previous resolution PD/5.6/23.06 (North Bondi Shops and Terminus Upgrade – Concept Designs) to undertake stakeholder and community consultation of the refinement to Options 2a/b and Option 3.
3. Notes that thorough consultation with stakeholders Transport for New South Wales (TfNSW) and bus operator Transdev John Holland has yet to be conducted.
4. Consults TfNSW and Transdev John Holland to establish the functional needs of the 'terminus', including bus layover parking and turning areas, and impact on the current concept designs.

5. Establishes a North Bondi Shops and Bus Terminus Upgrade Reference Group by inviting key stakeholders, such as local businesses and residents, the Bondi and District Chamber of Commerce, the Bondi Ward Precinct committees, BIKEast and interested Councillors, to provide feedback and ideas on the updated concept designs in an independently conducted consultation.
6. Holds a Councillor briefing to consider outcomes and recommendations from the above consultations before preparing a report to Council.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.2/23.06 Bondi Pavilion - Strategic Plan for Events (A23/0269)

MOTION (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Kay

That Council:

1. Officers conduct a Councillor briefing to determine:
 - (a) A strategic list of event themes and significant events to be held at the Bondi Pavilion.
 - (b) Whether and how Council should provide an expression of interest process for the event themes and events identified.
 - (c) Under what circumstances Council should waive fees and/or give financial assistance.
2. Officers consult the Friends of Bondi Pavilion, Council's Arts and Culture Advisory Committee and interested Precinct committees.
3. Receives a report with recommendations for Council's consideration.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session**CM/11/23.06 Closed Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

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/11.2/23.06 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land

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 8.36 pm, Council moved into closed session.

CM/11.1/23.06 CONFIDENTIAL REPORT - 74 Newland Street, Bondi Junction - Community Tenancy Leases (SF19/3947)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Kay

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)© 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 Waverley Drug and Alcohol Centre for the ground floor at 74 Newland Street, Bondi Junction, for four years on the terms and conditions set out in the report.
3. Grants a lease to Eastern Area Tenants Service for the first floor at 74 Newland Street, Bondi Junction, for four years on the terms and conditions set out in the report.

4. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.2/23.06 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)

MOTION

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)(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. Sells the land in Osmund Lane, Bondi Junction, identified in the report as Option 2 with zero floor space ratio, to Westgate Bondi Junction Pty Ltd for the negotiated price set out in the report as part of the development of 194–214 Oxford Street and 2 Nelson Street.
3. Authorises the General Manager and the Mayor to execute, and affix Council’s seal to, the contract for sale and any other documentation to finalise the matter.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

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)(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. Sells the land in Osmund Lane, Bondi Junction, identified in the report as Option 2 with zero floor space ratio, to Westgate Bondi Junction Pty Ltd for the negotiated price set out in the report as part of the development of 194–214 Oxford Street and 2 Nelson Street.
3. Authorises the General Manager and the Mayor to execute, and affix Council’s seal to, the contract for sale and any other documentation to finalise the matter.
4. Notes that the local community was consulted and was generally supportive of the sale of Osmund Lane.

Division

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

Against the Motion: Cr Wy Kanak.

12. Resuming in Open Session

CM/12/23.06 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council resumes in open session.

At 8.57 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
18 JULY 2023