



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 15 AUGUST 2023**

Present:

| | |
|---|---------------|
| Councillor Paula Masselos (Mayor) (Chair) | Lawson Ward |
| Councillor Elaine Keenan (Deputy Chair) | Lawson 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 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, Goltsman 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

CM/1.1/23.08 Leave of Absence - Cr Betts (A03/0029)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay

Seconder: Cr Lewis

That Council grants Cr Sally Betts leave of absence from the Council meeting on 15 August 2023.

CM/1.2/23.08 Leave of Absence - Cr Nemesh (A03/0029)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay

Seconder: Cr Lewis

That Council grants Cr Will Nemesh leave of absence from the Council meeting on 15 August 2023 due to him being overseas.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Obituaries

Ted Sime

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

4. Addresses by Members of the Public

There were no addresses by members of the public.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

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

- CM/5.1/23.08 Confirmation of Minutes – Council Meeting – 18 July 2023.
- CM/7.1/23.08 Delivery Program 2022-26 – Six-Monthly Progress Report.
- CM/7.2/23.08 Budget Carry Over – 2022-23 to 2023-24.
- CM/7.3/23.08 Investment Portfolio Report – July 2023.
- CM/7.4/23.08 Audit, Risk and Improvement Committee – External Independent Member.
- CM/7.5/23.08 Precinct Committees – Motions and Update.
- CM/7.6/23.08 NSW Arts, Culture and Creative Industries Policy – Submission.
- CM/11.2/23.08 CONFIDENTIAL REPORT – Procurement Exemption – Cloud Hosting Services.

5. Confirmation and Adoption of Minutes

CM/5.1/23.08 Confirmation of Minutes - Council Meeting - 18 July 2023 (SF23/16)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 18 July 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 July 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 27 July 2023 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.04/23.07 – 2 Leichhardt Street, Bronte – Construction Zone.

And that this item be dealt with separately below.

CM/5.2.1/23.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 July 2023 - TC/C.04/23.07 - 2 Leichhardt Street, Bronte - Construction Zone (A03/2514-04)

This item was saved and excepted by Cr Kay.

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Burrill

That Council adopts the Traffic Committee's recommendation subject to amendment to clause 1 such that the recommendation now reads as follows:

That Council:

1. Installs a 9 metre 'No Parking, 10 am–2 pm Mon–Sat, Council Authorised Vehicles Excepted' construction zone in front of 4 Leichhardt Street, Bronte.
2. Requires the applicant to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the installation of the construction zone.
3. Requires the applicant to notify residents in the vicinity of the construction zone prior to it being installed.
4. Delegates authority to the Executive Manager, Infrastructure Services to adjust the length and duration of, or remove, the construction zone as necessary.
5. Requests parking patrol officers to monitor the site for non-compliance with the NSW Road Rules.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/23.08 Delivery Program 2022-26 - Six-Monthly Progress Report (A21/0035)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

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

CM/7.2/23.08 Budget Carry Over - 2022-23 to 2023-24 (A03/0346)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council carries over \$4,802,397 from the 2022-23 financial year budget to 2023–24, as set out in Attachment 1 of the report.

CM/7.3/23.08 Investment Portfolio Report - July 2023 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the Investment Summary Report for July 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/7.4/23.08 Audit, Risk and Improvement Committee - External Independent Member (SF23/1414)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council appoints Sheridan Dudley as an external independent member of the Audit, Risk and Improvement Committee until 31 December 2024.

CM/7.5/23.08 Precinct Committees - Motions and Update (A04/0038)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the status of Precinct motions from June 2022 to June 2023 attached to the report.
2. Notes the update on Precinct activities as set out in the report, including:
 - (a) The continued operation of Precinct meetings in face-to-face and online formats, and the soon to commence trial of hybrid meetings.
 - (b) The continued engagement of the Precincts and the Combined Precincts group in consultations on Council's strategic projects, programs and plans in face-to-face and online formats.

- (c) That Precincts have resumed holding their Annual General Meetings at face-to-face meetings.
- (d) That the Combined Precincts Meeting continues to operate in its four sub-committee structure.

CM/7.6/23.08 NSW Arts, Culture and Creative Industries Policy - Submission (A23/0258)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council approves the submission to the NSW State Government attached to the report on the NSW Arts, Culture and Creative Industries Policy.

CM/7.7/23.08 Sydney Eastern City Planning Panel - Community Membership (A16/0688)

Council moved into closed session to deal with this item.

MOTION

Mover: Cr Lewis

Seconder: Cr Fabiano

That Council:

1. Appoints the following community representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:
 - (a) Jan Murrell.
2. Sets the remuneration of the members at \$500 per briefing meeting and \$1,500 per determination meeting.
3. Defers the appointment of the three additional community representatives to further consider how all candidates have addressed the selection criterion 'demonstrate their knowledge of the local area and be able to represent and communicate the interests of the local community at Panel meetings.' As these applicants are to be selected as community representatives, this criterion is to be ranked highly.
4. Officers prepare a report to Committee or Council with new recommendations for three additional community representatives.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION, MOVED BY CR KAY AND SECONDED BY CR BURRILL, TO LAY THE ITEM ON THE TABLE TO DISCUSS THE APPLICANTS IN CLOSED SESSION, WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

LATER IN THE MEETING, DURING CLOSED SESSION, A PROCEDURAL MOTION TO TAKE THE ITEM FROM THE TABLE, MOVED BY CR MURRAY AND SECONDED BY CR LEWIS, WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Appoints the following community representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:
 - (a) Jan Murrell.
2. Sets the remuneration of the members at \$500 per briefing meeting and \$1,500 per determination meeting.
5. Defers the appointment of the three additional community representatives to further consider how all candidates have addressed the selection criterion 'demonstrate their knowledge of the local area and be able to represent and communicate the interests of the local community at Panel meetings.' As these applicants are to be selected as community representatives, this criterion is to be ranked highly.
6. Officers prepare a report to Committee or Council with new recommendations for three additional community representatives.

Division

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

Against the Motion: Nil.

8. Notices of Motions

CM/8.1/23.08 Darren Bark - Contributions and Achievements to Faith Communities (A02/0017)

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Acknowledges the comprehensive efforts and significant contributions of Mr Darren Bark during his two-year tenure as CEO of the NSW Jewish Board of Deputies (NSWJBD).
2. Joins the NSW Premier, former Premier, Ministers, Opposition Leader, Shadow Ministers and faith leaders across Australia in paying tribute to Mr Bark for his relentless work to promote and reinforce a harmonious society throughout NSW.
3. Notes Mr Bark's successful work in implementing a state-wide ban on the display of Nazi symbols, which led to the unprecedented prosecution of three individuals under this new offence and also:
 - (a) Commends the commitment of \$25 million from the Labor and Liberal Parties, procured by Mr Bark, to bolster the safety and security of community institutions across all faiths, including schools, synagogues and community centres.
 - (b) Recognises Mr Bark's efforts in securing funds to expand the Sydney Jewish Museum and his role in initiating a partnership with the Department of Education to enhance Holocaust education in NSW schools.

4. Also notes Mr Darren Bark's:
 - (a) Initiative to host town hall forums with the Premier and Opposition Leader in Parramatta during the election campaign to facilitate direct community questions and his arrangement for it to be broadcast on Sky News.
 - (b) Launching the NSWJBD online reporting portal for Jewish students and their families to report incidents of antisemitic bullying, along with the commitment secured by Mr Bark from the NSW Labor Party to introduce a religious bullying hotline and reporting portal.
 - (c) Critical role in establishing the inaugural NSW Religious Communities Advisory Council, fostering enhanced engagement between faith communities and the NSW Government, along with the agreement facilitated by Mr Bark with the Liberal Party to illuminate the Opera House sails in blue and white in honour of Israel's 75th independence anniversary.
 - (d) Successful organisation of communal commemorations under his leadership, such as Yom Hashoah and Kristallnacht and the inaugural JBD Susan and Isaac Wakil Israel Tour.
 - (e) Efforts to strengthen relations between the Jewish community and other faith groups in our state, his advocacy for the Jewish community in mainstream media, and his negotiations enabling the Jewish community to attend COVID-safe, outdoor shofar-blowing services during the 2021 COVID-19 lockdown.
 - (f) Leadership alongside Mr Surinder Jain as co-Chairs of Better Balanced Futures.
5. Requests the Mayor to write to Darren Bark, praising his two-year tenure on the NSW Jewish Board of Deputies and informing him of this resolution.
6. Officers prepare a media release about the Council resolution for publication on the Council's website.

AMENDMENT

Mover: Cr Lewis
Seconder: Cr Gray

That:

1. Clauses 3, 4 and 6 be deleted.
2. Clause 5 be amended to read as follows:

‘Requests the Mayor to write to Darren Bark, informing him of this resolution.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

Against the Amendment: Crs Burrill, Goltsman and Kay.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Acknowledges the comprehensive efforts and significant contributions of Mr Darren Bark during his two-year tenure as CEO of the NSW Jewish Board of Deputies (NSWJBD).
2. Joins the NSW Premier, former Premier, Ministers, Opposition Leader, Shadow Ministers and faith leaders across Australia in paying tribute to Mr Bark for his relentless work to promote and reinforce a harmonious society throughout NSW.
3. Requests the Mayor to write to Darren Bark, informing him of this resolution.

CM/8.2/23.08 Dog Litter Bag Dispensers (A21/0449)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council:

1. Audits all high pedestrian destinations throughout the Waverley local government area where dogs and their owners congregate, with a view to installing dog litter bag dispensers by the end of 2023 and informational signage after the current dog signage review has been completed.
2. Officers:
 - (a) Prepare a report to Council with recommendations for a funding proposal or deferral of some installations if outcomes from the above audit are unable to be covered fully by the 2023–24 operations budget.
 - (b) Circulate a map of the new dog litter bag dispensers to Councillors.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/23.08 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

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/11.1/23.08 CONFIDENTIAL REPORT - Mardi Gras Bondi Beach Party 2024

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.

CM/11.3/23.08 CONFIDENTIAL REPORT - Tender Evaluation - ICT Modernisation

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 7.23 pm, Council moved into closed session.

CM/11.1/23.08 CONFIDENTIAL REPORT - Mardi Gras Bondi Beach Party 2024 (A23/0392)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Approves the Sydney Gay and Lesbian Mardi Gras Bondi Beach Party event at Bondi Park, Beach (stage set-up only) and Bondi Pavilion on a date to be confirmed in late February 2024 in accordance with the requirements set out in the report.
3. Approves an event fee up to the maximum as set out in the report.
4. Authorises the General Manager or delegate to complete negotiations, finalise the event fee and execute a licence agreement with Sydney Gay and Lesbian Mardi Gras.

**CM/11.2/23.08 CONFIDENTIAL REPORT - Procurement Exemption - Cloud Hosting Services
(A16/0353)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves a procurement exemption to engage Amazon Web Services for the supply of cloud hosting services.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.3/23.08 CONFIDENTIAL REPORT - Tender Evaluation - ICT Modernisation (A20/0450)

MOTION

Mover: Cr Murray

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. Declines to accept any of the tenders for technology partner solutions and delivery partner services for the ICT Modernisation Program in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market and received conforming tenders for both technology and delivery partner.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to:
 - (a) Enter into negotiations with the top ranked technology partner and top ranked delivery partner to validate solution design and align implementation and delivery methodologies, with a view to entering into contract with the tenderers.
 - (b) Enter into negotiations with one or more of the tenderers with a view to entering into a contract with the tenderer(s), should the negotiations in clause 4(a) be unsuccessful.
5. Authorises the General Manager or delegate to complete negotiations and execute all necessary

documentation to finalise the matter.

6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

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

FORESHADOWED MOTION (LAPSED)

Mover: Cr Wy Kanak

That Council considers retendering the ICT Modernisation Program, including the technology partner and delivery partner.

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)(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. Declines to accept any of the tenders for technology partner solutions and delivery partner services for the ICT Modernisation Program in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market and received conforming tenders for both technology and delivery partner.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to:
 - (a) Enter into negotiations with the top ranked technology partner and top ranked delivery partner to validate solution design and align implementation and delivery methodologies, with a view to entering into contract with the tenderers.
 - (b) Enter into negotiations with one or more of the tenderers with a view to entering into a contract with the tenderer(s), should the negotiations in clause 4(a) be unsuccessful.
5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
6. Notifies tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

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

12. Resuming in Open Session

CM/12/23.08 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Gray

That Council resumes in open session.

At 8.15 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 8.20 PM.

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SIGNED AND CONFIRMED
MAYOR
12 SEPTEMBER 2023