



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 17 OCTOBER 2023

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Ludovico Fabiano (Deputy Mayor)	Waverley Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson 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
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Teena Su	Acting Director, Corporate Services
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 7.04 pm, those present were as listed above.

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

At 8.32 pm, following the vote on item CM/10.1/23.10, the meeting adjourned for a short break.

At 8.40 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

Apologies were received from Cr Michelle Gray.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in item CM/7.7/23.10 – Small Grants Program 2023-24 - Round 1 and informed the meeting that he has volunteered for COA.

3. Obituaries

Aunty Esme Timbery

Martin Lipschitz

Sarah Keenan

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 J Gazecki (on behalf of Southern Land Productions Pty Ltd) – CM/7.8/23.10 – High Impact Event – Bondi Beach Volleyball Festival.
- 4.2 M Merten (on behalf of Bondi Beach Precinct) – CM/7.8/23.10 – High Impact Event – Bondi Beach Volleyball Festival.
- 4.3 B Jackson (on behalf of Bondi Surf Bathing Life Saving Club) – CM/7.8/23.10 – High Impact Event – Bondi Beach Volleyball Festival.

- 4.4 D Mitchell – CM/8.1/23.10 – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.5 A Cameron – CM/8.1/23.10 – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.6 E Voukidis – CM/8.1/23.10 – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.7 A Pouloukefalos – CM/8.1/23.10 – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.8 N Pouloukefalos – CM/8.1/23.10 – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

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

- CM/5.1/23.10 Confirmation of Minutes – Council Meeting – 12 September 2023.
- CM/5.2/23.10 Adoption of Minutes – Waverley Traffic Committee Meeting – 28 September 2023.
- CM/7.1/23.10 Public Interest Disclosure Policy – Adoption.
- CM/7.2/23.10 Annual Returns Disclosing Interests of Councillors and Designated Persons.
- CM/7.3/23.10 Investment Portfolio Report – August 2023.
- CM/7.4/23.10 Investment Portfolio Report – September 2023.
- CM/7.5/23.10 Arts, Culture and Creativity Advisory Committee – Membership
- CM/7.6/23.10 Annual Venue Hire Grants 2024.
- CM/7.7/23.10 Small Grants Program 2023-24 – Round 1.

5. Confirmation and Adoption of Minutes

CM/5.1/23.10 Confirmation of Minutes - Council Meeting - 12 September 2023 (SF23/16)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That the minutes of the Council meeting held on 12 September 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 September 2023 (SF23/19)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Fabiano

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 September 2023 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes**CM/6.1/23.10 Customer Experience Improvements (A21/0289)****MOTION**

Mover: Cr Masselos

That Council:

1. Acknowledges and promotes the new Customer Service Charter.
2. Acknowledges and promotes the new online service for booking 'your call' bulk waste collections.
3. Continues to transform the customer experience for Waverley residents, as informed by the Customer Experience Strategy.

Background

As Mayor, I have championed and placed significant focus on Council transforming the customer experience for residents, ratepayers and visitors.

In 2022, Council embarked on a journey to develop and deliver a Customer Experience Strategy that would transform how Council:

- Is perceived by the community it serves.
- Services its residents, visitors, businesses, partners and stakeholders.
- Tracks the customer journey during the planning, consultation and decision-making processes.
- Establishes a service-focused culture cultivating great customer experiences.
- Reimagines the way services are delivered through technology, automation and continuous improvement.

I am very pleased to acknowledge recent advancements made by Council towards achieving this strategy.

Customer Service Charter

Council's new Customer Service Charter outlines to the community what they can expect when interacting with Council, how Council will deliver on the charter, and the numerous channels available to our residents including the Spring Street Customer Service Centre, the Bondi Pavilion Welcome Centre, our Call Centre, email, online and Snap Send Solve.

Banners have been placed in our public customer service locations to advertise and publicise our commitment to Customer Service, and our residents. Council will undertake a process to inform residents of the new Customer Service Charter, and training for Council officers.

Online 'your call' bulk waste service

Previously, a resident was required to call our Customer Service team to book a bulk waste collection. This was inconvenient for customers, only available during office hours, and amounted to a great amount of manual administration work by Council officers across multiple teams.

As of last week, we now have an automated online service, available to residents 24/7 at their convenience to book their bulk waste service collections. This will also lead to greater efficiencies internally as the process is fully automated including an artificial intelligence integration to suggest optimal collection routes, also taking into account anticipated traffic.

I encourage residents to make use of this great new service and look forward to further improvements like this to benefit our residents.

Our new online service was built in-house by Council Officers, utilising native applications. This is a significant achievement by Council, which also demonstrates the capability of our officers, and the sound financial management of Council.

I request Council publicises these advances in our Customer Experience transformation and continues to deliver on the Customer Experience Strategy.

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. Acknowledges and promotes the new Customer Service Charter, which is as follows:

Waverley Council provides a vast array of services from childcare, planning, roads, infrastructure, libraries, art, and theatre spaces, to parks, beaches, and bushland. Our customers include residents, ratepayers, and businesses as well as visitors. There are many reasons why our customers contact us and many different ways to reach us. We strive to provide a responsive and friendly service every time.

Our Vision and Values

We keep our community at the centre of everything we do and we strive for excellence.

- Care.
- Respect.
- Integrity.
- Innovation.
- Collaboration.

We will:

- Understand your needs and communicate clearly in return.
- Answer enquiries in a timely manner and resolve enquiries as soon as possible.
- Give timeframes for requests that need more investigation.
- Provide the tools to help you interact with us easily.

- Offer innovative and flexible service.
 - Respect and protect your privacy.
 - Be friendly, courteous and respectful, always.
 - Create an inclusive environment and celebrate our diversity.
2. Acknowledges and promotes the new online service for booking 'your call' bulk waste collections.
 3. Continues to transform the customer experience for Waverley residents, as informed by the Customer Experience Strategy.

7. Reports

CM/7.1/23.10 Public Interest Disclosure Policy - Adoption (A23/0504)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That Council adopts the Public Interest Disclosure Policy attached to the report.

CM/7.2/23.10 Annual Returns Disclosing Interests of Councillors and Designated Persons (A23/0171)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That Council notes the returns of Councillors and designated persons disclosing interests for the period 30 June 2022 to 30 June 2023.

CM/7.3/23.10 Investment Portfolio Report - August 2023 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

That Council:

1. Notes the Investment Summary Report for August 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/7.4/23.10 Investment Portfolio Report - September 2023 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Notes the Investment Summary Report for September 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/7.5/23.10 Arts, Culture and Creativity Advisory Committee - Membership (A23/0398)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council appoints the following individuals to the Arts, Culture and Creativity Advisory Committee for a term of two years, from November 2023 to October 2025:

1. Members:
 - (a) Aleema Ash.
 - (b) Michaela Boland.
 - (c) Alex Bowen.
 - (d) Nerida Campbell.
 - (e) Donna Hewitt.
 - (f) Isabel Hudson.
 - (g) Sam Marshall.
 - (h) Antonia Pesenti.
 - (i) Dr Benjamin Schostakowski.
2. Reserve members:
 - (a) Helen Vatsikopoulos.
 - (b) Emma Pask.
 - (c) Megan Fizell.
 - (d) Moira Blumenthal.
 - (e) Anne-Marie Te Whiu.

CM/7.6/23.10 Annual Venue Hire Grants 2024 (A23/0654)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Fabiano

That Council, in accordance with section 356 of the *Local Government Act* and the Venue Hire Grants Program 2024, grants \$11,965.80 in financial assistance to the community organisations and groups as set out in the attachment to the report.

CM/7.7/23.10 Small Grants Program 2023-24 - Round 1 (A23/0314)

Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he has volunteered for COA.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Fabiano

That Council, under the Small Grants Program 2023–24 (Round 1), grants \$45,042 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

CM/7.8/23.10 High Impact Event - Bondi Beach Volleyball Festival (A23/0011)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council notes that the applicant has withdrawn their High Impact event application for the Bondi Beach Volleyball Festival.

J Gazecki (on behalf of Southern Land Productions Pty Ltd), M Merten (on behalf of Bondi Beach Precinct) and B Jackson (on behalf of Bondi Surf Bathing Life Saving Club) addressed the meeting.

CM/7.9/23.10 Amended Voluntary Planning Agreement - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction (SF21/3455)**MOTION / DECISION**

Mover: Cr Masselos
Seconded: Cr Murray

That Council:

1. Approves the amended planning agreement attached to the report applying to land at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, offering a total contribution of \$7.45 million, comprising a \$1.15 million in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution to be allocated to the items set out in schedule 1 of the planning agreement, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division**For the Motion:** Crs Betts, Burrill, Goltsman, Kay, Keenan, Lewis, Masselos, Murray and Nemesh.**Against the Motion:** Crs Fabiano and Wy Kanak.**CM/7.10/23.10 Petition - Resident Parking Scheme - Jackaman Street, Bondi (A16/0643)****MOTION**

Mover: Cr Kay

Seconder: Cr Fabiano

That Council:

1. Considers the petition requesting business hours parking assistance for the staff of London Carriage Preschool and Nursery at 23 Jackaman Street, Bondi, in the recently implemented Resident Parking Scheme (RPS Area 15, east section) as part of the wider RPS review scheduled to commence in the first half of 2024.
2. Officers investigate and implement short-term measures, as appropriate, to assist the staff of London Carriage with their on-street parking issues during operating hours of the preschool and nursery until the RPS review recommendations are actioned.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2 AND THE ADDITION OF A NEW CLAUSE 3.

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

UNANIMOUS DECISION

That Council:

1. Considers the petition requesting business hours parking assistance for the staff of London Carriage Preschool and Nursery at 23 Jackaman Street, Bondi, in the recently implemented Resident Parking Scheme (RPS Area 15, east section) as part of the wider RPS review scheduled to commence in the first half of 2024.
2. Officers investigate short-term measures, as appropriate, to assist the staff of London Carriage with their on-street parking issues during operating hours of the preschool and nursery until the RPS review recommendations are actioned.
3. Officers prepare a report to Council with recommendations as a matter of urgency.

CM/7.11/23.10 Tender Evaluation - Bondi Beach Mobile Vendor Licences - Refreshments and/or Beach-Related Services (A23/0230)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Murray

That Council:

1. Treats the tender evaluations attached to the report as confidential in accordance with section 11(3)

of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The evaluations contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.

2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*:
 - (a) Accepts the preferred tenderer Special Events and Venue Catering for the supply of beach refreshment services at Ramp 2, Bondi Beach, for the sum of \$125,476 (excluding GST) over the initial three-year term of the licence.
 - (b) Accepts the preferred tenderer David Pearson for the supply of beach refreshment services at Ramp 6, Bondi Beach, for the sum of \$46,209 (excluding GST) over the initial three-year term of the licence.
 - (c) Accepts the preferred tenderer RMMD Pty Ltd for the supply of beach refreshment services at Ramp 7, Bondi Beach, for the sum of \$805,373 (excluding GST) over the initial three-year term of the licence.
3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderers above for three years with two one-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

CM/7.12/23.10 Tender Evaluation - Bondi Beach Mobile Vendor Licence - Beach Equipment Hire (A23/0229)

MOTION / UNANIMOUS DECISION

Mover: Cr Murray

Seconder: Cr Keenan

That Council:

1. Treats the tender evaluation attached to 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 evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the preferred tenderer Let's Go Surfing for the supply of beach equipment hire services at Bondi Beach for the sum of \$215,149 (excluding GST) over the initial three-year term of the licence.
3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderer for three years with two one-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

Cr Wy Kanak was not present for the vote on this item.

8. Notices of Motions**CM/8.1/23.10 Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte (A17/0243)**

Council dealt with this item in closed session.

MOTION

Mover: Cr Kay
Seconder: Cr Betts

That Council urgently:

1. Researches the history and current ownership and operational status of the drainage reserve or laneway between 28 and 32 Belgrave Street, the properties to the immediate west and east of the laneway respectively, noting that it is used by local residents for pedestrian access between Dickson Lane and Belgrave Street, Bronte.
2. Takes necessary and appropriate steps to ensure public laneway access is retained until a proper investigation into the matter (clause 3 below) has taken place.
3. Assuming that the laneway is privately owned and therefore not owned by Council, investigates options for Council to ensure public laneway access into the future, such as purchasing the laneway or placing a caveat or easement over the title.
4. Receives a report on the above research, actions and investigation, including a recommendation on Council's legislative and consultative processes and actions to ensure the laneway retains its public right of way status, noting that this report may need to be placed in Council's confidential agenda due to matters being of a commercial and in-confidence nature, and how the laneway's amenity could be better maintained.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2–4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED UNANIMOUSLY.

UNANIMOUS DECISION

That Council urgently:

1. Researches the history and current ownership and operational status of the drainage reserve or laneway between 28 and 32 Belgrave Street, the properties to the immediate west and east of the laneway respectively, noting that it is used by local residents for pedestrian access between Dickson Lane and Belgrave Street, Bronte.
2. Investigates any possible steps to ensure public laneway access is retained until a proper investigation into the matter (clause 3 below) has taken place.
3. Investigates options for Council to ensure public laneway access into the future.
4. Receives a report on the above research, actions and investigations, including a recommendation on Council's legislative and consultative processes and actions to ensure the laneway retains its public right of way status, noting that this report may need to be placed in Council's confidential agenda due to matters being of a commercial and in-confidence nature, and how the laneway's amenity could be better maintained.

D Mitchell, A Cameron, E Voukidis, A Pouloukefalos and N Pouloukefalos addressed the meeting.

CM/8.2/23.10 Bondi Bowling Club (SF19/2991)

MOTION

Mover: Cr Betts

Seconder: Cr Kay

That Council:

1. Requests the Mayor to write to the Premier, the Hon Chris Minns MP and the Minister for Lands and Property, the Hon Stephen Kamper MP, requesting reconsideration of the over 400% increase in rent being imposed on the Bondi Bowling Club by the Minns Government without consultation with the club or community.
2. Investigates options for Council to offer to take over the management of this parcel of Crown land from the State Government, after consultation with the Bondi Bowling Club and works with club to see if Council could assist it raising funds by Council leasing the club premises for events.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 1 AND 2.

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

UNANIMOUS DECISION

That Council:

1. Notes that the Mayor has written to the Minister for Lands and Property, the Hon Stephen Kamper MP, requesting reconsideration of the over 400% increase in rent being imposed on the Bondi Bowling Club by the Minns Government without consultation with the club or community, and seeking a meeting.
2. Investigates options for Council to offer to take over the management of this parcel of Crown land from the State Government, after consultation with the Bondi Bowling Club and works with the club to see if Council could assist it raising funds by Council leasing the club premises for events, with a report to be prepared to Council.

CM/8.3/23.10 First Nations Sovereignty (A18/0112)

MOTION (WITHDRAWN)

That Council:

1. Reconfirms its discussions to place 'Welcome to Country' signs in Waverley.
2. Post-referendum, continues to take a sovereignty/'sovereignty' and treaty approach to its engagement with First Nations peoples.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

CM/10.1/23.10 Supporting the Jewish Community (A23/0698)

The Chair ruled that this matter was urgent.

MOTION / UNANIMOUS DECISION

Mover: Cr Nimesh

Seconder: Cr Lewis

That Council deals with this matter as urgent business.

MOTION

Mover: Cr Nimesh

Seconder: Cr Lewis

That Council:

1. Condemns the horrific terrorist attack on the citizens of Israel perpetrated by the proscribed and listed terror organisation Hamas.
2. Expresses deep sympathy and condolences to the families and friends of the dead and injured.
3. Notes that:
 - (a) These attacks represent the largest number of Jewish people murdered in a single day since the Holocaust.
 - (b) Waverley has the largest number of Jewish residents of any local government area within NSW.
 - (c) Waverley is a safe, peaceful and tolerant multicultural society and condemns the acts of antisemitism and hate speech perpetrated in Sydney on the evening of Monday, 9 October 2023.
4. Acknowledges the ongoing heartbreak and trauma resulting from more than 200 innocents kidnapped in Israel and held hostage by Hamas in Gaza.
5. Acknowledges the tragic loss of civilian lives in Israel and Gaza as a direct consequence of Hamas's terrorist attack.
6. Offers financial and in-kind support to the Jewish community of Waverley in any way it can including, but not limited to, a budget of \$10,000 funded from the General Manager's operational budget which Jewish community organisations within Waverley can access to support their work in offering social services to those impacted by the recent attacks.
7. Writes to the Premier of NSW, Chris Minns, calling on the NSW Government to take all steps necessary to ensure the safety of the NSW Jewish community.
8. Writes to Jewish community and faith organisations to inform them of this motion.

AMENDMENT 1 (RULED OUT OF ORDER)

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That the following clause be added to the motion:

‘That anyone present in the public gallery who wishes to do so be allowed to address Council on the motion.’

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING THAT THE AMENDMENT DID NOT RELATE TO THE MOTION.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division**For the Motion of Dissent:** Cr Fabiano and Wy Kanak.**Against the Motion of Dissent:** Crs Betts, Burrill, Goltsman, Kay, Keenan, Lewis, Masselos, Murray and Nemesh.**AMENDMENT 2**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That clause 1 be amended to read as follows:

‘Condemns war crimes perpetrated by Hamas, including the premeditated targeting of Israeli civilians, the war crimes perpetrated by a right-wing Israeli government, including the bombing of Palestinian civilians, and calls for all perpetrators to be held accountable for their actions in accordance with international law and an immediate ceasefire between all parties and an end to the war in Gaza.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Fabiano and Wy Kanak.**Against the Amendment:** Crs Betts, Burrill, Goltsman, Kay, Keenan, Lewis, Masselos, Murray and Nemesh.**AMENDMENT 3**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That clause 7 be amended to read as follows:

‘Writes to the Premier of NSW, Chris Minns, calling on the NSW Government to take all steps necessary to ensure the safety of the NSW Jewish community and all communities impacted by these events.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Condemns the horrific terrorist attack on the citizens of Israel perpetrated by the proscribed and listed terror organisation Hamas.
2. Expresses deep sympathy and condolences to the families and friends of the dead and injured.
3. Notes that:
 - (a) These attacks represent the largest number of Jewish people murdered in a single day since the Holocaust.
 - (b) Waverley has the largest number of Jewish residents of any local government area within NSW.
 - (c) Waverley is a safe, peaceful and tolerant multicultural society and condemns the acts of antisemitism and hate speech perpetrated in Sydney on the evening of Monday, 9 October 2023.
4. Acknowledges the ongoing heartbreak and trauma resulting from more than 200 innocents kidnapped in Israel and held hostage by Hamas in Gaza.
5. Acknowledges the tragic loss of civilian lives in Israel and Gaza as a direct consequence of Hamas's terrorist attack.
6. Offers financial and in-kind support to the Jewish community of Waverley in any way it can including, but not limited to, a budget of \$10,000 funded from the General Manager's operational budget which Jewish community organisations within Waverley can access to support their work in offering social services to those impacted by the recent attacks.
7. Writes to the Premier of NSW, Chris Minns, calling on the NSW Government to take all steps necessary to ensure the safety of the NSW Jewish community.
8. Writes to Jewish community and faith organisations to inform them of this motion.

Division

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

11. Closed Session

CM/11.1/23.10 **Closed Session**

MOTION / DECISION

Mover: Cr Masselos
 Seconder: Cr Kay

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/8.1/23.10 Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte

This matter is considered to be confidential in accordance with section 10A(2)(g) 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.1/23.10 CONFIDENTIAL REPORT - Flickerfest 2024 - Financial Assistance - Consultation Outcomes

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/11.2/23.10 CONFIDENTIAL REPORT - Waverley Park Cafe - Lease

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/11.3/23.10 CONFIDENTIAL REPORT - Shop 3, Bondi Pavilion - Lease - Amendment

This matter is considered to be confidential in accordance with section 10A(2)(g) 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 9.04 pm, Council moved into closed session.

CM/11.1/23.10 CONFIDENTIAL REPORT - Flickerfest 2024 - Financial Assistance - Consultation Outcomes (A22/0540)**MOTION**

Mover: Cr Murray
Seconder: Cr Lewis

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 Option 1, as set out in the report and in accordance with section 356 of the *Local Government Act 1993*, as the level of financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest, subject to Flickerfest being responsible for the following items:
 - (a) Daily event venue cleaning to the value of \$1,430.
 - (b) Remediation of Bondi Pavilion's Garu Courtyard grass post-event to the value of \$5,100.
 - (c) Installation and deinstallation of Flickerfest-provided promotional banners to the value of \$3,360.
3. Authorises the General Manager or delegate to execute an event licence with Flickerfest Pty Ltd to deliver Flickerfest 2024, subject to the provision of audited financials including itemised salaries of directors and key management personnel by Flickerfest Pty Ltd.
4. Officers review the operation of Flickerfest and Council's support for the long-term.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 3.

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. Approves Option 1, as set out in the report and in accordance with section 356 of the *Local Government Act 1993*, as the level of financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest, subject to Flickerfest being responsible for the following items:
 - (a) Daily event venue cleaning to the value of \$1,430.
 - (b) Remediation of Bondi Pavilion's Garu Courtyard grass post-event to the value of \$5,100.
 - (c) Installation and deinstallation of Flickerfest-provided promotional banners to the value of \$3,360.

3. Authorises the General Manager or delegate to execute an event licence with Flickerfest Pty Ltd to deliver Flickerfest 2024, subject to Flickerfest Pty Ltd providing audited financials to Council, including itemised salaries of directors and key management personnel, by 5 pm on 21 November 2023.
4. Officers review the operation of Flickerfest and Council's support for the long-term.

Division

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

Against the Motion: Crs Burrill and Wy Kanak.

CM/11.2/23.10 CONFIDENTIAL REPORT - Waverley Park Cafe - Lease (A23/0635)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential 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 the Council is conducting (or proposes to conduct) business.
2. Grants a lease to Arrow 45 Pty Ltd for Waverley Park Café for two years with one three-year option, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.3/23.10 CONFIDENTIAL REPORT - Shop 3, Bondi Pavilion - Lease - Amendment (A21/0511)**MOTION / DECISION**

Mover: Cr Lewis

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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Amends its lease with Glorietta Pty Ltd for Shop 3, Bondi Pavilion, to permit the sale of liquor.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

Crs Burrill and Wy Kanak requested that their votes against the motion be recorded in the minutes.

12. Resuming in Open Session

CM/12.1/23.10 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council resumes in open session.

At 10.25 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 10.33 PM.

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SIGNED AND CONFIRMED
MAYOR
21 NOVEMBER 2023