



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

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor 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
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, with the exception of Crs Goltsman who arrived at 7.03 pm during obituaries, Crs Burrill and Lewis who arrived at 7.32 pm and 8.06 pm respectively during addresses by members of the public and Cr Keenan who arrived at 8.15 pm during items by exception.

Crs Burrill, Goltsman, Gray, Keenan and Lewis attended the meeting by audio-visual link.

At 9.23 pm, during the consideration of item CM/8.5/23.11, Cr Lewis left the meeting and did not return.

At 9.38 pm, following the vote on item CM/5.2/23.11, the meeting adjourned for a short break.

At 9.47 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

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

Martin Lipschitz

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 M Teicher – CM/5.3/23.11 – Adoption of Minutes – Traffic Committee Meeting – 26 October 2023 – TC/C.01/23.10 – Bourke Street, Queens Park – Upgrade.
- 4.2 T Beuk – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.3 L Beuk – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.4 E Doyle – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.5 T Hanna – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.6 A resident – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.7 H Younan – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.

- 4.8 B Moir – CM/8.1/23.11 – Clifftop Walk – Diamond Bay Lookout.
- 4.9 A resident – CM/8.1/23.11 – Clifftop Walk - Diamond Bay Lookout.
- 4.10 M Teicher – CM/8.3/23.11 – E-Bikes.
- 4.11 T Clee – CM/8.5/23.11 – Bondi Junction Entertainment Precinct.
- 4.12 K Yamamoto – CM/8.6/23.11 – Continuous Pedestrian Paths of Travel – Accessibility Solutions.
- 4.13 D Mitchell – CM/11.1/23.11 – Confidential Report – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.14 V Mitchell – CM/11.1/23.11 – Confidential Report – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte.
- 4.15 A Pouloukefalos – CM/11.1/23.11 – Confidential Report – Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte
- 4.16 B Kidd (on behalf of Flickerfest Pty Ltd) – CM/11.5/23/11 – Confidential Report – Flickerfest 2024 – Financial Assistance.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Murray

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

- CM/5.1/23.11 Confirmation of Minutes – Council Meeting – 17 October 2023
- CM/7.1/23.11 Annual Report 2022-23.
- CM/7.4/23.11 Investment Portfolio Report – October 2023.
- CM/7.5/23.11 Annual Code of Conduct Complaints Statistics.
- CM/7.6/23.11 Schedule of Meeting Dates for Council and Council Committees 2024.
- CM/7.7/23.11 Audit, Risk and Improvement Committee Meeting – Minutes – 27 July 2023.
- CM/8.2/23.11 Cardiac Surgery at Sydney Children's Hospital, Randwick.
- CM/8.4/23.11 Bulga Road and Military Road, Dover Heights – Verge Maintenance.
- CM/11.2/23.11 Confidential Report – Commercial Waste – Fees and Charges 2024.
- CM/11.3/23.11 Confidential Report – Shops 2 and 3, 276 Bronte Road, Waverley – Lease.

5. Confirmation and Adoption of Minutes**CM/5.1/23.11 Confirmation of Minutes - Council Meeting - 17 October 2023 (SF23/16)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That the minutes of the Council meeting held on 17 October 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/23.11 Confirmation of Minutes - Extraordinary Council Meeting - 26 October 2023 (SF23/16)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Kay

That the minutes of the extraordinary Council meeting held on 26 October 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Division

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

Against the Motion: Crs Fabiano and Wy Kanak.

CM/5.3/23.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 October 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 26 October 2023 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/23.10 – Bourke Street, Queens Park – Upgrade.

And that this item be dealt with separately below.

M Teicher addressed the meeting.

CM/5.3.1/23.11 Adoption of Minutes - Traffic Committee Meeting - 26 October 2023 - TC/C.01/23.10 - Bourke Street, Queens Park - Upgrade (A03/2514-04)

This item was saved and excepted by Cr Kay.

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 3 such that that the recommendation now reads as follows:

That Council:

1. Upgrades Bourke Street, Queens Park, as per Option 1 of the report, including the installation of a separated uphill bike path, in accordance with the design attached to the report (Attachment 1).
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should on-site circumstances warrant changes.
3. Undertakes a community education program regarding bike lanes and bike use generally in Waverley, with Council receiving a report on the matter prior to the program commencing.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/23.11 Annual Report 2022-23 (A21/0035)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Murray

That Council notes the Annual Report 2022–23 attached to the report.

CM/7.2/23.11 Quarterly Budget Review (Q1) - September 2023 (SF23/1717)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2023–24 Operating and Capital budgets in accordance with the attachments to the report.

AMENDMENT 1

Mover: Cr Kay

Secunder: Cr Betts

That clause 2 be amended to read as follows:

'Adopts the variations to the 2023–24 Operating and Capital budgets in accordance with the attachments to the report, subject to the following amendment:

- (a) An increase of \$360,000 for the ~~in~~ Waverley Park Playground and Fitness Station Upgrade to \$2.86 million, with the increase funded from section 7.12 contributions, to deliver the intergenerational fitness and BBQ areas. This comprises bringing forward \$290,000 currently allocated in the Long Term Financial Plan (LTFP) in 2024–25 plus a projected increase of \$70,000 due to escalation costs.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2 (RULED OUT OF ORDER)

Mover: Cr Betts

That the following clause 3 be added to the motion:

'Aligns the names of the reserve funding in the Long Term Financial Plan and all budget papers.'

THE AMENDMENT WAS RULED OUT OF ORDER ON THE GROUNDS THAT IT DID NOT RELATE TO THE Q1 BUDGET REPORT.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2023–24 Operating and Capital budgets in accordance with the attachments to the report.

Division

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

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

Cr Lewis was not present for the vote on this item.

CM/7.3/23.11 Audited Financial Statements 2022-23 (A23/0026)

MOTION / DECISION

Mover: Cr Murray

Secunder: Cr Keenan

That Council:

1. In accordance with section 419 of the *Local Government Act 1993*, notes the auditor's report on the 2022–23 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. Refers any public submissions on the 2022–23 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.
3. Notes the presentation to Council of the audited 2022–23 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.

Cr Lewis was not present for the vote on this item.

CM/7.4/23.11 Investment Portfolio Report - October 2023 (SF23/4025)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Murray

That Council:

1. Notes the Investment Summary Report for October 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/7.5/23.11 Annual Code of Conduct Complaints Statistics (SF17/2821)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Murray

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2022–23 attached to the report.

CM/7.6/23.11 Schedule of Meeting Dates for Council and Council Committees 2024 (A04/1869)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Murray

That Council adopts the schedule of meeting dates for Council and Council Committees for 2024 attached to the report.

CM/7.7/23.11 Audit, Risk and Improvement Committee Meeting - Minutes - 27 July 2023 (SF23/1014)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 27 July 2023 attached to the report.

CM/7.8/23.11 Sydney Eastern City Planning Panel - Council Membership (A16/0688)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Appoints the following representative to the Sydney Eastern City Planning Panel up to 30 July 2026:
 - (a) Peter Brennan.
2. Officers prepare a report to Council outlining a new expression of interest process for the selection of two community (non-technical) representatives, including new selection criteria and weightings.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Appoints the following representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:

- (a) Peter Brennan.
- (b) Greg Woodhams.
- (c) Peter Monks.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Fabiano, Gray, Masselos, Murray and Keenan

Against the Motion: Crs Betts, Burrill, Goltsman, Kay, Nemesh and Wy Kanak.

Cr Lewis was not present for the vote on this item.

CM/7.9/23.11 Planning Agreement - 122-128 Hewlett Street, Bronte (DA-304/2022/A)

MOTION

Mover: Cr Murray

Seconder: Cr Gray

That Council:

1. Publicly exhibits the planning agreement attached to the report applying to land at 122–128 Hewlett Street, Bronte, offering a total monetary contribution of \$498,940, with 100% to be allocated to the Charing Cross Streetscape Upgrade.
2. Officers prepare a report to Council following the exhibition period.

AMENDMENT

Mover: Cr Kay
 Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Publicly exhibits the planning agreement attached to the report applying to land at 122–128 Hewlett Street, Bronte, offering a total monetary contribution of \$498,940, with \$360,000 (72%) to be allocated to Stage 3 of the Waverley Park and Playground Upgrade and the remainder be allocated to the Charing Cross Streetscape Upgrade.’

THE AMENDMENT WAS PUT AND DECLARED LOST

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion Crs Burrill, Gray, Fabiano, Masselos and Murray.

Against the Motion: Crs Betts, Goltsman, Kay, Keenan, Nemesh and Wy Kanak.

Cr Lewis was not present for the vote on this item.

CM/7.10/23.11 Clifftop Walk - Diamond Bay Lookout (A20/0387)

MOTION

Mover: Cr Nemesh
 Seconder: Cr Masselos

That Council:

1. Amends the approved development application (DA) for the Clifftop Walk at Diamond Bay for the following reasons:
 - (a) A site survey with reduced levels was not obtained or provided as part of the public exhibition for the DA.
 - (b) The privacy and amenity impact of the viewing platform on the residents of 33 Kimberley Street, Vauclose, as a result of the substantial increase in elevation of the new lookout platform compared to the pre-existing boardwalk.
2. Considers lowering the boardwalk level in drawings:

- (a) SK.04 to SK.05 by 1 metre and up to 1.5 metres.
 - (b) SK.05 to SK.06 by 1 metre and up to 1.5 metres.
 - (c) SK.06 to SK.07 by 1 metre and up to 1.5 metres.
3. Considers reducing the size of the viewing platform as a result of reducing the elevation of the platform, or removing the viewing platform.
 4. Funds the estimated costs associated with lowering the lookout of \$500,000 from the SAMP Infrastructure Reserve.
 5. Immediately obtains a quantity surveyor report to verify the actual costs of these modifications.
 6. Communicates this resolution to the residents of 33 Kimberley Street, as well as the Diamond Bay Precinct.
 7. Officers prepare a report to the Finance, Operations and Community services committee on 5 December 2023 outlining:
 - (a) The cost implications of the modifications.
 - (b) Any scheduling issues to complete the project.
 - (c) Visual impact assessment.
 - (d) A planning review to better understand the planning implications of these changes and specifically to assess if the visual impacts are reasonable.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 2, 3 AND 7 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Amends the approved development application (DA) for the Clifftop Walk at Diamond Bay for the following reasons:
 - (a) A site survey with reduced levels was not obtained or provided as part of the public exhibition for the DA.
 - (b) The privacy and amenity impact of the viewing platform on the residents of 33 Kimberley Street, Vauclose, as a result of the substantial increase in elevation of the new lookout platform compared to the pre-existing boardwalk.
2. Lowers the boardwalk level in drawings:
 - (a) SK.04 to SK.05 by 1 metre and up to 1.5 metres.
 - (b) SK.05 to SK.06 by 1 metre and up to 1.5 metres.
 - (c) SK.06 to SK.07 by 1 metre and up to 1.5 metres.
3. Removes the viewing platform.

4. Funds the estimated costs associated with lowering the lookout of \$500,000 from the SAMP Infrastructure Reserve.
5. Immediately obtains a quantity surveyor report to verify the actual costs of these modifications.
6. Communicates this resolution to the residents of 33 Kimberley Street, as well as the Diamond Bay Precinct.
7. Officers prepare a report to the Finance, Operations and Community services committee on 5 December 2023, if possible, outlining:
 - (a) The cost implications of the modifications.
 - (b) Any scheduling issues to complete the project.
 - (c) Visual impact assessment.
 - (d) A planning review to better understand the planning implications of these changes and specifically to assess if the visual impacts are reasonable.

AMENDMENT

Mover: Cr Murray
Seconder: Cr Fabiano

That clauses 5, 6 and 7 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Fabiano, Murray and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Nemesh.

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

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

UNANIMOUS DECISION

That Council:

1. Amends the approved development application (DA) design for the Clifftop Walk at Diamond Bay for the following reasons:
 - (a) A site survey with reduced levels was not obtained or provided as part of the public exhibition for the DA.
 - (b) The privacy and amenity impact of the viewing platform on the residents of 33 Kimberley Street, Vauclose, as a result of the substantial increase in elevation of the new lookout platform compared to the pre-existing boardwalk.
2. Lowers the boardwalk level in drawings:
 - (a) SK.04 to SK.05 by 1 metre and up to 1.5 metres.
 - (b) SK.05 to SK.06 by 1 metre and up to 1.5 metres.

- (c) SK.06 to SK.07 by 1 metre and up to 1.5 metres.
- 3. Removes the viewing platform.
- 4. Funds the estimated costs associated with lowering the lookout of \$500,000 from the SAMP Infrastructure Reserve.
- 5. Immediately obtains a quantity surveyor report to verify the actual costs of these modifications.
- 6. Communicates this resolution to the residents of 33 Kimberley Street, as well as the Diamond Bay Precinct.
- 7. Officers prepare a report to the Finance, Operations and Community services committee on 5 December 2023, if possible, outlining:
 - (a) The cost implications of the modifications.
 - (b) Any scheduling issues to complete the project.
 - (c) Visual impact assessment.
 - (d) A planning review to better understand the planning implications of these changes and specifically to assess if the visual impacts are reasonable.

8. Notices of Motions

CM/8.1/23.11 Clifftop Walk - Diamond Bay Lookout (A20/0387)

MOTION (WITHDRAWN)

That Council:

1. Notes the concerns of residents in relation to the proposed height of a viewing platform as part of the Diamond Bay coastal boardwalk upgrades.
2. Further notes the privacy and amenity impacts of the coastal boardwalk viewing platform on the residents of 33 Kimberley Street, Vacluse.
3. Investigates options to lower the height of the current proposed viewing platform to a more suitable height, specifically reverting the height to the previous height level of the former boardwalk.
4. Offices prepare a report to the December Council meeting (if not sooner) with proposed options, including costs to vary or amend the current plans and reduce the height of the viewing platform.
5. Communicates this resolution to the residents of 33 Kimberley Street Vacluse, as well as the Diamond Bay Precinct.

T Beuk, L Beuk, E Doyle, T Hanna, H Younan, B Moir and two residents addressed the meeting.

CM/8.2/23.11 Cardiac Surgery at Sydney Children's Hospital, Randwick (A18/0716)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Notes:

- (a) The decision by the Minister for Health, Ryan Park, to end cardiac bypass surgery at Sydney Children's Hospital, Randwick.
- (b) The concerns by the Nurses and Midwives Association and Medical Staff Council at Sydney Children's Hospital that children's lives will be put at risk, and the likely knock-on effects on other departments in the hospital, potentially forcing children and their families to receive care at the Children's Hospital at Westmead.
- (c) That this could have a direct impact for the children living in the Waverley local government area, and especially if they become critically unwell.
- (d) The support for the retention of these services from Coogee MP and former Waverley Councillor Marjorie O'Neill prior to the 2023 NSW elections.

2. Affirms its support for the retention of paediatric cardiac surgery at Sydney Children's Hospital, Randwick.

3. Writes to the NSW Premier, the Hon Chris Minns MP, and the NSW Minister for Health and Medical Research, the Hon Ryan Park MP, requesting that the NSW State Government restore and maintain an appropriately funded paediatric cardiac surgical program, including cardiac bypass surgery, at Sydney Children's Hospital, Randwick.

4. Requests the Minister for Health to meet with the Mayor and General Manager in relation to this matter.

5. Promotes the online petition noted in the background to this resolution through its media channels, including Facebook and Instagram, Council's website and weekly email bulletin.

CM/8.3/23.11 E-Bikes (A17/0445)**MOTION**

Mover: Cr Masselos

Seconder: Cr Murray

That Council:

1. Notes that:

- (a) There are three electric bike hire companies operating in the Waverley local government area (LGA).
- (b) There appears to be an increase in the number of e-bikes across the Waverley LGA.

- (c) Operators often place their e-bikes on narrow pavements, impeding access by pedestrians, prams and wheelchairs.
 - (d) Share bike customers leave bikes in inappropriate and dangerous locations.
 - (e) Operators do not appear to be collecting e-bikes in potentially dangerous locations quickly enough.
 - (f) There is an increase in the number of complaints received from residents about e-bikes being carelessly parked on footpaths, nature strips and parking spaces creating obstacles that impede pedestrian egress.
2. Officers liaise with e-bike operators to negotiate:
 - (a) More considerate and appropriate locations for the placement of their e-bikes.
 - (b) Faster collection of used bikes.
 3. Officers investigate relevant legislation that may assist Council in removing offending e-bikes that are creating a hazard.
 4. Officers prepare a report to Council outlining outcomes of any negotiations and legislative options.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 1(c) AND 3 AND THE ADDITION OF A NEW CLAUSE 5.

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

UNANIMOUS DECISION

That Council:

1. Notes that:
 - (a) There are three electric bike hire companies operating in the Waverley local government area (LGA).
 - (b) There appears to be an increase in the number of e-bikes across the Waverley LGA.
 - (c) Operators and users often place their e-bikes on narrow pavements, impeding access by pedestrians, prams and wheelchairs.
 - (d) Share bike customers leave bikes in inappropriate and dangerous locations.
 - (e) Operators do not appear to be collecting e-bikes in potentially dangerous locations quickly enough.
 - (f) There is an increase in the number of complaints received from residents about e-bikes being carelessly parked on footpaths, nature strips and parking spaces creating obstacles that impede pedestrian egress.
2. Officers liaise with e-bike operators to negotiate:
 - (a) More considerate and appropriate locations for the placement of their e-bikes.

- (b) Faster collection of used bikes.
3. Officers investigate relevant legislation and gaps in the legislation that may assist Council in removing offending e-bikes that are creating a hazard or littering the public domain.
4. Officers prepare a report to Council outlining outcomes of any negotiations and legislative options.
5. Refers this resolution to Council's Access and Inclusion Advisory Panel.

Cr Lewis was not present for the vote on this item.

M Teicher addressed the meeting.

CM/8.4/23.11 Bulga Road and Military Road, Dover Heights - Verge Maintenance (A14/0144)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconded: Cr Murray

That Council:

1. Notes the recent maintenance and weed removal of lantana at the verge of Military and Bulga Roads, Dover Heights, which has considerably improved pre-existing views of residents in the immediate vicinity.
2. Investigates the removal of the acacia trees planted within the verge and its replacement of more suitable vegetation, which could include native grasses.
3. Officers prepare a report to Council in February 2024 with options undertake these works.
4. Informs the Dover Heights Precinct of this resolution.

CM/8.5/23.11 Bondi Junction Entertainment Precinct (A16/0262)

MOTION

Mover: Cr Betts
Seconded: Cr Burrill

That Council:

1. Notes that Bondi Junction is a key commercial, social and cultural location in the heart of the Waverley local government area.
2. Investigates the steps required to create an Entertainment Precinct in Bondi Junction to improve the vibrancy of the Bondi Junction commercial centre, including but not limited to:
 - (a) How existing planning instruments, including the *Waverley Local Environmental Plan (WLEP)* and *Waverley Development Control Plan (WDCP)*, would need to be varied to address relevant matters, including outdoor dining hours in the current WDCP, existing footpath seating licences, introduction of controls and compliance for maximum noise levels for any amplified sound.

- (b) Resources, timing and funding required to develop a draft planning proposal to amend the WLEP, noting that this may be the first key step to introduce an Entertainment Precinct in Bondi Junction.
 - (c) Preparing a draft Plan of Management for the Entertainment Precinct.
 - (d) Any requirements for a specific Waverley Special Entertainment Precinct to facilitate the creation of an Entertainment Precinct.
 - (e) The scope of any community consultation process.
2. Convenes a Councillor briefing early in 2024 to discuss the benefits and risks for an entertainment precinct/zone in Bondi Junction, how an Entertainment Precinct could be introduced, how it could operate, what could be its potential boundaries, and what would a community consultation strategy look like.
 3. Receives a report by no later than April 2024.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 1(a) SUCH THAT IT NOW READS AS FOLLOWS:

‘How existing planning instruments, including the *Waverley Local Environmental Plan (WLEP)*, *Waverley Development Control Plan (WDCP)*, *Bondi Junction Evening, Culture and Entertainment Strategy* and *Economic Development Strategy* would need to be varied to address relevant matters, including outdoor dining hours in the current WDCP, existing footpath seating licences, introduction of controls and compliance for maximum noise levels for any amplified sound and appropriate lighting.’

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That the following clause 4 be added to the motion:

‘Refers this resolution to all Waverley Precincts after the Councillor briefing.’

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that Bondi Junction is a key commercial, social and cultural location in the heart of the Waverley local government area.
2. Investigates the steps required to create an Entertainment Precinct in Bondi Junction to improve the vibrancy of the Bondi Junction commercial centre, including but not limited to:
 - (a) How existing planning instruments, including the *Waverley Local Environmental Plan (WLEP)*, *Waverley Development Control Plan (WDCP)*, *Bondi Junction Evening, Culture and Entertainment Strategy* and *Economic Development Strategy* would need to be varied to address relevant matters, including outdoor dining hours in the current WDCP, existing footpath seating licences, introduction of controls and compliance for maximum noise levels for any amplified sound and appropriate lighting.
 - (b) Resources, timing and funding required to develop a draft planning proposal to amend the

WLEP, noting that this may be the first key step to introduce an Entertainment Precinct in Bondi Junction.

- (c) Preparing a draft Plan of Management for the Entertainment Precinct.
 - (d) Any requirements for a specific Waverley Special Entertainment Precinct to facilitate the creation of an Entertainment Precinct.
 - (e) The scope of any community consultation process.
2. Convenes a Councillor briefing early in 2024 to discuss the benefits and risks for an entertainment precinct/zone in Bondi Junction, how an Entertainment Precinct could be introduced, how it could operate, what could be its potential boundaries, and what would a community consultation strategy look like.
 3. Receives a report by no later than April 2024.

Division

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

Against the Motion: Cr Wy Kanak

CM/8.6/23.11 Continuous Pedestrian Paths of Travel - Accessibility Solutions (A21/0205)

MOTION

Mover: Cr Kay

Seconder: Cr Burrill

That Council:

1. Notes Council resolution CM/8.2/21.11 (Accessibility in Waverley) for Waverley to become the most accessible place in NSW.
2. Notes the Disability Inclusion Action Plan (DIAP) 2022–26, which aims to identify what needs to be done to optimise accessibility and inclusion in Waverley.
3. Notes actions from Council's Bondi Junction Pedestrian Access and Mobility Plan (PAMP) 2009 are now finalised.
4. Notes the Waverley People, Movement and Places Study approved by Council in December 2017.
5. Officers prioritise the installation of Tactile Graphic Surface Indicators (TGSIs), known as tactile markers, such as at existing continuous footpath treatments (CFTs) in Waverley, ensuring that installations meet best practice for proper alignment with all desire lines of pedestrian travel, starting with high pedestrian areas in Bondi Junction.
6. Officers, through Council's internal Access and Mobility Working Group:
 - (a) Continue to conduct access audits of the Bondi Junction commercial area and villages centres throughout Waverley to plan, prioritise and action improvements to continuous pedestrian paths of travel, including footpaths, kerb ramps, cycleways, continuous footpath treatments, shared paths, shared zones, unsignalised pedestrian crossing, and signalised intersections using a staged approach to create outcomes as soon as possible.

- (b) Identify areas of concern that fall under the authority of Transport for NSW/the NSW State Government and then make representations, as appropriate, with Councillors being notified.
7. Officers engage with the Access and Inclusion Advisory Panel on proposals.
8. Officers request design input on the above initiatives from Guide Dogs NSW and other stakeholders in the vision impaired area.
9. Receives a progress report in the first half of 2024 on the above actions.

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

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

UNANIMOUS DECISION

That Council:

1. Notes Council resolution CM/8.2/21.11 (Accessibility in Waverley) for Waverley to become the most accessible place in NSW.
2. Notes the Disability Inclusion Action Plan (DIAP) 2022–26, which aims to identify what needs to be done to optimise accessibility and inclusion in Waverley.
3. Notes actions from Council's Bondi Junction Pedestrian Access and Mobility Plan (PAMP) 2009 are now finalised.
4. Notes the Waverley People, Movement and Places Study approved by Council in December 2017.
5. Officers prioritise the installation of Tactile Graphic Surface Indicators (TGSIs), known as tactile markers, such as at existing continuous footpath treatments (CFTs) in Waverley, ensuring that installations meet best practice for proper alignment with all desire lines of pedestrian travel, starting with high pedestrian areas in Bondi Junction.
6. Officers, through Council's internal Access and Mobility Working Group:
 - (a) Continue to conduct access audits of the Bondi Junction commercial area and villages centres throughout Waverley to plan, prioritise and action improvements to continuous pedestrian paths of travel, including footpaths, kerb ramps, cycleways, continuous footpath treatments, shared paths, shared zones, unsignalised pedestrian crossing, and signalised intersections using a staged approach to create outcomes as soon as possible.
 - (b) Identify areas of concern that fall under the authority of Transport for NSW/the NSW State Government and then make representations, as appropriate, with Councillors being notified.
7. Officers investigate any funding sources to carry out this work.
8. Officers engage with the Access and Inclusion Advisory Panel on proposals.
9. Officers request design input on the above initiatives from Guide Dogs NSW and other stakeholders in the vision impaired area.
10. Receives a progress report in the first half of 2024 on the above actions.

K Yamamoto addressed the meeting.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/23.11 Closed Session

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Goltsman

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/11.1/23.11 CONFIDENTIAL REPORT - Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte

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/11.4/23.11 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.

CM/11.5/23.11 CONFIDENTIAL REPORT - Flickerfest 2024 - Financial Assistance

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 11.33 pm, Council moved into closed session.

CM/11.1/23.11 CONFIDENTIAL REPORT - Pedestrian Laneway between Dickson Lane and Belgrave Street, Bronte (A17/0243)

MOTION

Mover: Cr Murray
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)(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. Notes the petition on the pedestrian laneway between Dickson Lane and Belgrave Street, Bronte, circulated to Councillors and tabled at the Council meeting.
3. Approves Option 2, as set out in the report and in accordance with the negotiation protocol agreed at the meeting, in relation to the laneway.
4. Officers prepare a report to Council on the outcomes of the negotiation.

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That clause 3 be amended to read as follows:

‘That Council approves Option 1, as set out in the report.’

THE MOTION 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. Notes the petition on the pedestrian laneway between Dickson Lane and Belgrave Street, Bronte,

circulated to Councillors and tabled at the Council meeting.

3. Approves Option 2, as set out in the report and in accordance with the negotiation protocol agreed at the meeting, in relation to the laneway.
4. Officers prepare a report to Council on the outcomes of the negotiation.

Cr Lewis was not present for the vote on this item.

D Mitchell, V Mitchell and A Pouloukefalos addressed the meeting.

CM/11.2/23.11 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2024 (A02/0162)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

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)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for commercial waste services as set out in Table 2 of the report for the period 1 January 2024 to 31 December 2024.

CM/11.3/23.11 CONFIDENTIAL REPORT - Shops 2 and 3, 276 Bronte Road, Waverley - Lease (A23/0711)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

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. Grants a lease to Final Touch Building Pty Ltd for Shops 2 and 3, 276 Bronte Road, Waverley, on the terms and conditions set out in Table 1 of the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.4/23.11 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0285)

MOTION / 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)(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. Applies for possessory title over the land in Osmund Lane, Bondi Junction, identified in the report.
3. Authorises the General Manager and the Mayor to execute and affix Council's seal to any documentation lodged with Land Registry Services.

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

Cr Lewis was not present for the vote on this item.

CM/11.5/23.11 CONFIDENTIAL REPORT - Flickerfest 2024 - Financial Assistance (A22/0540)

MOTION (WITHDRAWN)

Mover: Cr Masselos
Seconder: Cr Fabiano

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 10 (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. Notes that Flickerfest Pty Ltd is a for-profit enterprise.
3. In accordance with section 356 of the *Local Government Act 1993*, grants \$133,979 in kind support and \$52,000 financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest 2024.
4. Requires Flickerfest Pty Ltd to provide audited financial statements for any future financial assistance from Council.

AMENDMENT (WITHDRAWN)

Mover: Cr Murray

That:

1. Clause 3 be amended to read as follows:

‘In accordance with section 356 of the *Local Government Act 1993*, grants \$29,855.50 in financial assistance to Flickerfest Pty Ltd to support the cost of Flickerfest 2024.’

2. Clause 4 be amended to read as follows:

'Requires Flickerfest Pty Ltd to provide audited financial statements and proof that it is compliant with all laws in 2024 for any future financial assistance from Council.'

FORESHADOWED AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That clause 4 be amended to read as follows:

'Extends the time for Flickerfest Pty Ltd to provide the audited financial statements required by Council and proof that they are compliant with all laws in 2024 for any future financial assistance from Council.'

FORESHADOWED MOTION

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council defers this item and requests clarification of the matters raised at the meeting by 30 November 2023, and officers prepare a report to Council as soon as possible.

THE MOVER OF THE MOTION THEN WITHDREW THE MOTION.

THE FORESHADOWED MOTION THEN BECAME THE MOTION AND WAS PUT AND DECLARED CARRIED.

DECISION

That Council defers this item and requests clarification of the matters raised at the meeting by 30 November 2023, and officers prepare a report to Council as soon as possible.

Cr Lewis was not present for the vote on this item.

B Kidd (on behalf of Flickerfest Pty Ltd) addressed the meeting.

12. Resuming in Open Session**CM/12/23.11 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council resumes in open session.

At 12.45 am, 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 12.49 AM.**

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SIGNED AND CONFIRMED
MAYOR
12 DECEMBER 2023