



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 21 MAY 2024

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 Michelle Gray	Bondi Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	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 Cr Goltsman who arrived at 7.03 pm during obituaries and Cr Lewis who arrived at 7.15 during addresses by members of the public.

Crs Burrill, Fabiano, Goltsman, Lewis, Nemesh and Wy Kanak attended the meeting by audio-visual link.

At 8.45 pm, during the consideration of item CM/7.7/24.05, Cr Nemesh left the meeting and did not return.

At 8.47 pm, following the vote on item CM/7.7/24.05, Crs Burrill and Lewis left the meeting and did not return.

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

Cr Kay was previously granted leave of absence from this meeting.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Nemesh declared a less than significant non-pecuniary interest in item CM/7.4/24.05 – Small Grants Program 2023-24 – Round 2 and informed the meeting that he knows some of the applicants.
- 2.2 Cr Burrill declared a less than significant non-pecuniary interest in item CM/7.4/24.05 – Small Grants Program 2023-24 – Round 2 and informed the meeting that she knows some of the applicants.

3. Obituaries

There were no obituaries.

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 T Buek – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.2 H Younan – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.3 S Strum – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.4 E Doyle – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.
- 4.5 T Hanna – CM/11.3/24.05 – CONFIDENTIAL REPORT – Clifftop Walk – Diamond Bay Lookout.

4.6 J Lasky – CM/8.1/24.05 – Nancy and Clyde Street Intersection, North Bondi – Traffic Calming Measures

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/5.1/24.05 Confirmation of Minutes – Council Meeting – 16 April 2024.
- CM/5.2/24.05 Adoption of Minutes – Waverley Traffic Committee Meeting – 18 April 2024.
- CM/7.2/24.05 Quarterly Budget Review (Q3) – March 2024.
- CM/7.3/24.05 Investment Portfolio Report – April 2024.
- CM/7.4/24.05 Small Grants Program 2023-24 – Round 2.
- CM/7.5/24.05 Bondi Pavilion – Public Artwork Commission.
- CM/7.6/24.05 Bondiwood 2024 – Financial Assistance.
- CM/8.1/24.05 Nancy and Clyde Street Intersection, North Bondi – Traffic Calming Measures.
- CM/8.2/24.05 Online Petitions.
- CM/8.3/24.05 Bondi Pavilion – Audio Recording Training Program.
- CM/11.1/24.05 CONFIDENTIAL REPORT – High Impact Events 2024-25.

5. Confirmation and Adoption of Minutes

CM/5.1/24.05 Confirmation of Minutes - Council Meeting - 16 April 2024 (A23/0761)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council meeting held on 16 April 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/24.05 Adoption of Minutes - Waverley Traffic Committee Meeting - 18 April 2024
(A23/0764)**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 18 April 2024 be received and noted, and that the recommendations contained therein be adopted.

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

**CM/7.1/24.05 Boot Factory and Mill Hill Community Centre - Quarterly Project Update
(A23/0385)**

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the project update on the Boot Factory and Mill Hill Community Centre (including Norman Lee Place), as set out in the report.
2. Notes that the quarterly budget review (Q3) will address the financial impacts of the project.

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

CM/7.2/24.05 Quarterly Budget Review (Q3) - March 2024 (SF23/3980)

MOTION / UNANIMOUS DECISION

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.
3. Notes that the Q3 deferrals will be considered in the 2024-25 budget and Long Term Financial Plan (LTFP 6.2).

CM/7.3/24.05 Investment Portfolio Report - April 2024 (SF23/4025)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the Investment Summary Report for April 2024 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/7.4/24.05 Small Grants Program 2023-24 - Round 2 (A24/0124)

Crs Nemesh and Burrill declared a less than significant non-pecuniary interest in this item and informed the meeting that they know some of the applicants.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Under the Small Grants Program 2023–24 (Round 2), grants \$56,451 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.
2. In accordance with section 356 of the *Local Government Act 1993*, grants \$4,900 in financial assistance to 1st Clovelly Scout Group to support the cost of maintaining the 1st Clovelly Scout Hall and its members attending the Australian Scout Jamboree.

CM/7.5/24.05 Bondi Pavilion - Public Artwork Commission (A24/0024)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council awards the commission for the Bondi Pavilion Public Artwork to Alison Page and Shane Youngberry for their work BuriBuri, as set out in Attachments 2 and 3 of the report.

CM/7.6/24.05 Bondiwood 2024 - Financial Assistance (A24/0364)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. In accordance with section 356(2) of the *Local Government Act 1993*, publicly exhibits for 28 days the proposal to grant \$10,855 (including GST) in in-kind financial assistance to Smart St Films Pty Ltd to support the cost of Bondiwood 2024.
2. Officers prepare a report to Council following the exhibition period.

CM/7.7/24.05 Reconciliation Action Plan Advisory Committee Meeting - 27 March 2024 - Minutes and Place Renaming (A14/0173)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 27 March 2024 attached to the report.
2. Approves the recommendation of the Gujaga Foundation, and supported by the RAP Advisory Committee, to apply to the Geographical Names Board of NSW to change the names of the following places:
 - (a) Eora Reserve to Dharawal Reserve.
 - (b) Cadigal Place to Gadigal Place.
 - (c) Biddigal Reserve to Birrabirragal Reserve.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Nemesh

That:

1. Clause 2(b) be deleted.
2. The following clauses be added to the motion:
 - (a) Does not change the name of Cadigal Place to Gadigal Place due to the impact on residents having to change their residential address documentation.
 - (b) Applies to the Geographical Names Board to assign Gadigal Place as a second street name and erects a second street sign if approved.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THREE NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 27 March 2024 attached to the report.
2. Notes that the Dawn Reflection Service on 26 January 2024 raised \$1,500 for the GO Foundation.
3. Approves the recommendation of the Gujaga Foundation, and supported by the RAP Advisory Committee, to apply to the Geographical Names Board of NSW to change the names of the following places:
 - (a) Eora Reserve to Dharawal Reserve.
 - (b) Cadigal Place to Gadigal Place.
 - (c) Biddigal Reserve to Birrabirragal Reserve.
4. Advises residents of the Geographical Names Board process of community consultation in adopting a name change should it proceed.
5. Investigates what support can be made available to assist impacted residents in changing their address and officers prepare a report to Council.

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

CM/7.8/24.05 Sydney Eastern City Planning Panel - Council Membership (A16/0688)

MOTION / DECISION

Mover: Cr Murray

Seconder: Cr Keenan

That Council appoints the following representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:

1. Peter Brennan.
2. Patrick Nicholas.

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

**CM/7.9/24.05 Traffic Management and Pedestrian Works - Temporary Sub-Delegation
(SF23/5215)****MOTION / DECISION**

Mover: Cr Masselos
Seconded: Cr Fabiano

That Council:

1. In accordance with Transport for NSW's temporary instrument of delegation for Traffic Management and Pedestrian Works No. 2 attached to the report (Attachment 1), sub-delegates the following functions to the General Manager and the Director, Assets and Operations, on a trial basis until 30 June 2026:
 - (a) Works to regulate parking.
 - (b) Pedestrian crossings.
 - (c) Pedestrian refuges.
 - (d) Conversion of existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings.
 - (e) Footpaths and continuous footpaths.
 - (f) Temporary or permanent works to enable alfresco dining.
 - (g) Temporary or permanent works to improve or expand footpaths or pedestrian space.
 - (h) Kerb buildouts to reduce crossing distance or manage vehicle speed.
 - (i) Kerb modifications or median islands for tree planting, landscaping or water sensitive urban design.
 - (j) Treatments to manage vehicle speed including road humps, road cushions, raised intersections, chicanes and slow points.
 - (k) Works to create (but not remove) bicycle parking, bicycle lanes, bicycle paths, shared paths, separated footpaths and contra flow access for bicycle riders.
2. Authorises the Mayor and Cr Lewis to affix the Council seal to the instrument of delegation to the General Manager attached to the report (Attachment 2).

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

8. Notices of Motions**CM/8.1/24.05 Nancy and Clyde Street Intersection, North Bondi - Traffic Calming Measures (A20/0069)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council

1. Investigates the unsafe traffic situation at the intersection of Nancy Street and Clyde Street, North Bondi, to introduce traffic calming measures, including but not limited to the following solutions:
 - (a) Introduction of a roundabout.
 - (b) Resurface the roads at the intersection to provide a clear visual indication of the road layout.
 - (c) Install appropriate give way or stop signs in Nancy Street at the intersection with Clyde Street to clarify right-of-way and help prevent confusion and accidents.
 - (d) Introduce give way or 'No Stopping' signs on Clyde Street, set back an adequate distance from the corner of Nancy Street, to improve visibility for all drivers approaching the intersection.
2. Officers prepare a report to the Traffic Committee.

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

J Lasky addressed the meeting.

CM/8.2/24.05 Online Petitions (A08/1339)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that the Australian Parliament and NSW Parliament have established mechanisms for online petitions.
2. Investigates methods to provide online petitions to Council, with officers to prepare a report to Council with recommendations no later than the August 2024 meeting of the Finance, Operations and Community Services Committee.
3. Considers as part of the investigation:
 - (a) The suitability of existing/popular online petition platforms.
 - (b) The feasibility and costs of providing online petitions on a Council website similar to the NSW and Federal parliamentary petitions.
 - (c) Whether amendments to Council's Petitions Policy would be necessary.

CM/8.3/24.05 Bondi Pavilion - Audio Recording Training Program (A23/0095)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes:
 - (a) The state-of-the-art recording studios at the Bondi Pavilion that are regularly used by a range of people, including participants in Bondi Wave and other youth programs.
 - (b) That there is an opportunity to grow our young people's skills in audio recording utilising the facilities at the Bondi Pavilion as well.
2. Investigates the establishment of an appropriate audio recording program that attracts a recognised credential in partnership with TAFE, the Australian Film Television and Radio School or other relevant educational institution.
3. Officers prepare a report to Council on the findings, along with next steps.

CM/8.4/24.05 Westfield Bondi Junction - Public/Private Safety Plan (A24/0319)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That Council:

1. Receives a briefing from the General Manager and Council officers on ongoing issues of public/private safety risk, infrastructure and commercial issues at Westfield Bondi Junction regarding:
 - (a) The potential adverse public infrastructure effects to public safety egress by stairwell/fire escape out of Westfield Bondi Junction.
 - (b) The condition of public infrastructure within Council's remit potentially related to broader public safety/risk and commercial consequences at, and near, Westfield Bondi Junction.
2. Notes the General Manager's comment that Councillors will receive email updates addressing the issues.

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

9. Questions with Notice

CM/9.1/24.05 Bondi Pavilion - Room Hire Statistics (A22/0497)

QUESTION

The following question was submitted by Cr Fabiano:

Is it possible to have the Bondi Beach Pavilion room hire statistics from the time the new Pavilion opened to the present?

Please also include percentage of room hire by commercial organisations, not-for-profit organisations, private functions by locals and those from outside the Waverley local government area.

General Manager's answer

4,400 bookings have been booked across the venue since reopening in September 2022. In the first 12 months, there were over 10,000 booking enquiries.

Booking type

- Standard rate: 56%
- Not-for-profit rate or no fee: 44%

Note: standard rate is not a 'commercial rate'. Standard rate bookings are mostly not considered 'commercial'.

Local vs non-local

- Local: 85%.
- Non-local: 5.75%.
- Unclear: 9%.

Note: 'local' is considered a local resident, local organisation or locally focused activity; for example, dance class/yoga.

Restrictions to public access from bookings

- No restriction: 97%.
- Some restriction: 3% (this is not total restriction, but is some restriction to part of the Pavilion such as Flickerfest, Italian Consulate Function, Taste in the City, Sydney Mardi Gras).

Ben Thompson

Director, Community, Culture and Customer Experience

CM/9.2/24.05 Bondi Junction Entertainment Precinct (A16/0262)**QUESTION**

The following question was submitted by Cr Betts:

When will the report on the Bondi Junction Entertainment Precinct be ready and when will the workshop be held?

Background

In November 2023, Council passed resolution CM/8.5/23.11 – Bondi Junction Entertainment Precinct.

The motion called for a few things, including:

- 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.
- A report by no later than April 2024. At the meeting, the Director advised that it would be possible for a report to be prepared by the end of April.

General Manager's answer

A presentation on the benefits and risks for an entertainment precinct/zone in Bondi Junction will be presented at the Councillor briefing on 28 May 2024. This will be followed by a report to the Council meeting on 18 June 2024.

Fletcher Rayner

Director, Planning, Sustainability and Compliance

CM/9.3/24.05 Long Term Financial Plan - Council Accommodation and Services (SF23/3977)**QUESTION**

The following questions were submitted by Cr Betts:

1. What plans are in place to accommodate Council should the current Chambers be demolished before any new budget funding be found?
2. How will the community be advised that there is no funding for any new Council accommodation in the existing Long Term Financial Plan, but that up to \$40 million may be required to provide for it?

Background

On 16 April 2024, Council amended the Long Term Financial Plan (LTFP) to delete Council Accommodation and Services amounts of \$8,368,500 in 2027–28 and \$8,368,500 in 2028–29 as a result of funding challenges in the future.

This amendment results in a vast improvement Council's LTFP for the years 2027-28 and 2028-29. However, there is an assumption that funding for new Council accommodation will need to be added to the LTFP

shortly.

Funds for design and demolition of the current Council Chamber building are proposed at \$1,150,000 in the 2024-25 budget and \$3,000,000 in 2025-26 LTFP budget.

The Mayor stated that any funding for new Council accommodation will only be considered by the new Council after the September election i.e. in the second half of the 2024-25 year.

General Manger's answer

Question 1

Since 2022, we have worked towards relocating staff out of Chambers and into offices in Whitton Lane, Customer Service Centre, the Library and Alexandria Integrated Facility through Council's Office Accommodation Plan. The final stage will involve relocating remaining staff to the newly constructed Mill Hill offices. The office spaces have been designed to facilitate agile and hybrid working. The Council Chambers will be located in the Cloud Room of the Boot Factory with meetings intended to transition later in 2024.

With all staff and Council functions accommodated this will allow demolition and make good of the Council Chambers building.

Question 2

The draft LTFP 6.2 currently on public exhibition includes \$4.3 million that will cover the final stages of the Council accommodation projects, as well as demolition and make good of the Council Chambers site.

With all staff and Council functions accommodated as per question 1, this allows Council in the development of the next iteration of the Property Strategy to further consider future options for Council Chambers and alternative staff accommodation.

Sharon Cassidy
Director, Assets and Operations

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/24.05 **Closed Session**

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Murray

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/11.1/24.05 CONFIDENTIAL REPORT - High Impact Events 2024-25

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/11.2/24.05 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Services Trial - Update

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) 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 competitor of Council.

CM/11.4/24.05 CONFIDENTIAL REPORT - Tender Evaluation - Bus Shelter and Communication Panel Advertising

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 9.03 pm, Council moved into closed session.

CM/11.1/24.05 CONFIDENTIAL REPORT - High Impact Events 2024-25 (A24/0304)**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)(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 following program of High Impact 2 events scheduled for the period 1 July 2024 to 30 June 2025 and the indicative fees set out in the report:
 - (a) Bondi Festival (including extended tenure of Ferris wheel)

- (b) City2Surf
 - (c) Festival of the Winds
 - (d) Sculpture by the Sea
 - (e) Head On Photo Festival
 - (f) Outdoor Cinema (Dolphin Court)
 - (g) Dudley Page New Year's Eve
 - (h) Summer of Surf Series
 - (i) Mardi Gras Bondi Beach Party
 - (j) Ocean Lovers Festival
 - (k) North Bondi RSL ANZAC Day Dawn Service Ceremony.
3. Authorises the General Manager or delegate to complete negotiations, including determining the final fees, and to execute licence agreements with event organisers.

CM/11.2/24.05 CONFIDENTIAL REPORT - Bondi Pavilion - Bar and Catering Services Trial - Update (A21/0525)

MOTION / 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. Notes the outcome of the 18-month trial of bar and catering services at the Bondi Pavilion, as set out in the report.
3. Approves in principle the granting of a licence of up to five years for the provision of bar and catering services on the first floor of the Bondi Pavilion, in accordance with the operating model set out in the report, noting that catering is to be non-exclusive.
4. Notes that a tender process will be undertaken to seek a bar and catering operator, with a report to be prepared to Council to grant the licence to the preferred tenderer.
5. Authorises the General Manager or delegate to extend the current licence, if required, until a new licensee has been appointed.

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

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

CM/11.3/24.05 CONFIDENTIAL REPORT - Clifftop Walk - Diamond Bay Lookout (A20/0387)

Council dealt with this item in open session.

MOTION

Mover: Cr Murray

Seconder: Cr Keenan

That Council:

1. Treats the legal advice in the report and attachments as confidential in accordance with section 11(3) of the *Local Government Act 1993* and makes the remainder of the report and attachments publicly available on its website.
2. Notes the assessment of visual and privacy impacts, risk and legal risk regarding the Clifftop Walk upgrade and lookout at Diamond Bay attached to the report.
3. Completes the project in accordance with the existing development application approval, subject to:
 - (a) Increasing the balustrade height to 1,400 mm at the locations set out in the report.
 - (b) Installing warning signage as recommended by the risk assessment reports.
4. Officers write to the residents of 15, 17 and 33 Kimberley Street, Vaucluse, advising them of Council's decision.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Nemesh

That Council defers this item for further consideration, subject to:

1. A meeting on-site between Council officers, Councillors, project consultants and residents of 33 Kimberley Street to identify the privacy impacts on residents from the boardwalk at its current location and elevation.
2. The public release of the 12 design options as outlined in the current confidential report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO NEW CLAUSES.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR MURRAY, WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Treats the legal advice in the report and attachments as confidential in accordance with section 11(3) of the *Local Government Act 1993* and makes the remainder of the report and attachments publicly available on its website.

2. Notes the assessment of visual and privacy impacts, risk and legal risk regarding the Clifftop Walk upgrade and lookout at Diamond Bay attached to the report.
3. Completes the project in accordance with the existing development application approval, subject to:
 - (a) Increasing the balustrade height to 1,400 mm at the locations set out in the report.
 - (b) Installing warning signage as recommended by the risk assessment reports.
 - (c) Further negotiations with the residents of 33 Kimberley Street, Vaucluse, for the reinstatement of plantings along the eastern boardwalk to improve privacy.
4. Investigates the removal and replacement of any soil at 33 Kimberley Street as a result of the construction of the boardwalk to ensure the stability of the land.
5. Officers write to the residents of 15, 17 and 33 Kimberley Street advising them of Council's decision.

T Buek, H Younan, S Strum, E Doyle and T Hanna addressed the meeting.

CM/11.4/24.05 CONFIDENTIAL REPORT - Tender Evaluation - Bus Shelter and Communication Panel Advertising (A24/0099)

MOTION / DECISION

Mover: Cr Murray
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 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 bus shelter and communication panel advertising services, 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.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the top ranked tenderers with a view to entering into a contract for bus shelter and communication panel advertising services, as these tenderers scored highly and had quality submissions.
5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter, including negotiating with the incumbent provider in the event they are not the successful tenderer, to ensure the ongoing provision and maintenance of existing bus shelters until the new bus shelters are installed.
6. Notifies unsuccessful 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.

Crs Burrill, Lewis and Nemesh were not present for the vote on this item.

12. Resuming in Open Session

CM/12/24.05 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council resumes in open session.

At 9.14 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 9.19 PM.

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SIGNED AND CONFIRMED
MAYOR
18 JUNE 2024