



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY COUNCIL MEETING HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON TUESDAY, 26 NOVEMBER 2024

Present:

Councillor Will Nemesh (Mayor) (Chair)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Michelle Stephenson	Bondi Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson 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.

Cr Wy Kanak attended the meeting by audio-visual link.

At 9.25 pm, following the vote on item CM/7.14/24.11, the meeting adjourned for a short break.

At 9.37 pm, the meeting resumed.

At 10.41 pm, following the vote on item CM/8.1/24.11, the meeting adjourned for a short break.

At 10.50 pm, the meeting resumed.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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.

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

Barbara Armitage

Julia Hatsatouris

Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.

P Pearce and S Betts addressed the meeting.

4. Addresses by Members of the Public

4.1 P Pearce – Obituaries – Barbara Armitage.

4.2 S Betts – Obituaries – Barbara Armitage and Julia Hatsatouris.

4.3 M Goldman (on behalf of the NSW Jewish Board of Deputies) – CM/6.1/24.11 – Development of Local Government Antisemitism Strategy.

4.4 S Hollis (on behalf of Sydney Jewish Museum) – CM/6.1/24.11 – Development of Local Government Antisemitism Strategy.

4.5 C Fisher (chief petitioner) – CM/7.16/24.11 – Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.

4.6 M Benson – CM/7.16/24.11 – Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.

- 4.7 L Martin (chief petitioner) – CM/7.17/24.11 – Petition – Blair Street (South Side), North Bondi – Resident Parking Scheme.
- 4.8 J Roach – CM/8.1/24.11 – Small Business Support – Outdoor Dining.
- 4.9 E Constantinou – CM/8.1/24.11 – Small Business Support – Outdoor Dining.
- 4.10 E Constantinou – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.11 A Brooks (on behalf of Easts Group and Sydney Roosters) – CM/8.2/24.11 – Bondi Junction Masterplan.
- 4.12 D Corbett (on behalf of Street Level Australia) – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.13 G Sher – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.14 A Ford – CM/8.4/24.11 – Birrell Street and Mackenzie Street Intersection, Bondi Junction – Road Safety Concerns.
- 4.15 P Paul – CM/8.4/24.11 – Birrell Street and Mackenzie Street Intersection, Bondi Junction – Road Safety Concerns.
- 4.16 G Wilson – CM/8.5/24.11 – Bondi Park Basketball Court.
- 4.17 J Bendeich – CM/8.6/24.11 – Investment Policy.
- 4.18 B Scaffidi – CM/11.2/24.11 – CONFIDENTIAL REPORT – Tender Evaluation – Bronte Surf Club and Community Facilities Building Upgrade – Head Contractor Services.

ITEMS BY EXCEPTION

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

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

- CM/7.4/24.11 Investment Portfolio Report – October 2024.
- CM/7.8/24.11 Resident Parking Scheme Review Committee – Terms of Reference.
- CM/7.11/24.11 Waverley Artist Studios Appointments – 2025-26.
- CM/7.12/24.11 Planning Agreement – 99-101 Hall Street, Bondi Beach.
- CM/7.13/24.11 Planning Agreement – 27-29 Kimberley Street, Vaucluse.
- CM/7.15/24.11 Electric Vehicle Charging Stations – Refined Site Plans.
- CM/7.16/24.11 Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.

5. Confirmation and Adoption of Minutes

CM/5.1/24.11 Confirmation of Minutes - Council Meeting - 29 October 2024 (A23/0761)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Spicer

That the minutes of the Council meeting held on 29 October 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

6. Mayoral Minutes

CM/6.1/24.11 Development of Local Government Antisemitism Strategy (A23/0698)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

That Council:

1. Notes the adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism (CM/8.4/21.10).
2. Further notes that officers have been progressing work on a Local Government Antisemitism Strategy that can be utilised by Council and other local governments across Australia (CM/8.4/23.12).
3. Hosts a Mayoral roundtable with the Sydney Jewish Museum, NSW Jewish Board of Deputies and other stakeholders in early 2025 to seek input and feedback on the proposed strategy and action plan.
4. Officers present the strategy to Council for formal adoption following the consultation.
5. Writes to the Sydney Jewish Museum and the NSW Jewish Board of Deputies informing them of this resolution and inviting them to immediately commence discussions with Council on the format and form of the Mayoral roundtable.

Background

Waverley Council has a resilient and proud Jewish community with a long and deep connection to our local government area. In October 2021, Council adopted in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, which begins as follows: 'Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.'

In the wake of the 7 October 2023 attack on Israel, producing an antisemitism strategy and action plan is even more important for Council to address the rise in prejudice, hate and division directed towards our Jewish residents. By proactively establishing an antisemitism strategy and action plan, Council is sending a clear message that antisemitism in any form will not be tolerated and that our Jewish community should feel safe and valued.

It is anticipated that the antisemitism strategy and action plan that Council endorses and adopts will be utilised more broadly across NSW and Australia. Council is uniquely placed to be a leader in combating antisemitism and setting a national example for social cohesion.

It is essential that through the development of this strategy/action plan that Council engages with Jewish organisations, and it is proposed to hold a Mayoral roundtable in early 2025 with Sydney Jewish Museum and Jewish Board of Deputies to seek feedback and input into Council's proposed strategy and action plan, and to hear directly from these organisations on the lived experience of their membership and community.

The final proposed strategy and action plan will be presented to Council for adoption and will be an opportunity to engage across the industry to promote social cohesion and combat the scourge of antisemitism.

M Goldman (on behalf of the NSW Jewish Board of Deputies) and S Hollis (on behalf of Sydney Jewish Museum) addressed the meeting.

CM/6.2/24.11 Support for Sculpture by the Sea (A24/0228)

MOTION

Mover: Cr Nemes

That Council:

1. Congratulates Sculpture by the Sea on another successful event held this year and in particular David Handley AM (CEO) and Ross Drinnan (Chair).
2. Congratulates all the artists, volunteers and winners and in particular Elyssa Sykes-Smith, winner of the 2024 Waverley Council Mayor's Prize for her artwork 'Reclaimed Chaos.'
3. Increases the annual Mayor's prize to \$10,000 (from the current \$5,000), to be funded through the 2024-25 budget process.
4. Meets at regular intervals with the organisers of Sculpture by the Sea throughout the year and prior to each event to further strengthen the relationship between Council and Sculpture by the Sea.
5. Writes to Sculpture by the Sea informing them of this motion and resolution.

Background

Sculpture by the Sea holds significant cultural and social value for the Waverley and broader Sydney community, transforming the iconic Bondi to Tamarama coastal walk into a vibrant outdoor gallery each year. As one of the world's largest free public art exhibitions, it attracts artists and visitors from around the globe, offering an opportunity for locals and tourists to engage with contemporary art in a unique and accessible way. By integrating stunning sculptures with Waverley's natural beauty, the event fosters a deeper appreciation for both art and the environment, making it a quintessential part of Sydney's cultural identity.

This event also strengthens the arts community by providing a platform for local and emerging artists to showcase their work alongside internationally acclaimed creators. It helps nurture Sydney's artistic talent and encourages dialogue about creativity, sustainability and innovation. Additionally, the event creates opportunities for schools and families to participate in art workshops and educational programs, making it a cornerstone for cultural learning and inclusivity within the community. The mix of creativity and education ensures its relevance across generations, inspiring future artists and art enthusiasts.

Economically, Sculpture by the Sea contributes significantly to our tourism and local businesses. Each year, it draws hundreds of thousands of visitors, benefiting local cafés, restaurants and shops in Bondi and

Tamarama. This influx of tourism not only boosts the local economy but also reinforces Waverley's status as a global cultural destination. Furthermore, the event's focus on public art encourages discussions about the importance of preserving public spaces for creative expression, fostering a shared sense of pride and connection within the community.

This year's exhibition was a major success, and I congratulate David Handley AM (Founding CEO and Artistic Director) and Ross Drinnan (Chairman) for their extraordinary leadership. As Mayor, I had the enviable task of selecting the winner of the Mayor's prize. This award has a long proud history, and Council has historically awarded \$5,000 as the prize. The prize has not been increased for some time, and it is fitting that we continue to recognise the importance of the event and the contribution to arts in Waverley and increase the Mayor's prize to \$10,000.

In addition, to further strengthen the relationship between Council and Sculpture by the Sea it is proposed to meet several times throughout the year to talk through upcoming exhibitions and maximise the opportunities for the event and Council. For the months closer to the event, it is essential to work together for a successful exhibition and respect for the local community.

AMENDMENT

Mover: Cr Lewis

Secunder: Cr Masselos

That the following clause be added to the motion:

'Officers prepare a report to the December Council meeting setting out Council's annual cash and non-cash support for Sculpture by the Sea for the period 2020 to 2024.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Congratulates Sculpture by the Sea on another successful event held this year and in particular David Handley AM (CEO) and Ross Drinnan (Chair).
2. Congratulates all the artists, volunteers and winners and in particular Elyssa Sykes-Smith, winner of the 2024 Waverley Council Mayor's Prize for her artwork 'Reclaimed Chaos.'
3. Increases the annual Mayor's prize to \$10,000 (from the current \$5,000), to be funded through the 2024-25 budget process.
4. Meets at regular intervals with the organisers of Sculpture by the Sea throughout the year and prior to each event to further strengthen the relationship between Council and Sculpture by the Sea.
5. Writes to Sculpture by the Sea informing them of this motion and resolution.

7. Reports

CM/7.1/24.11 Annual Report 2023-24 and State of the City Report 2024 (A22/0557)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Frazer

That Council notes the Annual Report 2023–24 (Attachment 1) including the State of the City Report 2024 (Attachment 2) attached to the report.

CM/7.2/24.11 Quarterly Budget Review (Q1) - September 2024 (SF24/4957)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Westwood

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 2024-25 Operating and Capital budgets in accordance with the attachments to the report.

CM/7.3/24.11 Audited Financial Statements 2023-24 (A24/0111)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

1. In accordance with section 419 of the *Local Government Act*, notes:
 - (a) The audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.
 - (b) The auditor's report on the 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. In accordance section 420 of the *Local Government Act*, refers any public submissions on the audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.

CM/7.4/24.11 Investment Portfolio Report - October 2024 (SF24/3676)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council notes:

1. The Investment Summary Report for October 2024 attached to the report.
2. 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/7.5/24.11 Annual Code of Conduct Complaints Statistics (SF17/2821)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Spicer

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2023–24 attached to the report.

CM/7.6/24.11 Capital Works Review Committee - Terms of Reference and Councillor Appointments (A24/0993)**MOTION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Capital Works Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Masselos to the Committee until the next mayoral election on 15 September 2026.

AMENDMENT

Mover: Cr Fabiano
Seconder: Cr Wy Kanak

That clause 2 be amended to read as follows:

'Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Wy Kanak to the Committee until the next mayoral election on 15 September 2026.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the terms of reference for the Capital Works Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Masselos to the Committee until the next mayoral election on 15 September 2026.

CM/7.7/24.11 Sustainability and Transport Expert Advisory Panel - Terms of Reference and Councillor Appointments (A24/0996)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council:

1. Adopts the terms of reference for the Sustainability and Transport Expert Advisory Panel attached to the report.
2. Appoints Cr Westwood (Chair), Cr Merten (Deputy Chair), Cr Fabiano and Cr Townsend to the Committee until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for 28 days for up to six community experts in sustainability and/or transport to be appointed to the Committee.

CM/7.8/24.11 Resident Parking Scheme Review Committee - Terms of Reference (A02/0750)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council adopts the terms of reference for the Resident Parking Scheme Review Committee attached to this report.

CM/7.9/24.11 Strategic Property Review Committee - Terms of Reference and Councillor Appointments (A24/0994)

MOTION / DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Strategic Property Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Stephenson, Cr Spooner and Cr Frazer to the Committee until the next mayoral election on 15 September 2026.

CM/7.10/24.11 Surf Life Saving Committee - Terms of Reference and Councillor Appointments (A24/0995)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Surf Life Saving Committee attached to the report, subject to increasing the number of Councillors on the Committee from three to four.
2. Appoints Cr Nemesh (Chair), Cr Masselos (Deputy Chair), Cr Stephenson, Cr Spicer and Cr Fabiano to the Committee until the next mayoral election on 15 September 2026.

CM/7.11/24.11 Waverley Artist Studios Appointments - 2025-26 (A23/0398)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Offers the following artists a placement in the Waverley Artist Studios from February 2025 to January 2026:
 - (a) Kai Wasikowski.
 - (b) Blake Lawrence.
 - (c) Josh Harle.
 - (d) Wona Bae and Charlie Lawler.
 - (e) Gitte Backhausen.
2. Offers the following artists a reserve placement in the Waverley Art Studios from February 2025 to January 2026:
 - (a) Gerwyn Davies.
 - (b) Zorica Purlija.
 - (c) Annabelle McEwen.
 - (d) Jarryd Lynaugh.
 - (e) Felix Feneley.

CM/7.12/24.11 Planning Agreement - 99-101 Hall Street, Bondi Beach (SF24/2422)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 99-101 Hall Street, Bondi Beach, offering a total monetary contribution of \$533,200, with \$399,900 (75%) to be allocated to local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area, and \$133,300 (25%) to be allocated to Waverley's Affordable Housing Program, 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 Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Nil.

CM/7.13/24.11 Planning Agreement - 27-29 Kimberley Street, Vaucluse (SF24/4330)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 27-29 Kimberley Street, Vaucluse, offering the dedication of 327.3 sqm of RE1 Public Recreation zoned land to Council in addition to a total monetary contribution of \$218,550, with \$163,921.50 (75%) to be allocated to upgrades to Diamond Bay and Vaucluse parks and reserves and \$54,637.50 (25%) to be allocated to Waverley's Affordable Housing Program, 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 Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Nil.

CM/7.14/24.11 Planning Agreement - 5 Pacific Avenue, Tamarama (SF24/2926)**MOTION / DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 5 Pacific Avenue, Tamarama, offering a total monetary contribution of \$347,519.85, with \$260,639.88 (75%) to be allocated to the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and \$86,879.96 (25%) to be allocated to Waverley's Affordable Housing Program, 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 Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend and Westwood.

Against the Motion: Cr Wy Kanak.

CM/7.15/24.11 Electric Vehicle Charging Stations - Refined Site Plans (SF24/4371)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council installs designated electric vehicle charging parking spaces at the locations set out in the report.

CM/7.16/24.11 Petition - 115 Denison Street, Bondi Junction - Electric Vehicle Charging Station (SF24/4371)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Notes:
 - (a) The petition opposing the installation of an electric vehicle (EV) charging station in front of 115 Denison Street, Bondi Junction.
 - (b) That the EV charging station proposed at 115 Denison Street is as an undesignated parking space, such that any vehicle may continue to park at that location.
 - (c) That Ausgrid is the electricity supply authority and is able to install EV chargers on an existing electricity or lighting pole under section 2.124E of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* as exempt development.
2. Supports the provision of an electric vehicle charging station at 115 Denison Street.

C Fisher (chief petitioner) and M Benson addressed the meeting.

**CM/7.17/24.11 Petition - Blair Street (South Side), North Bondi - Resident Parking Scheme
(A16/0643)**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesch
Seconder: Cr Stephenson

That Council:

1. Notes the petition on introducing a resident parking scheme on the south side of Blair Street, North Bondi.
2. Installs '2P, 8 am–10 pm, Permit Holders Excepted Area 8' parking restrictions on the south side of Blair Street, between Glenayr Avenue and Gould Street, North Bondi.

L Martin (chief petitioner) addressed the meeting.

8. Notices of Motions

CM/8.1/24.11 Small Business Support - Outdoor Dining (A08/0935-02)

MOTION / DECISION

Mover: Cr Stephenson
Seconder: Cr Westwood

That Council:

1. Immediately amends the footpath dining permit system to not require strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.
2. Officers prepare a report to Council no later than March 2025 outlining:
 - (a) Housekeeping amendments to the Waverley Development Control Plan to create consistency with clause 1(a).
 - (b) A new draft Outdoor Dining Policy and Guideline.
3. Writes to the following organisations informing them of Council's decision:
 - (a) Bondi and Districts Chamber of Commerce.
 - (b) Night Time Industries Association (NTIA).
 - (c) Independent Bars Association.
 - (d) Council's Precincts.

J Roach and E Constantinou addressed the meeting.

CM/8.2/24.11 Bondi Junction Master Plan (A24/1055)**MOTION**

Mover: Cr Nemesh
Seconder: Cr Westwood

That:

1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame and budget for a Bondi Junction Vision and Town Centre Master Plan.
2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by:
 - (a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to:
 - (i) Height, bulk and scale of existing building envelopes.
 - (ii) Solar access and overshadowing of public spaces.
 - (iii) Appropriateness of existing commercial heritage listings.
 - (iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.
 - (b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.
 - (c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.
 - (d) An infrastructure funding strategy.
 - (e) Community and stakeholder engagement strategy.
 - (f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.
 - (g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.
 - (h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.
 - (i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.
 - (j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.
 - (k) Quality built form and architectural design excellence.

3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.
4. Council writes to the following people, organisations and groups informing them of this resolution:
 - (a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.
 - (b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
 - (c) The Member for Coogee, Marjorie O'Neill MP.
 - (d) The Member for Vaucluse, Kellie Sloane MP.
 - (e) The Member for Wentworth, Allegra Spender MP.
 - (f) All Council Precincts.
 - (g) Bondi and Districts Chamber of Commerce.
5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT IT NOW READS AS FOLLOWS:

'Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.'

AMENDMENT

Mover: Cr Lewis

Seconder: Cr Spooner

That clauses 4 and 5 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That:

1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.
2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by:
 - (a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to:
 - (i) Height, bulk and scale of existing building envelopes.
 - (ii) Solar access and overshadowing of public spaces.

- (iii) Appropriateness of existing commercial heritage listings.
 - (iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.
- (b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.
 - (c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.
 - (d) An infrastructure funding strategy.
 - (e) Community and stakeholder engagement strategy.
 - (f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.
 - (g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.
 - (h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.
 - (i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.
 - (j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.
 - (k) Quality built form and architectural design excellence.
3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.
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- (a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.
 - (b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
 - (c) The Member for Coogee, Marjorie O'Neill MP.
 - (d) The Member for Vaucluse, Kellie Sloane MP.
 - (e) The Member for Wentworth, Allegra Spender MP.
 - (f) All Council Precincts.
 - (g) Bondi and Districts Chamber of Commerce.
5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.

Division

For the Motion: Crs Fabiano, Frazer, Lewis, Masselos, Merten, Nemesh, Spicer, Spooner, Stephenson, Townsend and Westwood.

Against the Motion: Cr Wy Kanak.

E Constantinou, A Brooks (on behalf of Easts Group and Sydney Roosters), D Corbett (on behalf of Street Level Australia) and G Sher addressed the meeting.

CM/8.3/24.11 3rd Rose Bay (Judean) Scout Group - 60th Anniversary (A24/1040)**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Spicer

That Council:

1. Notes that:
 - (a) The purpose of the Scout movement is to contribute to the education of young people in achieving their full physical, intellectual, emotional, social and spiritual potential as individuals, as responsible citizens and as members of their local, national and international communities.
 - (b) Jewish Scouting in Sydney began in 1908.
 - (c) The 3rd Rose Bay (Judean) Troop was established in 1964 and merged with the 2nd North Bondi Scout Troop in November 1989.
2. Congratulates the 3rd Rose Bay (Judean) Scout Group on its 60th anniversary.
3. Directs the Mayor to write to the 3rd Rose Bay (Judean) Scout Group Leader, Leon Waxman, conveying Council's congratulations.

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

CM/8.4/24.11 Birrell Street and Mackenzie Street Intersection, Bondi Junction - Road Safety Concerns (A22/0414)**MOTION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that:
 - (a) The Birrell Street cycleway has now been built and was largely funded by Transport for NSW.
 - (b) Residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:
 - (i) Poor visibility when turning right out of Mackenzie Street into Birrell Street, requiring cars making this right hand turn to sweep into the other side of the road.

- (ii) The garden bed closest to the road on the corner of Birrell and Mackenzie Streets is problematic, as it creates safety issues when trying to make a right hand turn.
 - (iii) Concerns that this location could cause a fatality.
 - (iv) Small sweep for buses turning left into Birrell Street from Bourke Road creating safety concerns and potential damage to parked vehicles.
- (c) Officers are presently conducting a road safety audit of this location.
2. Expedites the completion of the road safety audit as a matter of urgency given the serious road safety implications.
3. As matter of urgency:
- (a) Removes the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, southbound.
 - (b) Ensures any planting in the garden beds is low and does not impede vision of drivers.
 - (c) Trials the installation of motorcycle/cycle parking on the corner of Mackenzie and Birrell Streets southbound to help improve visibility and road safety for cars turning right into Birrell Street, and identifies potential spaces to relocate the displaced parking spot.
 - (d) Installs additional line marking in the vicinity to reinforce safe vehicular movements.
4. Officers prepare a report with the outcomes of the road safety audit and recommended actions to address any concerns identified, including removal of the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, as a matter of urgency and continues meaningful consultation with residents about the solutions.

AMENDMENT

Mover: Cr Townsend
Seconder: Cr Westwood

That clauses 3(a) and 3(c) be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

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

UNANIMOUS DECISION

That Council:

1. Notes that:
- (a) The Birrell Street cycleway has now been built and was largely funded by Transport for NSW.
 - (b) Residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:
 - (i) Poor visibility when turning right out of Mackenzie Street into Birrell Street, requiring cars making this right hand turn to sweep into the other side of the road.

- (ii) The garden bed closest to the road on the corner of Birrell and Mackenzie Streets is problematic, as it creates safety issues when trying to make a right hand turn.
 - (iii) Concerns that this location could cause a fatality.
 - (iv) Small sweep for buses turning left into Birrell Street from Bourke Road creating safety concerns and potential damage to parked vehicles.
- (c) Officers are presently conducting a road safety audit of this location.
2. Expedites the completion of the road safety audit as a matter of urgency given the serious road safety implications.
3. As matter of urgency:
- (a) Ensures any planting in the garden beds is low and does not impede vision of drivers.
 - (b) Installs additional line marking in the vicinity to reinforce safe vehicular movements.
4. Officers prepare a report with the outcomes of the road safety audit and recommended actions to address any concerns identified, including removal of the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, as a matter of urgency and continues meaningful consultation with residents about the solutions.

A Ford and P Paul addressed the meeting.

CM/8.5/24.11 Bondi Park Basketball Court (A20/0503)

MOTION

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

1. Investigates the feasibility, including risks, costs and the approval process, of providing a full-size basketball court or two half-courts north of Bondi Pavilion close to the children's playground.
2. Officers prepare a report to the March 2025 Council meeting on the outcomes of the investigation.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2.

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

UNANIMOUS DECISION

That Council:

1. Investigates the feasibility, including risks, costs and the approval process, of providing a full-size basketball court or two half-courts north of Bondi Pavilion close to the children's playground.
2. Officers prepare a report to the March 2025 Council meeting on the outcomes of the investigation, including an estimate of costs to plan and construct a full-size basketball court or two half-courts.

G Wilson addressed the meeting.

CM/8.6/24.11 Investment Policy (A05/0197)

MOTION / DECISION

Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Notes that it must maintain an investment policy that complies with the *Local Government Act 1993* (NSW) and Ministerial Investment Order and ensure it or its representatives exercise care.
2. Amends part of clause 4.2(e) of the Investment Policy as follows:
 - (a) Delete the following paragraph: ‘When there is no availability of Green, ESG, or socially responsible investment options compliant with legislation and investment policy guidelines or exposures to non-fossil fuel banks are at policy limits, Council will source the most prudent investment choice at the time regarding the time horizon of funds, the credit quality of the institution and overall investment return.’
 - (b) Add the following paragraph in its place:

‘When making investment decisions, Council may consider institutions that adhere to ESG principles, where:

- The investment complies with Council’s Investment Policy, and
- The rate of interest is within 0.05% favourable to Council relative to alternative options available at the time, and
- The credit rating of the investment is comparable to alternative options available at the time.

Any ESG investment considerations will be subject to Council’s overall investment strategy objectives of optimising its return on investment of surplus funds in a prudent and measurable manner.’

THE MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Motion: Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

Against the Motion: Crs Fabiano, Masselos, Merten, Spooner and Wy Kanak.

J Bendeich addressed the meeting.

CM/8.7/24.11 RESCISSION MOTION - PD/5.1/24.11 - Planning Agreement Policy (Amendment No. 5) - Adoption (SF23/1066)

MOTION

Mover: Cr Masselos

Seconder: Cr Lewis

That Council rescinds resolution PD/5.1/24.11 – Planning Agreement Policy (Amendment No. 5) – Adoption,

passed at the Strategic Planning and Development Committee meeting on 12 November 2024.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Masselos

That Council adopts the original Planning Agreement Policy (Amendment No. 5) attached to the report of the Strategic Planning and Development Committee meeting agenda on 12 November 2024.

THE MOTION WAS PUT AND DECLARED LOST.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business**CM/10.1/24.11 Councillor Conduct and Meeting Practices - Submission (A24/0899)**

The Chair ruled that this item was urgent.

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council deals with this item as urgent business.

MOTION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council approves the submission to the Office of Local Government attached to the report (Attachment 2) on the Councillor Conduct and Meeting Practices Discussion Paper.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF NEW CLAUSES 1–3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED UNANIMOUSLY.

UNANIMOUS DECISION

That Council approves the submission to the Office of Local Government attached to the report (Attachment 2) on the Councillor Conduct and Meeting Practices Discussion Paper, subject to the following amendments:

1. Page 27 of the urgent business, clause 14, fourth dot point – Amend to read as follows:

‘Standing when the Mayor enters the meeting room. The aim should be to make meetings more accessible, collaborative and representative.’

2. Page 26 of the urgent business, clause 7, third sub-point – Amend to read as follows:

‘Should not include current councillors or any former councillor who has been the subject of a Code of Conduct investigation that has determined that there has been a breach of the Code of Conduct and made a recommendation that the respondent to the complaint be formerly censured for the

breach under section 440G of the *Local Government Act 1993*.'

3. Page 25 of the urgent business, clause 6 – Add the following dot point:

'Councillors should have to declare if they are employed by a property developer or if they derive income or remuneration from a property developer.'

11. Closed Session

CM/11/24.11 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Nemesh

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/11.1/24.11 CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome

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.

CM/11.2/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Head Contractor Services

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.

CM/11.3/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services

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 11.02 pm, Council moved into closed session.

CM/11.1/24.11 CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome (A24/0298)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

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. Notes the outcome of the negotiation phase of the tender for construction services for the 2A Edmund Street Social Housing Project, as set out in the report.
3. Declines to enter into contract for the construction of a social housing building at 2A Edmund Street, Queens Park.
4. Officers investigate Option 2, as set out in the report, for the future of the site, with a report to be prepared to Council no later than March 2025, which also considers key worker housing for Council staff at the site as part of the Affordable Housing Program.

CM/11.2/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Head Contractor Services (A24/0750)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

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 head contractor services for the Bronte Surf Life Saving Club and Community Facilities Upgrade, 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 with an open tender process.

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 two ranked tenderers with a view to entering into a contract for head contractor services to allow negotiation and value engineering on key elements of the project to bring it to an appropriate budget.
5. Officers prepare a report to Council detailing the outcomes of the negotiation prior to executing the contract.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.
7. Notes that a further report will be considered by Council at its meeting on 10 December 2024 on the funding strategy to enable delivery of this project.

B Scaffidi addressed the meeting.

CM/11.3/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services (A24/0641)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

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 project management services for the Bronte Surf Life Saving Club and Community Facilities Upgrade, 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 with an open tender process.
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 the project management services, as these tenderers scored highly and had quality submissions, with the issues of resourcing and contract departures to be clarified during negotiations.
5. Officers prepare a report to the December Council meeting detailing the outcomes of the negotiation prior to executing the contract.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

12. Resuming in Open Session

CM/12/24.11 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council resumes in open session.

At 11.22 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 11.26 PM.

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SIGNED AND CONFIRMED
MAYOR
10 DECEMBER 2024