



W A V E R L E Y  
C O U N C I L

## COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held by video conference at:

**7.00 PM, TUESDAY 5 MAY 2020**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**General Manager**

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### **Live Streaming of Meetings**

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will 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 will 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.*

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There are no questions with notice.

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There are no matters proposed to be dealt with in closed session.

**12. Meeting Closure**

**OBITUARIES**  
**CM/3/20.05(1)**



**W A V E R L E Y**  
COUNCIL

**Subject:** Obituaries  
**Author:** Ross McLeod, General Manager

Joe Luluja

The Mayor will ask Councillors for any obituaries.

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

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/20.05(1)



WAVERLEY  
COUNCIL

**Subject:** Confirmation of Minutes - Council Meeting - 21 April 2020

**TRIM No:** SF20/42

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That the minutes of the Council Meeting held on 21 April 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

The minutes of the Council meeting must be submitted to Council for confirmation, in accordance with section 375 of the *Local Government Act 1993*.

### Attachments

1. Council Meeting Minutes - 21 April 2020



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE ON TUESDAY, 21 APRIL 2020**

**Present:**

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.02 pm, those present were as listed above, with the exception of Cr Keenan who arrived at 7.05 pm and Cr O'Neill who arrived at 7.07 pm.*

*At 10.38 pm, Cr Burrill left the meeting and did not return.*

## **PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager 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**

Mauricio de Souza

The victims of COVID-19

*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. A Aaron – CM/7.5/20.04 – Diamond Bay Rezoning.

4.2. M Dupe – CM/7.5/20.04 – Diamond Bay Rezoning.

4.3. V Falk – CM/8.2/20.04 – Air Fresheners in Public and Staff Toilets.

4.4. S Frank – CM/8.3/20.04 – Safe Climate Declaration – A New Approach to Climate Action.

4.5. A Gibbs – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.

4.6. J Stanton-Cooke (on behalf of Lock the Gate) – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.

4.7. C Gill – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.



- 4.8. A Russell (on behalf of Climate Action Sydney Eastern Suburbs) – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.9. R Knittel – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.10. T Murray – CM/8.5/20.04 – Fracking in the Northern Territory – Support for Indigenous Community Opposition.
- 4.11. A Gill – CM/8.5/20.04 – Fracking in the Northern Territory - Support for Indigenous Community Opposition.

## 5. Confirmation and Adoption of Minutes

### **CM/5.1/20.04 Confirmation of Minutes - Council Meeting - 17 March 2020 (SF20/42)**

#### **MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Council Meeting held on 17 March 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### **CM/5.2/20.04 Confirmation of Minutes - Extraordinary Council Meeting - 3 April 2020 (SF20/42)**

#### **MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Extraordinary Council Meeting held on 3 April 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### **CM/5.3/20.04 Confirmation of Minutes - Extraordinary Council Meeting - 7 April 2020 (SF20/42)**

#### **MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That the minutes of the Extraordinary Council Meeting held on 7 April 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.4/20.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 March 2020 (SF20/45)****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 26 March 2020 be received and noted, and that the recommendations contained therein be adopted.

**6. Mayoral Minutes****CM/6.1/20.04 Coronavirus (COVID-19) - Financial Support (A20/0245)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

That Council:

1. Calls on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Calls for the packages to include the following measures:
  - (a) Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
  - (b) Immediate financial assistance to support council employees where necessary.
  - (c) Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
  - (d) Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Writes to the local Federal and State Members Dave Sharma MP, Marjorie O'Neill MP and Gabrielle Upton MP, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment

support and stimulus funding for the local government sector.

6. Advises LGNSW President Linda Scott of the passage of this mayoral minute.

### **Background**

I am calling on Councillors to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

Waverley Council has been affected by the consequences of the COVID-19 pandemic. Revenues have been reduced by an estimated \$3.5–\$4.5 million per month. We are also dealing with increased and new demands for services in some areas some as increased waste volumes, increased cleaning requirements and greater requirements for compliance staff in managing beach and facility closures. A number of other staff roles have been affected in terms of there no being useful work for some individuals

I am recommending that we support the campaign, which is being coordinated on behalf of the NSW sector by Local Government NSW (LGNSW) and at a national level by the Australian Local Government Association (ALGA).

Council is struggling with the financial impacts of COVID-19. Council has faced increased costs in some areas as a result of the pandemic and at the same time is experiencing declining revenue as fees and charges revenue dries up

Council is doing everything possible to provide support and deliver the services needed to protect community health and keep our communities running during these difficult times. The wellbeing, safety and livelihoods of our communities, customers, and staff is our top priority. However, if additional assistance is not provided, Council may be forced to cut services, infrastructure maintenance and staff.

It is critical that the local government sector receives adequate funding and resources to coordinate and deliver the goods and services needed as we navigate through, and recover from, the new challenges presented by COVID-19 and its massive impacts on people and our local economies.

Council needs urgent financial assistance from the Federal Government and NSW State Government to maintain infrastructure, services and employment as well as funding to give councils the capacity to provide hardship assistance to the community.

The measures listed below would be effective and simple to implement:

- Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
- Immediate financial assistance to support council employees where needed.
- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, Bridges Renewal and Road Safety Blackspots programs. State programs include Fixing Local Roads, Fixing Country Bridges and the Stronger Country Communities programs.
- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to

be redeployed.

**CM/6.2/20.04                      Coronavirus (COVID-19) - Beach Closures, Access to the Ocean and Beach Opening Process (A20/0245)**

**MOTION**

Mover:        Cr Masselos

That Council:

1. Recognises the importance to the community of swimming and surfing at Waverley's beaches and is working towards a phased reopening of access to the water.
2. Notes that:
  - (a) A Council-wide implementation of risk management measures are currently underway to contribute to efforts to prevent further spread of the Novel Coronavirus COVID-19 in line with advice from Commonwealth and NSW Government health authorities, and that Bondi, Tamarama and Bronte Beaches continue to remain closed.
  - (b) A draft COVID-19 beach access management plan ('the plan') providing access to the water for swimmers and surfers at Bondi, Tamarama (surfing only) and Bronte Beaches, has been developed and a draft circulated to Councillors with an opportunity for Councillor comment.
  - (c) The draft plan:
    - (i) Keeps the beaches and ocean pools closed and leaves the fencing in place, except where permitted in the beach management plan.
    - (ii) Provides for safe access corridors to the water to allow 'surf and go'/'swim and go' only via entry points that are managed by Council rangers while strictly observing social distancing so as not to become mass gatherings of more than 500 people, and alternative safe access corridors from the water.
    - (iii) Is for weekdays only unless risk assessments enable the General Manager to open at other times.
    - (iv) Does not allow for walking, running, recreating or gathering (including loitering and sunbathing) on the sand, except where permitted in the beach management plan.
    - (v) Allows for immediate closure of the beaches where there are unacceptable compliance problems.
    - (vi) Bans swimming if the conditions become dangerous.
    - (vii) Provides for lifeguards to patrol the beaches although the flags are down between the hours of 7 am and 5 pm, seven days a week.
    - (viii) Erects static and electronic signage.
    - (ix) Ensures personal protective equipment for our lifeguards.
  - (d) The Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Chief Health

Officer, Dr Kerry Chant, and Dr Marianne Gale, Director, Population and Community Health, South Eastern Sydney Local Health District, support Waverley Council's plans for access to the ocean, as they recognise that Council is striking a balance in ensuring continuing safety for the community and permitting appropriate exercise in the ocean.

- (e) The Minister for Health and Medical Research, Council officers, lifeguards, rangers, surf clubs, Department of Health and Police have been consulted in the development of the plan.
  - (f) The plan has been proposed within any applicable federal and state legislation, policies and guidelines, and public health orders at the time.
  - (g) Officers, rangers and lifeguards will continue to monitor the water access points in accordance with risk assessment outcomes, to ensure compliance including social distancing for the General Manager to take any relevant action deemed appropriate should compliance became an issue. This may include prohibiting access to the water.
3. Endorses the General Manager acting to implement the beach management plan from 28 April 2020 on the proviso that the General Manager is satisfied that a risk assessment indicates that it is acceptable to enable access to the water as stipulated in the plan.
  4. Establishes the following preconditions to be met before any wider beach openings can take place:
    - (a) Council officers, lifeguards and rangers have developed a strategy for managing beaches that they are satisfied with that is in accordance with state and federal government guidelines, legislation and policies, and public health orders in place at the time as well as Council's own risk assessment processes.
    - (b) Surf clubs have been consulted as part of the strategy development process and their feedback considered.
    - (c) The support of the Minister of Health and Medical Research and the Chief Health Officer is obtained along with the Department of Health and Police.
    - (d) Monitoring and compliance management processes are established that ensure beaches can be managed to remain compliant with government requirements, legislation and orders, and that public health orders in place at any given time are able to be met and observed.
    - (e) A beach closure process is readily available to the General Manager should he deem it necessary for beaches to be closed.

**AMENDMENT**

Mover: Cr Kay  
 Seconder: Cr Burrill

That the Motion be adopted subject to the addition of the following clause:

'Requests the General Manager to consider the creation of a registration system to manage the numbers of people who want to access the ocean for exercise, which could be extended to include access time slots.'

**FORESHADOWED AMENDMENT**

Mover: Cr Wakefield  
 Seconder: Cr O'Neill

That the Motion be adopted subject to the addition of the following clause:

'Ensures an adequate queuing procedure for access to the beach.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

THE AMENDMENT NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO CLAUSES AND AMENDMENTS TO CLAUSES 2(b), 2(c)(ii), 2(c)(v) AND 7(a) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Recognises the importance to the community of swimming and surfing at Waverley's beaches and is working towards a phased reopening of access to the water.
2. Notes that:
  - (a) A Council-wide implementation of risk management measures are currently underway to contribute to efforts to prevent further spread of the Novel Coronavirus COVID-19 in line with advice from Commonwealth and NSW Government health authorities, and that Bondi, Tamarama and Bronte Beaches continue to remain closed.
  - (b) A draft COVID-19 beach access management plan (the plan) providing access to the water for swimmers, surfers, stand-up paddle boarders, ocean kayakers and surf skis at Bondi, Tamarama (surf craft only) and Bronte Beaches, has been developed and a draft circulated to Councillors with an opportunity for councillor comment.
  - (c) The draft plan:
    - (i) Keeps the beaches and ocean pools closed and leaves the fencing in place, except where permitted in the beach management plan.
    - (ii) Provides for safe access corridors to the water between 7 am and 5 pm and closed at all other times to allow 'surf and go'/'swim and go' only via entry points that are managed by Council rangers while strictly observing social distancing so as not to become mass gatherings of more than 500 people, and alternative safe access corridors from the water.
    - (iii) Is for weekdays only unless risk assessments enable the General Manager to open at other times.
    - (iv) Does not allow for walking, running, recreating or gathering (including loitering and sunbathing) on the sand, except where permitted in the beach management plan.
    - (v) Allows for immediate closure of the beaches where there are compliance problems.
    - (vi) Bans swimming if the conditions become dangerous.
    - (vii) Provides for lifeguards to patrol the beaches although the flags are down between the hours of 7 am and 5 pm, seven days a week.
    - (viii) Erects static and electronic signage.

- (ix) Ensures personal protective equipment for our lifeguards.
  - (d) The Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Chief Health Officer, Dr Kerry Chant, and Dr Marianne Gale, Director, Population and Community Health, South Eastern Sydney Local Health District, support Waverley Council's plans for access to the ocean, as they recognise that Council is striking a balance in ensuring continuing safety for the community and permitting appropriate exercise in the ocean.
  - (e) The Minister for Health and Medical Research, Council officers, lifeguards, rangers, surf clubs, Department of Health and Police have been consulted in the development of the plan.
  - (f) The plan has been proposed within any applicable federal and state legislation, policies and guidelines, and public health orders at the time.
  - (g) Officers, rangers and lifeguards will continue to monitor the water access points in accordance with risk assessment outcomes, to ensure compliance including social distancing for the General Manager to take any relevant action deemed appropriate should compliance became an issue. This may include prohibiting access to the water.
3. Ensures an adequate queuing procedure for access to the beach.
  4. Attaches to the minutes the draft plan circulated to Councillors on 18 April 2020, which is dynamic and subject to change.
  5. Urgently refers traffic matters to the Traffic Committee.
  6. Endorses the General Manager acting to implement the beach management plan from 28 April 2020 on the proviso that the General Manager is satisfied that a risk assessment indicates that it is acceptable to enable access to the water as stipulated in the plan.
  7. Establishes the following preconditions to be met before any wider beach openings can take place:
    - (a) Council officers, lifeguards, rangers and Police have developed a strategy for managing beaches that they are satisfied with that is in accordance with state and federal government guidelines, legislation and policies, and public health orders in place at the time as well as Council's own risk assessment processes.
    - (b) Surf clubs have been consulted as part of the strategy development process and their feedback considered.
    - (c) The support of the Minister of Health and Medical Research and the Chief Health Officer is obtained along with the Department of Health and Police.
    - (d) Monitoring and compliance management processes are established that ensure beaches can be managed to remain compliant with government requirements, legislation and orders, and that public health orders in place at any given time are able to be met and observed.
    - (e) A beach closure process is readily available to the General Manager should he deem it necessary for beaches to be closed.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

#### **Division**

**For the Motion:** Crs Burrill, Betts, Copeland, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak,  
**Against the Motion:** Cr Goltsman.

**DECISION:** That the Motion be adopted.

*Note: regarding clause 4 of the resolution, the draft plan circulated to Councillors on 18 April 2020 will not be attached to the minutes, but will be published on Council's website on the plans, policies and reports page.*

*At 9.32 pm, following the vote on this item, the meeting adjourned for a short break.*

*At 9.40 pm, the meeting resumed.*

## 7. Reports

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR MASSELOS AND SECONDED BY CR LEWIS, IN ACCORDANCE WITH PART 13 OF THE CODE OF MEETING PRACTICE:

That the recommendations for items CM/7.3/20.04, CM/7.4/20.04, CM/7.8/20.04, CM/7.9/20.04, CM/7.10/20.04 and CM/7.11/20.04 be adopted as printed on the agenda.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

### **CM/7.1/20.04            Schedule of Meeting Dates for Council and its Standing Committees - Amendment (A04/1869)**

#### **MOTION / DECISION**

Mover:     Cr Masselos  
Seconder:  Cr Keenan

That Council amends the 2020 Schedule of Meeting Dates for Council and its Standing Committees by:

1. Cancelling the scheduled May and June meetings of the Operations and Community Services Committee and the Strategic Planning and Development Committee.
2. Scheduling additional Council meetings to be held via video conference on 5 May and 2 June 2020 at 7 pm.

### **CM/7.2/20.04            Councillor Superannuation - Submission (SF20/1538)**

#### **MOTION / DECISION**

Mover:     Cr Lewis  
Seconder:  Cr Copeland

That:

1. Council makes a submission to the Office of Local Government's on its 'Councillor Superannuation Discussion Paper 2020' supporting Option 4, which proposes amending the *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment



of the mayor's and councillors' fees.

- 2 Includes in the submission that, should a Councillor superannuation scheme be adopted by the government, and given the current COVID-19 climate and budgetary impact, that this scheme commence in the 2022–23 financial year.

**CM/7.3/20.04 Investment Portfolio Report - March 2020 (A03/2211)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for March 2020 attached to this report.
2. Notes 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/7.4/20.04 Audit, Risk and Improvement Committee Meeting - Minutes - 19 December 2019 (SF20/986)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 19 December 2019 attached to this report.

**CM/7.5/20.04 Diamond Bay Rezoning (A19/0332)**

**MOTION / DECISION**

Mover: Cr Betts  
Seconder: Cr Nemesh

That Council:

1. Notes that the Diamond Bay area of Vacluse has a prevailing medium density character, with a high proportion of apartments and townhouses.
2. Notes that there has been a relatively high level of redevelopment in this area in the last five years.
3. Notes that, while all of the easy-to-redevelop sites have been developed in recent years, there remain numerous sites throughout the area that have the potential to be further redeveloped with increased floor space up to a FSR of 0.9 and building heights up to 12.5 m in the current R3 Medium Density Residential Zone.
4. Notes the significant community concern expressed at the scale and density of development in the Diamond Bay area in recent years.

5. Includes in the new *Waverley Local Environmental Plan 2020* being prepared the rezoning of all R3 Medium Density Residential Zones in Diamond Bay (Diamond Bay Road, Isabel Avenue and Kimberley Street) to R2 Low Density Residential Zone other than for those properties abutting Old South Head Road, which should remain as currently zoned.
6. Includes in the new *Waverley Local Environmental Plan 2020* being prepared for the above properties being rezoned from R3 to R2, an FSR of 0.5 and a building height of 8.5 m, as per the development standards for the R2 zone.
7. Notes that Council has consistently demonstrated its ability to meet any specified housing target set by the Department of Planning, Industry and Environment and therefore does not accept the proposition that downzoning the Diamond Bay area would justify any possible request to increase the density in other parts of Waverley to compensate.
8. Informs the minister of Council's intention and seeks his support for the downzoning without any commensurate upzoning in other parts of Waverley, and that his response be tabled at Council.

**Division**

**For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

**Against the Motion:** Cr Wy Kanak.

*A Aaron and M Dupe addressed the meeting.*

**CM/7.6/20.04                      Draft Waverley Development Control Plan 2012 (Amendment No. 8) - Exhibition (A20/0155)**

**MOTION / DECISION**

Mover:        Cr Lewis

Seconder:    Cr Keenan

That Council:

1. Exhibits the Draft Waverley Development Control Plan 2012 (Amendment No. 6) attached to this report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. Exhibits the Draft Community Participation Plan (Amendment No. 1) attached to this report for a minimum period of 28 days, in accordance with clause 1 of schedule 1 of the *Environmental Planning and Assessment Act*.
3. Arranges a seminar for precinct committees to outline and explain the proposed amendments to the Development Control Plan.
4. Adopts the amended Development Application Guide as attached to this report.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

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

*Cr Burrill was not present for the consideration and vote on this item.*

**CM/7.7/20.04            Draft Bondi Junction Urban Design Review Update 2020 - Exhibition  
(A12/0038-02)****MOTION / DECISION**

Mover:        Cr Masselos  
Second:      Cr Keenan

That Council:

1. Publicly exhibits the draft Bondi Junction Urban Design Review Update 2020 (the Review) attached to this report for a minimum period of 28 days.
2. Notes the Review has been completed to ensure that the current principles and policy framework applying to development in Bondi Junction are valid and up to date, in the context of recent and continued development pressure.
3. Notes this document will form an important evidence base as part of the strategic planning framework, along with the suite of other completed and draft environmental studies, to inform decisions in the face of continued development pressure, such as proponent-led planning proposals.

**Division**

**For the Motion:**        Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemes, O'Neill, Wakefield and Wy Kanak.

**Against the Motion:**    Nil.

*Cr Burrill was not present for the consideration and vote on this item.*

**CM/7.8/20.04            Draft Cultural Plan - Exhibition (A19/0092)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Second:      Cr Lewis

That Council publicly exhibits the draft Cultural Plan attached to this report.

**CM/7.9/20.04            Varna Park Upgrade Works - Community Consultation and Concept Design  
(A19/0671)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Second:      Cr Lewis

That Council:

1. Receives and notes the outcomes from the two stages of community consultation undertaken for Varna Park.
2. Endorses the attached concept design plan to be detailed and documented for construction.
3. Notes that the final design may change based on recommendations and requirements identified by technical consultants such as arborists and accredited play safety auditors. A final design will be presented to Council for endorsement if significant changes are proposed, or emailed to Councillors prior to tender if only minor changes are proposed, in accordance with Council's new standard

Councillor consultation approach.

**CM/7.10/20.04 Stronger Communities Fund - Progress Report (A19/0224)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council receives and notes this progress report on the Stronger Communities Fund.

**CM/7.11/20.04 Quotation Evaluation - Concrete Footpath and Restoration Works (A18/0335)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council:

1. Enters into contract with Civeco Pty Ltd for the provision of concrete restoration works at a total contract price of \$317,854 (including GST).
2. Authorises the General Manager do all things necessary to enter into the contract.

**8. Notices of Motions**

**CM/8.1/20.04 RESCISSION MOTION - CM/11.1/20.03 - CONFIDENTIAL REPORT - Bondi Pavilion Restoration and Conservation Project - Temporary Relocation of Facilities during Construction Phase (A15/0272)**

**MOTION**

Mover: Cr Goltsman  
Seconder: Cr Betts

That:

1. Council treats the attachment to this motion as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The attachment contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Resolution CM/11.1/20.03 – CONFIDENTIAL REPORT – Bondi Pavilion Restoration and Conservation Project – Temporary Relocation of Facilities during Construction, passed at the Council meeting on 17 March 2020, be rescinded.

**FORESHADOWED MOTION**

Mover: Cr Goltsman  
Seconder: Cr Wakefield

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*,

as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Notes the various options contained in this report for the continued provision of food and beverage services to local residents and visitors during the closure of the Bondi Pavilion.
3. Endorses the provision of retail, food and beverage offerings and other approved operations in Area 1 as indicated in Figure 1 in this report.
4. Delegates to the General Manager the authority to consider and approve any suitable structure proposals that come forward from interested parties for retail, food and beverage offerings, and approved operations that are consistent with site dimensions and site constraints.
5. Endorses the creation of up to eight temporary mobile vendor licences to allow food trucks or other approved operators to operate on the Bondi Pavilion forecourt, and authorises the General Manager to finalise all necessary documentation.
6. Notes the proposed installation of a temporary tourist information booth to be installed on the Bondi Pavilion forecourt for the duration of the building closure as indicated in Area 1 in Figure 1 in this report.
7. Notes the proposed installation of temporary lifeguard amenities in Area 2 as indicated in Figure 1 in this report.
8. Notes the proposed installation of temporary public amenities in Area 3 as indicated in Figure 1 in this report.
9. Notes the proposed installation of a temporary Lifeguard Observation Tower and first aid room in Area 4 as indicated in Figure 1 in this report.
10. Should the northern section of the forecourt become available, advises existing tenants that this option is also available.

THE MOTION WAS PUT AND DECLARED CARRIED.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 3 AND 4 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes the various options contained in this report for the continued provision of food and beverage services to local residents and visitors during the closure of the Bondi Pavilion.
3. Endorses Option C as detailed in this report, amended to provide for the provision of retail, food and beverage offerings and other approved operations in Area 1 as indicated in Figure 1 in this report.

4. Delegates to the General Manager the authority to consider and approve any suitable structure proposals that come forward from interested parties for retail, food and beverage offerings including from our existing tenants, and approved operations that are consistent with site dimensions and site constraints.
5. Endorses the creation of up to eight temporary mobile vendor licences to allow food trucks or other approved operators to operate on the Bondi Pavilion forecourt, and authorises the General Manager to finalise all necessary documentation.
6. Notes the proposed installation of a temporary tourist information booth to be installed on the Bondi Pavilion forecourt for the duration of the building closure as indicated in Area 1 in Figure 1 in this report.
7. Notes the proposed installation of temporary lifeguard amenities in Area 2 as indicated in Figure 1 in this report.
8. Notes the proposed installation of temporary public amenities in Area 3 as indicated in Figure 1 in this report.
9. Notes the proposed installation of a temporary Lifeguard Observation Tower and first aid room in Area 4 as indicated in Figure 1 in this report.
10. Should the northern section of the forecourt become available, advises existing tenants that this option is also available.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION:** That the Motion be adopted.

*Cr Burrill was not present for the consideration and vote on this item.*

**CM/8.2/20.04            Air Fresheners in Public and Staff Toilets (A20/0098)**

**MOTION / DECISION**

Mover:        Cr Kay  
Seconder:    Cr Burrill

That Council:

1. Investigates independent studies on the undue health impacts from automatic air fresheners used inside amenities within public buildings, including staff facilities.
2. Receives a report by August 2020 that includes recommended actions, and alternative options to existing air fresheners.

*At 10.38 pm, following the vote on this item, Cr Burrill left the meeting and did not return.*

*V Falk addressed the meeting.*

**CM/8.3/20.04 Safe Climate Declaration - A New Approach to Climate Action (A09/1017)****MOTION / DECISION**

Mover: Cr Masselos

Second: Cr Keenan

That Council:

1. Notes the recent Climate Emergency Summit conducted in Melbourne on 14–15 February 2020.
2. Recognises, as per the November 2019 Council resolution, that climate change now constitutes a global emergency.
3. Recognises the 2019–20 Australian bushfires as being linked to climate change.
4. Understands that climate change and its solutions will have profound implications for Australia, its people and its lands.
5. Recognises that Indigenous knowledge and leadership have a significant and important role to play in helping address climate change.
6. Becomes a signatory to the Safe Climate Declaration.

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.**Against the Motion:** Crs Betts, Goltsman, Kay and Nemesh.*Cr Burrill was not present for the consideration and vote on this item.**S Frank addressed the meeting.***CM/8.4/20.04 250 Resistance Gweagal Bidjigal Peoples' Sovereign Elders Group Support (A02/0424)****MOTION / DECISION**

Mover: Cr Wy Kanak

Second: Cr Copeland

That:

1. In developing Council's Innovate Reconciliation Action Plan (RAP), Council officers reach out to the Gweagal Bidjigal Sovereign Elders and 250 Resistance Groups to gather information for the report being prepared in response to Council's February 2018 resolution on 'Unceded Aboriginal Sovereignty'.
2. Council notes Lieutenant James Cook's 'secret orders' from King George III that ordered:  
  
'You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain: Or: if you find the Country uninhabited take Possession for his Majesty by setting up Proper Marks and Inscriptions, as first discoverers and possessors'.

(See the full document at [foundingdocs.gov.au/item-did-34.html](https://foundingdocs.gov.au/item-did-34.html)).

3. Council also notes the hints from the president of the Royal Society for Cook and his crew in their relationships with the indigenous people they met:  
  
‘No European Nation has a right to occupy any part of their country, or settle among them without their voluntary consent. Conquest over such people can give no just title; because they could never be the Aggressors.’  
  
(See <[nla.gov.au/digital-classroom/senior/Cook/Indigenous-Response/Mortons-Hints](http://nla.gov.au/digital-classroom/senior/Cook/Indigenous-Response/Mortons-Hints)>).
4. Council officers liaise with the Gweagal-Bidjigal Resistance #Resist250 First Nations Sovereign Tribal Elders Council in the eastern suburbs over proposed activities associated with marking 250 years of Aboriginal resistance since Lieutenant Cook landed at Kamay, Botany Bay, on 29 April 1770, claiming to have made a geographical ‘discovery.’

*Cr Burrill was not present for the consideration and vote on this item.*

**CM/8.5/20.04                      Fracking in the Northern Territory - Support for Indigenous Community  
Opposition (A09/1017)**

**MOTION / UNANIMOUS DECISION**

Mover:            Cr Wy Kanak  
Seconder:       Cr Keenan

That Council:

1. Writes to Origin Energy:
  - (a) Noting our Power Purchase Agreement with Origin through SSROC, 35% of which is currently sourced from the Moree Solar Farm.
  - (b) Noting Council’s Climate Emergency Declaration and in-principle support for net-zero emissions by 2030.
  - (c) Expressing our support for the traditional owners and communities in the Northern Territory, who have expressed their strong opposition to fracking due its threats to the climate, and to their lands, waters and rights.
  - (d) Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water, and commit to further investment in environmentally and socially sustainable renewable energy projects.
2. Forwards a copy of the correspondence referred to above to all NSW Regional Organisations of Councils (ROCs).
3. Notes Ryde Council’s motion to the Australian Local Government Assembly on the same topic of support for traditional owners against fracking in the Northern Territory.
4. Notifies Local Government NSW and the Australian Local Government Assembly of Council’s resolution.
5. Notes Origin’s announced COVID-19-related temporary pause to exploration work in the Beetaloo Basin following discussions with the Northern Territory Government and the Northern Land Council.



**Division**

**For the Motion:** Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemes, O’Neill, Wy Kanak and Wakefield.

**Against the Motion:** Nil.

*Cr Burrill was not present for the consideration and vote on this item.*

*A Gibbs, J Stanton-Cooke (on behalf of Lock the Gate), C Gill, A Russell (on behalf of Climate Action Sydney Eastern Suburbs), R Knittel, T Murray and A Gill addressed the meeting.*

**9. Questions with Notice**

There were no questions with notice.

**10. Urgent Business**

There were no items of urgent business.

**11. Closed Session**

There were no matters dealt with in closed session.

**12. Meeting Closure**

**THE MEETING CLOSED AT 11.28 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**5 MAY 2020**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/20.05(1)



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 23 April 2020

**TRIM No:** SF20/45

**Author:** Al Johnston, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 23 April 2020 be received and noted, and that the recommendations contained therein be adopted.

### Introduction/Background

The Waverley Traffic Committee (WTC) is not a committee of Council. The WTC operates under delegation from Transport for NSW (TfNSW), an agency of the NSW Government. It is advisory-only and has no decision-making powers.

The purpose of the WTC is to make recommendations and provide advice to Council on the technical aspects of proposals to regulate traffic on local roads in Waverley. The recommendations of the WTC must be adopted by Council before they can be implemented.

Part 1 of the minutes of WTC meetings must be submitted to Council for adoption in accordance with clause 18 of the Waverley Traffic Committee Charter.

Council has the opportunity to 'save and except' any of the recommendations listed in Part 1 of the minutes for further consideration in accordance with clause 18.1 of the Charter.

### Attachments

1. Waverley Traffic Committee Minutes - 23 April 2020

**MINUTES OF THE WAVERLEY TRAFFIC  
COMMITTEE MEETING HELD BY EMAIL ON  
THURSDAY, 23 APRIL 2020**



**Voting Members Present:**

Cr P Masselos	Waverley Council – Chair
S/Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr M Carruthers	Transport for NSW – Network and Safety Officer
Mr P Pearce	Representing Marjorie O'Neill, MP, Member for Coogee
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vacluse

**Also Present:**

Cr T Kay	Waverley Council – Alternate Chair
Mr B Gidies	State Transit – Traffic and Services Manager (Eastern Region)
Mr D Joannides	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr C Handsaker	Waverley Council – Manager Parking Control

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*This meeting was originally scheduled to be a video conference meeting. However, due to technical issues with the conferencing platform the Committee decided to hold the meeting by email, as permitted under clause 5.4 of the Traffic Committee Charter.*

**Apologies**

There were no apologies.

**Declarations of Pecuniary and Non-Pecuniary Interests**

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

**Adoption of Previous Minutes by Council - 26 March 2020**

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 26 March 2020 were adopted by Council at its meeting on 21 April 2020.

**PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS**

***NOTE: The matters listed under this part of the agenda propose that Council either does or does not exercise the traffic related functions delegated to it by TfNSW. The recommendations made by the Committee under this part of the agenda will be submitted to Council for adoption.***

**TC/C STATE ELECTORATE OF COOGEE**

**TC/C.01/20.04 Ocean Street South, Bondi - Temporary Road Closure for Crane Lifts (CD-58/2020)**

**COUNCIL OFFICERS PROPOSAL:**

That Council:

1. Approves the temporary closure of Ocean Street South, Bondi, between Bondi Road and Birrell Street over two days during a working week (7.00 am on Day 1 to 11:30 pm on Day 2) on dates to be agreed with Council in accordance with the Construction Traffic and People Plan of Management attached to this report, subject to the Applicant:
  - (a) Notifying NSW Police and Transport for NSW and obtaining relevant approvals.
  - (b) Obtaining relevant approvals from the National Heavy Vehicle Regulator.
  - (c) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue.
  - (d) Notifying local residents and businesses around 5 working days prior to the event with a follow up notification on the day prior to Day 1 of the closure.
  - (e) Obtaining approval of any tree pruning from Council's tree management team.
  - (f) The applicant liaising with and assisting affected residents and other people during the two days of operation.
  - (g) Using RMS-accredited traffic controllers.
  - (h) Covering all costs associated with closing the road, including traffic control.
  - (i) Completing all work by 11.30 pm on Day 2 when full access to Ocean Street South and residences will be restored.
2. Delegates authority to the Executive Manager, Infrastructure Services, to approve the dates that the operation will occur.
3. Requires a Council compliance officer to be on-site for the duration of the works at the Applicant's expense, and that this be communicated to the Applicant.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the addition of new clause 1(j) and amendments to clause 3 such that the WTC Recommendation now reads as follows:

That Council:

1. Approves the temporary closure of Ocean Street South, Bondi, between Bondi Road and Birrell Street over two days during a working week (7.00 am on Day 1 to 11:30 pm on Day 2) on dates to be agreed with Council in accordance with the Construction Traffic and People Plan of Management attached to this report, subject to the Applicant:
  - (a) Notifying NSW Police and Transport for NSW and obtaining relevant approvals.
  - (b) Obtaining relevant approvals from the National Heavy Vehicle Regulator.
  - (c) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue.
  - (d) Notifying local residents and businesses around 5 working days prior to the event with a follow up notification on the day prior to Day 1 of the closure.
  - (e) Obtaining approval of any tree pruning from Council's tree management team.
  - (f) Liaising with and assisting affected residents and other people during the two days of operation.
  - (g) Using RMS-accredited traffic controllers.
  - (h) Covering all costs associated with closing the road, including traffic control.
  - (i) Completing all work by 11.30 pm on Day 2 when full access to Ocean Street South and residences will be restored.
  - (j) Paying NSW Police user charges on the day of installation.
2. Delegates authority to the Executive Manager, Infrastructure Services, to approve the dates that the operation will occur.
3. Requires, at the applicant's expense:
  - (a) A Council compliance officer to be on-site for the duration of the works, and that this be communicated to the Applicant.
  - (b) All tree pruning to be undertaken under the supervision of Council's arborist.
  - (c) Authorised traffic controllers provided by the Applicant to assist residents with locating parking and manoeuvring in the streets on both days of the closure.

*Voting members present for this item: Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (the Chair).*

*Information about the resident consultation undertaken by the applicant was provided to the Committee and is attached to Council's file.*

**TC/V STATE ELECTORATE OF VAUCLUSE****TC/V.01/20.04 64 Blair Street, North Bondi - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs an 11 metre long 'No Parking 7AM-5PM Mon-Fri / 8AM to 3PM Sat Council Authorised Vehicles Excepted Excludes Public Holidays' zone fronting 64 Blair Street, North Bondi.
2. Delegates authority to the Executive Manager, Creating Waverley, to adjust the length and duration of, or remove the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (the Chair).*

**TC/V.02/20.04 Barracluff Avenue, Bondi Beach - Traffic Assessment (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council prepares a preferred option and alternatives for community consultation that include:

1. Preferred option:
  - (a) Construction of pedestrian/traffic islands with associated line marking and signage at the intersections of Barracluff Avenue and Francis Street, and Barracluff Avenue and Lamrock Avenue, Bondi Beach, as shown in Drawing 9005 Issue A attached to this report.
  - (b) Kerb extensions in Barracluff Avenue on both sides of the road opposite:
    - (i) 23 Barracluff Avenue and 25 Barracluff Avenue.
    - (ii) 5 Barracluff Avenue and 7 Barracluff Avenue.
2. Alternative option: closure of Barracluff Avenue in the vicinity of 21 Barracluff Avenue.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That:

1. The Council Officer's Proposal not be adopted.
2. The matter be deferred until the proposed closure of Rickard Avenue is reported to the Traffic Committee to allow both matters to be considered together at the same meeting.

*Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (the Chair).*

*The Committee requested that it be noted in the minutes that NSW Police supports the preferred option referred to in the Council Officer's Proposal, and does not support the alternative option.*

*A written submission from the chief petitioner on this matter was provided to all Committee members prior to the meeting.*

**TC/CV      ELECTORATES OF COOGEE AND VAUCLUSE**

**TC/CV.01/20.04      Reduction in the Number of Parking Meters Installed in Beach Front Locations (A20/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council reduces the number of parking meters installed in Queen Elizabeth Drive, Park Drive North, Park Drive South and Bronte Cutting from 36 to 19 at the locations identified in this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: Representative of the Member for Vaucluse, Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (the Chair).*

**TC/CV.02/20.04      Bondi and Bronte Beach Car Parks (A20/0245)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council delegates authority to the General Manager to adjust the parking restrictions at Bondi and Bronte Beach carparks as necessary to support the implementation of the beach management that provides access to the water at all three of Council's beaches.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT)**

That the Council Officer's Proposal be adopted.

*The Committee requested that it be noted in the minutes that should it be necessary to temporarily close the Bondi and Bronte Beach car parks to support the implementation of beach management, it would be undertaken in consultation with the Mayor, the Local Area Police Commander and Council's General Manager or their nominees.*

*Voting members present for this item: Representative of the Member for Vaucluse, Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (the Chair).*

**THE MEETING ENDED ON 24 APRIL 2020.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**5 MAY 2020**



## MAYORAL MINUTES CM/6/20.05(1)



WAVERLEY  
COUNCIL

**Subject:** Mayoral Minutes

**Author:** Mayor of Waverley, Cr Paula Masselos

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Mayoral minutes are permissible at Waverley Council meetings under the Waverley Code of Meeting Practice. Clauses 9.7–9.11 of the Code state:

*Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.*

*A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.*

*A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.*

*A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.*

*Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.*

**REPORT**  
**CM/7.1/20.05(1)**

**Subject:** Fees and Charges 2019-20 - Amendment - Coronavirus (COVID-19) Small Business Support Category

**TRIM No:** A20/0258

**Author:** John Coudounaris, Manager, Economic Development

**Director:** Darren Smith, Chief Financial Officer

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**RECOMMENDATION:**

That Council:

1. Notes that, as a result of the *Local Government (General) Amendment (COVID-19) Regulation 2020* ('Regulation'), Council is not required to publicly exhibit a proposed category in its Fees and Charges that waives or reduces fees if the category relates to a response to the COVID-19 pandemic.
2. Notes that Council has recently resolved to exhibit a COVID-19 Small Business Support category.
3. Does not exhibit the COVID-19 Small Business Support category.
4. Introduces the \$0 (fee waiver) COVID-19 Small Business Support category into Council's Fees and Charges to apply to the following fees:
  - (a) All fees for licence inspections.
  - (b) Fitness permits fees.
  - (c) Mobile vendor licence fees.
5. Adopts the following criteria for the COVID-19 Small Business Support category:
  - (a) Recipients must be small businesses (according to the ATO definition) or registered not-for-profit organisations.
  - (b) The Business Support Package is in effect.

**1. Executive Summary**

Council endorsed a COVID-19 Business Support Package on 7 April 2020, which included fee waivers subject to a 28-day public exhibition period in accordance with statutory requirements. On 17 April 2020, Council Circular 20-12 announced statutory amendments that no longer require Councils to exhibit categories in its Fees and Charges that waive or reduce fees if the categories relate to a response to the COVID-19 pandemic.

## 2. Introduction/Background

The COVID-19 pandemic restrictions have caused an exceptional set of circumstances with unprecedented impacts. On 7 April 2020, Council endorsed the COVID-19 Business Support Package, which included a range of measures. One measure was the introduction of a COVID-19 Small Business Support category into Council's Fees and Charges, which would allow certain fees to be waived.

## 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Extraordinary Council 7 April 2020	CM/4.2/20.04E2	<p><i>Extract</i></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the short-term COVID-19 Business Support Package and the measures contained therein as outlined in this report.</li> <li>2. Notes that a review of the operation of the package will be carried out by staff on or before 30 June 2020.</li> <li>3. In accordance with sections 610E and 610F of the <i>Local Government Act 1993</i>, publicly exhibits for 28 days:               <ol style="list-style-type: none"> <li>(a) The introduction of a \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to apply to the following fees:                   <ol style="list-style-type: none"> <li>(i) All fees for licence inspections.</li> <li>(ii) Fitness permits fees.</li> <li>(iii) Mobile vendor licence fees.</li> </ol> </li> <li>(b) The following criteria for the COVID-19 Small Business Support category:                   <ol style="list-style-type: none"> <li>(i) Recipients must be small businesses (according to the ATO definition) or registered not-for-profit organisations.</li> <li>(ii) The Business Support Package is in effect.</li> </ol> </li> </ol> </li> <li>4. Notes that it has resolved to turn off the on-street parking meters throughout the Waverley local government area from Wednesday, 8 April 2020, to 30 June 2020.</li> <li>5. Authorises the operation of the Business Support Package until 30 September 2020 or until such earlier time as determined by Council.</li> <li>6. Notes that Table 2 of the report contains a summary of the Business Support Package as follows:</li> </ol>

		...
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#### 4. Discussion

On 7 April 2020, Council endorsed the COVID-19 Business Support Package. The range of measures included fee waivers subject to a 28-day exhibition period in accordance with sections 610E and 610F of the *Local Government Act 1993*.

On 17 April 2020, the Office of Local Government released Council Circular 20-12 (attached to this report) outlining a range of statutory amendments to provide flexibility for Councils in offering financial support to the community. It states that Councils are not required to exhibit a category in its Fees and Charges if the category relates to a response to the COVID-19 pandemic:

##### *Extension of the ability of councils to waive or reduce fees*

- *The application of section 610E of the Act has been broadened to allow councils to waive or reduce fees under a newly established “COVID-19” category, which has been added to the Regulation.*
- *This means that councils can immediately apply the waiver or reduction without establishing a new category or going through the normal public notice requirements of section 610E(2) for adding new categories.*
- *Councils may choose to apply such a waiver or reduction, for example, in cases where a business has seen significantly reduced income as a result of COVID-19. The application of any such waiver or reduction of fees is voluntary and is decision for each council based on local circumstances.*
- *Councils do not need to resolve to waive or reduce fees under the “COVID-19” category if the existing powers delegated to the General Manager include the power to determine a new category in which a council may waive or reduce fees.*

#### 5. Financial impact statement/Time frame/Consultation

There is no financial impact in Council in the change in public exhibition requirements.

#### 6. Conclusion

Council is now not required to publicly exhibit the COVID-19 Small Business Support category. It is therefore recommended that Council introduces the category forthwith.

#### 7. Attachments

1. OLG Circular 20-12 [↓](#)



<b>Circular Details</b>	20-12/ 17 April 2020 / A696830
<b>Previous Circular</b>	20-06 Novel Coronavirus (COVID-19) Development Updates
<b>Who should read this</b>	General Managers / Finance, Governance and Integrated Planning and Reporting staff
<b>Contact</b>	Council Performance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

### Modification of statutory requirements in response to the COVID-19 pandemic

#### What's new or changing

- Regulations have been made under section 747B of the *Local Government Act 1993* to temporarily modify the application of the Act in response to the COVID-19 pandemic. The regulations made under section 747B modify the Act as follows:
- Councils have been provided with a one-month extension:
  - to adopt their 2020-21 Operational Plan (including Revenue Policy, Statement of Fees and Charges and annual budget) before 31 July 2020;
  - to submit audited financial reports by 30 November 2020; and
  - for the preparation and publishing of annual reports by 31 December 2020.
- Councils have the option to delay issuing rates notices to ratepayers until 1 September 2020, and the collection of the first quarter rates instalment until 30 September 2020.
- Councils may immediately waive or reduce fees under a new "COVID-19" category.
- The requirement for councils to make certain documents available for physical inspection at their offices has been modified to allow access to the documents to be provided remotely.
- In addition to these temporary measures, in response to the closure of some local newspapers and to assist councils to reduce their costs, the *Local Government (General) Regulation 2005* (the Regulation) has been amended to remove requirements for newspaper advertising. This amendment is not temporary and will continue to apply after the COVID-19 pandemic passes.

#### What this will mean for your council

- The COVID-19 pandemic has caused an exceptional set of circumstances with unprecedented impacts. The NSW Government is committed to supporting local councils and their communities during this period of uncertainty.
- To provide NSW councils with flexibility to adjust to the rapidly shifting circumstances and to allow them to provide appropriate financial support to their local communities, a number of statutory deadlines for 2019-20 and 2020-21 have been modified. These are set out in the table below:

Section of LG Act	Prior deadline	New deadline
Submission of audited Financial Reports – 416(1)	31 October 2020	<b>30 November 2020</b>
Preparation and publish of Annual Reports – 428(1)	30 November 2020	<b>31 December 2020</b>

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 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
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Section of LG Act	Prior deadline	New deadline
Adoption of Operational Plan - 405(1)	By 1 July 2020	<b>By 1 August 2020</b>
Making of a rate or charge - 533	By 1 August 2020	<b>By 1 September 2020</b>
Date by which quarterly rates are payable - 562(3)(a)	31 August 2020	<b>30 September 2020</b>
Quarterly review statements (QBRS) - Cl 203(1) of Regulation	The third quarter 2019-20 QBRS (currently due May 2020)	Third quarter QBRS - <b>June 2020</b> . All future QBRS remain due as per Regulation.

- In exercising discretion to extend the making of a rate or charge under section 533 or the collection of rates under 562(3)(a) of the Act, each Council must consider both the financial circumstances of local ratepayers and the potential impact such actions would have on the general cashflow of Council.
- The Government recognises that there may be circumstances where adopting such extensions may not be appropriate or desirable for councils.
- Councils do not need to resolve to extend the date to adopt its Operational Plan, issue rates notices or collect the first rates instalment. A council may, however, choose to direct its General Manager to submit an Operational Plan for adoption prior to 1 July 2020 and to ensure that its rates and charges notices are served by 1 August 2020 (as is normally the case under legislation).
- Councils should also note that there are no changes to the provisions in the following table at this time. However, the Government is continuing to monitor the broader strategic and operating environment for local councils.

Section	Ongoing requirement
405(2)	Councils Operational Plan must include a statement of a council's revenue policy
405(3)	Council must give public notice of draft Operational Plan for not less than 28 days
405(6)	Council must post a copy of its Operational Plan on website within 28 days after the plan is adopted

#### **Extension of the ability of councils to waive or reduce fees**

- The application of section 610E of the Act has been broadened to allow councils to waive or reduce fees under a newly established "COVID-19" category, which has been added to the Regulation.
- This means that councils can immediately apply the waiver or reduction without establishing a new category or going through the normal public notice requirements of section 610E(2) for adding new categories.
- Councils may choose to apply such a waiver or reduction, for example, in cases where a business has seen significantly reduced income as a result of COVID-19. The application of any such waiver or reduction of fees is voluntary and is decision for each council based on local circumstances.
- Councils do not need to resolve to waive or reduce fees under the "COVID-19" category if the existing powers delegated to the General Manager include the power to determine a new category in which a council may waive or reduce fees.

#### **Modification of requirements for councils to make certain documents available for inspection**

- Under the regulations, the requirements under the Act for councils to make documents physically available for inspection will be satisfied if:

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- in the case of a document that is “open access information” for the purposes of the *Government Information (Public Access) Act 2009* (the GIPA Act), the information contained in the document is published on the council’s website and is made available on request in an electronic form or in such other manner determined by the council.
- in the case of a document that is not “open access information” for the purposes of the GIPA Act, the information contained in the document is made available on request in an electronic form or in such other manner determined by the council.

### **Removal of newspaper advertising requirements under the Regulation**

- To alleviate the red tape burden on councils and to reduce their costs, amendments have also been made to the Regulation to remove remaining requirements for notices to be published in newspapers.
- Councils are now instead required to publish notices on their websites and in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons.

### **Key points**

- Regulations may be made under section 747B to modify the application of the Act for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.
- Regulations may only be made under section 747B if:
  - Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
  - the arrangements made by the provisions of the regulations are in accordance with advice issued by the Minister for Health and Medical Research or the Chief Health Officer, and
  - the regulations are reasonable to protect the health, safety and welfare of persons.
- Regulations made under section 747B automatically expire after 6 months or earlier if decided by the Parliament.

### **Where to go for further information**

- For further information please contact the Council Performance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

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## REPORT

### CM/7.2/20.05(1)



WAVERLEY  
COUNCIL

**Subject:** Petition - Coronavirus (COVID-19) - Ocean Access

**TRIM No:** A20/0245

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

**Director:** John Clark, Director, Customer Service and Organisation Improvement

#### RECOMMENDATION:

That Council:

1. Receives and notes the petition requesting access to the ocean for exercise and recreation.
2. Notes that, at its meeting on 21 April 2020, Council resolved to allow limited access to the ocean in accordance with a beach access management plan.
3. Takes no further action regarding the petition and advises the chief petitioner accordingly.

#### 1. Executive Summary

Council has received an online petition containing 956 signatures (as at 10.30 am, 24 April 2020) via Change.org requesting access to the ocean for exercise and recreation while Council's beaches remain closed during the coronavirus pandemic.

The petition does not fully comply with the Petitions Policy, and Council has already decided to allow access to the ocean. It is therefore recommended that no further action be taken regarding the petition.

#### 2. Introduction/Background

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, business people or in some other capacity. Petitions must concern matters that Council is authorised to determine.

This matter was last considered by Council at its meeting on 21 April 2020; see the resolution below. At that meeting, Council noted that a draft COVID-19 beach access management plan has been developed by staff to allow limited access to the ocean for exercise purposes. This plan has subsequently been implemented.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 April 2020	CM/6.2/20.04	That Council: <ol style="list-style-type: none"> <li>1. Recognises the importance to the community of swimming and surfing at Waverley's beaches and is working towards a phased reopening of access to the water.</li> </ol>



		<p>2. Notes that:</p> <p>(a) A Council-wide implementation of risk management measures are currently underway to contribute to efforts to prevent further spread of the Novel Coronavirus COVID-19 in line with advice from Commonwealth and NSW Government health authorities, and that Bondi, Tamarama and Bronte Beaches continue to remain closed.</p> <p>(b) A draft COVID-19 beach access management plan (the plan) providing access to the water for swimmers, surfers, stand-up paddle boarders, ocean kayakers and surf skis at Bondi, Tamarama (surf craft only) and Bronte Beaches, has been developed and a draft circulated to Councillors with an opportunity for councillor comment.</p> <p>(c) The draft plan:</p> <p>(i) Keeps the beaches and ocean pools closed and leaves the fencing in place, except where permitted in the beach management plan.</p> <p>(ii) Provides for safe access corridors to the water between 7 am and 5 pm and closed at all other times to allow 'surf and go'/'swim and go' only via entry points that are managed by Council rangers while strictly observing social distancing so as not to become mass gatherings of more than 500 people, and alternative safe access corridors from the water.</p> <p>(iii) Is for weekdays only unless risk assessments enable the General Manager to open at other times.</p> <p>(iv) Does not allow for walking, running, recreating or gathering (including loitering and sunbathing) on the sand, except where permitted in the beach management plan.</p> <p>(v) Allows for immediate closure of the beaches where there are compliance problems.</p> <p>(vi) Bans swimming if the conditions become dangerous.</p> <p>(vii) Provides for lifeguards to patrol the</p>
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		<p>beaches although the flags are down between the hours of 7 am and 5 pm, seven days a week.</p> <p>(viii) Erects static and electronic signage.</p> <p>(ix) Ensures personal protective equipment for our lifeguards.</p> <p>(d) The Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Chief Health Officer, Dr Kerry Chant, and Dr Marianne Gale, Director, Population and Community Health, South Eastern Sydney Local Health District, support Waverley Council's plans for access to the ocean, as they recognise that Council is striking a balance in ensuring continuing safety for the community and permitting appropriate exercise in the ocean.</p> <p>(e) The Minister for Health and Medical Research, Council officers, lifeguards, rangers, surf clubs, Department of Health and Police have been consulted in the development of the plan.</p> <p>(f) The plan has been proposed within any applicable federal and state legislation, policies and guidelines, and public health orders at the time.</p> <p>(g) Officers, rangers and lifeguards will continue to monitor the water access points in accordance with risk assessment outcomes, to ensure compliance including social distancing for the General Manager to take any relevant action deemed appropriate should compliance became an issue. This may include prohibiting access to the water.</p> <p>3. Ensures an adequate queuing procedure for access to the beach.</p> <p>4. Attaches to the minutes the draft plan circulated to Councillors on 18 April 2020, which is dynamic and subject to change.</p> <p>5. Urgently refers traffic matters to the Traffic Committee.</p> <p>6. Endorses the General Manager acting to implement the beach management plan from 28 April 2020 on the proviso that the General Manager is satisfied that a risk assessment indicates that it is acceptable to enable access to the water as stipulated in the plan.</p>
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		<p>7. Establishes the following preconditions to be met before any wider beach openings can take place:</p> <ul style="list-style-type: none"> <li>(a) Council officers, lifeguards, rangers and Police have developed a strategy for managing beaches that they are satisfied with that is in accordance with state and federal government guidelines, legislation and policies, and public health orders in place at the time as well as Council's own risk assessment processes.</li> <li>(b) Surf clubs have been consulted as part of the strategy development process and their feedback considered.</li> <li>(c) The support of the Minister of Health and Medical Research and the Chief Health Officer is obtained along with the Department of Health and Police.</li> <li>(d) Monitoring and compliance management processes are established that ensure beaches can be managed to remain compliant with government requirements, legislation and orders, and that public health orders in place at any given time are able to be met and observed.</li> <li>(e) A beach closure process is readily available to the General Manager should he deem it necessary for beaches to be closed.</li> </ul>
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#### 4. Discussion

##### Petition

The petition states:

*'Surfers and ocean swimmers are being unfairly discriminated against by the complete closure of access to the ocean under the current beach closure regime. Even the NSW Police Service has confirmed that access to ocean exercise activities is not prohibited under the lockdown laws. Denying us our regular exercise for months is a serious health issue which needs to be addressed by State and Local governments.'*

*We ask that some controlled access to the ocean for exercise and recreation, complying with strict social distancing practices be allowed. We ask that council lifeguards and NSW Police make arrangements to control this access and manage the resource for all. It would be possible for police and lifeguards already posted at Sydney Eastern suburbs beaches (Bondi, Tamarama, Bronte, Coogee, Maroubra) to oversee individuals entering the ocean for exercise and ensure there was no loitering or gatherings above the current 2 person limit.'*

*Maintaining physical and mental health over the coming months is recognised as essential. Many of us are experiencing great hardship at this time and no access to our beloved ocean is an added, cruel and unnecessary hardship which must end.'*

The petition is an online petition created on Change.org; see <[change.org/p/waverley-council-surfer-access-to-sydney-beaches](https://change.org/p/waverley-council-surfer-access-to-sydney-beaches)>.

Council's Petitions Policy states that:

*A person submitting an e-petition must ensure that the petition has:*

- 1. A clear and concise statement identifying the subject matter of the petition.*
- 2. The total number of people 'signing' the petition.*
- 3. The full name, address and phone number of the person submitting the petition ('chief petitioner'), together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group.*
- 4. The full name, address (including postcode), and email address of those people who support the e-petition.*

The petition does not comply with the Petitions Policy because it does not contain the full residential address or e-mail address of the people who support the petition. However, this is an apparent limitation of the Change.org platform. In the view of staff, the petition is sufficiently compliant to be placed before Council. Where a petition does not fully comply with the Petitions Policy, it is up to Council to decide whether to accept it or not.

Council is currently reviewing the Petitions Policy. The review will look at options to better accommodate online petitions.

#### **Ocean access**

Due to the coronavirus pandemic, Council's beaches have been closed since 21 March 2020.

The petition was received on 20 April 2020. At its meeting on 21 April, Council noted that draft COVID-19 beach access management plan has been developed by staff to allow limited access to the ocean for exercise purposes. This plan has subsequently been implemented. The subject matter of the petition has therefore been dealt with.

#### **5. Financial impact statement/Time frame/Consultation**

There is no financial impact in Council receiving the petition.

#### **6. Conclusion**

As Council has already enabled access to the ocean for exercise, no further action is necessary in relation to the petition.

#### **7. Attachments**

Nil.

## REPORT

### CM/7.3/20.05(1)



**Subject:** Bronte Surf Club and Community Facilities Building Upgrade - Community Consultation on Concept Design

**TRIM No:** A19/0081

**Author:** Jordan Laverty, Project Manager

**Director:** Emily Scott, Director, Community, Assets and Operations

#### RECOMMENDATION:

That Council:

1. Endorses the Bronte Surf Club and Community Facilities Building Upgrade concept design attached to this report for public exhibition for a period of 28 days for the purposes of undertaking stage 2 community consultation.
2. Notes that a further report will be prepared for Council post-exhibition summarising the consultation process and key feedback, and recommending any necessary revisions to concept design.

#### 1. Executive Summary

The purpose of this report is to seek Council's endorsement of the attached Bronte Surf Club and Community Facilities Building Upgrade concept design concept design for stage 2 community consultation. It is recommended that the concept be publicly exhibited for a 28-day period.

The Option 4 concept design endorsed by Council in March 2020 has been further developed for the purposes of consultation. The concept now includes a landscape treatment for the relocation of Dave Brown Place that is in the near vicinity of the previous location.

#### 2. Introduction/Background

In March 2020, Council officers reported on the Stage 1 community consultation as well outlining the four high level options developed. Council endorsed Option 4 as the preferred option to be developed to a concept design suitable to undertake stage 2 community consultation.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Strategic Planning and Development Committee Meeting 3 March 2020	PD/5.5/20.03	That Council: <ol style="list-style-type: none"> <li>1. Receives and notes this project update on the Bronte Surf Club and Community Facilities Building Upgrade.</li> <li>2. Notes the outcome of stage 1 community consultation completed in September 2019.</li> </ol>

		<ol style="list-style-type: none"> <li>3. Endorses Option 4 as the preferred option for the Bronte Surf Club and Community Facilities Building, as detailed in Attachment 1 to this report.</li> <li>4. Develops Option 4 to a concept design suitable for stage 2 community consultation.</li> <li>5. Notes that the developed Option 4 will be reported back to Council prior to stage 2 community consultation.</li> <li>6. Undertakes stage 2 community consultation in April 2020 on the concept design developed from option 4, including a landscape treatment for the relocation of Dave Brown Place that is in the near vicinity of the previous location.</li> </ol>
<p>Council 11 December 2018</p>	<p>CM/10.2/18.12</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li> <li>2. Endorses the Heads of Agreement between Council and Bronte Surf Life Saving Club for the proposed Bronte Surf Club and Community Facilities Building project (Attachment 1), subject to the following amendments: <ol style="list-style-type: none"> <li>(a) In clause 5 'Premises', change the first bullet point so that it reads 'Lifeguard facilities including changing rooms, first aid room, and lifeguard tower, with the latter's location within the building or along the escarpment being subject to further investigation and planning assessment.'</li> <li>(b) In clause 10 'Cost Overrun', add the following sentence at the end of the paragraph, to read 'Any design change requested by the Tenant incurring a cost overrun that is agreed by the PCG will be borne wholly by the Tenant.'</li> <li>(c) In clause 13 'Defects', replace 'defects notified by the Tenant' with 'defects</li> </ol> </li> </ol>

		<p>identified’.</p> <p>(d) At the end of clause 9 ‘Funding’, add the following new paragraph: ‘As the cost of any design change requested by the Tenant and agreed by the PCG, whether incurring a cost overrun or not, will be borne wholly by the Tenant, if it becomes clear that the Tenant is unable to pay the additional project monies sought, the PCG will consider financial options for the Tenant to cover the shortfall if it is necessary at the time of the matter arising.’</p> <p>3. Approves the General Manager being delegated authority to sign the Heads of Agreement on behalf of Council and forward to the Club for execution.</p> <p>4. Endorses officers to commence preparation of an Agreement for Lease for the Bronte Surf Life Saving Club Premises with a report to be brought back to Council for approval.</p> <p>5. Approves officers writing to the Office of Local Government to seek approval to enter into a Public Private Partnership with Bronte Surf Life Saving Club for the Bronte Surf Club and Community Facilities Building project.</p> <p>6. Approves officers developing of a Probity Plan for the project in accordance with the Council-endorsed Capital Partnership Project Framework Guidelines. With a report to be brought back to Council for approval.</p> <p>7. Approves the allocation of funding to the cost of the project in the Long Term Financial Plan as outlined in Table 3 of this Report.</p> <p>8. Notes that the Bronte SLSC has been promised a grant of \$2 million from the Federal Government, and undertakes to assist the Club in preparation of any necessary documentation to ensure receipt of this grant.</p> <p>9. Notes that the Bronte SLSC currently has a funding shortfall of \$375,000 of their total required funding contribution to the upgrade project.</p> <p>10. Notes this shortfall represents 4.2% of the total project budget and is within the scope of the</p>
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		<p>budget contingency.</p> <p>11. Agrees to consider alternate options to close the funding gap if the shortfall is less than 5% at the commencement of construction, including, but not limited to, delayed payment, a loan, or other arrangements in consultation with the Bronte SLSC executive.</p>
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**4. Discussion**

A concept design suitable for the stage 2 community consultation process has been developed based on Option 4 previously endorsed by Council. The design is attached to this report. Feedback from the community and key stakeholders was considered as part of the development of this design. The key design elements which align with community feedback include:

- Use of materials which are sympathetic to the park and environment.
- Consideration of visual impact on the park and it’s surrounds.
- Upgraded lifeguard and lifesaving facilities.
- Sustainable design, maximising natural light, ventilation and renewable energy sources.
- Upgrade of promenade stairs to reduce conflict between the coastal walk and Club activities.
- Upgrade and relocation of Dave Brown Place (Cubes), including universal accessibility.

The PCG has agreed on the following action plan for stage 2 community consultation:

- Virtual meetings (via Skype, Zoom or similar) with the following stakeholder groups:
  - Bronte Beach Precinct.
  - Bronte Precinct.
  - Bronte Boardriders.
  - Bronte Surf Club Members.
- Update project specific page on Council’s website.
- Recurring posts on all of Council’s social media outlets.
- Advertise in Waverley Weekly eNewsletter.
- Q&A on Council’s ‘Have your Say’ page.
- Survey on Council’s ‘Have your Say’ page.
- Advert in The Beast and Wentworth Courier (if circulating).
- Letterbox drop to properties surrounding Bronte Park.
- Invite registered stakeholders from stage 1 community consultation to complete survey.
- Install signage onsite, including posters on the back of toilet doors in the public amenities.

The concept design aligns with community feedback received to date. As such, it is recommended that Council endorse concept and the proposed 28-day consultation period.

**5. Financial impact statement/Time frame/Consultation**

**Financial impact statement**

The table below shows the joint funding contributions for the delivery of the project as per the executed Heads of Agreement.

Funding source	Funding amount
Waverley Council	\$4,625,000



Bronte Surf Club	\$2,030,000
Federal Government	\$2,000,000
State Government	\$345,000
<b>Total</b>	<b>\$9,000,000</b>

At this stage, the estimated total cost to deliver the current design concept is \$12.9 million. This includes design services, construction of the new buildings and associated landscaping and promenade upgrades. A breakdown of costs can be seen in the below table. These figures include appropriate contingencies.

<b>Item</b>	<b>Estimated Cost</b>
Building Costs (including demolition of existing)	\$11,400,000
Services (including new substation)	\$515,000
Landscaping and Promenade Upgrades	\$985,000
<b>Total</b>	<b>\$12,900,000</b>

Funding has been allocated in a separate item of Council's LTFP to complete the landscaping and promenade upgrades listed above, leaving a total budget shortfall of \$2.915 million.

The PCG acknowledges the shortfall in funding and at this stage recommends proceeding to community consultation with no further commitments by either Council or the surf club. Additional State and Federal Government grant funding opportunities will be explored as the design develops. The PCG has also started a value engineering process in an effort to reduce construction costs and bring the concept closer to the available budget.

Further cost estimates will be completed at key milestones as the design develops and detail is added. Cost and budget will be reconciled prior to construction commencing.

### **Time frame**

Stage 2 community consultation on the concept design will commence in May 2020. Feedback from the consultation will be reported back to Council in June 2020. At this stage, construction is anticipated to start in autumn 2021.

### **Consultation**

Proposed consultation arrangements are outlined above.

## **6. Conclusion**

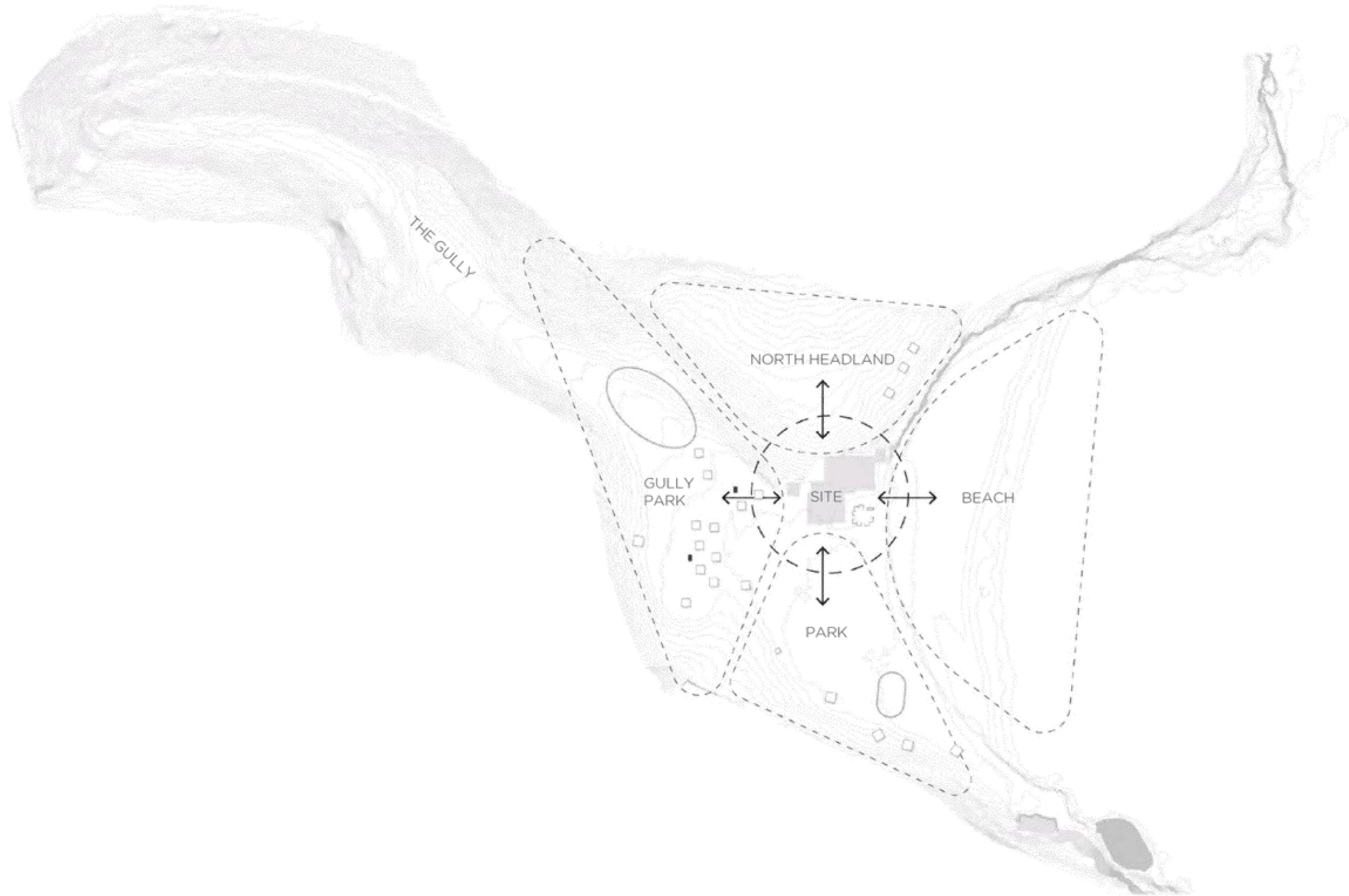
It is recommended that Council endorse the attached Bronte Surf Club and Community Facilities Building Upgrade concept design for stage 2 consultation.

## **7. Attachments**

1. Bronte SLSC - Concept design [↓](#)

Bronte S.L.S.C & Community Facilities Redevelopment  
Community Consultation Report

by **CHROFI** & TYRRELL STUDIO



### Location Diagram

CHROFI & TYRRELL STUDIO

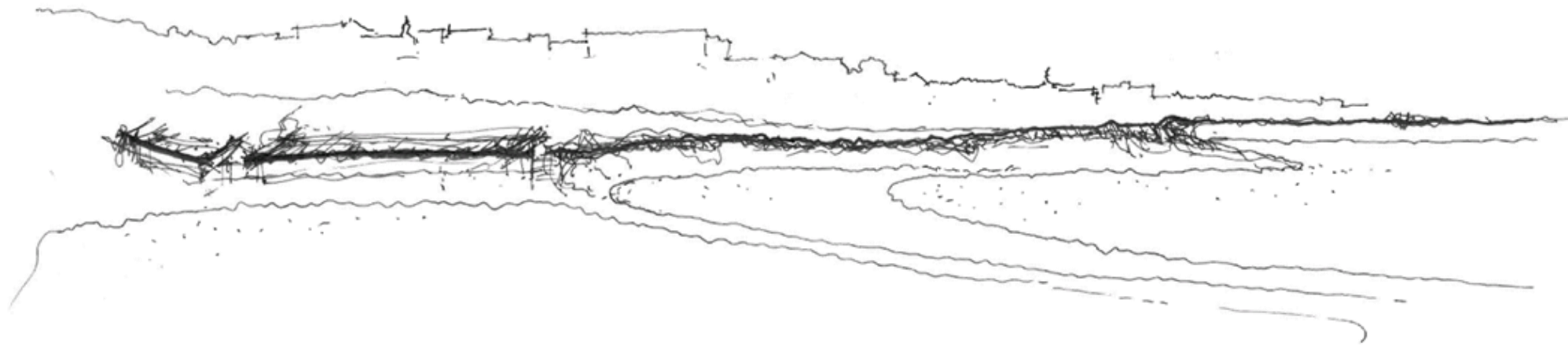


Landscape Opportunities

- 1. Extend green over building
- 2. Open view between gully and beach and make visible the significant landform of the cliff as it turns into the gully
- 3. Create an active park edge

Landscape Opportunities

CHROFI & TYRRELL STUDIO

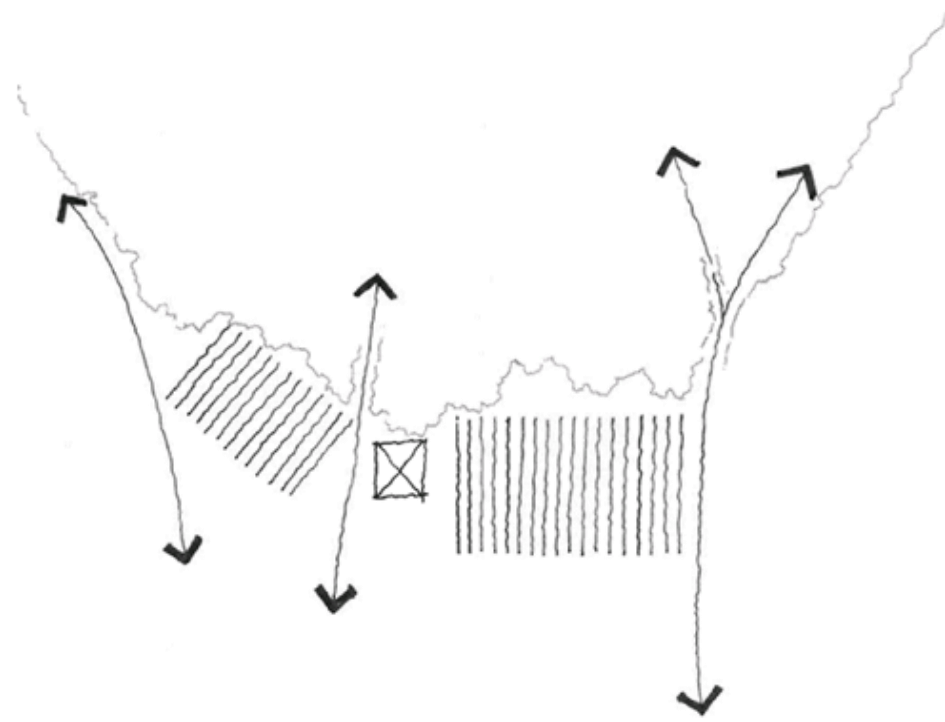


#### Lines in the landscape

- The building is unlike others in the locality in that it is anchored to the cliff and topography vs being built on top
- Opportunity to enhance the strong horizontal datum line of the cliff, conceptually extending the cliff
- A building that responds to and compliments its context

#### Concept Sketch

CHROFI & TYRRELL STUDIO

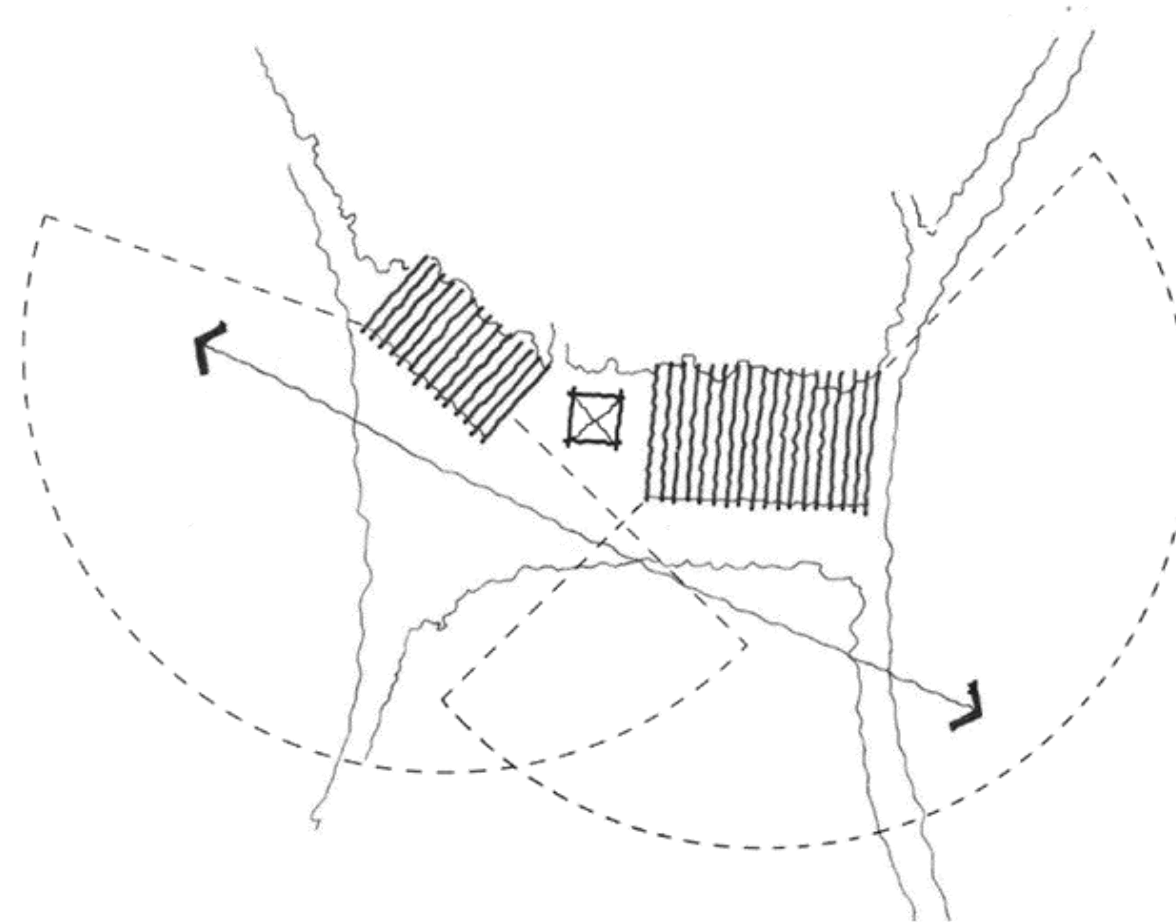


#### Site connections

The arrangement of the building along the contour establishes stronger connections between the beach and parkland. On the groundfloor the park is extended to meet the new building footprint, while the green roof restores the landscape of the hill.

### Concept Sketch

CHROFI & TYRRELL STUDIO



Views

The arrangement of the built form opens up the view corridor between the park and beach while views from the building provide a combination of framed vistas and wide panoramic views toward the landscape.

### Concept Sketch

CHROFI & TYRRELL STUDIO



*"A building that compliments and reponds to its context"*

## Concept Sketch

CHROFI & TYRRELL STUDIO





Existing Aerial Plan

CHROFI & TYRRELL STUDIO



Proposed Aerial Site Plan

CHROFI & TYRRELL STUDIO

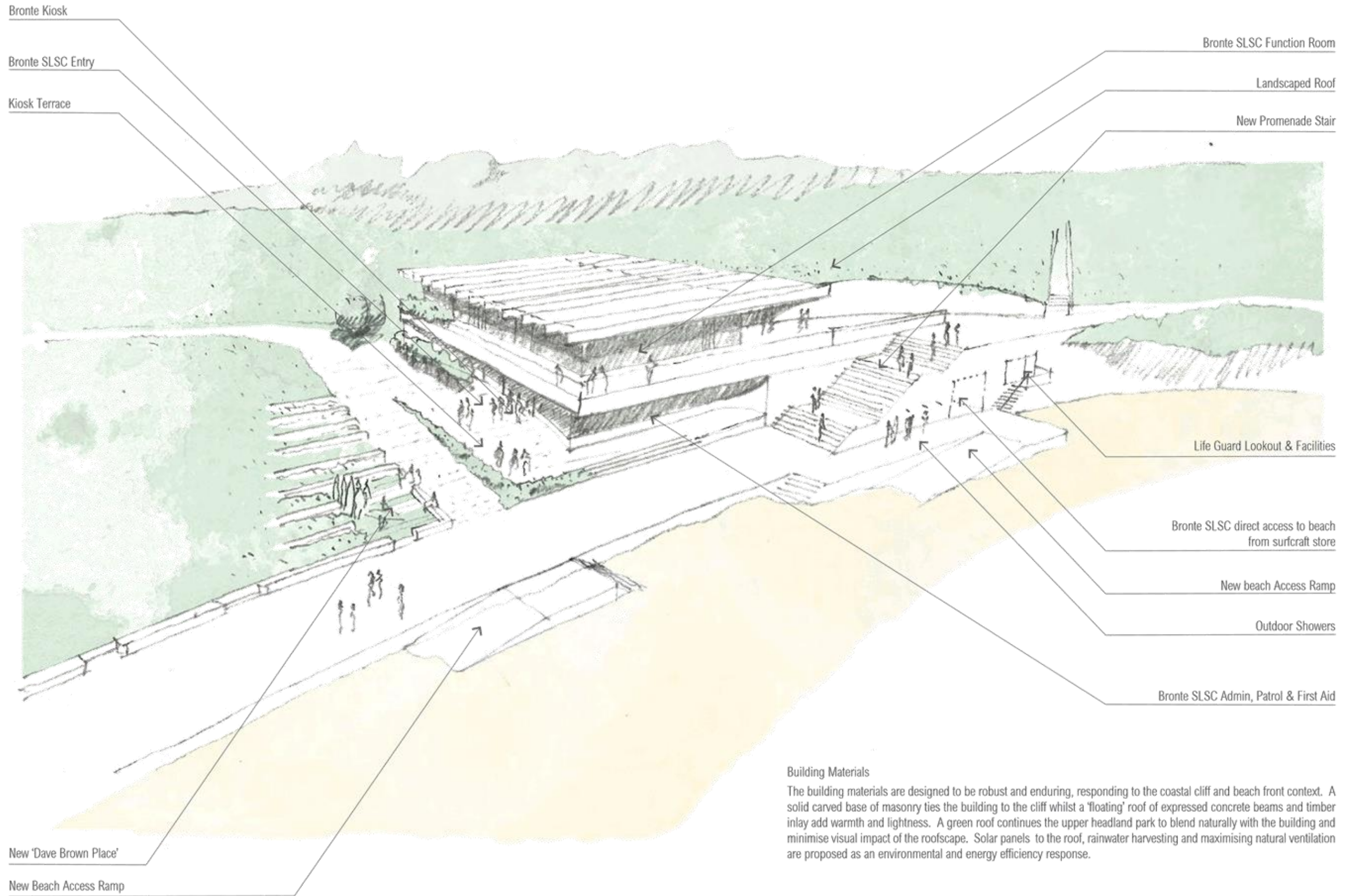


Key

- 1. Bronte S.L.S.C
- 2. Lifeguard Lookout
- 3. New Promenade Stair
- 4. First Aid
- 5. Kiosk
- 6. Loading & Access
- 7. Landscape & Seating
- 8. Dave Brown Place
- 9. Beach Promenade
- 10. Access to Beach
- 11. Public Amenities
- 12. Park Maintenance Staff Facilities
- 13. Lawn
- 14. Landscaped Roof
- 15. Relocated Shade Shelters
- 16. Relocated BBQ

Proposed Aerial Site Plan

CHROFI & TYRRELL STUDIO



### Concept Sketch

CHROFI & TYRRELL STUDIO



Existing View - North Headland

CHROFI & TYRRELL STUDIO



Proposed View - North Headland

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Existing View - Bronte Beach

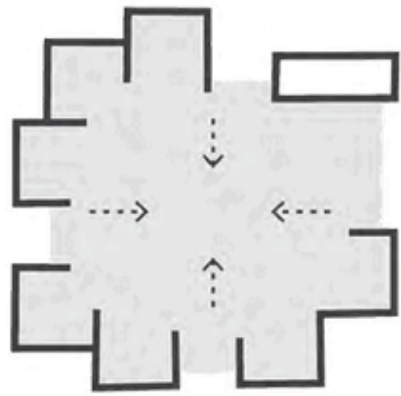
CHROFI & TYRRELL STUDIO



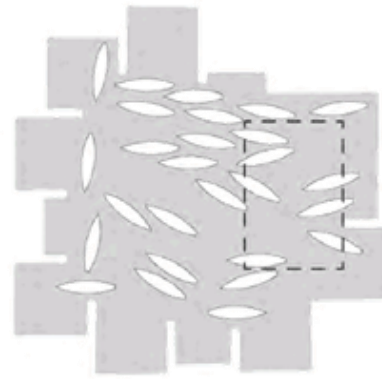
Proposed View - Bronte Beach

CHROFI & TYRRELL STUDIO





**A CONTAINED SPACE  
WITH PERIMETER SEATING**



**EVENTS; TENT  
SURF BOARD LAYOUT**



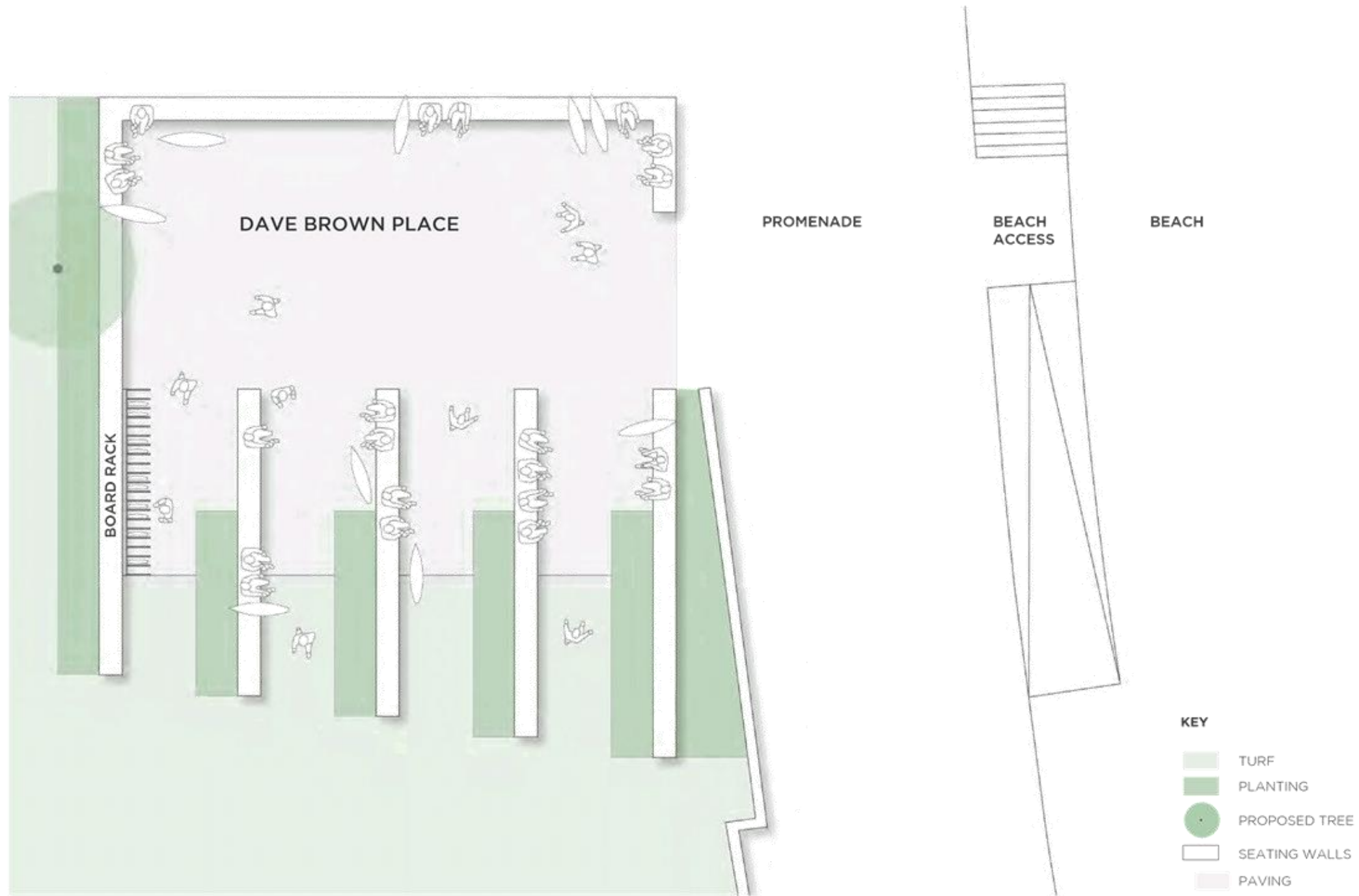
**SUNKEN CHARACTER  
WITH SEATING EDGES**



**VIEW OVER PROMENADE  
TO BEACH AND SURF**

### Dave Brown Place - Existing Form Analysis

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### Proposed Dave Brown Place Plan

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Proposed Dave Brown Place View

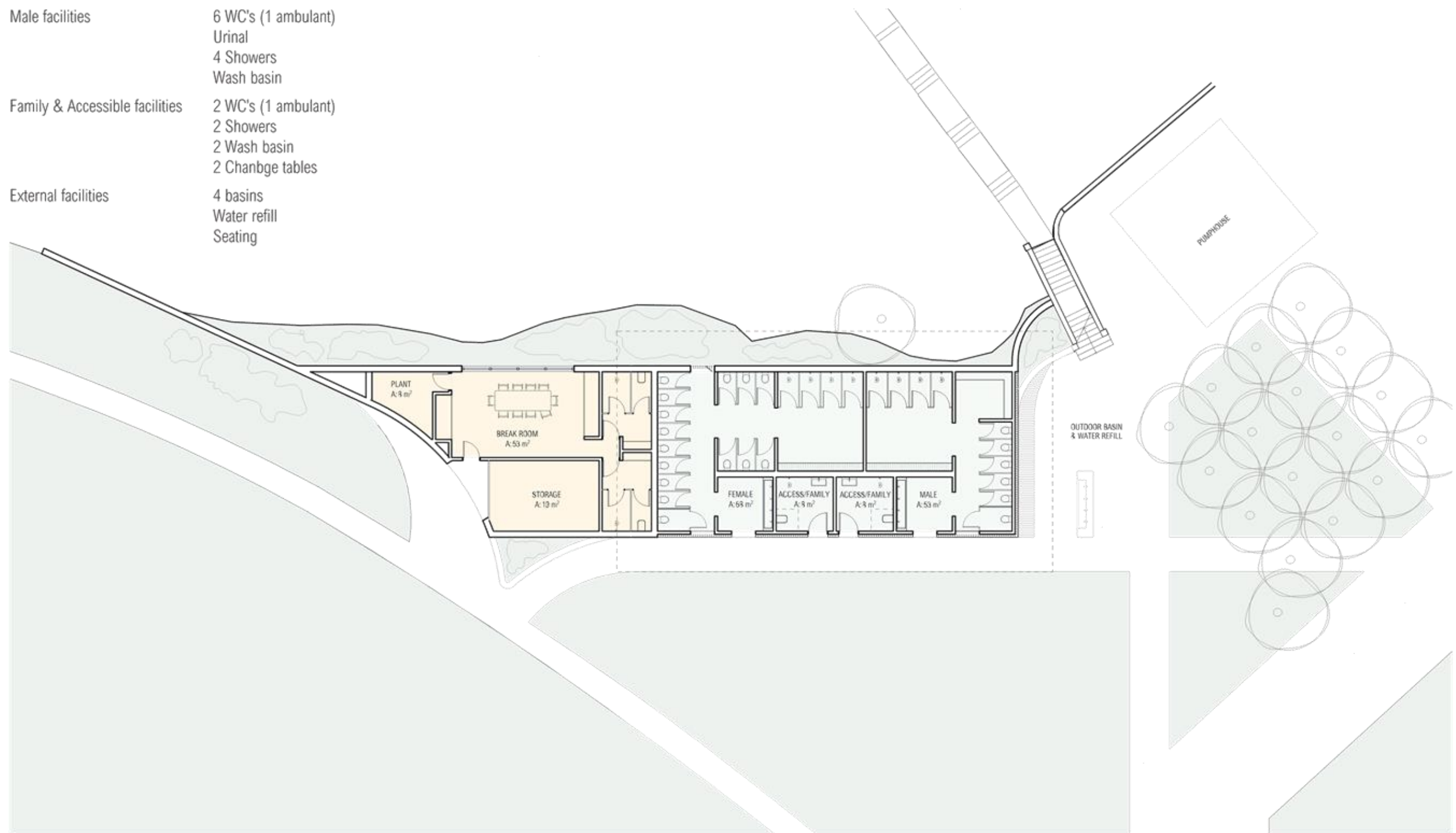
CHROFI & TYRRELL STUDIO

Amenities - Layout and areas schedule

Gross floor area	230m <sup>2</sup>
Female facilities	14 WC's (1 ambulant) 4 Showers Wash basin
Male facilities	6 WC's (1 ambulant) Urinal 4 Showers Wash basin
Family & Accessible facilities	2 WC's (1 ambulant) 2 Showers 2 Wash basin 2 Change tables
External facilities	4 basins Water refill Seating

Key

- Public toilets, showers & change rooms
- Council operations



Proposed Amenities Plan

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Existing View - Public Amenities

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Proposed View - Public Amenities

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**REPORT**  
**CM/7.4/20.05(1)**

**Subject:** Waverley Heritage Assessment - Exhibition

**TRIM No:** A20/0261

**Author:** Fleur Mellor, Manager, Urban Design and Heritage

**Director:** Peter Monks, Director, Planning, Environment and Regulatory

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**RECOMMENDATION:**

That Council:

1. Publicly exhibits the Waverley Heritage Assessment attached to this report for a period of 28 days.
2. Commissions additional research to establish a more detailed record of Aboriginal associations with the area, with a focus on understanding how Aboriginal people used (and use) Waverley as a place, building on the information already included in the Waverley Aboriginal Cultural Heritage Study.

**1. Executive Summary**

A Waverley Heritage Assessment (Assessment) has been prepared to enable Council to assess and make decisions about heritage items and areas in Waverley, using the NSW Heritage Criteria and best practice heritage procedures to assess significance. After the (draft) Assessment is approved, the report will be publicly exhibited to enable comments to be received, reviewed and incorporated into an updated report. A Planning Proposal will then be initiated which aligns with a comprehensive review of the LEP scheduled for gazettal in 2021. When the process is completed the Assessment will be formalised as the Waverley Heritage Policy.

A key outcome of the Assessment is a proposal to amend the Schedule 5 'Environmental Heritage' list. Schedule 5 of the Waverley Local Environmental Plan (LEP) 2012 contains all heritage items, Heritage Conservation Areas (HCAs) and places or items of Aboriginal or archaeological significance identified within the LGA. A Schedule 5 list should be upgraded on a regular basis with a significant review recommended every 10 years.

HCA is an umbrella term with specific Conservation Areas sitting below them – examples include an 'Urban Conservation Area' (UCA - a HCA with special architectural or historic interest that includes built form) and a 'Landscape Conservation Area' (LCA - an HCA that contains significant landscape/ parklands etc.). Recommendations for individual heritage items are also included when there is an individual building that is an exemplar of its type.

The Assessment also makes recommendations for heritage promotions and educational events to inform the Waverley community about the area's history and ways to protect heritage. Through an updated history the Assessment will help communicate the stories of the people who lived in, worked in and visited the area. If this is done well, the heritage of an area will ideally be embraced and celebrated.

The current Schedule 5 includes 17 UCAs 53 LCAs, 499 Individual Heritage Items and 39 archaeological and Aboriginal sites.

The updated Schedule 5 list includes:

- 4 new UCAs (Bondi O'Brien Estate, Bondi Basin Inter-War, Avoca Estate and Bondi Road);
- 3 amended UCAs (Evans St-Yanko/Lugar Brae, Charing Cross and Grafton Street);
- 1 reduced UCA (Palmerston);
- 1 new LCA (King St, Stephen St and Ewell St, Bondi);
- 1 amended LCA (South Bronte Headland-Calga Reserve);
- 59 new individually listed items and;
- 1 tree heritage site.

There has been a focus on HCAs because the key matters identified have related to the significance of streetscapes and the relationship between the various elements – this creates a character that enhances a precinct that is worth keeping.

It should be noted that if a building is included within a HCA or if it is individually heritage listed, it does not mean that works proposed to the building are not possible. What it does mean is that any proposed changes to the building may require a heritage exemption or a Development Application with a Heritage Impact Statement included.

The Assessment has also revealed that some sites trigger the threshold for a consideration of listing on the State Heritage Register (SHR), including Bronte Pool, the War Memorial Hospital site and the Cecil Flats building. A separate Council Report has been prepared to address the proposed listings on the SHR.

No further Archaeological items or Aboriginal sites have been recommended as part of this Assessment. This paper does however propose an investigation of how Aboriginal people used (and use) Waverley as a place. This recommendation is consistent with Waverley Council's Reconciliation Action Plan initiatives and is a specific recommendation included in the Waverley Aboriginal Cultural Heritage Study.

## **2. Introduction/Background**

Council is required to maintain a list of heritage items and HCAs that are significant to the local area. This list is known as 'Schedule 5 – Environmental Heritage' and forms part of the Waverley LEP. With the last heritage assessment of Schedule 5 undertaken in 2007, another review was required. This Heritage Assessment (refer to Attachment 1) has aligned with work currently being undertaken for a comprehensive review of the LEP, which will be lodged with the department before its expected gazettal in 2021.

Research carried out in relation to Schedule 5 has identified the opportunity for new HCAs that would preserve areas of Waverley that have distinctive character and heritage significance. It is considered important for the local community, now and in the future, that this heritage significance is identified and conserved.

Observation of properties altered through Development Applications, site investigations and a significant number of Interim Heritage Order applications over the past few years have made it clear that there is a strong case to propose new HCAs and amend others, and to include new individually listed items. This is important to conserve neighbourhoods and individual items of significant value that form pivotal parts of the Waverley story.

Consistent with best-practice standards and guidelines for heritage assessments and studies, work carried out to inform the heritage assessment has included further investigation of the history of Waverley, consideration and comparison with comparable areas and items, and desktop street surveys that were supplemented by physical surveys of streets and buildings in the study area. The Waverley Architectural Mapping Project (WAMP) - which involved precinct committees in the identification of items of potential



heritage significance (primarily based on aesthetic values, but also on some historical values) - was also used for reference.

Assessment of potential HCAs and heritage items was prepared in accordance with the national best-practice standards contained in the Burra Charter (Australia ICOMOS, 2013). The Burra Charter defines significance as the:

*'aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.'*

Each site and item has been assessed against the seven criteria set out in the NSW Heritage Manual to determine whether it has heritage significance and therefore warrants heritage listing. The seven criteria for heritage significance are attached in Attachment 2.

A succinct statement of significance summarising the importance of an item or place has been prepared. Inventory sheets have been prepared for each HCA, detailing their significance. All buildings recommended for heritage listing have been categorised according to their architectural style and detailing in accordance with *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present* (Apperley, R. Irving, R. Reynolds, P - 1989)

The Schedule 5 list also contains archaeological items, which include sites of Aboriginal significance such as places used as shelter. No changes have been made to the list of items of Aboriginal heritage as part of this Assessment. It should be noted that the *National Parks and Wildlife Act* protects Aboriginal items if any are uncovered during works. However, in response to recommendations included in the Waverley Reconciliation Action Plan and the Waverley Cultural Heritage Study it is proposed to undertake a study that investigates in further detail how Aboriginal people used Waverley as a place. As an example there is evidence of an Aboriginal walking path from the Bondi Basin to South Head. An understanding of what this path was used for will help formulate the significance of the place from an Aboriginal perspective – this information, when completed will be incorporated into the updated Waverley history. We acknowledge that the Cadigal and the Bidjigal people are the traditional owners of Waverley.

The heritage review process also includes items that are on state agency registers (as required under Section 170 of the *NSW Heritage Act 1977*) but are not currently included on Waverley's LEP. It should be noted that the Bronte Sewage Pumping Station is currently included on the Sydney Water's Section 170 Register and we are proposing that this item should also be included on Schedule 5. Refer to Attachment 3 for the list of proposed Section 170 items that are proposed to be incorporated into Schedule 5.

As part of the historical research carried out to inform the Assessment, it has become clear that there is a case for three items of heritage significance to be included on the State Heritage Register. The items proposed for State Heritage listing are Bronte Ocean Pool, War Memorial Hospital at Waverley and Cecil Flats at Bondi. As a result, it is recommended that a request be submitted to the NSW Heritage Division outlining the case for their listing. A separate Council Report has been prepared to address the proposal to include the items on the SHR.

### 3. Relevant Council Resolutions

A number of Council resolutions that have noted heritage issues have also been considered in the formulation of this heritage review list.

Meeting and date	Minute No.	Decision
Strategic Planning and Development Committee	PD/5.7/19.12	194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Voluntary Planning Agreement and Site Specific

3 December 2020		<p><i>DCP</i></p> <p>Further notes that, despite Council's and the community's opposition, the Planning Proposal was approved by the Department of Planning and Environment and gazetted on 20 September 2019, and that the approved Planning Proposal increased the height of the buildings on the site from 15 m to 36 m, the FSR from 1.5:1 to 3.5:1 and removed the heritage listing from four terrace houses.</p>
Council 19 November 2019	CM/7.14/19.11	<p><i>Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges</i></p> <p>Acknowledges the heritage significance of the existing stone archway, wall and steps at Diamond Bay Reserve, and commences proceedings to heritage list them in order to protect and maintain these items as part of any future design and works.</p>
Council 10 October 2019	CM/6.1/19.10	<p><i>Centennial Park - State Environmental Planning Policy</i></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>Writes to those Councils adjoining Centennial Park (City of Sydney, Randwick and Woollahra) to seek their support in urging the Minister for Planning and Public Spaces to investigate the preparation of a State Environmental Planning Policy to provide appropriate protection to Centennial Park and the surrounding residential areas which contribute to this important setting.</li> <li>Requests the Minister for Planning and Public Spaces to investigate the preparation of a State Environmental Planning Policy (SEPP) for Centennial Park to protect this important public place from the potential of future development adversely affecting its aesthetic and heritage significance by considering the application of appropriate controls on land within the vicinity of the Park under various local government jurisdictions.</li> <li>Notes that Centennial Park falls within the Randwick local government area, and that the park facilities are used by the residents of Waverley.</li> </ol>
Strategic Planning and Development Committee 6 November 2018	PD/5.1/18.11	<p><i>Waverley Local Environmental Plan 2012 - Schedule 5 Heritage Review</i></p> <p>That Council notes the commencement of the review of Schedule 5 of the Waverley Local Environmental Plan 2012.</p>
Strategic Planning and Development Committee 6 November 2018	PD/5.2/18.11	<p><i>Architectural Mapping Project</i></p> <p>That Council endorses the draft findings relating to 'items of heritage interest' and 'distinctive property features'</p>

		data from the Waverley Architectural Mapping Project for the purposes of public exhibition.
Strategic Planning and Development Committee 9 October 2018	PD/5.2/18.10	<i>Waverley Local Environmental Plan 2012 - Housekeeping Amendment 2018</i>  1 (f) Amend Schedule 5 Environmental Heritage to correct item listings. 2 Officers undertake a preliminary heritage assessment of 94 Carrington Road (also 223–227 Bronte Road, Charing Cross) prior to submitting the subject planning proposal to Gateway. If the heritage assessment determines that the property at 94 Carrington Road (223–227 Bronte Road) has sufficient merit to warrant inclusion as a heritage item, then that property be included as an additional amendment to schedule 5.
Strategic Planning and Development Committee 9 October 2018	PD/6.1/18.10	<i>Bondi Beach Post Office</i>  That council urgently undertakes a heritage assessment of the Bondi Beach post office building on Hall Street, and prepares an interim heritage order subject to that assessment.
Strategic Planning and Development Committee 4 September 2018	PD/5.5/18.09	<i>Boot Factory - Heritage Review</i>  That Council  1. Notes the Boot Factory Heritage Assessment report prepared by John Oultram attached to this report. 2. Does not pursue State Heritage listing of the Boot Factory for the reasons identified in the Heritage Assessment Report.
Council 21 August 2018	CM/5.1/18.08	<i>Bondi Pavilion</i>  That Council acknowledges the approval by the Heritage Office of the Bondi Pavilion Conservation Management Plan (CMP).
Council 21 August 2018	CM/8.3/18.08	<i>UNESCO Status for Waverley Cemetery</i>  That Council officers investigate the requirements for UNESCO heritage status for Waverley Cemetery and report back to Council.
Council 21 August 2018	CM/8.6/18.08	<i>Inter-War Buildings Heritage Assessment</i>  That Council:  1 Notes the recent heritage assessment report from John Oultram Heritage and Design concerning 27- 29 Macpherson Street.

		<p>2. Recognises the current heritage audit of buildings throughout the municipality presently being conducted by Council officers.</p> <p>3. Ensures that this audit considers and identifies Inter-War buildings that should be considered for heritage listing.</p> <p>4. If this research reveals other Inter-War buildings that should be heritage listed, then Council commences a process to have these identified Inter-War buildings listed.</p>
<p>Council 17 July 2018</p>	<p>CM/8.5/18.07</p>	<p><i>Waverley Council Co-Naming</i></p> <p>That:</p> <p>1. The Council officers investigate the potential of co-naming the Waverley Local Government Area, and that a process of consultation and research with the Aboriginal community, Waverley residents, community stakeholders and relevant authorities be undertaken to consider co-naming the area now known as Waverley with a First Nations Aboriginal language name or other appropriate names. 2. A community/Council officer's report be presented to Council following this consultation with recommendations within 12 months, that can cover, but not be restricted to: (a) Aboriginal language used within, and associated with, the Eastern Suburbs, Waverley. (b) Traditional owner descendant residential connections to Waverley, Eastern Suburbs. (c) A discussion of cultural appropriation in the context of co-dual-naming. (d) Other processes and examples of NSW Local Government dual naming exercises, including the Geographical Names Board May 2017 Fact Sheet outlining suggested areas for co-naming. 3. The Council officer's/community consultation report use historical, recent and current literature such as: (a) Waverley Council's previous 2009 'Aboriginal Cultural Heritage Study' by Dominic Steele. (b) 'Hidden in Plain View' by Paul Irish. (c) 'The History of the Waverley Municipal District – 1859–1959' by B T Dowd. (d) 'Barnett Levey: First Jew in Bondi' by Dr George F J Bergman.</p>
<p>Council 19 June 2018</p>	<p>CM/8.8/18.06</p>	<p><i>Bronte Park and Beach Heritage Listing of Items</i></p> <p>That Council:</p> <p>1. Acknowledges the review of the heritage status of items and landscape features in Bronte Park and Beach as part of the development of the Bronte Park and Beach Plan of Management (POM).</p> <p>2. Acknowledges there is a need to provide better heritage protection of some items and areas in Bronte Park and Beach.</p> <p>3. Investigates the following:</p>

		<p>(a) Bronte Sewerage Pumping Station: be specifically identified in the Waverley Local Environmental Plan 2012 (LEP 2012).</p> <p>(b) Bronte Pool: identified for state heritage listing as it is understood that the very first demonstration of the Aussie Crawl was in Bronte Pool by Alick Wickham in 1901.</p> <p>(c) Bronte Cutting: considered for state heritage listing in order to align with the already state listed tram shelters in Bondi Beach and Bondi, and as the cutting used to be the terminus for the trams.</p> <p>(d) Bronte Tram Shelter: considered for state heritage listing.</p>
Council 15 May 2018	CM/8.3/18.05	<p><i>Aboriginal Cultural Heritage Bill</i></p> <ol style="list-style-type: none"> <li>1. Council officers prepare a submission to the NSW Office of Environment and Heritage (OEH) on the Draft NSW Aboriginal Cultural Heritage Bill (ACHB).</li> <li>2. Council's submission is to urge the OEH and NSW Parliament to ensure the Bill addresses the following points: <ol style="list-style-type: none"> <li>(a) Clarifying and defining wider definitions of the concepts of 'cultural heritage' in relation to giving the widest effect to Australia's responsibilities under the United Nations Declaration on the Rights of Indigenous Peoples.</li> <li>(b) The Bill's definition, conservation, practice, identification and protection of Aboriginal Cultural Heritage be amended to give the widest remedial application to section 2 of the Constitution Act 1902 (NSW)—i.e. spiritual, social, cultural, economic sovereignty, traditional relationship to land, water and sky—in order to better protect Aboriginal cultural heritage tangible and intangible items under the ground surface ('subterranean rights') and in the sky ('air space rights').</li> <li>(c) All the points raised in the LGNSW Consultation Draft Response to the Bill (not yet issued).</li> </ol> </li> <li>3. Council reviews and expands its Local Environment Plan and Local Aboriginal Heritage Items to include items reflecting the new and expanded legislative definitions of Aboriginal cultural heritage.</li> </ol>

#### 4. Discussion

The preparation of an updated Heritage Assessment and an updated Schedule 5 Environmental Heritage list included within has been carried out to conserve the unique character of the LGA – this character is among the reasons people are drawn to the LGA to live, work and play. The conservation of the character of the place does not mean that a place cannot evolve and adapt. However, this adaptation should draw on specialist skill and experience which is based on an understanding of heritage significance. The means by which significance is conserved whilst allowing innovation to occur (through for example additions to a

building) is constantly changing and there are some recent examples where new work, if governed by principles of design excellence, have further enhanced what is important about a place.

The conservation of the character of an area is largely maintained through the inclusion of a HCA or an individual item as part of the Schedule 5 list.

### **Heritage Conservation Areas**

Four new UCAs have been proposed to help conserve century-old streetscapes that are important pieces of the Waverley story; Avoca Estate captures the remnant Federation streetscapes created by the speculative subdivision of large marine villas; Bondi Road focuses on a key section of this main thoroughfare; and two new UCAs in the Bondi Basin encompass two stories that emerged from historical research of the Bondi Basin's development. The first is the Federation-era break-up of the early colonial land grant (1810) that became the O'Brien estate on the south side of the Bondi Valley. The second is the Bondi Inter-War UCA, which recognises the massive building boom – which began 100 years ago this year – that created the distinctive Inter-War streetscape character of mid and north Bondi. The methodical remediation and removal of over 150 acres of sand dunes at Bondi from 1901 released land for development and produced Waverley's newest suburb when building began between 1920 and 1939.

The proposed amended UCAs include extending the existing Evans Street UCA to preserve late Victorian and Federation streetscapes resulting from the subdivision of Bronte's marine villa estates. A proposed small extension of the Charing Cross HCA aims to protect more of the mid-to-late Victoria architecture that still exists at Waverley's oldest commercial centre. The proposed Grafton St UCA extension would preserve the last remaining segment of the Victorian and Federation commercial streetscape at Oxford St west. A reduction in scope is proposed for the Palmerston UCA to include only the cohesive grouping of buildings that demonstrate the transition from Inter-War to post-War styles. At Bronte, it is proposed that the Calga Reserve be included in the existing South Bronte Headland LCA.

The history, character and significance of each of the UCAs is included in the Assessment (refer to Attachment 1).

### **Individual listings**

Included in the Assessment (refer to Attachment 1) is the list of proposed individual heritage items, with a summary of why each is included on the list. Items that have been considered but not listed have also been included in the report.

The 59 properties proposed for individual listing as part of Schedule 5 have undergone a rigorous assessment of significance using national best-practice standards contained in the Burra Charter (Australia ICOMOS, 2013), and against the seven criteria set out in the NSW Heritage Manual.

Many individual items were identified as potential heritage items as part of the Waverley Architectural Mapping Project (WAMP) in 2019. More than 700 items were identified with input from Precinct Committees; however, the number has been significantly reduced during the assessment process.

Similar to the HCAs, individual heritage items have been recommended because of changing values and because of a loss of good examples of a particular style of architecture, making the remaining examples rarer. There are 59 individual heritage listings proposed with some listings consisting of stylistic groups. Individual items have been grouped by Precinct Committee boundaries (refer to the plan on the following page).

Out of the 59 items proposed, Inter-War architecture made up the highest proportion of architectural styles with 53%. The Bondi Beach precinct area narrowly included the highest number of proposed individual heritage listings, predominantly on Campbell Parade, with 24%.

Precincts	Victorian	Federation	Inter-war	Post-war	Total
Bondi Beach	-	3	11	-	14
Bronte Beach	3	5	3	-	11
Penkivil-Waverley	4	3	6	-	13
Rose Bay	-	-	2	-	2
North Bondi	-	-	6	-	6
Dover Heights	-	-	-	4	4
Charing Cross	2	-	1	-	3
South Bondi	-	1	5	-	6
<b>Total</b>	9	12	34	4	59

## History

An update of Waverley's history has been carried out with a focus on the social history of Waverley. It builds on the history that was last updated in the Heritage Policy of 2007. The refreshed history focuses on the people who played important roles in Waverley's story. It also looks in greater detail at the Inter-War period in Waverley, which has gained greater recognition as defining many areas of Waverley's LGA.

The increased availability of historical material, much of it now digitised, has significantly enhanced historical research of Waverley's past and improved the ability to identify places of importance within it. This newly uncovered information gives fresh insight into what features are significant and why, and how this was and is reflected in Waverley's unique urban environment today. It comes as the community's esteem for and understanding of heritage continues to grow as, over time, items of significance are lost to the constant and ever-increasing pressures of development in the area.

The assessment process has considered Waverley's natural and built fabric as a product of significant eras of change in its past. The Assessment's Thematic History - integrating previous histories prepared in 1959, 1993 and 2007 – provides a basis for the understanding and interpretation of items within the assessment. The proposed Heritage Conservation Areas each contain a consistent and identifiable character that, if lost, would diminish the community's ability to understand its past and potentially rob it of historically significant neighbourhoods that over time will become more valued and highly prized.

## 5. Financial impact statement/Time frame/Consultation

### Financial impact statement

The Heritage Assessment has been carried out by the Waverley Heritage and Urban Design team within approved budgets and work programs.

### Time frame/consultation

Subject to the receipt of endorsement from Council, the Heritage Assessment—inclusive of the history, information on the HCAs and individual items—will be placed on public exhibition.

Comments received from the public will be assessed and reported back to Council after the exhibition period. An updated draft assessment will be prepared after considering comments received and

incorporating amendments where appropriate. Any listings that are not supported by the community will be referred to an independent panel. The Panel is yet to be formed.

Once this process is completed and Council has endorsed the draft Heritage Assessment, approval from Council will be requested to submit a Planning Proposal for the changes to Schedule 5 to the Department of Planning, Industry and Environment for Gateway determination to permit public exhibition of the Planning Proposal.

## 6. Conclusion

The local heritage list contained in Schedule 5 of the Waverley Local Environmental Plan is due for review. The detailed heritage assessment outlined above highlights Waverley's rich and varied history, stretching back to Aboriginal occupation and the earliest days of European settlement. Understanding that history is key to preserving and maintaining Waverley's heritage significance into the future. Using strict application of best-practice heritage assessment criteria, the draft Heritage Assessment proposes the inclusion of additional individual items and new and amended conservation areas in Schedule 5 of the LEP.

With this in mind, further actions resulting from this heritage assessment are as follows:

- Update Schedule 5 of Waverley LEP
- Further research on how Aboriginal people connection to place with a focus on Waverley
- Heritage Walks responding to Waverley uncovered stories
- Adaptive Re-use Strategy – a guide to best practice for integrating old buildings with new work
- An updated history of Waverley to complement the Dowd's *History of Waverley*, extending the detailed history of Waverley from 1959 to the present
- Ongoing promotion of Waverley's heritage, including investigation of digital opportunities
- Celebration / Education / Interpretation events as relevant

## 7. Attachments

1. Heritage Assessment (under separate cover) [⇨](#)
2. NSW Heritage Manual Guidelines [↓](#)
3. List of section 170 [↓](#)



### NSW Heritage Manual Guidelines

The NSW Heritage Manual guidelines establish that a site warrants heritage listing where it fulfils one or more of these seven criteria of local heritage significance:

- **Criterion (a):** An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (b):** An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (c):** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- **Criterion (d):** An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- **Criterion (e):** An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the culture or natural history of the local area).
- **Criterion (f):** An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
- **Criterion (g):** An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments.

## List of section 170

No	Address	Description
1	359 Old South Head Road	Bondi Fire Station
2	Bondi Road	Bondi Road Tram Overbridge
3	Blair Street	Bondi Sewage Treatment Plant
4	80 Gould Street	Electricity Substation No 183
5	Leichhardt Lane	Electricity Substation No 184
6	26 Anglesea Street	Electricity Substation No 269
7	15 Gordon Street	Electricity Substation No 301
8	Glenayr Avenue	Electricity Substation No 339
9	2 Lucius Street	Electricity Substation No 344
10	46-47 Murriverie Road	Electricity Substation No 345
11	108A Francis Street	Electricity Substation No 346
12	46A Murray Street	Electricity Substation No 347
14	1 Hastings Parade	Electricity Substation No 354
15	15 Pindari Road	Electricity Substation No 594
16	Campbell Parade	Electricity Substation No 84
17	Bronte Beach	Sewage Pumping Station No 56
18	Military Road	Sewer Vent (Ben Buckler)
19	Paul Street	Waverley Reservoir (Elevated) WS 0136
20	Paul Street	Waverley Reservoir No 1 (Covered)
21	Paul Street	Waverley Reservoir No 2 (Covered)
22	Council Street	Waverley Reservoir No 3

**REPORT**  
**CM/7.5/20.05(1)**

**Subject:** Waverley Heritage Assessment - State Heritage Register

**TRIM No:** A20/0261

**Author:** Fleur Mellor, Manager, Urban Design and Heritage

**Director:** Peter Monks, Director, Planning, Environment and Regulatory

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**RECOMMENDATION:**

That Council nominates the following sites for listing on the State Heritage Register:

1. Bronte Ocean Pool.
2. War Memorial Hospital Site inclusive of its extended heritage curtilage.
3. Cecil Apartments.

**1. Executive Summary**

Extensive areas of the Waverley local government area (LGA) were reviewed and assessed to ascertain if additional items or areas of local heritage significance should be recommended for inclusion as part of Schedule 5 - Environmental Heritage of the Waverley Local Environmental Plan (LEP). It became evident during this review that three sites, including the Bronte Ocean Pool, the War Memorial Hospital Site and the Cecil Apartments, satisfied the heritage criteria to a level of not only Local but also of State Significance.

The Bronte Ocean Pool is already listed in the Waverley LEP 2012 as 'Bronte Ocean Pool' and is included in 'South Bronte Headland Landscape Conservation Area'. The War Memorial Hospital Site has numerous listings (refer to section 2 'Introduction') and the Cecil flats building currently does not have any heritage listings, but it is recommended, as part of the current Waverley Heritage Assessment, that the site be included on Schedule 5 – Environmental Heritage of the Waverley LEP.

After a consideration of the significance of these items, there is a strong case that they should be included on the State Heritage Register (SHR). Inclusion of these items on the SHR will however mean that for some proposals for change, approval additional to that required under the Environmental Planning and Assessment Act, may be required, under the NSW Heritage Act. However, listing on the SHR does not preclude development, if what is proposed responds to the significance of the site.

State listings may also create further expectations for the carrying out of more extensive conservation works. Regular repair and maintenance works can be addressed under a Heritage Exemption, which assists in streamlining the process.

## 2. Introduction/Background

There are several existing heritage listings in place for two of the three subject sites. The Bronte Pool is listed as the 'Bronte Ocean Pool' and in the 'South Bronte Headland Conservation Area.' The War Memorial Hospital site has several listings as included in the table below. The Cecil apartments are not currently listed on the Schedule 5; however, it is recommended that they be included to the list as part of the current heritage review.

Item Name	Significance
<b>Banksia and Wytchazel</b>	Impressive, late Victorian, semi-detached villa. Essentially intact and one of the best surviving examples in the Waverley Council area. Historical interest for its long association with the Vickery family and the hospital.
<b>Bungalow</b>	Good, late example of the Federation bungalow style.
<b>Chapel</b>	Unusual brick chapel with considerable charm.
<b>Cottage</b>	Part of the hospital group (see other forms accompanying) with limited interest of its own.
<b>Edina</b>	Outstanding Late Victorian 'Boom Style' mansion. One of the grandest ever built in Waverley and the best surviving. Exterior appears essentially intact. Attractively set in its original grounds. Considerable social and historical interest for its association with the Vickery family.
<b>Ellerslie</b>	Remains an outstanding example of late Victorian architecture despite some loss of integrity. Considerable historical interest for its long association with the Vickery family. Important part of the hospital group, complementing 'Banksia' and 'Wytchazel' opposite.
<b>Former Stables</b>	Important element in the historic 'Edina' grouping, as an original outbuilding. Integrity compromised, but much of the original fabric survives and the original form and function may still be appreciated.
<b>Maternity Building</b>	Good example of a 1930s institutional building. Limited architectural interest due to some loss of integrity, but special historic and community interest as part of the hospital group. Helps frame the garden area to "Edina" and remains reasonably sympathetic in its scale and styling.
<b>War Memorial Hospital Grounds</b>	Fine grounds with elegant lawn and majestic trees of considerable age. Forming an impressive setting to an outstanding grouping of Victorian period buildings. Rare example of a Late Victorian mansion conserving original grounds and setting.
<b>War Memorial Hospital Group</b>	Outstanding historic grouping incorporating three magnificent late Victorian buildings and former stables. Complete as a group and essentially intact despite some loss of integrity. Earlier buildings retain much of their original setting, and more recent buildings reasonably sympathetic in their design and siting. Special social and historic significance for the long association of the site and the hospital with the Vickery family. Original gates and associated fencing of special note.
<b>Federation style detached residences (2-8 Church Street)</b>	Exceptional pair of Federation semi-detached semis.

Through a review of the Waverley history, carried out to inform the current Heritage Assessment, coupled with an appraisal of the current heritage listings and information from Council resolutions, it was apparent that the three sites warranted further investigation; the Bronte Pool as the place where the first demonstration of the 'Aussie Crawl' by Alick Wickham occurred in 1901; the War Memorial site with various listings included on the Waverley LEP with a level of 'state' significance already noted but not yet formalised; and the Cecil Flats in Bondi, with an innovative approach to flat design that would have been

very unusual at the time of construction, in around 1920. Refer to the attachments for the nomination forms for each of the items noted.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 June 2018	CM/8.8/18.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Acknowledges the review of the heritage status of items and landscape features in Bronte Park and Beach as part of the development of the Bronte Park and Beach Plan of Management (POM).</li> <li>2. Acknowledges there is a need to provide better heritage protection of some items and areas in Bronte Park and Beach.</li> <li>3. Investigates the following:               <ol style="list-style-type: none"> <li>(a) Bronte Sewerage Pumping Station: be specifically identified in the Waverley Local Environmental Plan 2012 (LEP 2012).</li> <li>(b) Bronte Pool: identified for state heritage listing as it is understood that the very first demonstration of the Aussie Crawl was in Bronte Pool by Alick Wickham in 1901.</li> <li>(c) Bronte Cutting: considered for state heritage listing in order to align with the already state-listed tram shelters in Bondi Beach and Bondi, and as the cutting used to be the terminus for the trams.</li> <li>(d) Bronte Tram Shelter: considered for state heritage listing.</li> </ol> </li> </ol>

### 4. Discussion

To be assessed for listing on the SHR an item must, in the opinion of the Heritage Council, meet one or more of the criteria established for listing to a level of State Significance.

To meet the threshold of State significance an item or a place must have particular importance to the people of NSW. Generally, it will be necessary for a comparative analysis to be undertaken in which the item is compared with like-items that are already listed on the SHR. The criteria of 'rarity' and 'representativeness' is also useful when determining a level of State significance.

Nomination forms, completed by the Waverley Heritage staff for each of the respective items, demonstrate that there is a case for State significance, and it is therefore proposed that these forms be submitted to the NSW Heritage Office. This would initiate a process of review and analysis for the appropriateness of listing, which may include public notification. The final stage of the process is the approval or refusal for the inclusion of the subject items on the State Heritage Register by the NSW Minister for Planning and Public Spaces.

If the proposal for State Heritage Register (SHR) listing is approved any works on the site would require heritage approval under the NSW Heritage Act. It should be noted however that because an item or a place is listed on the SHR it doesn't mean that development is precluded.

For a site such as the War Memorial Hospital site, the nomination form clearly itemises the significance of buildings on the site. A Conservation Management Plan has also been prepared that provides further detail regarding what is possible for the site. Further a Planning Proposal will most likely be submitted in the upcoming months and the process for listing on the SHR can take 12 months or more. Heritage will be considered as part of any Planning Proposal, as it was done in the previous Planning Proposal for the site. However, it is unlikely that the process for listing on the SHR will be complete before proposed changes to the site are gazetted as part of a Planning Proposal. Notwithstanding, listing on the SHR even post a Planning Proposal process, if supported, will ensure the continued and long-term protection of what is significant about the site

There is also the provision for repair and maintenance and other minor works to be considered as part of Standard Heritage Exemptions, a streamlined planning process, where heritage approval is not required. In addition, 'site specific' exemptions should be requested as part of the SHR listing to ensure the day-to-day activities can be carried out without obtaining heritage approval.

An understanding of what is significant, distilled in a Statement of Significance, is a key component when ascertaining why an item is listed on the SHR, what approval process is necessary and what is possible in terms of development. The Statement of Significance for each item is included below.

### **Bronte Ocean Pool**

#### *Statement of significance*

Constructed in 1887, the Bronte Ocean Pool is part of the ribbon of similar ocean baths that dot the NSW coast. The Bronte Ocean Pool is of historical importance for its association with beginnings of ocean bathing in NSW and Waverley.

It is of aesthetic importance as a rare feature on the Australia coast. It has technical significance, combining rock and mass concrete sides. The irregular shaped baths and the adjoining Bogey Hole, formed by placement of boulders on a natural rock ledge, demonstrate and record the beginnings of publicly funded swimming venues in the Waverley Municipality and across coastal NSW. Despite periodic storm damage that has resulted in progressive change to the seawall and surrounds of the baths including construction and later removal of club and change rooms, the baths still reflect their original configuration and alignment of 1887.

The baths have strong associations with the emergence of women's competitive swimming, including with Fanny Durack, the first woman swimmer in history to win an Olympic Gold medal in 1912 at the Stockholm Games, and Mina Wylie, who won a Silver medal at the same Games. Bronte Baths is of historical importance as the location for the first competitive swimming event in which Australian Crawl was performed in 1901 by 15-year-old Alick Wickham, a Solomon Islander. The baths have social significance as host to the emergence of recreational and competitive swimming in NSW, as the venue for male and female amateur swimming events that fostered Olympic-level swimmers as well as the Bronte Splashers, one of NSW's first winter swimming clubs (1921).

## War Memorial Hospital Site

### *Statement of significance*

The War Memorial Hospital, established by the Vickery family from 1866, is representative of 19<sup>th</sup> century estates developed by prominent families in NSW. The development of the estate reflects the family's successful industrial and political interests within Sydney and the wider state. Donated to the Methodists by the Vickery family as a memorial to Ebenezer Vickery Jr, the War Memorial Hospital is an outstanding representative example of private philanthropy and the 20<sup>th</sup> century conversion of Victorian estates into institutional uses. It reflects the Vickers' most substantial donation to the Methodists. The 19<sup>th</sup>-century buildings and landscape of the original estate featured elaborate Victorian Italianate design, notably in *Edina*, a highly intact example of a Victorian mansion and showpiece of Victorian architectural technology, with vaulted and concreted verandah construction, cast ironwork, grand internal stairs and elaborate stained glass windows. The three large Victorian houses on the estate (*Ellerslie*, *Banksia*, *Wytchazel*) were built for family members, designed as a group and distinctively located along a private street. They form a rare and very good example of a Victorian streetscape.

The War Memorial Hospital is representative of the role of religious orders in the provision of services to the community before public services by government. This was the Methodist Church's first venture into medical care in NSW, which continued for almost 100 years including training of hundreds of nurses from 1920-1980s.

The War Memorial Hospital, established in 1922 by the church, occupies the original buildings and grounds of the former *Edina* estate. Later additions including the 1930s southern wing and 1950s nurses' accommodation (*E. Hunter Lodge*) and later aged care accommodation reflect the staged development of hospital operations. Specifically, the 1930s maternity block was designed with regard to patient care including adequate light, ventilation and garden setting with contemporary building largely respecting the 19<sup>th</sup> century layout and built form.

*Edina's* form, scale and design as well as early mature plantings, including the pair of Norfolk Island pines, demonstrate aesthetic significance as landmarks within the broader surrounding area and contribute to an understanding of the development of the eastern suburbs of Sydney during the Victorian era.

### *Curtilage*

It is proposed to list the entire site bounded by Birrell Street, Bronte Road, Church Street and Carrington Road, or what was the original Edina Estate, as the SHR curtilage. It is also proposed that this extended curtilage be applied to the Schedule 5 listing and the associated heritage map. The extended (and the existing) curtilage has the effect of protecting any significant landscape element located within. It should be noted that the Conservation Management Plan, prepared by Hector Abrahams on behalf of the Uniting NSW dated 2017, makes a distinction between the curtilage, or that being part of the Edina Estate that became the War Memorial Hospital in 1922, and the setting being that of the original estate boundaries which encompasses a wider area. As part of the Nomination Form, information regarding the significance of each building is included to assist in later decision making.

## Cecil Apartment Building

### *Statement of significance*

The four-level residential flat building Cecil, erected 1919-20, is a significant variation of the residential flat building type, being specifically designed for families at a time when residential flat building was focused on adult occupation. The building was financed and occupied by local Councillor and businessman A. M. Loewenthal, who was well-known for his philanthropic activities with an emphasis on community and social well-being, particularly for future generations. The building, which employed the Arts and Crafts style, is of

generous one- to three-bedroom apartments with sleep-outs based on those utilised in large family residences of the time. Extensive grounds included children's playgrounds, shade pergolas and a tennis court for parents and children. Cecil remains an exceptional example of innovative design utilizing the evolving residential flat building and combines high social significance with notable aesthetic qualities – the building is rare and unique.

The building is notable as the only Bondi example of the work of the distinguished Architect Claud Hamilton, who designed and built significant Neo-Classical dressed-brick buildings on the Darlinghurst Ridge in the Kings Cross area of Sydney. Five of Hamilton's buildings are listed on the NSW Chapter of the Australian Institute of Architects' Register of Notable 20th Century Building. The AIA notes that Hamilton's buildings are still being located. Hamilton was also noted for his technical experimentation and was described in newspaper reports of his death as 'well-known as the inventor of a plastic cement building material and built a large number of houses at Lithgow of this material'.

The Cecil was also a childhood home of WWII veteran Sir John Isaac Loewenthal (1914-1979), who attended Bondi Public School and later became an outstanding surgeon among a generation of great Australian surgeons who learned their craft in the demanding conditions of World War II. His work with hospitals including Royal Prince Alfred and the new Westmead and his advocacy on behalf of injured soldiers repatriated during the Vietnam War made him somewhat of a national figure. Loewenthal was also a founder (1960) and national president (1975-79) of the National Heart Foundation of Australia.

#### **Other sites**

As per Council resolution CM/8.8/18.06, the Bronte Cutting and Tram Shed were reviewed to confirm if they should be considered for listing on the SHR. It is proposed that the items are, however, of local and not of State significance.

As stated in the 'Discussion' section of this report, in order to ascertain if an item should be recommended for inclusion on the State Heritage Register, it is necessary for a comparative analysis to be undertaken, where an item is compared against similar heritage listed items. Such an assessment was carried out for the Bronte Cutting – it was confirmed that there were three other tram cuttings that were comparable to the Bronte Cutting – these items satisfied the threshold for a local heritage listing but not a State Heritage listing. A similar assessment was carried out for tram shelters – there are five tram shelters listed as local heritage items – there are none included on the State Heritage Register. The Bronte Tram Shelter is captured in Schedule 5 of the LEP as part of the locally listed Bronte Beach and Park Landscape Conservation; however, it did not meet the threshold for inclusion on the State Heritage Register. It should be noted that Bondi Beach and Park is included on the State Heritage Register as a cultural heritage landscape - there are no individually heritage listed tram sheds in the area.

#### **5. Financial impact statement/Time frame/Consultation**

This work has been carried out by Council staff within approved budgets and work programs.

With respect to privately help property proposed to be nominated, property owners will be notified of Council's intention to nominate the above properties.

#### **6. Conclusion**

It is recommended that the Bronte Pool, Cecil Flats located at Bondi and the Waverley War Memorial site be included on the State Heritage Register (SHR), because they meet the threshold for listing on the SHR and they are important to the local community but to the people of NSW.



**7. Attachments**

1. Bronte Ocean Pool - State Heritage Register Nomination Form (under separate cover) [⇒](#)
2. War Memorial Hospital - State Heritage Register Nomination Form (under separate cover) [⇒](#)
3. Cecil - State Heritage Register Nomination Form (under separate cover) [⇒](#)

**REPORT**  
**CM/7.6/20.05(1)**

**Subject:** Outdoor Events - Quarterly Report - October to December 2019

**TRIM No:** A17/0607

**Author:** Shaun Munro, Manager, Events

**Director:** John Clark, Director, Customer Service and Organisation Improvement

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**RECOMMENDATION:**

That Council receives and notes this report outlining the number of requests for events and the number of events held, including issues and outcomes, for the period October to December of 2019.

**1. Executive Summary**

In December 2017, Council resolved that Council officers prepare and submit a quarterly report, with such reports to include the number of requests for events and the number of events held in the previous quarter, including related issues and outcomes of events held. Due the modified Committee and Council meeting schedule as a consequence of the COVID-10 pandemic, this report is submitted to Council instead of the Strategic Planning and Development Committee.

This report provides Council with the requested information for the period October to December 2019 on both high impact events and low to medium impact events.

In accordance with a Council resolution of December 2017, applications for all high impact events are now submitted to Council for consideration of approval. All other event and permit applications are assessed using the Events Policy and Outdoor Events Management Delivery Guidelines.

**2. Introduction/Background**

In December 2017, Council resolved that a quarterly report be prepared by Council officers and submitted to the Strategic Planning and Development Committee. In this resolution Council specified that such reports provide information about the number of requests for events and the number of events held in the previous quarter, including related issues and outcomes of events held. Due the modified committee and council meeting schedule as a consequence of the COVID-10 pandemic this report is submitted to Council instead of the Strategic Planning Committee.

In accordance with a Council resolution of December 2017, applications for all high impact events are now submitted to Council for consideration of approval. An annual program of high impact events was approved at the July 2019 Council meeting. All other event and permit applications are assessed by Council officers using the Events Policy and Outdoor Events Management Delivery Guidelines.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 12 December 2017	CM/5.2/17.12	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council officers review all high impact events delivered since the introduction of the Events Management Policy and Guidelines in 2015 in terms of compliance with the Policy and Guidelines, with a particular focus on waste, noise and traffic management.</li> <li>2. Council receives a report on the Review including any recommendations for changes to and compliance with the current restrictions.</li> <li>3. Council officers provide a quarterly report to the Strategic Planning Committee including:               <ol style="list-style-type: none"> <li>(a) Numbers of requests for events.</li> <li>(b) Number of events held in the previous quarter, including related issues and outcomes of events held.</li> </ol> </li> <li>4. All future proposed high impact events (as defined in the Events Management Policy) be submitted to Council for approval.</li> </ol>

### 4. Discussion

#### High Impact Events

Council officers are involved in the management and delivery of events that are externally driven using Council spaces and facilities (Venue Managed Events) such as City2Surf and Open Air Cinema, and Council initiated events (Council Run Events) such as Festival of the Winds and Carols by the Sea.

Under the Events Policy, High Impact Events require special consideration, planning and approvals. As such the outcomes and issues related to these events are the subject of additional scrutiny with a formal debrief conducted for each event.

The approved High Impact Events that took place for the period October to December 2019 are listed below. All of these events are held annually.

Event Name	Event Date
Sculpture by the Sea	24 October to 10 November 2019
Bondi to Bronte Swim	1 December 2019
Carols by the Sea	11 December 2019
Dudley Page New Year's Eve	31 December 2019

In accordance with Council's resolution, a summary of these events is provided below, including an overview of any issues and actions. Further details are included in Attachment 1.

*Sculpture by the Sea*

A one-year licence agreement with Sculpture by the Sea was negotiated and entered into before the commencement of the 2019 event.

Installation and de-installation of sculptures were successfully managed with no incidents and daily event operations were successfully delivered by organisers with no crowd or traffic management issues.

A new five-year licence agreement was successfully negotiated and executed between Council and Sculpture by the Sea at the beginning of March 2020.

*Bondi to Bronte Swim*

This event was delivered with no issues to report. Organisers complied with all Council directives and worked well with lifeguards on duty.

*Carols by the Sea*

This event was at risk of cancellation due to air quality related to the bushfires. Officers monitored air quality readings in the days leading up to and on the morning of the event. Readings were acceptable, and Council officers made a decision to proceed in the early afternoon.

*Dudley Page New Year's Eve*

Eastern Suburbs Police requested a significantly expanded road closure program related to the event and Caffyn Park Reserve in 2019 which was largely implemented. An independent traffic auditor was engaged to assess traffic conditions for the 2019 event, with the key learnings from the report to be taken into consideration in planning the 2020 event. The event was a success with just under 3,000 people in attendance and no operational, traffic or crowd management issues.

**Low to Medium Impact Events**

Council's Outdoor Events team receive a significant number of applications for low to medium impact events each year.

The number of applications for low to medium impact events received and approved for the period October to December 2019 are listed below. A full breakdown is included in Attachment 2. No issues were recorded in relation to any of these events.

<b>Period</b>	<b>Received</b>	<b>Approved</b>
October – December 2019	38	35

In addition to high, medium and low impact events, a significant number of applications for other activities were also received and processed by the Outdoor Events team. Information is provided below on the number of applications for permits received and granted including film, photography and promotions activities.

**Filming and photography permits**

Council operates a permit system to manage the high volume of filming and photography requests. The permit application process ensures proposed filming and/or photography is suitable for the location, residents are notified where applicable, and that organisations have public liability insurance. Council approval is required prior to all filming and commercial still photography in public spaces, on footpaths or roads. No permit is required if the activity is conducted on private property.

Council received 97 applications for photography and filming permits during the final quarter of 2019.

Breakdown of filming permits:

Period	Received	Granted
October – December 2019	65	54

Breakdown of photography permits:

Period	Received	Granted
October – December 2019	32	29

### Promotions and sampling

The purpose of promotions and product sampling is to establish a commercial market for goods and services and permits are required for activities such as onsite activations, new product launches and product sampling and giveaways.

As promotion and sampling is classified as a commercial activity it is only permitted in specified locations at Bondi Beach and Bondi Junction.

The number of applications for promotions and sampling events permits received and granted during the period October to December 2019 are as follows:

Period	Received	Granted
October – December 2019	11	10

### Notable low to medium impact events

The community was treated to a spring double in 2019 with Bronte House Open Day held on Saturday 20 October and Sunday 21 October. Approximately 650 people attended to view the house and gardens over the weekend.

### 5. Financial impact statement/Time frame/Consultation

Income and expenditure estimates are reviewed annually and are a part of Council's budgeting process.

### 6. Conclusion

Council both hosts and delivers an extensive range of events for the community and carefully manages the impacts on our parks, facilities and the community.

The information included in this report and its attachments details the number of applications for events received and approved for the period October to December 2019 and documents outcomes achieved and issues logged.

Council officers work within the operating guidelines and policy frameworks to achieve a balance between varying competing demands within the community as well as budgetary and legal requirements.

### 7. Attachments

1. High Impact Events - Issues and Outcomes Report - Q4 2019 [↓](#)
2. Low to Medium Events - Issues and Outcomes Report - Q4 2019 [↓](#)

## High Impact Events Issues and Outcomes report 2019

Quarter 4 - 1 September to 31 December

Date	Event Type	Name	Issues	Outcomes from Community Strategic Plan
24 October - 10 November 2019 Annual Event	Venue Managed Event	Sculpture by the Sea	<ul style="list-style-type: none"> <li>Event was delivered with no issues to report</li> <li>Debrief conducted late November 2019</li> <li>No formal complaints received by Council</li> </ul>	<p>1.1: Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary cultural landscape</p> <p>1.1.3. Provide a diverse program of recreational and entertainment events that balance community and visitor expectations</p> <p><b>Estimated Audience:</b> 500,000 approximately <b>Target Demographic:</b> All ages</p>
1 December 2019 Annual Event	Venue Managed Event	Bondi to Bronte Swim	<ul style="list-style-type: none"> <li>Event was delivered with no issues to report</li> <li>Debrief conducted early January 2020</li> <li>No formal complaints received by Council</li> </ul>	<p>1.1.3. Provide a diverse program of recreational and entertainment events that balance community and visitor expectations</p> <p>2.2.2. Manage and regulate public places to achieve safe and healthy lifestyles</p> <p><b>Estimated Audience:</b> 1,000 approximately <b>Target Demographic:</b> All ages</p>
11 December 2019 Annual Event	Council Managed Event	Carols by the Sea	<ul style="list-style-type: none"> <li>Event was delivered with no issues to report</li> <li>Debrief conducted early January 2020</li> <li>No formal complaints received by Council</li> </ul>	<p>1.1: Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary cultural landscape</p>

				<p>1.1.3. Provide a diverse program of recreational and entertainment events that balance community and visitor expectations</p> <p><b>Estimated Audience:</b> 2,500 approximately  <b>Target Demographic:</b> Families - All ages</p>
31 December 2019 Annual Event	Council Managed Event	Dudley Page New Year's Eve	<ul style="list-style-type: none"> <li>• Event was delivered with no issues to report</li> <li>• Debrief conducted February 2020</li> <li>• Several formal complaints received from by Council from local residents related to NSW Police decision to close the following roads to local traffic only: <ul style="list-style-type: none"> <li>➤ Gilbert Street</li> <li>➤ Northcote Street</li> <li>➤ Princess Street</li> <li>➤ Roberts Street</li> </ul> </li> </ul>	<p>1.1: Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary cultural landscape</p> <p>1.1.3. Provide a diverse program of recreational and entertainment events that balance community and visitor expectations</p> <p><b>Estimated Audience:</b> 3,000 approximately  <b>Target Demographic:</b> Families - All ages</p>

## Low to Medium Events Issues and Outcomes Report Fourth Quarter

## Fourth Quarter 2019

Organisation Name	Activity Name	Location	Event Start/Finish dates	Type of Event	Approved	Issues	Outcomes
<b>October</b>							
South Eastern Sydney Local Health District - headspace Bondi Junction	headspace Day / Mental Health Month event	Bondi Beach	12/10/19	Private	Yes	Nil	Ops Plan Goal 2.2
North Bondi SLSC	North Bondi Ocean Paddle	North Bondi	19/10/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Popps Digital Media Pty Ltd	ellalist Garage Sale Trail	Bondi Beach - in front of The Pavilion	19/10/19	Fundraiser (Charity / Non - for - Profit)	NO	Nil	Ops Plan Goal 2.2
Homicide Victim's Support Group (Ride For Justice)	Ride For Justice 2019	Park Drive South Bondi	20/10/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Emanuel Synagogue3	Religious service - Shabbat	South end of Bondi Park	25/10/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bondi Surf Bathers Lifesaving Club	Bondi To Rose Bay Ocean Paddling Race	Bondi Beach	26/10/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Bondi Skateriders Club	Fish Of Fury	Bondi Skatepark	26/10/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
<b>November</b>							
Marcellin College Randwick	Marcellin College Walkathon	Bronte park and the perimeter of Waverley Cemetary (see attached Map)	01/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Airbnb Australia Pty Ltd	Airbnb Host Safety Training event	Sydney	07/11/19	Private	NO	Nil	Ops Plan Goal 2.2
Mito Foundation	The Bloody Long Walk	Various - see route locations	10/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Jack Morton Worldwide	CBRE Walk for a Wish	10km walk from Hyde Park to Bondi Pavilion	15/11/19	Private	Yes	Nil	Ops Plan Goal 3.1
Bondi Splash Pty Ltd (THERE WILL BE NO 2020 EVENT)	Bondi Splash n' Dash	Bondi Beach	16/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Bondi Surf Bathers Life Saving Club	Community coffee cart	Bondi Surf Club	16/11/2019 - 02/02/2020	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bondi Surf Bather's Life Saving Club	Waverley Shield Nippers Carnival	Bondi Beach north from Bondi Surf Bather's Life Saving Club	17/11/19	Private	Yes	Nil	Ops Plan Goal 3.1
Small Schools Marimba Ensemble (Dunoon Public School)	Rehearsal for Schools Spectacular performance	Oxford Street Mall	21/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Centre for Healthy Brain Ageing, UNSW Sydney	Wipeout Dementia	Bondi Beach (Lifeguards on the day will determine best site for set up)	22/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 3.1
Australian Red Cross Blood Service	Blood Collection	Bondi Beach	27/11/2019 - 30/11/2019	Commercial	Yes	Nil	Ops Plan Goal 2.2
Church in the Marketplace	Christmas in the Mall	Oxford Street Mall, Bondi Junction	30/11/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
ANOTHER LEVEL PERFORMANCE PTY LTD	ANOTHER LEVEL ULTRA SWIM SERIES 5KM	NORTH BONDI BEACH	30/11/19	Commercial	Yes	Nil	Ops Plan Goal 3.1
<b>December</b>							
North Bondi Surf Life Saving Club	Mango Messtival	North Bondi SLSC & beach	01/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bronte SLSC	Bondi to Bronte Swim	Outdoor /Bondi Beach and Bronte Beach	01/12/19	Surf Activation	Yes	Nil	Ops Plan Goal 3.1
Bronte Early Education Centre/ Waverley Council	End of Year Children's Party	Huts at Bronte Beach	06/12/19	Waverley Council	Yes	Nil	Ops Plan Goal 2.2
Rose Bay Secondary College	Year 7 Surf Lifesaving Week	North End and Central Bondi Beach	09/12/2019 - 13/12/2019	Private	Yes	Nil	Ops Plan Goal 3.1
St Clare's College Waverley	Annual School Picnic	Bronte Park	10/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Reddam House	Picnic Day	Bronte Park	11/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Lewisham Public School	Excursion/Picnic	Bronte Beach Park	13/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Envizi	Envizi Staff End-of-Year Party	Marks Park, Tamarama NSW	13/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Emanuel Synagogue	Havdallah, musical ritual	Bronte Beach, near the cluster of trees on the grass	14/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bondi Surf Bathers' Life Saving Club	Remedy Kombucha Activation	In front of Bondi Surf Club	14/12/2019 - 15/12/2019	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bend Yoga Sydney	Keep Calm and Merry this Xmas	Bondi Park (behind the play area)	15/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Bronte PS	Picnic Day	Bronte Gully - behind/side of equipment )	16/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Fort Street Public School	Annual School Picnic 2019	Bronte Park	16/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Jewish House	Chanukah in the Mall	Oxford Street Mall – Bondi Junction	23/12/19	Fundraiser (Charity / Non - for - Profit)	NO	Nil	Ops Plan Goal 2.2
Waverley Council	North Bondi Kids Pool Reopening Pool Party	North Bondi Kids Pool, Promenade and Bidjigal Reserve	19/12/19	Waverley Council	Yes	Nil	Ops Plan Goal 2.2
Emanuel Synagogue	Shabbat service at Bondi	Bondi Park	20/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Paramount Recreation Club	Paramount Christmas Celebration	Tamarama Park	20/12/19	Private	Yes	Nil	Ops Plan Goal 2.2
Dover Heights Shule Inc	Chanukah in the Park	Dudley Page Reserve	22/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2
Friends of Refugees of Eastern Europe	Chanukah by the Sea	Bondi Beach Park near the playground	29/12/19	Fundraiser (Charity / Non - for - Profit)	Yes	Nil	Ops Plan Goal 2.2



**REPORT**  
**CM/7.7/20.05(1)**

**Subject:** Waverley Public Art Committee Meetings - 2019 - Minutes

**TRIM No:** A18/0141

**Author:** Elizabeth Reidy, Co-ordinator, Curator and Visual Arts

**Director:** John Clark, Director, Customer Service and Organisation Improvement

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**RECOMMENDATION:**

That Council:

1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 27 May 2019, 29 July 2019, 11 September 2019 and 30 October 2019 attached to this report.
2. Notes that the minutes will be made available to the public via Council's website.

**1. Executive Summary**

In December 2017, Council adopted new terms of reference for the Waverley Public Art Committee. The new terms of reference note that minutes will be reported to Council for Council information prior to being made publicly available through the Council's website

Attached to this report are the minutes of the Waverley Public Art Committee meetings dated 27 May 2019, 29 July 2019, 11 September 2019 and 30 October 2019

**2. Introduction/Background**

Council established a Public Art Committee in 1992. In December 2017, Council endorsed the current terms of reference for the Committee.

As per the terms of reference, the Waverley Public Art Committee aims to:

- Foster the ongoing development of quality, diverse and creative public art and visual art so as to enhance public access and experience of the arts.
- Select and develop public artworks that serve as important markers reflective of our heritage and cultural identity.
- Involve the community through information and promoting public art programs.

Members of the Public Art Committee listed in these sets of minutes were appointed by Council in 2018.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 16 July 2019	CM/7.17/19.07	That Council:  1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 12 November 2018 and 25 February 2019 2. Notes that the minutes will be made available via Council's website
Council 11 December 2018	CM/7.16/18.12	That Council:  1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 30 July 2018 and 17 September 2018 2. Notes the minutes will be made available to the public via Council's website
Operations and Community Services Committee 4 September 2018	OC/5.2/18.09	That Council:  1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 30 April 2018 and 9 July 2018 2. Notes the minutes will be made available to the public via Council's website
Operations and Community Services Committee 10 April 2018	OC/5.3/18.04	That Council appoints the following members to the Waverley Public Art Committee for a term of two years: <ul style="list-style-type: none"> <li>• Alexandra Bowen</li> <li>• Claire Edwards</li> <li>• Isabelle Toland</li> <li>• Joni Taylor</li> <li>• Sam Marshall</li> <li>• Sylvia Hrovatin</li> <li>• Willa Stanton</li> <li>• Charles Clapshaw</li> <li>• Ian Shadwell (on reserve)</li> <li>• Liane Rossler (on reserve)</li> </ul>

### 4. Discussion

The Waverley Public Art Committee meetings were reported to Council on 4 September 2018 for meetings dated 30 April 2018 and 9 July 2018. Since then, the reporting of meeting minutes has been ongoing.

Attached to this report are the minutes for the meetings of the Waverley Public Art Committee dated:

- 27 May 2019.
- 29 July 2019.
- 11 September 2019.

- 30 October 2019.

## 5. Financial impact statement/Time frame/Consultation

The operations and administration of the Waverley Public Art Committee requires the commitment of Councillor, volunteer and staff resources with added costs met through Council's operational budget.

The next meeting of the Waverley Public Art Committee meeting is yet to be scheduled due to the ongoing COVID-19 pandemic. Once scheduled, this will be the induction meeting for the appointed Waverley Public Art Committee for the term of 2020-2021. The minutes from the final meeting of the previous Waverley Public Art Committee held on Monday 11 February 2020 will be included for confirmation at the next meeting of the Committee when the induction of the new Committee will also occur. Those minutes will be reported to Council in due course.

## 6. Conclusion

Meetings of the Waverley Public Art Committee were held on 27 May 2019, 29 July 2019, 11 September 2019 and 30 October 2019. Minutes from these meetings are attached to this report.

## 7. Attachments

1. WPAC - 27 May 2019 - Minutes [↓](#)
2. WPAC - 29 July 2019 - Minutes [↓](#)
3. WPAC - 11 September 2019 - Minutes [↓](#)
4. WPAC - 30 October 2019 - Minutes [↓](#)

<b>Title: Waverley Public Art Committee</b> <b>Location: Queen Park Room, Council Chambers</b>			<b>Date: Monday 27 May 2019</b>		<b>Time: 6:30pm-8:00pm</b>	
<b>Attendance: Cr Paula Masselos, Cr Angela Burrill, Charles Clapshaw, Silvia Hrovatin, Willa Stanton, Isabelle Toland, Joni Taylor, Meredith Graham, Matthew Fallon, Elizabeth Reidy</b>						
<b>Apologies: Cr Elaine Keenan, Sam Marshall</b>						
<b>Chair: Cr. Paula Masselos</b>			<b>Minute Taker: Todd Fuller</b>			
<b>No</b>	<b>Subject</b>	<b>Type</b>	<b>Start Time</b>	<b>Duration</b>	<b>Outcome</b>	<b>Responsibility</b>
1.	Welcome & apologies	For information	6:30pm	5mins	PM welcomes all, introduces Meredith Graham, Executive Manager - Engaging Waverley  Corrections are made to the previous minutes regarding committee members present and Agenda item 4; deaccessioning of Campbell Parade Mosaic artworks.  Minutes are moved to be accepted by WS and seconded by SH.	Chair
2.	Declarations of interest	For information	6:35pm	5mins	No interests are declared.	ALL
3.	North Bondi Asset Renewal Project	For information/discussion	6:40pm	20 mins	Discussion of North Bondi Asset upgrade. Restoration of the mosaic	ER

	<ul style="list-style-type: none"> <li>- Mosaic recommission project update</li> <li>- Mural artwork commission update</li> </ul>				<p>artwork is progressing. Project managers working closely with Lloyd Kelemen who has been liaising with many of the original artists.</p> <p>Keleman has identified preferred areas of the artwork for conservation which have been removed prior to demolition.</p> <p>As a part of the refurbishment of the North Bondi Kids Pool area a second mural will be commissioned to replace the 'Bondi' mural created by Mulga.</p> <p>A callout will take place for this artwork in mid June.</p>	
4.	ACON – The Bondi Memorial Project	For information/discussion	7pm	10mins	<p>An MOU has been completed between Waverley Council and ACON. ACON and Waverley met last week and discussed delivery timeline and confirmed the commissioning process.</p> <p>ACON will launch a fundraising campaign to increase the available budget.</p>	ER
5.	Hunter Park	For discussion	7:10pm	10mins	Committee Members undertook a site visit to Hunter Park in March.	ALL

					<p>Committee reviewed artworks in the site and discussed accessibility of the site. Many of the works are deteriorating and maintenance plans and plans of management have been discussed.</p> <p>A plan for assessment and deaccessioning of the site is to be brought to the next committee meeting. This site requires an action plan, plus understanding of history of the work, map and pictures of the work.</p>	
6.	Waverley Artist Studios update - Exhibition update	For information	7:20mins	5mins	All committee members are invited to 'The Art of Defiance' at Cross Arts Projects and artist talks this Saturday 1 June.	TF
7.	Waverley Art Prize update - Prize update and invitation to launch	For information	7.25pm	5mins	400 entries were received for this year's prize. The committee are invited to the launch on the 11 July.	TF
8.	Public Art Policy review update	For information/discussion	7:30pm	10mins	<p>A group workshop took place on the Public Art Policy in 2018.</p> <p>The committee will be sent the document for additional review in order to comment on objectives and KPI's and deliverables as a part of this document.</p>	ER

9.	Bondi Pavilion Gallery – Exhibition invite	For information	7:40pm	5mins	All committee members are invited to 'The Pavilion of Clear memory when Scene from the Pavilion' opening on Wednesday 29th in the Bondi Pavilion Gallery.	TF
10.	Bondi Beach Sea Wall - Vandalism and measures	For Information/discussion	7:45PM	5min	We have had a series of attacks on the Bondi Seawall involving divisive language and iconography. Council is installing CCTV.  We are taking measures to protect our artists work and the community from being exposed to attacks.  Council has moved motions condemning these actions.	ER
11.	General Business: - Cultural Plan development - Sculpture by the Sea - Next Meeting.	For information	7.50pm	5mins	<b>Cultural plan</b> 187 submissions were received through community consultation. Astra Howard was also engaged to do further intercept style consultation at key sites around the LGA.  Materials collected through the consultation are being worked through by CRED consultants.  This data will now be synthesised, a draft will be formed and the plan will	ALL

					<p>be aligned with the community strategic plan.</p> <p><b>SCULPTURE BY THE SEA</b> Outdoor events team have been working closely with sculpture by the sea to forge an agreement between the organisations.</p> <p>Final negotiations are taking place around points in the agreement.</p> <p><b>NEXT MEETING</b> PM and ER to discuss. Hunter park tour to take place on a Saturday afternoon.</p>	
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**Title: Waverley Public Art Committee**  
**Location: Queen Park Room, Council Chambers**

**Date: Monday 29 July**  
**2019**

**Time: 6:30pm-8:00pm**

**Participants: Claire Edwards, Joni Taylor, Charles Clapshaw, Sylvia Hrovatin, Meredith Graham, John Clark, Elizabeth Reidy, Todd Fuller, Cr. Paula Masselos, Cr. Elaine Keenan, Cr. Angela Burrill**

**Apologies: Willa Stanton, Matt Fallon**

**Chair: Cr. Paula Masselos**

**Minute Taker: Todd Fuller**

<i>No</i>	<i>Subject</i>	<i>Type</i>	<i>Start Time</i>	<i>Duration</i>	<i>Minutes</i>	<i>Responsibility</i>
1.	Welcome & apologies	For information	6:30pm	5mins	PM introduces John Clark. PM acknowledges Gadigal people. Apology received from Willa Stanton.	Chair
2.	Declarations of interest	For information	6:35pm	5mins	NO declarations are declared.	ALL
3.	Introduction: John Clark, Director Customer Service and Organisation Improvement	For information	6:40pm		Minutes from the previous meeting are declared to be true and accurate by Charles Clapshaw and seconded by Joni Taylor	MG
4.	Sculpture by the Sea - Marks Park access pathway	For information/questions	6:40pm	15mins	John Clark briefs the committee on a recently publicised debate between Sculpture by the Sea and Waverley Council regarding an accessible park of 1.8 width being implemented in Marks Park.	JC/MG

5.	<p>Public Art in the Private Domain; 80-82 Hall St, Bondi Beach</p> <ul style="list-style-type: none"> <li>- Jose Serrao, TDK Architects &amp; Cumberland Construction</li> </ul>	For information / discussion	6:45pm 15mins	<p>Committee statements include:          In this instance Waverley Council is meeting its legislative requirements and its responsibilities to the community by creating equal access to a community facility.</p>	JS/ER
				<p>Questions from the Public Art Committee include:</p> <ul style="list-style-type: none"> <li>-how the work will be affected and change with lighting conditions?</li> <li>-What is the artists background and process?</li> <li>-Was there an expression of interest around the selection of an artist?</li> <li>-What will be the final facade material?</li> </ul>	
				<p>Before making a referral the Public Art Committee request further information on:</p>	

					<p>-Report on materiality and durability including considerations to long term maintenance and anti-graffiti measures.</p> <p>-actual detailed budget</p> <p>-Committee encourages consideration given to linking to the current artwork position to Hall St and the adjacent park.</p>	
6.	<p>North Bondi Asset Renewal Project</p> <ul style="list-style-type: none"> <li>- Mosaic recommission project update</li> <li>- Artist work shop</li> <li>- Intellectual Property and Copyright</li> <li>- Mural Tender process update</li> </ul>	For information/discussion	7pm	20 mins	<p>Elizabeth Reidy reports that on the 16th of July Waverley Council approved a re-commission of the North Bondi Mosaic work adjacent to the North Bondi Kids Pool.</p> <p>Large portions of the existing mosaic have been removed by conservators and the original artists will be consulted at an artist workshop regarding restoring elements as well as recreating and replacing components which were unable to be saved.</p> <p>Council officers are coordinating an artist workshop. The committee are informed that many of the artists are elderly, of ill health, deceased or have mobility issues.</p> <p>The artists will also be given intellectual property and copyright of their work which was not originally agreed upon in</p>	ER/All

					the creation of the work.	
7.	ACON – The Bondi Memorial Project - Tender update	For information/discussion	7:20pm	10mins	The ACON tender is live and has been promoted by ACON. Waverley has delayed promotion due to the SxS and Marks Park accessibility park debate. The Public Art Committee are encouraged to share and distribute the EOI. This EOI closes on September 27.	ER
					Before the next Public Art Committee, an internal panel will review the submissions and compile a shortlist for the public Art Committee. The Public Art Committee will then assess the shortlisted applications and make a recommendation regarding which artists should enter the detailed design stage.	
8.	Public Art Policy document review - New template for Council policies - Review of working document	For information/discussion	7:30pm	25mins	Elizabeth Reidy distributes the Public Art Policy which has been altered to fit Waverley Councils new standardised Policy template. The committee are asked to review, track changes, comment, edit and returned so this document can be resolved.	ER/All
					Once this document is updated a review of the other Public Art policy documents will commence.	

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| 9. | General Business: <ul style="list-style-type: none"><li>- DCP amendments</li><li>- EOI shortlisting process and next steps</li><li>- Next Meeting.</li></ul> | For information | 7.55pm 5mins | <p>Elizabeth Reidy and Tim Sneesby are currently working on amendments to the Development Control Plan with the intention of inserting a trigger for Public Art with a 1% contribution to a public artwork. This has previously been attempted.</p> <p>The Next Public Art Committee will include shortlisting for both the North Bondi Mural commission and the Bondi Memorial.</p> | ALL |
|----|--|-----------------|--------------|--|-----|

<b>Title: Waverley Public Art Committee</b> <b>Location: Queen Park Room, Council Chambers</b>			<b>Date: Wednesday 11 September 2019</b>		<b>Time: 6:30pm-8:00pm</b>	
<b>Participants: Claire Edwards, Sam Marshall, Sylvia Hrovatin, Meredith Graham, Elizabeth Reidy, Matt Fallon, Rebecca Rodwell, Cr. Paula Masselos, Cr Burrill</b>						
<b>Apologies: Elaine Keenan, Willa Stanton, Joni Taylor, Isabelle Toland, Charles Clapshaw, John Clark</b>						
<b>Chair: Cr. Paula Masselos</b>			<b>Minute Taker: Matthew Fallon</b>			
<b>No</b>	<b>Subject</b>	<b>Type</b>	<b>Start Time</b>	<b>Duration</b>	<b>Minutes</b>	<b>Responsibility</b>
1.	Welcome & Apologies	For information	6:30pm	5mins		Chair
2.	Declarations of interest	For information/declaration	6:35pm	5mins	Nil	Chair/All
3.	Reconciliation Action Plan: Waverley Council - Briefing on the plan - Briefing on the artwork commissioned for the plan	For information	6:40pm	15mins	RAP backgrounder  Spirit Creative Agency has been engaged to undertake graphic design work.  Options were tabled and constructive discussion ensued providing input from the committee.  The completed work will be returned to Council in October.	Manager Caring Waverley  Multicultural Officer, Caring Waverley

4.	Bambi Acquisition – Gifting	For discussion/recommendation	6:55pm	10mins	<p>A show by the artist Bambi took place in June 2019 in the Bondi Pavilion Gallery</p> <p>The artist painted the gallery door and wanted to gift the work to us.</p> <p>The Public Art Committee recommended Council accept the gifted work.</p>	Curator and Visual Art Coodinator
5.	<p>North Bondi Mural commission (temporary artwork)</p> <ul style="list-style-type: none"> <li>- Top six applications presentation and review by committee</li> <li>- Recommendation for three preferred application to proceed to Stage 2: Detailed Design</li> </ul>	For discussion/recommendation	7:05pm	<p>25mins</p> <p>10mins presentation</p> <p>15 mins discussion and recommendation</p>	<p>A lower number of submissions than expected were received.</p> <p>Submissions were scored by an internal panel with the top six being presented to the PAC</p> <p>Works by 3 artists were recommended to be proceed to a design:</p> <p><b>Luke Kennedy</b> <b>Steve’s Murals</b> <b>George Rose</b></p>	Curator and Visual Art Coodinator / All

6.	The Boot Factory: project update and artwork inclusion	For information	7:30pm	5mins	Staff are supporting the Architect to carry out a process which will incorporate a temporary artwork onto the wall behind Boot Factory building in order to make the building stand out and in support of further place making within the site.	Manager, Cultural Programs
7.	<p>ACON Partnership: The Bondi Memorial</p> <ul style="list-style-type: none"> <li>- Review of applications process</li> <li>- Shortlist for detailed design (three application) process next meeting</li> <li>- ACON involvement in shortlisting</li> </ul>	For information	7:35pm	15mins	<p>The application is currently up on tenderlink</p> <p>Amendment to the EOI documentation was made</p> <p>Extended by 1 week, will now close 4 October</p> <p>Internal panel will do first cut with top applications coming back to the committee</p> <p>Recommend 3 go to detailed design</p>	Curator and Visual Art Coordinator



					<p>PAC members were asked to encourage further applicants</p> <p>2 representatives from ACON to participate in next meeting</p>	
8.	Waverley Artist Studios: Call for 2020-2021	For information	7:50pm	5mins	<p>Top 8 applications coming to the PAC.</p> <p>Discussion related to the activities undertaken by studio artists took place with additional discussion to be included in next meeting.</p>	Curator and Visual Art Coordinator
11.	<p>General Business:</p> <ul style="list-style-type: none"> <li>- Sea Wall terms and conditions review</li> <li>- Next Meeting date, <b>Monday 28 October 2019</b></li> </ul>	For information	7.55pm	5mins	<p>Minutes moved</p> <p>Moved minutes – Sylvia Hrovaton, Seconded Claire Edwards</p> <p><b>7.50 –meeting closed</b></p>	ALL



<b>Title: Waverley Public Art Committee</b>			<b>Date: Wednesday 30 October 2019</b>	<b>Time: 6:30pm-8:00pm</b>
<b>Location: Waverley Library Theatre, Level 1 Waverley Library</b>				
<b>Participants:</b>				
Sam Marshall, Claire Edwards, Sylvia Hrovatin, John Clark, Meredith Graham, Elizabeth Reidy, Todd Fuller, Matt Fallon, Cr. Paula Masselos, Cr. Elaine Keenan, Cr. Angela Burrill,				
<b>Guests:</b>				
Nic Parkhill (CEO ACON), Michael Atkinson (ACON)				
<b>Apologies: Cr Goltsman, Willa Stanton, Joni Taylor, Isabelle Toland, Charles Clapshaw,</b>				
<b>Chair: Cr. Paula Masselos</b>			<b>Minute Taker: Todd Fuller</b>	
<i>No</i>	<i>Subject</i>	<i>Type</i>	<i>Minutes</i>	<i>Responsibility</i>
1.	Welcome, Introductions & Apologies	For information	All members introduced themselves.  Apologies: Willa Stanton, Isabelle Tolland	Chair
2.	Declarations of interest	For information/declaration	No declarations were tabled	Chair/All
3.	Confirmation of Minutes from meeting held 11 September 2019	For declaration	Sylvia Hrovatin moved that the minutes from the 11 September Public Art Committee be confirmed as true and accurate, motion seconded by Clair Edwards.	Chair/All
4.	The Bondi Memorial Public Artwork, Marks Park Bondi - review of top eight applications from internal panel	For discussion & recommendation	The committee reviewed the EOI process to date including procurement process. The EOI was promoted through a collaborative media plan with ACON including advertisements in SMH and Wentworth courier.  12 applications were received despite significant interest.	ALL



	<p>- shortlist of three recommended for detailed design Stage2</p>		<p>Some feedback received from artists was that the tenderlink application process was too complicated. It was noted that Council is currently reviewing this process.</p> <p>An internal panel reviewed applications and shortlisted a top 4. Their feedback included:</p> <ul style="list-style-type: none"> <li>• The quality of applications was lower than hoped for with the artistic quality presented not meeting the standards of excellence outlined in the Waverley Public Art Policy.</li> <li>• Some applications did not include all the information required</li> </ul> <p>Top four applications presented to the committee.</p> <ol style="list-style-type: none"> <li>1. <u>Deborah Halpern</u>, mosaic and community driven projects.</li> <li>2. <u>Dickson Rothschild</u>, collaboration of four artists.</li> <li>3. <u>Alison Jane Cavanagh</u>, architect with war memorial experience.</li> <li>4. <u>William Eicholtz</u>, Bronze works with experience in queer iconography, numerous works delivered in the public realm.</li> </ol> <p>The Public Art Committee also reviewed the remaining applications.</p> <ol style="list-style-type: none"> <li>5. Urban Art Projects</li> <li>6. Mano Architects</li> <li>7. Mat Pal</li> </ol>	
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			<p>8. Control Dance            9. Jessica Hill            10. Anthony Lister            11. Justine Wallace            12. Yiorgo Yiannopoulos</p> <p>Committee points of discussion include:</p> <ul style="list-style-type: none"> <li>• Underlying philosophy is essential to this project.</li> <li>• It is difficult to judge on prior works, which would have been in response to briefs and callouts quite different in nature to this project.</li> <li>• Joni Taylor and Isabelle Toland both previously mentioned ASPECT Studios as a key organisation to invite to submit a design. Committee members were also asked to supply recommendations for other key agencies or creatives.</li> </ul> <p>Nicholas Parkhill CEO ACON thanked the committee for being invited to attend the meeting. Noted this is one of the most unique and beautiful spots in Sydney and the selected work would need to be sympathetic to the space and to reflect the work's purpose as a memorial and also a contemplative space. The Committee discussed the need for applicants to receive a more detailed brief, including more contextual information so that a more appropriate outcome could be reached.</p> <p>Sam Marshall- Declared knowledge of Vesna and Russell of Rothschild Dickson as well as applicant Mano.</p> <p>The committee select the following applications to progress to detailed design:</p>	
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			<p>-William Eicholts -Jane Cavanagh -Dickson Rothschild -UAP</p> <p>All artists selected for detailed design are to receive briefing materials from ACON. They will be required to attend the walking tour and receive copies of texts for the project including Duncan McNab's 'Getting Away with Murder' and the Deepwater documentary.</p> <p>Inviting additional detailed design submissions was encouraged by members of the PAC.</p>	
5.	<p>Waverley Artist Studios 2020-2021</p> <ul style="list-style-type: none"> <li>- Five recommendations for places in Waverley Artist Studios</li> <li>- Three recommendations for places on the reserve list for Waverley Artist Studios</li> </ul>	For information & discussion	<p>Applications for the 2020 Studio program closed on 4 October 2019 after an extensive media and social media campaign targeting artists networks. The campaign ran from 31 August – 4 October 2019. 53 Applications were received. A peer review panel of five studio artists reviewed all the applications against the set framework for the studios on 17 October 2019.</p> <p>The Peer Assessment panel recommend the following artists and reserves:</p> <ol style="list-style-type: none"> <li>1. Chris Dolman</li> <li>2. Kirra Weingarh</li> <li>3. Laura Jade</li> <li>4. Madeline Preston</li> <li>5. Cameron Stead</li> <li>6. Reserve 1 -Julia Gutman</li> </ol>	ER/ALL



			<p>7. Reserve 2 -Carolyn Craig        8. Reserve 3 -Sarah Rodigari        9. Reserve 4 -Nadia Odlum        10. Reserve 5 – Greg Semu</p> <p>The Committee altered the final order for recommendation to Council to be:</p> <p>1.Kirra Weingarth        2.Laura Jade        3.Cameron Stead        4.Julia Gutman        5.Carolyn Craig        6.Reserve 1 -Chris Dolman        7.Reserve 2- Madeline Preston        8. Reserve 3- Sarah Rodigari        9. Reserve 4- Nadia Odlum        10.Reserve 5- Greg Semu</p>	
6.	<p>North Bondi Mural commission (temporary artwork)</p> <ul style="list-style-type: none"> <li>- Three concept designs</li> <li>- Recommended commission</li> </ul>	For discussion/ recommendation	<p>The Public Art Committee reviewed three detailed designs for the North Bondi Mural Recommission.</p> <p>Detailed designs for review were:</p> <ol style="list-style-type: none"> <li>1. Luke Kennedy</li> <li>2. Steve’s Murals</li> <li>3. George rose.</li> </ol> <p>All submissions were within the allowable budget.</p> <p>Council Staff outlined a strategy to avoid tagging occurring on the adjacent wall were the Mosaic had been removed, that a second temporary mural be</p>	ER/ALL



			<p>commissioned in this space (with the word Bondi removed).</p> <p>The committee endorsed Luke Kennedy as the preferred candidate and George Rose to create the second mural alongside the North Bondi Children's Pool.</p>	
7.	<p>Bondi Beach Sea Wall Guidelines - review of T &amp; C's</p>	For information	<p>The Public Art Committee reviewed the terms and conditions including changes proposed. These changes include:</p> <ul style="list-style-type: none"> <li>• an update to the purpose statement</li> <li>• contextual statement to be added linking the Guidelines to Waverley Council's overarching strategic documents</li> <li>• Eligibility- clarification added to ensure that community groups know they are welcome to apply.</li> <li>• Site usage – clarification of timelines, and removal details.</li> <li>• Memorial – clarification added around the nature of 'permanent' murals</li> <li>• Summary of application process changed to include curatorial process including activations from council.</li> </ul>	ER/ALL
8.	7 Ways Public Art Plan	For discussion	<p>To be re sent and re reviewed by committee remotely.</p> <p>Written feedback requested from all committee members.</p>	ALL



9.	End of term and call for new PAC 2020-2021	For information	<p>The current Public Art Committee's term will finish in February. A new Public Art Committee callout will be undertaken in the coming months.</p> <p>The <u>current</u> Committee are asked to invite potential PAC members to apply <u>for the new committee</u>.</p> <p>Staff to explore extending the term of the current committee.</p>	ER/ALL
10.	General Business: - End of year catch up November 2019	For information	MF - proposed an end of year celebration with the Public Art Committee. MF to coordinate.	ALL



**NOTICE OF MOTION  
CM/8.1/20.05(1)****Subject:** Use of Contractors Supporting Adani**TRIM No:** A09/1017**Submitted by:** Councillor Copeland  
Councillor Wy Kanak**MOTION:**

That Council:

## 1. Notes that:

- (a) In passing a Climate Emergency declaration last year, Council joined over 30 other councils in NSW and over 90 across the country in recognising the potentially devastating impact of continued global warming, and committed itself to take action to reduce carbon emissions.
- (b) Climate change is already having a damaging impact on local governments across Australia; that burning coal is the biggest driver of climate change and that Australia needs to stop building proposed coal mines to avoid driving further dangerous global warming.
- (c) The biggest proposed coal mine in Australia is the Adani Carmichael Coal Mine, and that the rail line which is part of that project will help enable other large proposed coal mines in the Galilee Basin. Assisting the campaign to stop this project is a practical way that Waverley Council can help ensure Australia stops building more coal mines, and can thereby help protect its residents now and into the future.
- (d) A list of companies working on the Adani Carmichael Coal Mine and Rail Project is on The Adani List which is managed by the independent research organisation Market Forces, and notes that many companies on the Adani List also work with local governments in Australia.
- (e) A growing number of local governments are aligning their procurement policies with their values and with their obligations to minimise risk and costs to local government caused by global warming, which is already having an influence on how companies wishing to secure contracts with local government are conducting themselves across their entire business.
- (f) Further legal advice may constrain Council regarding preferential treatment of future contracts.

## 2. With regard to current contracts, resolves to assist the campaign to stop Adani's Carmichael Coal Mine and Rail Project by:

- (a) Compiling a list of companies that are both on the Adani List and that also currently have contracts with Council.
- (b) Writing to these companies, asking for their position on Adani's Carmichael Coal Mine and Rail Project, to check if the company has ruled out working on the project

- (c) Writing to these companies, explaining that Council will be applying the new preference outlined in clause 3 (below), and encouraging these companies to rule out working on Adani's Coal Mine and Rail Project.
3. With regard to future contracts, resolves to assist the campaign to stop Adani's Carmichael Coal Mine and Rail Project as follows: when deciding on which companies it will award contracts to, where all other factors are equal, giving preference to contractors who are not on The Adani List.

## Background

The Adani company looks likely to begin mining in the Galilee basin very soon: it is building additional new worker accommodation, clearing land for the rail corridor to its Abbott Point Port terminal and investing millions of dollars in the purchase of mining equipment. All signals from the Queensland and the Federal governments are that they will continue to support the mine.

While situated in Queensland the effects of the Adani Carmichael Coal Mine and rail line going ahead are of real and direct threat to all of us. Climate scientists have called the Adani mine a '[ticking carbon bomb](#)'. Completion of the railway will enable additional leaseholders like Clive Palmer and Gina Rinehart to commence mining in this area. The Climate Council has estimated that *'if all the coal in the Galilee Basin was burned, it is estimated that 705 million tonnes of carbon dioxide would be released each year. That's more than 1.3 times Australia's current annual emissions.'*

Adani's success would also send all the wrong signals to other fossil fuel magnates seeking to open new coal and gas mines across the country.

All Councils should be deeply concerned about the risks associated with expanded coal mining: the environmental risks, the threats to the health and safety of their residents, and the costs for Councils associated with trying to mitigate the effects of global warming.

Waverley Council declared a climate emergency late last year, and has shown a strong interest in progressing action to support this declaration.

Reviewing procurement policies to ensure that Council is not supporting carbon polluting contractors would be one important action which the Council could take, to send a strong signal to companies who contribute to global warming.

Waverley Council could take immediate action on this front through a motion to preference contractors who do not have a history of working with the Adani mine.

## General Manager's comment

Local government procurement in New South Wales is highly regulated through various guidelines and regulations as well as by State and Commonwealth legislation. The Tendering Guidelines for NSW Local Government (Guidelines) require that Council ensure *'that their dealings promote fairness and competition'*. The Guidelines also set out standards of behaviour and ethical practices that should be adopted by councils, including: *'No anti-competitive practices: Councils must not engage in practices that are anti-competitive or engage in any form of collusive practice.'* The *Competition and Consumer Act 2010 (CC Act)* prohibits anti-competitive conduct and exclusive dealing.

The proposed resolutions include reference to a form of preference to contractors who are not on the Adani List. It is possible that action contemplated within the resolution may constitute a form of anti-competitive conduct. It is recommended that Council obtain specialist procurement and legal advice to

ensure compliance with all legal obligations prior to finalising and/or taking any action to implement the proposed resolution.

**Karen Mobbs**  
**General Counsel**

**NOTICE OF MOTION**  
**CM/8.2/20.05(1)****Subject:** NSW Plastics Plan - Submission**TRIM No:** A15/0392**Submitted by:** Councillor Wy Kanak**MOTION:**

That Council:

1. Composes and forwards a submission to the State Government's call for responses to a NSW Plastics Plan.
2. Officers summarise in that submission the work already done by Council and the community in waste management, especially regarding plastics in Bondi and Waverley.

**Background**

Growing recognition of plastic's impact on our environment and human health means we need a comprehensive and bold plan to address this important issue.

A Council submission to this call for responses will provide an opportunity to highlight to the NSW State Government in the context of the plastics plan the good work already done, and being done, by Council's teams as part of supporting this community's contribution to the 'war on waste.'

**General Manager's comment**

SSROC will be putting in a submission on the discussion paper, 'Cleaning Up Our Act: Redirecting the Future of Plastic in NSW', which Waverley Council officers have had input to.

SSROC will also be putting in a submission to the issues paper '20-Year Waste Strategy for NSW' which is on exhibition at the same time and covers a number of connected issues. Waverley Council will be putting in a submission on the '20-Year Waste Strategy for NSW' also that supports our target to reduce the amount of waste going to landfill. This is currently being drafted by Council officers.

Council will make its own submission, in addition to the SSROC submission, if so resolved by Council.

**Peter Monks**  
**Director, Planning, Environment and Regulatory**

**NOTICE OF MOTION  
CM/8.3/20.05(1)**

**Subject:** Supporting the ABC  
**TRIM No:** A20/0282  
**Submitted by:** Councillor Wy Kanak

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**MOTION:**

That Council:

1. Notes that recent pandemic responses have put Waverley under the media spotlight for the number of confirmed coronavirus (COVID-19) cases, social distancing observance and working travellers' circumstances.
2. Thanks the Australian Broadcasting Corporation, and other media outlets, for assisting Council with disseminating its public messaging during the coronavirus pandemic.
3. Commends the ABC for its recent bushfire 2019–20 summer season reporting which provides real-time detailed background to the NSW and Federal Government inquiries into BushFire responses.
4. Continues to liaise with, and offer assistance, to 'ABC Friends ACT and NSW'.

**Background**

An eastern suburbs resident has written:

'The ABC: Never More Important  
Professor Ed Davis AM

The ABC is a national treasure. Roy Morgan opinion surveys find it is the most trusted media organisation; daylight second. Its stocks have risen even higher over the past six months. The ABC stood tall during the appalling bush fires. Its emergency broadcasts brought crucial information to those in dire need and saved lives. ABC journalists were applauded for their courageous reports from the front line and, in the aftermath, *Four Corners* presented a gripping account of the fires with important lessons from this grim experience.

The Coronavirus appears to have disrupted almost every facet of life across Australia and demonstrably here in the Eastern Suburbs. Beaches, cafes, pubs, restaurants, shops, gyms and clubs are all closed. Most schools are empty, and universities have shed their students as they shift to online learning. Again, Australians have turned to the ABC to make sense of what is happening and what it means for them. The ABC has responded with forensic reporting on Covid-19, its impact here and around the world and the implications. At the same time, it has maintained its normal fare of news, information, education and entertainment across its TV, radio and online services.

And yet, the ABC is in crisis. While established by an act of federal parliament as an independent body, it is reliant on government funding and this has been steadily reduced. Over the past thirty years, it has lost 30% of its funding. As a proportion of federal government expenditure (main items-social welfare, health,

education, defence) annual expenditure on the ABC has dropped from 0.6% to 0.2%. The last six years have been particularly tough with major cuts made to ABC funding in the 2014 and 2018 budgets. A workforce of around 5000 is now around 4000 and so many programs cut back or lost.

The IPA, the major think-tank on the right of Australian politics, continues to campaign hard for the ABC to be privatised. Two years ago, it launched a book, *Against Public Broadcasting*, which argued that the ABC was an anachronism and too expensive. It lamented that governments would lack the will to sell it off, fearing a public backlash. It acknowledged that the ABC was deeply loved. However, in June 2018 the National Council of the Liberal Party supported a motion to privatise the ABC. Then Prime Minister Malcolm Turnbull and successive Communications Ministers Mitch Fifield and Paul Fletcher have stressed that the ABC will not be sold. The National Council motion to sell the ABC has not been rescinded.

Rupert Murdoch's News Corp has been relentless in its opposition to the ABC. It is not just ideology; the belief that the ABC is peddling socialism, undermining markets and the elites that have thrived. News Corp begrudges ABC audiences; they should be reading the *Daily Telegraph* or *Australian* and tuned into Sky or Foxtel.

A further threat to the ABC and indeed all media has been the attack on media freedom to report and hold power to account. Last year's AFP raids on the ABC and News Corp were deeply troubling; journalists have since been at risk of prosecution for doing their job.

Many Australians are aghast at reports of President Trump's extraordinary record of making statements that are demonstrably untrue. The *Washington Post* recorded an eye-watering 16241 false or misleading claims in his first three years in office; in 2019 the daily average was 22. This is truly an era of fake news. If citizens are not aware of what is happening or are misinformed, then democracy cannot function. It is in this context that the role of the ABC is so critical. It must be properly funded and independent so that it can keep Australians informed and hold power to account. The ABC has never been more important.

*Ed is President of ABC Friends NSW & ACT. He has lived in the Eastern Suburbs for the past forty years.'*

'The ABC is Australia's national broadcaster. It engages with 71% of Australians each week and is one of the most highly trusted organisations in the land. During the catastrophic bushfires and now during COVID-19, Australians turn to the ABC for news and information. The ABC is an essential service. And yet, its funding has been massively cut. The ABC's Managing Director, David Anderson, has estimated the cost of cuts inflicted by the 2014 and 2018 budgets as around \$105.9 million per year. It has lost around 1000 jobs over the past six years; so many programs have been lost or cut back. The ABC is important for our quality of life and essential for Australian democracy. With a rising tide of fake news, we need news that we can trust and an independent media that can hold power to account. More than ever, the ABC needs our support.'

### **General Manager's comment**

Council deals with a range of media companies and outlets in the course of its work. If Council resolves to thank and/or commend all or some of these agencies, this can be done.

Staff are not currently engaged in liaising with or assisting ABC Friends NSW & ACT. If Council wishes to resolve as per clause four above, staff would require direction from Council as to what any future assistance or liaison should entail, particularly in order to assess any resourcing implications. Engagement in media ownership and policy issues is not within the operational purview of the Council.

**Ross McLeod**  
**General Manager**

**URGENT BUSINESS**  
**CM/10/20.05(1)****W A V E R L E Y**  
COUNCIL**Subject:** Urgent Business**Author:** Ross McLeod, General Manager

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In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

**CLOSED SESSION**  
**CM/11/20.05(1)**

**Subject:** Moving into Closed Session

**Author:** Ross McLeod, General Manager

**WAVERLEY**  
COUNCIL

There are no confidential reports for consideration.

**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.