



WAVERLEY COUNCIL

MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 27 FEBRUARY 2024

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 6.01 pm, those present were as listed above, with the exception of Crs Burrill and Kay who arrived at 6.02 pm during apologies and Cr Goltsman who arrived at 6.05 pm during addresses by members of the public.

Crs Betts, Burrill, Goltsman, Kay, Keenan, Murray and Nemesh attended the meeting by audio-visual link.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.

1. Apologies/Leaves of Absence

Apologies were received from Cr Dominic Wy Kanak.

2. Declarations of Pecuniary and Non-Pecuniary Interests

- 2.1 Cr Masselos declared a less than significant non-pecuniary interest in item CM/4.3/24.02E – Flying Foxes and Fig Trees and informed the meeting that she lives in Murray Street.

3. Addresses by Members of the Public

- 3.1 S Guy – CM/4.3/24.02E – Flying Foxes and Fig Trees.

4. Notices of Motions

CM/4.1/24.02E Barracluff Park - Acoustic Impacts (A06/0357)

MOTION

Mover: Cr Nemes

Seconder: Cr Betts

That Council:

1. Notes the Barracluff Park playground was upgraded in 2021 with new facilities and amenities, including but not limited to new multi play equipment, hard courts, furniture, landscaping and lighting.
2. Further notes that while the park and playground is widely used by the community, the ongoing and increasing noise from the playground on neighbouring residents' amenity is unacceptable.
3. Investigates options to reduce the acoustic impacts on surrounding residents including but not limited to:
 - (a) Replacing the basketball hoop with a hoop which can be detached or is retractable. An

automatic system is preferable.

- (b) Installing soft material on the hard vertical walled surfaces to minimise objects being hit or bounced on that surface.
 - (c) Fencing the area around the multipurpose courts to potentially restrict access where appropriate.
 - (d) Providing additional signage that specifies when the multipurpose courts can be accessed and used.
4. Officers prepare a report to Council by April 2024 on the investigation to reduce acoustic impacts and provide options and costings.

AMENDMENT

Mover: Cr Gray
Seconder: Cr Lewis

That clause 4 be amended to read as follows:

‘Officers prepare a report to Council on the investigation to reduce acoustic impacts and provide options and costings.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4 SUCH THAT IT NOW READS AS FOLLOWS:

‘Officers prepare a report to Council by May 2024 on the investigation to reduce acoustic impacts and provide options and costings.’

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED LOST.

Division

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

Against the Motion: Crs Gray, Fabiano, Keenan, Lewis, Masselos and Murray.

CM/4.2/24.02E Strata Assistance (A24/0129)

MOTION

Mover: Cr Nemesh
Seconder: Cr Kay

That Council:

1. Notes that the Waverley local government area is one of the most densely populated areas within NSW with over 80% of residents living in multi-unit dwellings.
2. Investigates options to improve communication and resourcing between Council, strata managers and owners’ corporations (also including company title buildings and community title) including but not limited to:
 - (a) A webpage on Council’s website dedicated to multi-unit living and in particular strata title. This would be considered as part of Council’s review and update of content currently on the

Waverley website.

- (b) Information on how strata schemes operate via links to State Government sources of information.
 - (c) Educational resources dedicated to:
 - (i) Best practice waste management for multi-unit dwellings.
 - (ii) Different forms of development including renovations and when and how Council is required to be notified.
 - (iii) Issues related to compliance in particular regarding fire safety standards and parking.
 - (d) Where appropriate, communication between Council and strata managers who manage strata schemes within Waverley.
 - (e) A strata forum convened by Council in 2024 to:
 - (i) Better educate the public on how strata schemes operate and the role of Council.
 - (ii) Provide a platform for strata managers to engage with Council and provide feedback on issues related to strata buildings.
 - (iii) Commence development of a strategy and action plan for outcomes and solutions to address the issues identified.
3. Writes to the Strata and Property Services Commissioner and the Owners' Corporation Network of Australia informing them of this motion.
4. Prepares a report to come back to Council by April 2024 which investigates the above options and provides costings.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

Against the Motion: Crs Gray, Fabiano, Keenan, Lewis, Masselos and Murray.

CM/4.3/24.02E Flying Foxes and Fig Trees (A14/0116)

Cr Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she lives in Murray Street.

MOTION

Mover: Cr Nemesh

Seconder: Cr Betts

That Council:

1. Notes the ongoing mess and safety issues, and destruction of personal property such as motor vehicles, caused by dropped berries and flying foxes (also known as fruit bats) in various locations around Waverley, in particular areas such as The Avenue, Rose Bay, and a section of Murray Street,

Bronte, during the berry season from January to March each year and sometimes for a second time during the winter months.

2. Notes that residents have for many years had to ask Council to clean up The Avenue and Murray Street to address the safety and health issues arising from:
 - (a) The berries falling onto private property, our pavements and roads.
 - (b) Flying fox urine and faeces, and the detritus left behind, which may contain deadly viruses including Hendra, Nipah and Lyssa.
 - (c) The increased danger of an accident from pedestrians walking on our pavements and roads.
3. Notes Waverley's Tree Audit was completed in 2023 and includes data to enable the preparation of a Tree Replacement Strategy for when trees approach their end of life.
4. Investigates options to address these issues, including but not limited to:
 - (a) De-fruiting trees at certain times of the year.
 - (b) Removing branches and/or replacing whole trees that attract the fruit bats with a more suitable species of tree via the Tree Replacement Strategy noted above.
 - (c) Encouraging the bats to relocate through the use of ultrasonic devices.
 - (d) Preparing and promoting an education and maintenance program for residents living under fig/fruit trees and Council officers, respectively, to address health and safety concerns.
5. Officers prepare a report to Council by May 2024 with options and costings.

FORESHADOWED MOTION

Mover: Cr Burrill

That Council investigates an education program for residents living under fig/fruit trees and provides additional information about Council's management and maintenance program on cleaning the streets.

THE MOTION WAS THEN PUT AND DECLARED LOST.

THE FORESHADOWED MOTION THEN BECAME THE MOTION AND WAS MOVED AS FOLLOWS:

MOTION

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council:

1. Investigates an education program for residents who have flying foxes visiting the fig/fruit trees in their street.
2. Investigates the management and maintenance program of streets with fig/fruit trees during the fruiting season to better manage cleaning the streets.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 1 AND 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council investigates:

1. An education program for residents who have flying foxes visiting the fig/fruit trees in their street.
2. The management and maintenance program of streets with fig/fruit trees during the fruiting season to better manage cleaning the streets.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That clause 2 be amended to read as follows:

‘The management and maintenance program of streets with fig/fruit trees during the fruiting season to better manage cleaning the streets and impacts on private property.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Kay and Nemesh.

Against the Amendment: Crs Burrill, Goltsman, Gray, Fabiano, Keenan, Lewis, Masselos and Murray.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Goltsman, Burrill and Kay.

Against the Motion: Crs Betts, Gray, Fabiano, Keenan, Lewis, Masselos, Murray and Nemesh.

S Guy addressed the meeting.

CM/4.4/24.02E Bondi Junction Commercial Centre - Late Night Trading Hours (A16/0262)

MOTION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Prepares a draft amendment to part D (Commercial and Retail Development), section 1.3 (Hours of Operation) of the Waverley Development Control Plan 2022 (DCP) to amend the Bondi Junction E2 Commercial Centre zone (formerly B3 Commercial Core) to change the general base trading hours within the Oxford Street Mall precinct to ‘Sunday to Saturday: 6.00 am to 3.00 am.’
2. Considers the following items in the draft amendment:
 - (a) An analysis of the Bondi Junction E2 Commercial Centre zone with particular focus on Oxford Street Mall, including:
 - (i) The existing business mix.

- (ii) Approved trading hours.
 - (iii) Number of liquor licences.
 - (iv) Outdoor dining licences.
 - (v) Number of any complaints relating to adverse impacts of late-night trading on residents.
 - (vi) Anti-social behaviour.
 - (vii) Any other relevant information including venue sound management.
- (b) Recommended boundary adjustments to limit impacts as identified above within Oxford Street Mall.
- (c) A proposed consultation strategy to seek input from local businesses, visitors, and residents.
3. Officers prepare a report and a draft amendment to the DCP no later than April 2024 for Council to consider whether to proceed to public exhibition.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Prepares a draft amendment to part D (Commercial and Retail Development), section 1.3 (Hours of Operation) of the Waverley Development Control Plan 2022 (DCP) to amend the Bondi Junction E2 Commercial Centre zone (formerly B3 Commercial Core) to change the general base trading hours within the Oxford Street Mall precinct to 'Sunday to Saturday: 6.00 am to 3.00 am.'
2. Considers the following items in the draft amendment:
 - (a) An analysis of the Bondi Junction E2 Commercial Centre zone with particular focus on Oxford Street Mall, including:
 - (i) The existing business mix.
 - (ii) Approved trading hours.
 - (iii) Number of liquor licences.
 - (iv) Outdoor dining licences.
 - (v) Number of any complaints relating to adverse impacts of late-night trading on residents.
 - (vi) Anti-social behaviour.
 - (vii) Any other relevant information including venue sound management.

- (b) Recommended boundary adjustments to limit impacts as identified above within Oxford Street Mall.
 - (c) A proposed consultation strategy to seek input from local businesses, visitors, and residents.
3. Officers prepare a report and a draft amendment to the DCP no later than April 2024 for Council to consider whether to proceed to public exhibition.

Division

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

Against the Motion: Nil.

5. Meeting Closure

THE MEETING CLOSED AT 7.30 PM.

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SIGNED AND CONFIRMED
MAYOR
19 MARCH 2024