



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 15 JULY 2025**

**Present:**

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

**Staff in attendance:**

Ben Thompson	Acting General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance

*At the commencement of proceedings at 7.00 pm, those present were as listed above.*

*Cr Westwood attended the meeting by audio-visual link.*

*At 7.36 pm, during the consideration of item CM/6.1/25.07, the meeting adjourned due to technical issues. At 7.47 pm, the meeting resumed.*

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

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

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

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

### **1. Apologies/Leaves of Absence**

Apologies were received from Cr Dominic Wy Kanak, who was unable to attend the meeting by audio-visual link due to technical issues.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

### **3. Obituaries**

There were no obituaries

*Council rose for a minute's silence for the souls of people generally who have died in our local government area.*

### **4. Addresses by Members of the Public**

4.1 G Naher – CM/7.20/25.07 – Waverley Cemetery Writers' Centre – Feasibility.

4.2 L Brandon – CM/8.2/25.07– Bondi Park Fitness Station.

4.3 I Purchas – CM/8.2/25.07 – Bondi Park Fitness Station.

4.4 J Pamment (on behalf of the Murph Group) – CM/8.2/25.07 – Bondi Park Fitness Station.

4.5 C Bringham (on behalf of Accessible Beaches Australia) – CM/8.4/25.07 – Beach Accessibility.

4.6 B Miley (on behalf of Lets Go Surfing) – CM/11.1/25.07 – CONFIDENTIAL REPORT – Bondi Beach Surf School – Licence.

**ITEMS BY EXCEPTION****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconded: Cr Stephenson

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

- CM/5.1/25.07 Confirmation of Minutes – Council Meeting – 17 June 2025.
- CM/7.1/25.07 Access and Inclusion Panel Meeting – 14 May 2025 – Minutes.
- CM/7.2/25.07 Arts, Culture and Creativity Advisory Committee Meeting – 22 April 2025 – Minutes.
- CM/7.3/25.07 Multicultural Advisory Committee Meeting – 8 April 2025 – Minutes.
- CM/7.4/25.07 Rates and Charges Policy – Adoption.
- CM/7.6/25.07 Code of Meeting Practice – Adoption.
- CM/7.7/25.07 Councillor Expenses and Facilities Policy – Exhibition.
- CM/7.8/25.07 Councillor Expenses and Facilities – Annual Report.
- CM/7.10/25.07 Petitions Policy – Adoption.
- CM/7.11/25.07 Community Engagement Strategy – Adoption.
- CM/7.12/25.07 Community Services and Cultural Grants – 2025-26.
- CM/7.13/25.07 Multicultural Advisory Committee – Membership.
- CM/7.14/25.07 Homelessness and Emergency Response Plans.
- CM/7.15/25.07 Head On Photo Festival – 2025-2027.
- CM/7.17/25.07 Planning Agreement Policy (Amendment No. 6) – Adoption.
- CM/7.18/25.07 Planning Agreement – 92 Ramsgate Avenue, Bondi Beach.
- CM/7.22/25.07 Bondi Pavilion Internal Courtyard – Shade and Grass.
- CM/7.24/25.07 Tender Evaluation – SSROC – Transactional Banking Services.
- CM/8.2/25.07 Bondi Park Fitness Station.
- CM/8.3/25.07 Development Contributions Plan.
- CM/11.4/25.07 CONFIDENTIAL REPORT – Tender Exemption – Cleaning and Hygiene Services.

## 5. Confirmation and Adoption of Minutes

### CM/5.1/25.07 Confirmation of Minutes - Council Meeting - 17 June 2025 (A25/0081)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council confirms the minutes of the Council meeting held on 17 June 2025 as a true record of the proceedings of that meeting.

## 6. Mayoral Minutes

### CM/6.1/25.07 NSW Planning Reform (A11/0500)

#### MOTION / DECISION

Mover: Cr Nemesh

That Council:

1. Acknowledges that the NSW planning system and environmental planning instruments (EPIs) have over time become overly complex and require immediate and urgent reform to ensure housing can be delivered and be delivered well.
2. Notes that the NSW Government has endeavoured to make planning reform a priority.
3. Urgently calls for the NSW Government to undertake a review of the *Environmental Planning and Assessment Act 1979* (EP&A) to ensure:
  - (a) It is fit for purpose now and into the future.
  - (b) There is a clear relationship between the NSW Government's strategic vision for NSW and Greater Sydney.
  - (c) A reduction in complexity, cost and delays while improving transparency and facilitating investment, including much needed housing delivery.
4. Advocates for the Minister of Planning and Public Spaces, the Hon Paul Scully MP, and the Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC, to work together to:
  - (a) Review the objects of EP&A Act to ensure they are fit for purpose and consistent with and not contrary to housing and infrastructure delivery while retaining the importance of community participation.
  - (b) Undertake reforms to improve the development assessment (DA) process including (but not limited to):
    - (i) A framework for deemed approvals rather than deemed refusals.
    - (ii) Greater delegation to councils to determine low-impact DAs instead of current referrals to local planning panels.
    - (iii) A reduction in documentation required at the DA stage with detailed documentation

more appropriately undertaken at the construction certificate stage (CC).

- (iv) A potential reduction in notification of minor or non-impactful DAs and modification applications.
  - (v) Supporting councils to enable DA notifications through digital channels and not just hard copy.
  - (vi) Further refining the Planning Portal, which can be cumbersome for both applicants and councils.
  - (vii) Standardising key documents, such as the Development Control Plan structure (but not detailed contents), DA conditions and endeavour to reduce the complexity of consent conditions.
  - (viii) Enabling flexibility in the application of the Apartment Design Guidelines (ADG) to incentivise more modest housing being built within developments.
- (c) Review the planning panel framework including their delegations, noting that planning panels are unaccountable and unelectable.
- (d) Requests consideration that planning decisions may come before Council in limited circumstances for determination.
- (e) Ensure greater accountability and transparency by the NSW Government through:
- (i) More in-depth and detailed notification of complying development certificates (CDCs) to both landowners and residents and a requirement for CDCs to be published and accessible via Councils websites in the same way DAs are published.
  - (ii) All planning panels to have performance measures published similar to those imposed on councils.
  - (iii) Reviewing and amending the building information certificate (BIC) framework to ensure existing loopholes are closed and that respective works should not adversely impact surrounding residents either through design or construction.
  - (iv) Clarifying minor and major works under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), which in practice imposes more burdensome and rigorous conditions on Class 2 buildings, which are already subject to the *Design and Building Practitioners Act 2020* than for other classes of buildings.
  - (v) Reviewing the private certification framework to ensure accountability especially in the context of the introduction of the *Design and Building Practitioners Act*.
- (f) Strengthening strategic planning and sustainability for councils by:
- (i) Ensuring that any uplift from rezonings is able to be value captured to fund infrastructure.
  - (ii) Updating conditions that trigger State Significant Development, noting that capital investment values have significantly increased in recent years.

- (iii) Ensuring that assessment of planning proposals aligns with Local Strategic Planning Statements to reduce ad hoc development.
  - (iv) Ensuring that housing productivity contributions (HPC) collected from development should be spent locally and not regionally.
  - (g) Provide greater resourcing to the Land and Environment Court.
5. Writes to the following stakeholders informing them of this resolution:
- (a) Premier of NSW, the Hon Chris Minns MP.
  - (b) Minister for Planning and Public Spaces, the Hon Paul Scully MP.
  - (c) Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
  - (d) Member for Coogee, Marjorie O'Neill MP.
  - (e) Member for Vaucluse, Kellie Sloane MP.
  - (f) Member for Wentworth, Allegra Spender MP.

## Background

The *Environmental Planning and Assessment Act 1979* (EP&A Act) in NSW is the overarching legal instrument that governs planning and development in NSW. Its purpose is to manage and regulate how land is used and developed, balancing development with environmental protection and community needs. It does this by establishing a system for creating planning instruments, assessing development applications and ensuring that development considers environmental impacts. When introduced, the Act was groundbreaking and signalled a shift away from a fragmented approach to planning and introduced a more integrated system. However, in the almost four decades since the EP&A Act was passed, it has been amended over 150 times and grown from 137 pages to over 300 pages in length. Excessive regulation has been an impediment to good development and has been a contributing factor to the current housing crisis.

Previous attempts to reform the planning system have fallen short. A new planning system for NSW was proposed by the NSW Government in April 2013, when it released a White Paper titled *A New Planning System for NSW*. This proposal included draft legislation to replace the existing EP&A Act. Changes to this Act included a shift in focus from development assessment to strategic planning, with community engagement envisaged to be more focused on upfront policy development, with a streamlining development assessment. These reforms did not eventuate.

The consequences of constant ad hoc planning reform, particularly over recent years, has created substantial issues for councils and our communities more generally. Rules that were designed to improve oversight of the development assessment process have had the unintended outcome of creating unnecessary delays and added complexity, resulting in perverse outcomes. Excessive intervention and regulation have created a two-tier planning system that lacks integration and effective management.

The EP&A Act should be holistically reviewed and amended to reduce reliance on piecemeal changes and to provide an updated fit for purpose planning framework for the modern age. We cannot delay further if we are to address the housing crisis that if left unaddressed will create the largest form of intergenerational inequity in last past 100 years.

**Division**

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

**Against the Motion:** Cr Masselos.

**7. Reports****CM/7.1/25.07 Access and Inclusion Panel Meeting - 14 May 2025 - Minutes (A21/0096)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council notes the minutes of the Access and Inclusion Advisory Panel meeting held on 14 May 2025 attached to the report.

**CM/7.2/25.07 Arts, Culture and Creativity Advisory Committee Meeting - 22 April 2025 - Minutes (A23/0398)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council notes the minutes of the Arts, Culture and Creativity Advisory Committee meeting held on 22 April 2025 attached to the report.

**CM/7.3/25.07 Multicultural Advisory Committee Meeting - 8 April 2025 - Minutes (A25/0221)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council notes the minutes of the Multicultural Advisory Committee meeting held on 8 April 2025 attached to the report.

**CM/7.4/25.07 Rates and Charges Policy - Adoption (A25/0951)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council adopts the Rates and Charges Policy attached to the report.

**CM/7.5/25.07                    Code of Conduct - Adoption (SF25/333)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Nemesh

That Council:

1.    Adopts the Code of Conduct attached to the report (Attachment 1).
2.    Adopts the Procedures for the Administration of the Code of Conduct attached to the report (Attachment 2), subject to the following amendments:
  - (a)    Page 80 of the attachments under separate cover, clause 7.44 – Amend to read as follows:

‘Where the investigator has determined that there has been a breach of the code of conduct (including where the investigator makes a recommendation under clause 7.37) and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator’s report to be reported to the next ordinary council meeting for the council’s consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.’
  - (b)    Page 81 of the attachments under separate cover, clause 7.46 – Amend to read as follows:

‘The role of the council in relation to a final investigation report is to consider a final investigation report and impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.’
  - (c)    Page 82 of the attachments under separate cover – Add the following clause 7.62:

‘For the avoidance of doubt, where the respondent was a councillor at the time of the complaint but ceased to be a councillor at the time when the final investigation report is to be considered by council under clause 7.44, the fact that the respondent is no longer a councillor does not prevent the council from considering the final investigation report.’
3.    Officers prepare a report to Council once the new model Code of Conduct and Procedures are released by the Office of Local Government.

**CM/7.6/25.07                    Code of Meeting Practice - Adoption (SF25/332)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder:    Cr Stephenson

That Council:

1.    Adopts the Code of Meeting Practice attached to the report.
2.    Officers prepare a report to Council once the new model Code of Meeting Practice is released by the Office of Local Government.



**CM/7.7/25.07                    Councillor Expenses and Facilities Policy - Exhibition (SF25/1958)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconded: Cr Stephenson

That Council:

1. Publicly exhibits the draft Councillor Expenses and Facilities Policy attached to the report for 28 days.
2. Officers prepare a report to Council following the exhibition period.

**CM/7.8/25.07                    Councillor Expenses and Facilities - Annual Report (SF23/170)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconded: Cr Stephenson

That Council notes the annual report on Councillor expenses and facilities for the period 1 October 2024 to 30 June 2025 attached to the report.

**CM/7.9/25.07                    Local Government Conference 2025 (A13/0314)****MOTION**

Mover:        Cr Nemesh  
Seconded: Cr Stephenson

That Council, in respect of the Local Government NSW (LGNSW) Annual Conference to be held on Sunday, 23 November, to Tuesday, 25 November 2025:

1. Nominates the Mayor, Deputy Mayor and Crs Westwood, Stephenson and Frazer to attend the Conference as voting delegates for motions and the LGNSW Board election.
2. Nominates Crs Merten and Fabiano to attend the Conference as reserve voting delegates for motions and the LGNSW Board election.
3. Approves the attendance of the General Manager or nominee at the Conference.
4. Considers any motions for submission to the Conference at the September Council meeting.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE AS FOLLOWS:

‘Approves the attendance of Cr Masselos as an observer at the Conference.’

**AMENDMENT**

Mover:        Cr Lewis  
Seconded: Cr Fabiano

That clause 1 be amended to read as follows:

‘Nominates the Mayor, Deputy Mayor and Crs Westwood, Fabiano and Merten to attend the Conference as voting delegates for motions and the LGNSW Board election.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That Council, in respect of the Local Government NSW (LGNSW) Annual Conference to be held on Sunday, 23 November, to Tuesday, 25 November 2025:

1. Nominates the Mayor, Deputy Mayor and Crs Westwood, Stephenson and Frazer to attend the Conference as voting delegates for motions and the LGNSW Board election.
2. Nominates Cr Merten and Cr Fabiano to attend the Conference as reserve voting delegates for motions and the LGNSW Board election.
3. Approves the attendance of Cr Masselos as an observer at the Conference.
4. Approves the attendance of the General Manager or nominee at the Conference.
5. Considers any motions for submission to the Conference at the September Council meeting.

### **CM/7.10/25.07      Petitions Policy - Adoption (SF25/1018)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council adopts the Petitions Policy attached to the report.

### **CM/7.11/25.07      Community Engagement Strategy - Adoption (A24/0110)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council adopts the Community Engagement Strategy attached to the report.

### **CM/7.12/25.07      Community Services and Cultural Grants - 2025-26 (A20/0375)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Under the Community Services and Cultural Grants Program 2025-26, grants a total of \$315,261 to the organisations set out in the attachment to the report.
2. Includes Wairoa School as a nominated organisation under the Community Services and Cultural Grants Program for a further three years until June 2028.

**CM/7.13/25.07      Multicultural Advisory Committee - Membership (A25/0221)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconded: Cr Stephenson

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Appoints the following members to the Multicultural Advisory Committee for a term of two years from August 2025 to August 2027:
  - (a) Community representatives/residents:
    - (i) Angela Wong.
    - (ii) Anna Friedman.
    - (iii) Elena Saikova.
    - (iv) Emmanuel Desproges.
    - (v) Florence Kolb.
    - (vi) Katrina Wong.
    - (vii) Raphael Crowe.
    - (viii) Rozy Dorizas.
  - (b) Subject matter experts/service representatives:
    - (i) Jingmin Ren.
    - (ii) Lana Kofman.
    - (iii) Robert Gregory.

**CM/7.14/25.07      Homelessness and Emergency Response Plans (SF22/4968)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconded: Cr Stephenson

That Council:

1. Endorses the amendments to the Homelessness in Public Places Protocol relating to extreme weather events, as set out in the report.
2. Notes the existing Emergency Management Planning Frameworks for identifying, coordinating

and responding to extreme weather events, and recognises Eastern Suburbs Homelessness Assertive Outreach Collaboration (ESHAC) as the primary local network providing operational responses for people experiencing homelessness in Waverley, Woollahra and Randwick.

3. Notes the recent updates to the Climate Risk and Resilience Plan, as set out in the report, that included operational responses during extreme weather events in relation to vulnerable people.

**CM/7.15/25.07      Head On Photo Festival - 2025-2027 (A25/0489)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Stephenson

That Council:

1. Approves the annual Head On Photo Festival as a High Impact 2 event in November for the period 2025–2027.
2. In accordance with section 356 of the *Local Government Act 1993*, grants \$60,313 (including GST) of in-kind support and \$20,750 (including GST) in cash to Head On Foundation Ltd each year to support the delivery of Head On Photo Festival in 2025, 2026 and 2027, with:
  - (a) The value of in-kind support to increase in line with Council’s annual fees and charges in 2026 and 2027.
  - (b) The value of cash support to be capped at \$20,750 in 2025, 2026 and 2027.
3. Authorises the General Manager or delegate to execute an event licence with Head On Foundation to deliver Head On Photo Festival for the period 2025–2027.

**CM/7.16/25.07      Planning Proposal - Council Chambers (A25/0637)**

**MOTION / DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Spicer

That Council:

1. Prepares a planning proposal to rezone the Council Chambers site from SP2 Infrastructure to RE1 Public Recreation, listing ‘public administration building’ as an additional permitted use under schedule 1 of the *Waverley Local Environmental Plan 2012*.
2. Officers prepare a report to Council by October 2025 with a planning proposal suitable for seeking a Gateway determination from the NSW Department of Planning, Housing and Infrastructure.
3. Defers the decision on changing the reserve purpose and preparing a plan of management pending the outcome of initial consultation with the community on the future of the site.

**Division**

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

**Against the Motion:** Crs Fabiano and Masselos.

**CM/7.17/25.07      Planning Agreement Policy (Amendment No. 6) - Adoption (SF25/1774)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council adopts the Planning Agreement Policy (Amendment No. 6) attached to the report.

**CM/7.18/25.07      Planning Agreement - 92 Ramsgate Avenue, Bondi Beach (DA-387/2023)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 92 Ramsgate Avenue, Bondi Beach, offering a total monetary contribution of \$256,602, with \$192,451.50 (75%) to be allocated to Bondi Park improvements in accordance with the Bondi Park, Beach and Pavilion Plan of Management and \$64,150.50 (25%) to be allocated to the Waverley Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**Division**

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

**Against the Motion:** Nil.

**CM/7.19/25.07      Explanation of Intended Effect - Changes to Deter Illegal Tree and Vegetation Clearing - Submission (A22/0383)**

**MOTION**

Mover: Cr Frazer  
Seconder: Cr Spicer

That Council:

1. Approves the submission to the Department of Planning, Housing and Infrastructure attached to the report (Attachment 2) on the Explanation of Intended Effect: Changes to Deter Illegal Tree and Vegetation Clearing, with Council supporting reforms to introduce higher penalties and improved investigatory powers for councils, subject to the following amendment:
  - (a) Page 239 of the agenda, last paragraph – Amend to read as follows:

‘Waverley Council supports tightening the exemptions under sections 2.7(4) and (5) of the BC SEPP so that a landowner can only remove a minimum amount of vegetation if there is a clear and present risk to human life or property, not just a subjective risk, and that

hollows or other habitat features should be retained as much as possible. Removing loopholes to limit the removal of dead or dying trees is suggested. A Council permit or Native Vegetation Panel approval should be sought in cases where the dead or dying tree is considered by Council to be significant. As this may increase resourcing requirements for councils, the State Government should provide additional support to councils to provide qualified (arborist or ecologist) review before removal.'

2. Continues to promote local action, communication and awareness initiatives and proactive enforcement to protect local trees and vegetation.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1(a).

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

### **UNANIMOUS DECISION**

That Council:

1. Approves the submission to the Department of Planning, Housing and Infrastructure attached to the report (Attachment 2) on the Explanation of Intended Effect: Changes to Deter Illegal Tree and Vegetation Clearing, with Council supporting reforms to introduce higher penalties and improved investigatory powers for councils, subject to the following amendment:

- (a) Page 239 of the agenda, last paragraph – Amend to read as follows:

'Waverley Council strongly supports tightening the exemptions under sections 2.7(4) and (5) of the BC SEPP so that a landowner can only remove a minimum amount of vegetation if there is a clear and present risk to human life or property, not just a subjective risk, and that hollows or other habitat features should be retained as much as possible. Removing loopholes to limit the removal of dead or dying trees is suggested. A Council permit or Native Vegetation Panel approval should be sought in cases where the dead or dying tree is considered by Council to be significant. As this may increase resourcing requirements for councils, the State Government should provide additional support to councils to provide qualified (arborist or ecologist) review before removal.'

2. Continues to promote local action, communication and awareness initiatives and proactive enforcement to protect local trees and vegetation.

### **CM/7.20/25.07      Waverley Cemetery Writers' Centre - Feasibility (A25/0564)**

#### **MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Merten

That Council:

1. Agrees in principle to trial the use of the Cemetery residence building at Waverley Cemetery as a Writers' Centre for two years, as set out in the report, subject to the budget review at Q1.
2. Notes that the refurbishment of the amenities building and the relocation of staff from the Cemetery residence is already programmed and budgeted for in the 2025–26 SAMP Buildings Capital Renewal Program for the reasons set out in the report.

3. Names the writers' centre the 'Henry Lawson Writers' Centre.'

*G Naher addressed the meeting.*

**CM/7.21/25.07      Bronte House - Future Use and Public Accessibility (A02/0250-06)**

**MOTION**

Mover: Cr Westwood  
Seconder: Cr Townsend

That Council:

1. Treats Attachment 2 of the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes that 90% of the 469 responses were in favour of Bronte House being open to the public, with over 70% agreeing that Bronte House should be used as a tearoom, gallery with garden and for tours.
3. Approves in principle the Council-operated community access model for the future use of Bronte House, as set out in the report (Option 2).
4. Officers prepare a report to Council on the Council-operated community access model for both the house and the garden, including a detailed program and budget implications.
5. Prior to the expiry of the current tenant lease in February 2026, undertakes an audit of the garden to update the significant vegetation register in the Bronte House Conservation Management Plan 2014.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 4.

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

**UNANIMOUS DECISION**

That Council:

1. Treats Attachment 2 of the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Notes that 90% of the 469 responses were in favour of Bronte House being open to the public, with over 70% agreeing that Bronte House should be used as a tearoom, gallery with garden and for tours.
3. Approves in principle the Council-operated community access model for the future use of Bronte House, as set out in the report (Option 2).

4. Officers prepare a report to Council on the Council-operated community access model for both the house and the garden, including a detailed program and budget implications (akin to a business case).
5. Prior to the expiry of the current tenant lease in February 2026, undertakes an audit of the garden to update the significant vegetation register in the Bronte House Conservation Management Plan 2014.

**Division**

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

**Against the Motion:** Nil.

**CM/7.22/25.07 Bondi Pavilion Internal Courtyard - Shade and Grass (A15/0272)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

1. Does not install additional tree plantings and vegetation to increase tree canopy and shade within the Garu (northern) and Guya (southern) Courtyards at Bondi Pavilion due to planning constraints and the impact this will have on the operations of the Pavilion.
2. Does not utilise temporary (unfixed) shade structures and planter boxes due to operational and storage constraints.
3. Amends Council's event application process to encourage event organisers to consider the use of temporary shade structures when planning their events.

**CM/7.23/25.07 North Bondi Surf Life Saving Club and Forecourt - Lease and Licence - Exhibition (A25/0714)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council defers this item to the August Council meeting.

**CM/7.24/25.07 Tender Evaluation - SSROC - Transactional Banking Services (SF17/2878)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The tender evaluation contains commercial information of a



confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.

2. Under section 178(1)(a) of the *Local Government (General) Regulation 2021*, accepts the preferred tenderer, Commonwealth Bank of Australia Ltd, for the supply of transactional banking services, as per the schedule of rates attached to the report.
3. Authorises the General Manager or delegate to enter into contract on behalf of Council with the preferred tenderer for three years with two two-year options at the discretion of SSROC and Council.
4. Notes that SSROC will notify unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

## 8. Notices of Motion

### **CM/8.1/25.07            Aboriginal Rock Carvings at Bondi Golf Course - Preservation (A03/2567)**

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder: Cr Lewis

That Council defers this item to the August Council meeting.

### **CM/8.2/25.07            Bondi Park Fitness Station (A13/0520)**

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Notes that during the COVID-19 pandemic and up to April 2025, free weights and other equipment types were informally allowed at the Bondi Park Fitness Station.
2. Permits the use of free weights and other fitness items at Bondi Park Fitness Station, subject to:
  - (a) The location of the free weights and other fitness items being restricted to an area within the fitness station boundary.
  - (b) No more than two of each type of fitness equipment being left within the area.
  - (c) In the case of weight-bearing equipment (e.g. dumbbells and kettlebells), no more than two of the same weight being allowed.
  - (d) The tethering and anchoring off existing trees remaining prohibited.
3. Allocates funds from existing signage budgets to replace the signage to permit this use.
4. Notes that commercial activities will continue to be prohibited.
5. Will impound equipment it deems to be unsafe.

*L Brandon, I Purchas and J Pamment (on behalf of the Murph Group) addressed the meeting.*

**CM/8.3/25.07                      Development Contributions Plan (A23/0030)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder: Cr Stephenson

That:

1. Commences a review of the capital works program within the Waverley Development Contributions Plan 2006 (section 7.12 contributions plan) to ensure it accurately reflects Council-endorsed capital works and relevant adopted strategies.
2. Reviews the current fixed rate levy to ensure it remains appropriate, is economically feasible and is capable of providing a sustainable source of developer contributions to fund future works.
3. Officers prepare a report to Council no later than October 2025.

**CM/8.4/25.07                      Beach Accessibility (A21/0205)**

**MOTION**

Mover:        Cr Spicer  
Seconder: Cr Townsend

That Council:

1. Prioritises beach accessibility at Bondi Beach by reinstating beach access matting in time for summer 2025.
2. Undertakes an operational and safety review to identify safe and practical options for the regular deployment of beach access matting.
3. Notes that until 2023, beach access matting was regularly deployed at the northern end of Bondi Beach to support access for all users, including wheelchair users
4. Collaborates with the Access and Inclusion Advisory Panel and the Surf Life Saving Committee and relevant community volunteer organisations and not-for-profits to establish a volunteer support program to assist wheelchair users with beach access and water safety.
5. Promotes these improvements once implemented and ensures information about beach wheelchairs, the booking process and the location of accessible and ambulant facilities is made widely available to the community.
6. Writes to all surf life saving clubs in Waverley to inform them of Council's accessibility initiatives and to request their support and involvement in the delivery of the volunteer support program.
7. Further writes to the following stakeholders to inform them of this motion:
  - (a) Member for Wentworth, Allegra Spender MP.

- (b) Member for Coogee, Marjorie O'Neill MP.
- (c) Member for Vaucluse, Kellie Sloane MP.
- (d) The Minister for Families and Communities and Minister for Disability Inclusion, the Hon Kate Washington MP.
- (e) All Precincts.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE AND AN AMENDMENT TO CLAUSE 7.

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

### **UNANIMOUS DECISION**

That Council:

1. Prioritises beach accessibility at Bondi Beach by reinstating beach access matting in time for summer 2025.
2. Undertakes an operational and safety review to identify safe and practical options for the regular deployment of beach access matting.
3. Notes that until 2023, beach access matting was regularly deployed at the northern end of Bondi Beach to support access for all users, including wheelchair users
4. Collaborates with the Access and Inclusion Advisory Panel and the Surf Life Saving Committee and relevant community volunteer organisations and not-for-profits to establish a volunteer support program to assist wheelchair users with beach access and water safety.
5. Promotes these improvements once implemented and ensures information about beach wheelchairs, the booking process and the location of accessible and ambulant facilities is made widely available to the community.
6. Officers prepare a report to Council by March 2026 evaluating the reinstated access matting and volunteer support program, including feedback from users and partner organisations.
7. Writes to all surf life saving clubs in Waverley to inform them of Council's accessibility initiatives and to request their support and involvement in the delivery of the volunteer support program.
8. Further writes to the following stakeholders to inform them of this motion:
  - (a) Member for Wentworth, Allegra Spender MP.
  - (b) Member for Coogee, Marjorie O'Neill MP.
  - (c) Member for Vaucluse, Kellie Sloane MP.
  - (d) Minister for Families and Communities and Minister for Disability Inclusion, the Hon Kate Washington MP.
  - (e) Minister for Seniors, the Hon Jodie Harrison MP.

- (f) All Precincts.

*C Brigham (on behalf of Accessible Beaches Australia) addressed the meeting.*

**CM/8.5/25.07      Bondi Pavilion - Community Spaces Consultation (A15/0272)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Masselos

That Council defers this item to the August Council meeting.

**9. Questions with Notice**

There were no questions with notice.

**10. Urgent Business**

There was no urgent business.

**11. Closed Session**

**CM/11/25.07      Closed Session**

**MOTION**

Mover: Cr Nemesh  
Seconder: Cr Masselos

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

**CM/11.1/25.07      CONFIDENTIAL REPORT - Bondi Beach Surf School - Licence**

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

**CM/11.2/25.07      CONFIDENTIAL REPORT - 63A Wairoa Avenue, North Bondi - Lease**

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if

disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

**CM/11.3/25.07      CONFIDENTIAL REPORT - 422 Oxford Street, Bondi Junction - Lease**

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

*At 8.53 pm, Council moved into closed session.*

**CM/11.1/25.07      CONFIDENTIAL REPORT - Bondi Beach Surf School - Licence (A25/0283)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Approves Option 1, one licence, as the operating model for the surf school at Bondi Beach, as set out in the report.
3. Undertakes an open tender process for the operation of the surf school.
4. Officers prepare a report to Council to grant a licence to the preferred tenderer(s).

*B Miley (on behalf of Lets Go Surfing) addressed the meeting.*

**CM/11.2/25.07      CONFIDENTIAL REPORT - 63A Wairoa Avenue, North Bondi - Lease (A25/0282)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council defers this item to the August Council Meeting.

**CM/11.3/25.07      CONFIDENTIAL REPORT - 422 Oxford Street, Bondi Junction - Lease (A03/1334)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Townsend

That Council defers this item to the August Council meeting.

**CM/11.4/25.07      CONFIDENTIAL REPORT - Tender Exemption - Cleaning and Hygiene Services (A20/0274)**

*Council dealt with this item in open session.*

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Stephenson

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. In accordance with section 55(3)(i) of the *Local Government Act 1993*, approves an exemption to tender to engage Solo Cleaning Services for the supply of cleaning and hygiene services across Council's facilities portfolio from 1 April 2025 to 30 March 2026, due to the extenuating circumstances of needing additional time to tender and the risks associated with potentially transitioning out the existing contractor and mobilising a new contractor over the end of year period.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

**12. Resuming in Open Session**

**CM/12/25.07      Resuming in Open Session**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded: Cr Spicer

That Council resumes in open session.

*At 9.00 pm, Council resumed in open session.*

***Resolutions from closed session made public***

*In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.*

**13. Meeting Closure**

**THE MEETING CLOSED AT 9.02 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**19 AUGUST 2025**