



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 AUGUST 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
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

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

At the commencement of proceedings at 7.02 pm, those present were as listed above.

Cr Wy Kanak 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

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

Robert Horsell OAM

Victims of Bondi Junction incident.

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 Rabbi Dr D Slavin – CM/13/24.08 – Valedictory Speeches of Outgoing Councillors.

4.2 K Sloane MP – CM/13/24.08 – Valedictory Speeches of Outgoing Councillors.

4.3 A Pigott (on behalf of Bondi Exchange Pty Ltd) – CM/7.3/24.08 – Planning Proposal – 50 Botany Street, Bondi Junction – Exhibition.

4.4 R Natoli (on behalf of the Lokahi Foundation) – CM/8.1/24.08 – Red Flag Day

4.5 N Solomon – CM/9.1/24.08 – Wingara Landscape Regeneration Project – Waverley College Junior School.

4.6 C Reilly – CM/9.1/24.08 – Wingara Landscape Regeneration Project – Waverley College Junior School.

ITEMS BY EXCEPTION**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Goltsman

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

CM/5.1/24.08 Confirmation of Minutes – Council Meeting – 16 July 2024.

CM/7.1/24.08 Budget Carry Over – 2023-24 to 2024-25.

CM/7.2/24.08 Investment Portfolio Report – July 2024.

CM/11.1/24.08 CONFIDENTIAL REPORT – Procurement Exemption – Payroll Operations –
Temporary Labour Hire.

5. Confirmation and Adoption of Minutes

CM/5.1/24.08 Confirmation of Minutes - Council Meeting - 16 July 2024 (A23/0761)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

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

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/24.08 Budget Carry Over - 2023-24 to 2024-25 (A23/0279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council carries over \$6,139,856 from the 2023-24 financial year budget to 2024–25, as set out in Attachment 1 of the report.

CM/7.2/24.08 Investment Portfolio Report - July 2024 (SF24/3676)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council notes:

1. The Investment Summary Report for July 2024 attached to the report.
2. That the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.3/24.08 Planning Proposal - 50 Botany Street, Bondi Junction - Exhibition (PP-2/2024)**MOTION / UNANIMOUS DECISION**

Mover: Cr Murray

Seconder: Cr Fabiano

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on 50 Botany Street, Bondi Junction, to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition, with the proposal seeking to:
 - (a) Rezone part of the site from SP2 Telecommunications to R3 Medium Density Residential.
 - (b) Provide a contribution towards affordable housing in line with Council's Affordable Housing Contribution Scheme.
 - (c) Introduce a minimum lot size to part of the site.
 - (d) Remove the heritage listing across the site.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI.
3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

Division

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

Against the Motion: Nil.

A Pigott (on behalf of Bondi Exchange Pty Ltd) addressed the meeting.

8. Notices of Motions

CM/8.1/24.08 Red Flag Day (A19/0767)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Burrill

The Council:

1. Endorses, in principle and subject to standard Council assessment, the Lokahi Foundation's 'Red Flag' awareness event proposed to take place in the surrounds of Bondi Beach from 6.30 am to 10.30 am on 6 December 2024.
2. Agrees that no fee is to apply, should the event be recommended for formal approval.

R Natoli (on behalf of the Lokahi Foundation) addressed the meeting.

9. Questions with Notice

CM/9.1/24.08 Wingara Landscape Regeneration Project - Waverley College Junior School (A24/0749)

QUESTION

The following question was submitted by Cr Fabiano:

With regard to the Wingara Landscape Regeneration Project:

1. Has there been a community consultation?
2. Has Council been made aware of what is being proposed?
3. What recommendation has Council provided to Waverley College?
4. How does this project fit within the Waverley environmental and local fauna protection corridor?

The reason for the question is that local residents have not received any letters in their mailbox advising of the upcoming landscape work being carried out.

General Manager's answer

The original proposed works in 2021 were extensive and looked at the space as a whole to provide safe access for students to learn and play. This proposal involved the removal of a number of large trees and also proposed providing pedestrian access to Brown Street.

At the time of developing the plans, Waverley College undertook the following consultation and engagement:

- August 2021: an initial letter drop was carried out by Waverley College to neighbouring properties and Council.
- September 2021: this was followed by a further letter drop in September 2021. Waverley College

provided residents with email and a phone line with FAQs on the website to provide access to information/concept plans.

- November 2021: based on feedback received, the school then issued a further update via email to anyone who had registered a question or concern.

Waverley College also informally engaged with Council officers regarding the project in 2021 to improve the biodiversity outcomes of the proposal.

Following advice from their consultants in early 2023, Waverley College decided not pursue the original, wider Wingara plan and to focus on landscaping works in a significantly smaller area at the south-eastern corner. The amended project is titled the Wingara Landscape Regeneration Project and the school has recently letter-dropped local residents and provided further details on their website. This new proposal does not involve the removal of large trees and will not provide pedestrian access to Brown Street. The proposal includes a landscape plan to establish a diverse of native plantings that, if established, will create habitat and benefit different animal species. Importantly, the project team is seeking to apply the exempt development pathway provided by *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP). Council officers are currently in contact with the project team to confirm that this approach meets the requirements of the SEPP.

In terms of Council's *Local Environmental Plan 2012*, the site contains two heritage-listed Moreton Bay fig trees. Council currently has a development application (DA-375/2024) for proposed pruning to one of these trees, to address neighbour concerns in Brown Street about the risk of falling branches, and the risk of nuisance fruit and leaf drop from the tree. This work is separate from the Wingara Project

Regarding Council's Development Control Plan (DCP), the site is located within the 2022 Habitat Biodiversity Corridor. The proposed pruning works to the fig tree as proposed by DA-375/2024 will be assessed against the criteria of the DCP.

Fletcher Rayner
Director, Planning, Sustainability and Compliance

N Solomon and C Reilly addressed the meeting.

10. Urgent Business

There was no urgent business.

11. Closed Session

There were no matters dealt with in closed session.

**CM/11.1/24.08 CONFIDENTIAL REPORT - Procurement Exemption - Payroll Operations -
Temporary Labour Hire (SF23/2500)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

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 a procurement exemption to engage Kimura Consulting for specialised labour hire services to support payroll operations, payroll remediation and business improvement development during the period 1 August 2024 to 29 November 2024 due to the extenuating circumstances of the sudden resignation of the Payroll Manager and the need for essential payroll operations to continue while a new Payroll Manager is recruited.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

12. Valedictory Speeches of Outgoing Councillors

The Mayor and Councillors gave valedictory speeches.

The General Manager thanked Crs Betts, Burrill, Gray, Goltsman, Kay, Keenan and Murray, who are not seeking re-election, and presented them with flowers.

Rabbi Dr D Slavin and K Sloane MP addressed the meeting.

13. Meeting Closure

THE MEETING CLOSED AT 9.15 PM.

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SIGNED AND CONFIRMED
MAYOR
29 OCTOBER 2024