



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 7 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 7.39 pm, those present were as listed above, with the exception of Cr Wy Kanak, who arrived at 7.40 pm.

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. Addresses by Members of the Public

There were no addresses by members of the public.

4. Reports

CM/4.1/20.04E2 Coronavirus (COVID-19) - Business Continuity, Response and Service Delivery (A20/0245)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Novel Coronavirus COVID-19 – Business Continuity, Response and Service Delivery report.
2. Notes the business continuity arrangements put in place within the organisation to ensure the continued delivery of essential services.
3. Notes the service disruptions and steps taken to meet additional compliance demands.
4. Notes the early projections of impacts on Council revenue and financial performance from Novel Coronavirus COVID-19 and receives a further report on these matters as part of the Q3 budget review.
5. Notes the contextual matters likely to influence Council's approach to community support and fiscal

and financial management during the pandemic crisis.

6. Notes that Council financial performance for Q4 in financial year 2019–20 is likely to be markedly different than the approved budget due to impacts from the COVID-19 pandemic.
7. Notes that Council continues to base decision-making on NSW Health and NSW and Commonwealth government advice and on its own proactive risk assessment work that is being employed to determine which services/facilities and open spaces should be closed and when.
8. Notes that a tripartite Councillor Group, comprising the Mayor, Deputy Mayor and Cr Betts, has been established during the COVID-19 outbreak.
9. Continues to work closely with the state government, in particular the Department of Health and Police, to respond to directions and regulations as they arise in addition to the proactive steps taken by Council.
10. Continues its approved capital works program in line with the federal and state government policies to stimulate construction activity to sustain income and employment levels in the community.
11. Continues to take appropriate legal action against owners of backpacker accommodation, boarding houses and short-term rental properties where there is a clear threat to public health, including the issuing of orders under section 124 of the *Local Government Act*.
12. Endorses the Mayor's urging of the State Government since 22 March 2020 to allow appropriately qualified Council staff to be appointed as Authorised Officers under the *Public Health Act 2010*, enabling them to assist police by issuing penalty notices for breaches of the public health orders.
13. Notes that the Mayor wrote to the Minister for Health and Medical Research, the Hon Brad Hazzard, MP, on 31 March 2020:
 - (a) Offering any appropriate assistance to Health Department staff in their work addressing the pandemic.
 - (b) Suggesting that consideration be given to allowing appropriately qualified members of Council staff to be appointed as Authorised Officers under the *Public Health Act 2010*, noting that this may already be possible under section 126(2) of the Act.
 - (c) Drawing to the Minister's attention that Council has sought advice from the NSW Government as to whether Council officers can be appointed Authorised Officers under the *Public Health Act 2010*.
14. Requests the state and federal government and their agencies to provide further assistance to Council to help Council control the spread of COVID-19 within the local government area (LGA).
15. Turns off the on-street parking meters throughout the Waverley LGA from Wednesday, 8 April 2020, to 30 June 2020.
16. Authorises the General Manager to turn on on-street parking meters throughout the Waverley LGA prior to 30 June 2020 if he considers circumstances make it appropriate.
17. Continues the current approach of being flexible and compassionate in the enforcement of parking restrictions, except in cases involving parking in red zones (loading bays, ACROD bays, No Stopping zones) or where cars are parked in a dangerous manner.

18. Notes that turning off the on-street parking meters and being flexible in the enforcement of parking restrictions will result in the loss of revenue of approximately \$56,000 per week, on current projections, down from \$364,000 per week as budgeted for in the 2019–20 budget or a reduction of approximately \$728,000 in the balance of the budget projected to 30 June 2020.
19. Continues to conduct a comprehensive information campaign on COVID-19 about how to stop its spread, what service providers are available to assist and support residents, noting that Council is already undertaking a letterbox drop and multicultural communications.
20. Considers further communication measures, including providing alerts and updates to residents via an applicable smart phone app.
21. Considers setting up a hotline with after-hours capacity (at least via email and phone) for residents, residents groups and community organisations to contact Council.
22. Thanks staff on the excellent timely work with respect to business continuity, responses and service delivery to rapidly changing circumstances.

Division

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

Against the Motion: Nil.

CM/4.2/20.04E2 Coronavirus (COVID-19) - Business Support Package (A20/0258)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses the short-term COVID-19 Business Support Package and the measures contained therein as outlined in this report.
2. Notes that a review of the operation of the package will be carried out by staff on or before 30 June 2020.
3. In accordance with sections 610E and 610F of the *Local Government Act 1993*, publicly exhibits for 28 days:
 - (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:
 - (i) All fees for licence inspections.
 - (ii) Fitness permits fees.
 - (iii) Mobile vendor licence fees.
 - (b) The following criteria for the COVID-19 Small Business Support category:
 - (i) Recipients must be small businesses (according to the ATO definition) or registered not-for-profit organisations.

(ii) The Business Support Package is in effect.

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.
5. Authorises the operation of the Business Support Package until 30 September 2020 or until such earlier time as determined by Council.
6. Notes that Table 2 of the report contains a summary of the Business Support Package as follows:

Area	Revenue of Council	Proposal	Responsible Team
Financial			
Licence inspections	Less than 1% of revenue	Health, hygiene, licensing and fire safety inspection fees will be waived to all small business in the local government area. Inspections will still be carried out. Measure is a waive across Waverley LGA (no action required by community members).	Compliance
Fitness permits	Less than 1% of revenue	Fee waivers will be applied to outdoor fitness permits and to community markets (such as Bondi Junction Mall, Carl Jeppesen Place). Measure is a waive across Waverley LGA (no action required by community members).	Events
Mobile vending	Less than 1% of revenue	Mobile vendor licence fees will be waived for four months and reviewed in June.	Property & Facilities
Footpath seating		Fees not charged for four months as businesses are unable to trade on the footpath.	Property & Facilities
Markets		Mobile vendor licence fees will not be charged for four months due to the reduced utility of the service. Reviewed in June. (Note: Roscoe Street market ceases annually in April for winter break).	Property & Facilities
Community tenants		Community tenants that have ceased operating will have their rent suspended for at least 3 months. (Note: Randwick community transport continuing to operate essential service).	Property & Facilities
Commercial, retail and stratum (small business)		Three-month rent suspension for small businesses on case-by-case basis.	Property & Facilities
Pavilion tenants		No support - Building is closing on 4 May; cafes could be continuing to trade as take away under restrictions. Exception of Lets go Surfing due to inability to trade as a result of beach closure.	Property & Facilities
Commercial, retail and stratum (Corporate)		No support provided. Tenants such as Spotlight, Officeworks, Scentre Management, ISPT lease.	Property & Facilities

Residential leases		Case-by-case basis dependant on the impact of the pandemic on income of tenants.	Property & Facilities
External hirers of community venues		All hirers have ceased operation and no fees are payable. Refunds provided for payments made past last day of operation.	Property & Facilities
Licensed sporting groups		Winter season clubs under licence: fees not be applied for period of closure of sporting facilities.	Property & Facilities
On-street parking	15% of revenue	On-street parking in commercial centres will focus on infringements where community safety access is a risk. Measure is a relaxing on infringing (no action required by community members).	Compliance
Commercial waste	2% of revenue	Commercial waste fees and charges to be adjusted to level of service. Customers can also apply for extended credit terms during the pandemic period.	Waste & Cleaning
Council suppliers	Reduces councils cash holdings affecting investment income	Council will pay its small business suppliers promptly within 15 days payment terms. Measure will be implemented by responsible team (no action required by community member)	Finance
Credit extensions	32% of revenue	Extended credit on certain fees and charges small businesses owe to Council with a suspension of interest charges.	Finance
Hardship policy	Reduces Council's cash holdings affecting invest. income	Financial Hardship Policy which will review and implement a process for considering applications for other forms of assistance, including deferred rate payments with no interest charge.	Finance
Non-financial			
Take-away trade	N/A	Relaxed conditions of consent for restaurants to enable trade as take-away-only services.	Compliance
Relaxed hours of operation	N/A	Relaxed operating hours for all supermarkets and grocers to ensure a continual supply and restock of products (now a government requirement).	Compliance
Public works	N/A	Continuation of Council's current capital works program to support employment in the construction sector.	Major Projects
Buy local	N/A	'Buy Local' publicity campaign via Council communication channels and the Bondi and Districts Chamber of Commerce.	Economic Development and Chamber of Commerce
Procurement	N/A	Council procurement from local suppliers if consistent with statutory procurement regulations and prescribed delegations.	Procurement

5. Notices of Motions

CM/5.1/20.04E2 Coronavirus (COVID-19) - Council's Response (A20/0245)

This matter was last considered by Council at its extraordinary meeting on 3 April 2020. Debate on the item was adjourned to this meeting.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR LEWIS AND SECONDED BY CR KEENAN:

That debate on item CM/4.1/20.04E be adjourned to the Extraordinary Council Meeting scheduled to be held by video conference on Tuesday, 7 April 2020, at 7.30 pm, and that this notice of motion be heard as the third agenda item coming after the two items submitted by the General Manager.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED ON A SHOW OF HANDS 7/5.

FOLLOWING THE RESUMPTION OF DEBATE, THE FOLLOWING MOTION WAS MOVED:

MOTION

Mover: Cr Nemesh
Seconder: Cr Goltsman

That Council:

1. Notes that the Waverley local government area (LGA) has the highest infection rate of COVID-19 within NSW, and the community transmission and infection rate within the LGA are increasing.
2. Notes that, on 30 March 2020, the NSW Health Minister, the Hon Brad Hazzard, MP, made the COVID-19 Public Health Order restrictions on gathering and movement under the *Public Health Act 2010*, which 'directs that a person must not, without reasonable excuse, leave the person's place of residence' and 'that a person must not participate in a gathering in a public place of more than 2 persons', with some exceptions.
3. Due to the severity of the current situation, adopts an abundance of caution approach to its future decisions and actions in relation to keeping our community and Council employees safe from the COVID-19 outbreak.
4. Notes the following key actions undertaken:
 - (a) Waverley's three beaches were closed on the afternoon of Saturday, 21 March 2020, in accord with the Notice of Motion lodged with the request for an Extraordinary Council Meeting to the Mayor by Crs Nemesh, Goltsman and Betts on the morning of Saturday, 21 March 2020.
 - (b) Waverley Library was closed on Wednesday, 18 March 2020, consistent with the urgency matter that was raised at the Council meeting on Tuesday, 17 March 2020.
 - (c) Council's Customer Service Centre was closed.
 - (d) All playgrounds and outdoor sporting facilities, including outdoor fitness stations, were closed from 26 March 2020.
 - (e) Bubblers were closed from 31 March 2020 after representation from Councillors and members of the public.

- (f) St Vincent's Hospital has set up a pop-up COVID-19 clinic at the Bondi Pavilion from 1 April 2020.

AMENDMENT

Mover: Cr Lewis
Seconder: Cr O'Neill

That the Motion be adopted subject to the deletion of clauses 4(a) and 4(b).

AT THIS STAGE IN THE PROCEEDINGS, CR KEENAN MOVED A PROCEDURAL MOTION, SECONDED BY CR WAKEFIELD, THAT THE AMENDMENT BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED ON DIVISION.

Division

For the Amendment: Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

THE MOVER OF THE MOTION AS AMENDED THEN ACCEPTED A NEW CLAUSE 2 AND THE ADDITION OF CLAUSES 5(A) AND (B) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that the Waverley local government area (LGA) has the highest infection rate of COVID-19 within NSW, and the community transmission and infection rate within the LGA are increasing.
2. Notes that the Woollahra, Randwick and Northern Beaches LGAs have also recorded among the highest incidence of infections of COVID-19 in NSW.
3. Notes that, on 30 March 2020, the NSW Health Minister, the Hon Brad Hazzard, MP, made the COVID-19 Public Health Order restrictions on gathering and movement under the *Public Health Act 2010*, which 'directs that a person must not, without reasonable excuse, leave the person's place of residence' and 'that a person must not participate in a gathering in a public place of more than 2 persons', with some exceptions.
4. Due to the severity of the current situation, adopts an abundance of caution approach to its future decisions and actions in relation to keeping our community and Council employees safe from the COVID-19 outbreak.
5. Notes the following key actions undertaken:
 - (a) Waverley's three beaches were closed on the afternoon of Saturday, 21 March.
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 - (c) Council's Customer Service Centre was closed.
 - (d) All playgrounds and outdoor sporting facilities, including outdoor fitness stations, were closed from 26 March 2020.
 - (e) Bubblers were closed from 31 March 2020 after representation from Councillors and members of the public.

- (f) St Vincent's Hospital has set up a pop-up COVID-19 clinic at the Bondi Pavilion from 1 April 2020.

THE MOTION WAS THEN PUT AND DECLARED CARRIED ON A SHOW OF HANDS 12/0.

UNANIMOUS DECISION: That the Motion be adopted.

6. Meeting Closure

THE MEETING CLOSED AT 9.43 PM.

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SIGNED AND CONFIRMED
MAYOR
21 APRIL 2020