



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 5 MAY 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 7.01PM, those present were as listed above, with the exception of Cr Keenan who joined the meeting at 7.12PM.

At 8.58 pm, Cr Burrill left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read out 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 the following was received:

- 2.1 Cr O'Neill declared a less than significant non-pecuniary interest in Item CM/7.4/20.05 Waverley Heritage Assessment – Exhibition, and informed the meeting that her mother's house is in one of the Urban Conservation Areas mentioned in the report.

3. Obituaries

Bholan Sharma
Joe Luluja
Victims of COVID-19
Roza Borik

4. Addresses by Members of the Public

- 4.1. B Scaffidi (President, Bronte Surf Life Saving Club) – CM/7.3/20.05(1) – Bronte Surf Club and Community Facility Upgrade – Community Consultation and Concept Design.
- 4.2. C Turney – CM/8.1/20.05(1) – Use of Contractors Supporting Adani.
- 4.3. S Rawlinson – CM/8.1/20.05(1) – Use of Contractors Supporting Adani.
- 4.4. C Underhill – CM/8.1/20.05(1) – Use of Contractors Supporting Adani.
- 4.5. D Frank – CM/8.1/20.05(1) – Use of Contractors Supporting Adani.
- 4.6. K Aisbett – CM/8.1/20.05(1) – Use of Contractors Supporting Adani.

ITEMS BY EXCEPTION

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED UNANIMOUSLY UNDER PART 13 OF THE CODE OF MEETING PRACTICE:

MOTION / UNANIMOUS DECISION Mover: Cr Masselos
 Seconder: Cr Keenan

That the recommendations for the following items be adopted as printed in the agenda:

CM/5.1/20.05(1) Confirmation of Minutes - Council Meeting - 21 April 2020
 CM/7.1/20.05(1) Fees and Charges 2019-20 - Amendment - Coronavirus (COVID-19) Small
 Business Support Category
 CM/7.2/20.05(1) Petition - Coronavirus (COVID-19) - Ocean Access
 CM/7.6/20.05(1) Outdoor Events - Quarterly Report - October to December 2019
 CM/7.7/20.05(1) Waverley Public Art Committee Meetings - 2019 - Minutes

Cr Lewis was not present for the vote on this item.

5. Confirmation and Adoption of Minutes

CM/5.1/20.05(1) Confirmation of Minutes - Council Meeting - 21 April 2020 (SF20/42)

MOTION / UNANIMOUS DECISION Mover: Cr Masselos
 Seconder: Cr Keenan

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.

CM/5.2/20.05(1) Adoption of Minutes - Waverley Traffic Committee Meeting - 23 April 2020 (SF20/45)

MOTION / UNANIMOUS DECISION Mover: Cr Keenan
 Seconder: Cr Kay

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.

Save and except the following:

1. TC/CV.02/20.04 – Bondi and Bronte Beach Car Parks

And this item be dealt with separately below.

CM/5.2.1 /20.05(1) Adoption of Minutes - Waverley Traffic Committee Meeting - 23 April 2020 – TC/CV.02/20.04 – Bondi and Bronte Beach Car Parks

This item was saved and excepted by Cr Betts.

MOTION Mover: Cr Betts
 Seconder: Cr Kay

That the Council Officer's Proposal not be adopted.

THE MOTION WAS PUT AND DECLARED LOST.

6. Mayoral Minutes

CM/6.1/20.05(1) Coronavirus (COVID-19) - Phased Beach Opening Plan (A20/0245)
MOTION Mover: Mayor Masselos

That Council:

1. Recognises that our beaches are used in different ways by different people who live in the Waverley local government area or who visit us.
2. Recognises that the provision of access to the water for exercise, in line with the public health orders currently in place, has worked well with very high levels of responsible conduct and community ownership of the scheme.
3. Asks staff to prepare an operational plan with goals for the staged opening of our beaches in accordance with the extant public health orders and police and NSW Health advice, and as operational capability allows. Such stages may be, but not limited to:
 - (a) Soft sand running and walking areas on closed beaches.
 - (b) Partial opening of north Bondi Beach to allow safe zones for young children.
 - (c) Full opening of beaches.
4. Notifies the Minister for Health and Medical Research the Hon Brad Hazzard MP of Council's plans for the staged reopening of our beaches strictly in accordance with extant public health orders and any police and NSW health advice.
5. Staff, in preparing the staged plan to open our beaches, continue to consult with NSW Health and NSW Police in managing council's response to keeping our community safe during the COVID-19 pandemic.
6. Thanks all staff for their efforts to date in ensuring the business of Council continues during this pandemic as well as working with the community and stakeholders to ensure access plans work, while keeping our community safe.
7. Circulates the draft operational plan to Councillors for consideration and comment.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Nemesh

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

'The plan comes to Council for endorsement.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 7 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Recognises that our beaches are used in different ways by different people who live in the Waverley local government area or who visit us.
2. Recognises that the provision of access to the water for exercise, in line with the public health orders currently in place, has worked well with very high levels of responsible conduct and community ownership of the scheme.
3. Asks staff to prepare an operational plan with goals for the staged opening of our beaches in accordance with the extant public health orders and police and NSW Health advice, and as operational capability allows. Such stages may be, but not limited to:
 - (a) Soft sand running and walking areas on closed beaches.
 - (b) Partial opening of north Bondi Beach to allow safe zones for young children.
 - (c) Full opening of beaches.
4. Notifies the Minister for Health and Medical Research the Hon Brad Hazzard MP of Council's plans for the staged reopening of our beaches strictly in accordance with extant public health orders and any police and NSW health advice.
5. Staff, in preparing the staged plan to open our beaches, continue to consult with NSW Health and NSW Police in managing council's response to keeping our community safe during the COVID-19 pandemic.
6. Thanks all staff for their efforts to date in ensuring the business of Council continues during this pandemic as well as working with the community and stakeholders to ensure access plans work, while keeping our community safe.
7. Circulates the draft operational plan to Councillors for consideration and comment, and any subsequent updates to the plan be forwarded to Councillors as well.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

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

DECISION: That the Motion be adopted.

7. Reports**CM/7.1/20.05(1) Fees and Charges 2019-20 - Amendment - Coronavirus (COVID-19) Small Business Support Category (A20/0258)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

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.

CM/7.2/20.05(1) Petition - Coronavirus (COVID-19) - Ocean Access (A20/0245)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

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.

CM/7.3/20.05(1) Bronte Surf Club and Community Facilities Building Upgrade - Community Consultation on Concept Design (A19/0081)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

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, subject to the inclusion of the Surf Club and Lifeguard building image tabled at the meeting and attached to Council's file.
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.

B Scaffidi (President, Bronte Surf Life Saving Club) addressed the meeting.

CM/7.4/20.05(1) Waverley Heritage Assessment - Exhibition (A20/0261)

Cr O'Neill declared a less than significant non-pecuniary interest in this item and informed the meeting that her mother's house is in one of the Urban Conservation Areas mentioned in the report.

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the Waverley Heritage Assessment attached to this report, including the additional work being done to extend the Charing Cross Urban Conservation Area, for a period of 42 days, including notifying the owners of each property that is proposed for listing.
2. Extends the Charing Cross Urban Conservation Area proposed boundary to include the area bounded by Carrington Road, John Street, Henry Street (both sides of the street) and Victoria Road, and prepares a heritage inventory form reflecting this change prior to being exhibited.
3. Undertakes 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.

CM/7.5/20.05(1) Waverley Heritage Assessment - State Heritage Register (A20/0261)**MOTION / DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

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 including an extent of nomination map.

3. Cecil Apartments.

CM/7.6/20.05(1) Outdoor Events - Quarterly Report - October to December 2019 (A17/0607)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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.

CM/7.7/20.05(1) Waverley Public Art Committee Meetings - 2019 - Minutes (A18/0141)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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.

8. Notices of Motions

CM/8.1/20.05(1) Use of Contractors Supporting Adani (A09/1017)

MOTION / DECISION

Mover: Cr Copeland

Seconder: Cr Wy Kanak

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.
 - (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 number of local governments have aligned 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.
2. With regard to current contracts, compiles a list of companies that are both on the Adani List and that also currently have contracts with Council.
3. Investigates how Council's procurement selection criteria could be modified to support contractors that are not providing services to Adani and that are within legal requirements and procurement guidelines. As part of the investigation, Council requests information from Inner West, Lismore and Byron Bay Councils regarding their experience with any legal issues.

Division

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

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

At 8.58pm, during Council's consideration of this item, Cr Burrill left the meeting and did not return.

C Turney, S Rawlinson, C Underhill, D Frank, and K Aisbett addressed the meeting.

CM/8.2/20.05(1) NSW Plastics Plan - Submission (A15/0392)**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That Council:

1. Notes that Council officers have already contributed to an SSROC submission that will cover the discussion paper 'Cleaning up our Act: Redirecting the Future of Plastic in NSW'.
2. Composes and forwards a submission to the State Government's call for responses to a NSW Plastics Plan.
3. Officers summarise in that submission the work already done by Council and the community in managing plastic waste in the Waverley local government area.

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

CM/8.3/20.05(1) Supporting the ABC (A20/0282)**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That:

1. Council 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. Council thanks the Australian Broadcasting Corporation, and other media outlets, for assisting

Council with disseminating its public messaging during the coronavirus pandemic.

3. Council 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. Council continues to support the ABC through the sourcing and purchasing of ABC products for the Waverley Library, as much as procurement policies allow.
5. The Mayor writes to the Chair of the ABC and the relevant minister informing them of this resolution and Council's support for the ABC in regard to clauses 2, 3 and 4 above.

AMENDMENT (WITHDRAWN)

Mover: Cr Goltsman

That the Motion be adopted subject to clause 2 being amended to read as follows:

Council thanks the Australian Broadcasting Corporation, Seven Network, Nine Network, Network Ten and Sky News and other media outlets, for assisting Council with disseminating its public messaging during the coronavirus pandemic.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2 SUCH THAT IT NOW READS AS FOLLOWS:

'Council thanks the Australian Broadcasting Corporation, Seven Network, Nine Network, Network Ten and Sky News and other media outlets, for assisting Council with disseminating its public messaging during the coronavirus pandemic'.

AMENDMENT

Mover: Cr Kay

Seconder: Cr Goltsman

That the Motion be adopted subject to clause 3 being amended to read as follows:

'Council commends the ABC and other media outlets 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'.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemesh.

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

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

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

9. Questions with Notice

There were no Questions with Notice.

10. Urgent Business

There were no items of urgent business.

11. Meeting Closure

THE MEETING CLOSED AT 10.04PM.

.....
SIGNED AND CONFIRMED
MAYOR
19 MAY 2020