



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE ON TUESDAY, 16 JUNE 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 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 7.04 pm, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.07 pm.*

*At 8.06 pm, Cr Wakefield left the meeting and did not return.*

*At 8.35 pm, Cr Burrill left the meeting and did not return.*

*At 9.25 pm, Cr Kay left the meeting and did not return.*

## **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**

Apologies were received and accepted from Crs Nemesh and O'Neill.

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

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in item CM/7.10/20.06(2) – Small Grants Program 2019-20 – Round 2 – Resubmissions, and informed the meeting that he volunteers for COA and knows some of the volunteers.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/5.2.1/20.06(2) – 40 km/hr Speed Limit Changes – Traffic Control Devices, and informed the meeting that he lives in Park Parade.

### **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 L Coleman – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/V.04/20.05 – Barracluff Avenue, Bondi Beach – Traffic Assessment.
- 4.2 G Sheehy – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/V.05/20.05 Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 4.3 H Sturgess – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/V.05/20.05 Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.

- 4.4 J Harden – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/V.05/20.05 Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 4.5 D Barnett – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/V.05/20.05 Rickard Avenue, Bondi Beach – Closure at Lamrock Avenue.
- 4.6 B Blajic – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes - Traffic Control Devices.
- 4.7 J Hallber – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes - Traffic Control Devices.
- 4.8 S Hoppe – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes - Traffic Control Devices.
- 4.9 J Smith – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes - Traffic Control Devices.
- 4.10 P Bayliss – CM/5.2/20.06(2) – Adoption of Minutes - Waverley Traffic Committee Meeting – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes – Traffic Control Devices.
- 4.11 A Wu – CM/5.2/20.06(2) – Adoption of Minutes – Waverley Traffic Committee Meeting – 28 May 2020 – TC/C.01/20.05 – 40 km/hr Speed Limit Changes – Traffic Control Devices.
- 4.12 L Morris – CM/7.13/20.06(2) – Petition – Bronte Surf Club and Community Facilities Building Upgrade.
- 4.13 J Lehmann – CM/8.1/20.06(2) – Jack Munday Memorial.

#### ITEMS BY EXCEPTION

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED 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 recommended in the business paper:

- CM/7.1/20.06(2) Schedule of Meeting Dates for Council and its Standing Committees - Amendments
- CM/7.2/20.06(2) General Manager's Delegations
- CM/7.3/20.06(2) Related Party Disclosures Policy - Review
- CM/7.5/20.06(2) Investment Portfolio Report - May 2020
- CM/7.6/20.06(2) Debt Write-off
- CM/7.7/20.06(2) Audit, Risk and Improvement Committee Meeting - 2 April 2020 – Minutes
- CM/7.10/20.06(2) Small Grants Program 2019-20 - Round 2 - Resubmissions

- CM/7.11/20.06(2) Affordable Housing Rent Relief
- CM/7.12/20.06(2) Bondi Junction Cycleway and Streetscape Upgrade - Stage 3 Update
- CM/7.13/20.06(2) Petition - Bronte Surf Club and Community Facilities Building Upgrade

## 5. Confirmation and Adoption of Minutes

### CM/5.1/20.06(2) Confirmation of Minutes - Council Meeting - 2 June 2020 (SF20/42)

#### MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 2 June 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

#### AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Betts

That the minutes of the Council Meeting held on 2 June 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting, subject to the following changes:

1. CM/6.2/20.06 – Signatory to Letter Supporting Asylum Seekers through COVID-19 Pandemic:

- (a) The addition of parentheses to clause 1 such that it now reads as follows:

‘Supports the principle of providing people seeking asylum with access to Medicare, income support for those out of work, and valid visas through the COVID-19 Pandemic as outlined in the open letter to the Prime Minister (and signed by 35 local government Mayors), tabled at the meeting.’

- (b) The addition of the following notes after the resolution:

*‘Note: the foreshadowed motion was not moved.’*

*Note: as at 10 June 2020, it is understood that officers and Mayors from 26 local government organisations have signed a version of the open letter, whether or not endorsed by the Council involved. The number of signatories and position of those signing the letter in the motion resolved at the 2 June 2020 Council meeting was in error.’*

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

#### DECISION:

That the minutes of the Council Meeting held on 2 June 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/5.2/20.06(2) Adoption of Minutes - Waverley Traffic Committee Meeting - 28 May 2020 (SF20/45)****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 May 2020 be received and noted, and that the recommendations contained therein be adopted, with the exception of item TC/V.06/20.05 – Rose Bay Secondary College – Temporary Drop Off/Pick Up Zones following Relaxation of COVID-19 Restrictions, which was considered at the Council Meeting on 2 June 2020.

Save and except the following:

1. TC/C.01/20.05 – 40 km/hr Speed Limit Changes – Traffic Control Devices.
2. TC/V.04/20.05 – Barracluff Avenue, Bondi Beach – Traffic Assessment.

And that these items be dealt with separately below.

*L Coleman, G Sheehy, H Sturgess, J Harden, D Barnett, B Blajic, J Hallber, S Hoppe, J Smith, P Bayliss and A Wu addressed the meeting.*

**CM/5.2.1/20.06(2) 40 km/hr Speed Limit Changes - Traffic Control Devices (A18/0579)**

*This item was saved and excepted by Cr Copeland.*

*Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Park Parade.*

**MOTION**

Mover: Cr Copeland  
Seconder: Cr Lewis

That Council takes this item to a Councillor workshop to discuss the speed humps under consideration so that Councillors can discuss the matter and see if a better situation can be created.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That:

1. Council defers this item to a Councillor workshop for further consideration of the location and type of traffic calming devices in the locations of:
  - (a) Bourke Street, Queens Park.
  - (b) Botany Street Bondi Junction.
  - (c) Park Parade, Bondi.

- (d) Bennett Street, Bondi.
  - (e) Ruthven Street, Bondi Junction.
2. A report comes back to Council.

**CM/5.2.2/20.06(2) Barracluff Avenue, Bondi Beach - Traffic Assessment (A03/0042-04)**

*This item was saved and excepted by Cr Masselos.*

**MOTION**

Mover: Cr Masselos

Seconder: Cr Copeland

That Council further develops design options for Barracluff Avenue and undertakes community consultation on the following two scenarios:

1. Construction of pedestrian/traffic islands with associated line marking and signage at the intersections of Barracluff Avenue and Francis Street, and Barracluff Avenue and Lamrock Avenue, Bondi Beach, as shown in Drawing 9005 Issue A attached to this report.

Including the installation of kerb extensions in Barracluff Avenue on both sides of the road opposite:

- (a) 23 Barracluff Avenue and 25 Barracluff Avenue.
  - (b) 5 Barracluff Avenue and 7 Barracluff Avenue.
2. Construction of a road closure of Barracluff Avenue in the vicinity of 21 Barracluff Avenue.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council further develops design options for Barracluff Avenue and undertakes community consultation with the residents of Barracluff Avenue and adjoining streets on the following two scenarios:

1. Construction of pedestrian/traffic islands with associated line marking and signage at the intersections of Barracluff Avenue and Francis Street, and Barracluff Avenue and Lamrock Avenue, Bondi Beach, as shown in Drawing 9005 Issue A attached to this report.

Including the installation of kerb extensions in Barracluff Avenue on both sides of the road opposite:

- (a) 23 Barracluff Avenue and 25 Barracluff Avenue.
  - (b) 5 Barracluff Avenue and 7 Barracluff Avenue.
2. Construction of a road closure of Barracluff Avenue in the vicinity of 21 Barracluff Avenue.

## 6. Mayoral Minutes

There were no mayoral minutes.

## 7. Reports

### CM/7.1/20.06(2) Schedule of Meeting Dates for Council and its Standing Committees - Amendments (A04/1869)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the extension of the mayor's term to September 2021 due to the postponement of the local government elections.
2. Extends the current deputy mayor's term to 15 September 2020.
3. Amends its 2020 Schedule of Meeting Dates as follows:
  - (a) Schedules an additional ordinary Council meeting on Tuesday, 30 June 2020 at 7.00 pm.
  - (b) Schedules an ordinary Council meeting (including deputy mayoral election and appointment of Councillors to Committees) on Tuesday, 15 September 2020 at 7.00 pm.
  - (c) Cancels the ordinary Council meeting (including mayoral and deputy mayoral election) scheduled for Tuesday, 29 September 2020.

### CM/7.2/20.06(2) General Manager's Delegations (SF20/29)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council notes this update on the implementation of the current delegations to the General Manager relating to the acceptance of tenders and the approval of purchases with fewer than the required number of quotes called for in the Purchasing Procedure up to \$250,000.

### CM/7.3/20.06(2) Related Party Disclosures Policy - Review (A17/0161)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts the Related Party Disclosures Policy attached to this report in line with the requirements of Accounting Standard AASB 124.

**CM/7.4/20.06(2) Investment Policy - Review (A05/0197)****MOTION / DECISION**

Mover: Cr Lewis  
Seconded: Cr Keenan

That Council adopts the Investment Policy attached to this report.

*At 8.06 pm, during the consideration of this item, Cr Wakefield left the meeting and did not return.*

**CM/7.5/20.06(2) Investment Portfolio Report - May 2020 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconded: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for May 2020 attached to this report.
2. Notes 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/7.6/20.06(2) Debt Write-off (SF17/299)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconded: Cr Keenan

That Council:

1. Writes off the domestic waste annual charge of \$887.52 for the property located at 43 Palmerston Avenue, Bronte (365273 Lot 10 DP 1230429), owned by the ratepayer identified on Council's file, in accordance with clause 131(4) of the *Local Government (General) Regulation 2005* and Council's Rates and Charges Policy.
2. Notes that \$892.66 of commercial waste debt has been written off by the General Manager for the period 18 February 2020 to 15 June 2020, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

**CM/7.7/20.06(2) Audit, Risk and Improvement Committee Meeting - 2 April 2020 - Minutes (SF20/986)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconded: Cr Keenan

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 2 April 2020 attached to this report.



**CM/7.8/20.06(2) Draft Waverley Local Character Statements - Exhibition (A20/0325)****MOTION**

Mover: Cr Masselos

Seconder: Cr Kay

That this item be deferred to the next Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That this item be deferred to the July Council meeting.

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

**CM/7.9/20.06(2) NSW Government Developer Contributions Review - Submissions (A12/0147)****MOTION**

Mover: Cr Kay

Seconder: Cr Betts

That Council:

1. Endorses the submissions on the Criteria to request a higher section 7.12 percentage – Discussion Paper and the Draft Planning Agreement Policy Framework attached to this report, and supports them being sent to the NSW Government, subject to the following amendments:
  - (a) The second sentence, fourth paragraph, page 141 of the agenda (*'After they meet this process, all DAs and PPs must be assessed by the Waverley Local Planning Panel'*) be changed to read as follows *'After they meet this process, all DAs and PPs (with VPAs) are generally assessed by the independent Waverley Local Planning Panel. More contentious or larger DAs and PPs are often determined by the Land and Environment Court and the NSW Government's Sydney Eastern City Planning Panel. Council does not determine DAs that have VPAs associated with them. Also, Council only considers Planning Agreements for endorsement after the DA has been approved. These elements ensure that there is no potential political or officer interference in the assessment of Planning Agreements.'*
  - (b) Before the second sentence, third paragraph, page 140 of the agenda (*'Removing value capture from VPAs won't stop developers seeking exceedance to existing controls – that would continue but with no shared value with the community.'*) insert the following sentences: *'Discretion to vary planning controls is a longstanding feature of the NSW planning system. For example, six weeks after the Environmental Planning and Assessment Act 1979 commenced in 1980, SEPP 1 - Development Standards was introduced to allow variations to planning controls. In 2006, the Standard Instrument LEP was introduced and included cl 4.6 "Exceptions to development standards", which superseded SEPP 1.'*
  - (c) After the third sentence, first paragraph, page 141 of the agenda, taken from Waverley's Planning Agreement policy (*'It is noted that any exceptions to relevant development standards will be assessed in accordance with the provisions set out in cl.4.6 of WLEP 2012.'*) insert the following new paragraph to clarify this extraction from the policy: *'If a DA, for example, does not address the provisions of cl 4.6 of the WLEP 2012, then any variations to the planning*

controls will not be accepted and the DA would be refused on the grounds of the unacceptable impact, such as overshadowing. A development must first satisfy the provisions of cl 4.6 before it is considered for approval. Only after a DA meets the provision of cl 4.6, will the benefits of community infrastructure funding (via a VPA) be considered in accordance with the heads of consideration under s 4.15 of the *EP and A Act 1979*; which includes key considerations such as “social and economic impacts” and “the public interest.”

2. Does not support the position of the Draft Planning Agreement Policy Framework to remove the explicit use of value capture as the primary purpose in Planning Agreements.
3. Notes that to allocate VPA funds to affordable housing, Council must develop an affordable housing contributions scheme, which Council does not currently have.
4. Supports the development of an affordable housing scheme in line with Environmental Planning Assessment (Planning Agreements) Direction 2019. This will be reported back to Council concurrently with updates to the VPA policy for endorsement for exhibition.
5. Supports the approach to provide a clear pathway to increasing section 7.12 flat rate contribution levies.
6. Does not support all of the proposed criteria in the designated pathway in their current form and proposes amendments to facilitate easier access to a higher 2% or 3% levy (from the current 0.5–1%).
7. Supports the development of an updated submission seeking an increase from Council’s levy from 0.5–1% to either 2 or 3%, depending on the ability to justify an increase based on the final criteria.
8. Officers develop a plain English explanation of the VPA process for publication on Council’s Planning Agreement webpage and dissemination to interested community groups, including the Precincts. In particular, the explanation should outline how VPAs are considered in the DA process.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3.

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

**UNANIMOUS DECISION:**

That Council:

1. Endorses the submissions on the Criteria to request a higher section 7.12 percentage – Discussion Paper and the Draft Planning Agreement Policy Framework attached to this report, and supports them being sent to the NSW Government, subject to the following amendments:
  - (a) The second sentence, fourth paragraph, page 141 of the agenda (*‘After they meet this process, all DAs and PPs must be assessed by the Waverley Local Planning Panel’*) be changed to read as follows *‘After they meet this process, all DAs and PPs (with VPAs) are generally assessed by the independent Waverley Local Planning Panel. More contentious or larger DAs and PPs are often determined by the Land and Environment Court and the NSW Government’s Sydney Eastern City Planning Panel. Council does not determine DAs that have VPAs associated with them. Also, Council only considers Planning Agreements for endorsement after the DA has been approved. These elements ensure that there is no potential political or officer interference in the assessment of Planning Agreements.’*
  - (b) Before the second sentence, third paragraph, page 140 of the agenda (*‘Removing value*

*capture from VPAs won't stop developers seeking exceedance to existing controls – that would continue but with no shared value with the community.'*) insert the following sentences: 'Discretion to vary planning controls is a longstanding feature of the NSW planning system. For example, six weeks after the *Environmental Planning and Assessment Act 1979* commenced in 1980, *SEPP 1 - Development Standards* was introduced to allow variations to planning controls. In 2006, the Standard Instrument LEP was introduced and included *cl 4.6 "Exceptions to development standards"*, which superseded SEPP 1.'

- (c) After the third sentence, first paragraph, page 141 of the agenda, taken from Waverley's Planning Agreement policy (*'It is noted that any exceptions to relevant development standards will be assessed in accordance with the provisions set out in cl.4.6 of WLEP 2012.'*) insert the following new paragraph to clarify this extraction from the policy: 'If a DA, for example, does not address the provisions of cl 4.6 of the WLEP 2012, then any variations to the planning controls will not be accepted and the DA would be refused on the grounds of the unacceptable impact, such as overshadowing. A development must first satisfy the provisions of cl 4.6 before it is considered for approval. Only after a DA meets the provision of cl 4.6, will the benefits of community infrastructure funding (via a VPA) be considered in accordance with the heads of consideration under s 4.15 of the *EP and A Act 1979*; which includes key considerations such as "social and economic impacts" and "the public interest."'
2. Does not support the position of the Draft Planning Agreement Policy Framework to remove the explicit use of value capture as the primary purpose in Planning Agreements.
  3. Notes that to allocate Voluntary Planning Agreement (VPA) funds to affordable housing, Council must develop an affordable housing contributions scheme, which Council does not currently have.
  4. Supports the development of an affordable housing scheme in line with Environmental Planning Assessment (Planning Agreements) Direction 2019. This will be reported back to Council concurrently with updates to the VPA policy for endorsement for exhibition.
  5. Supports the approach to provide a clear pathway to increasing section 7.12 flat rate contribution levies.
  6. Does not support all of the proposed criteria in the designated pathway in their current form and proposes amendments to facilitate easier access to a higher 2% or 3% levy (from the current 0.5–1%).
  7. Supports the development of an updated submission seeking an increase from Council's levy from 0.5–1% to either 2 or 3%, depending on the ability to justify an increase based on the final criteria.
  8. Officers develop a plain English explanation of the VPA process for publication on Council's Planning Agreement webpage and dissemination to interested community groups, including the Precincts. In particular, the explanation should outline how VPAs are considered in the DA process.

#### **Division**

**For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos and Wy Kanak.  
**Against the Motion:** Nil.

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

**CM/7.10/20.06(2) Small Grants Program 2019-20 - Round 2 - Resubmissions (A20/0196)**

*Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he volunteers for COA and knows some of the volunteers.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council grants \$5,000 to COA Sydney, under its Community Services and Cultural Grants Program, to facilitate immediate support for vulnerable older people impacted by the coronavirus shutdown, with funding to be provided from the 2019/2020 budget.

**CM/7.11/20.06(2) Affordable Housing Rent Relief (A09/0354)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council approves a temporary variation to the Affordable Housing Tenancy Policy, applicable from 1 March to 1 September 2020, to allow its appointed Housing Manager, Bridge Housing, to offer tenants affected by the coronavirus shutdown, rent calculated at 30% of their income for a period of up to six months from the date at which they were assessed as eligible for rent relief.

**CM/7.12/20.06(2) Bondi Junction Cycleway and Streetscape Upgrade - Stage 3 Update (A14/0193)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council receives and notes this update on the Bondi Junction Cycleway and Streetscape Upgrade.

**CM/7.13/20.06(2) Petition - Bronte Surf Club and Community Facilities Building Upgrade (A20/0329)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Receives and notes the petition against the current proposal to upgrade the Bronte Surf Club and Community Facilities Building, and considers the themes raised within it as part of the community consultation process.
2. Notes that Council officers are preparing a report on the outcomes of the community consultation on the proposed upgrade.

*L Morris addressed the meeting.*

**CM/7.14/20.06(2) Mayoral Minute Update - Supporting Asylum Seekers through COVID-19 Pandemic (A02/0436)****MOTION / DECISION**

Mover: Cr Masselos  
Second: Cr Copeland

That Council endorses the Mayor signing the open letter to the Prime Minister on supporting asylum seekers through the COVID-19 pandemic proposed by the Refugee Council of Australia and the Local Government Mayoral Taskforce Supporting People Seeking Asylum.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Goltsman and Kay.

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

**8. Notices of Motions****CM/8.1/20.06(2) Jack Munday Memorial (A02/0276)****MOTION**

Mover: Cr Wy Kanak  
Second: Cr Keenan

That Council:

1. Notes its recent expression of condolence on the passing of Jack Munday.
2. Notes the contribution Jack Munday made to defending the built heritage and environment of Sydney, to democracy, local government and the trade union movement.
3. Notes the pivotal role played by Jack Munday in saving many sites in south and eastern Sydney, including Centennial Park, which was the subject of a State Government proposal to construct a sport stadium as part of its bid for the 1988 Olympics, which would have seen 30% of the parklands taken over by the sports complex.
4. Liaises with the Centennial Park and Moore Park Trust, Judy Munday, Unions NSW, Bayside and Woollahra Councils regarding the installation of a memorial to Jack Munday in Centennial Park to celebrate and acknowledge his achievements as noted in clauses 1 and 2.
5. Notes Mr Jack Munday's support for the preservation of our local community's heritage and environment at Tamarama Gully, the Bondi Pavilion Community Cultural Centre and the positive effect the Green Bans Movement had for the saving of pocket parks, like the one on the corner of St James Road and Gowrie Street, Bondi Junction, designated as a Green Ban Park in 1975, where the then possessor of that land, the Church of England, agreed to a small section of its land being designated as parkland.
6. Consults on a community room in the upgraded Pavilion to be called 'The Jack Munday Green Bans Room' and/or alternatively a plaque commemorating Mr Jack Munday at the Bondi Pavilion Community Cultural Centre.
7. Officers bring back a report to Council regarding any proposals that result from the discussions noted in this motion.

**AMENDMENT**

Mover: Cr Goltsman

Seconder: Cr Betts

That clauses 4, 6 and 7 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division****For the Amendment:** Crs Betts, Goltsman and Kay.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak**Against the Motion:** Crs Betts, Goltsman and Kay.**DECISION:**

That Council:

1. Notes its recent expression of condolence on the passing of Jack Munday.
2. Notes the contribution Jack Munday made to defending the built heritage and environment of Sydney, to democracy, local government and the trade union movement.
3. Notes the pivotal role played by Jack Munday in saving many sites in south and eastern Sydney, including Centennial Park, which was the subject of a State Government proposal to construct a sport stadium as part of its bid for the 1988 Olympics, which would have seen 30% of the parklands taken over by the sports complex.
4. Liaises with the Centennial Park and Moore Park Trust, Judy Munday, Unions NSW, Bayside and Woollahra Councils regarding the installation of a memorial to Jack Munday in Centennial Park to celebrate and acknowledge his achievements as noted in clauses 1 and 2.
5. Notes Mr Jack Munday's support for the preservation of our local community's heritage and environment at Tamarama Gully, the Bondi Pavilion Community Cultural Centre and the positive effect the Green Bans Movement had for the saving of pocket parks, like the one on the corner of St James Road and Gowrie Street, Bondi Junction, designated as a Green Ban Park in 1975, where the then possessor of that land, the Church of England, agreed to a small section of its land being designated as parkland.
6. Consults on a community room in the upgraded Pavilion to be called 'The Jack Munday Green Bans Room' and/or alternatively a plaque commemorating Mr Jack Munday at the Bondi Pavilion Community Cultural Centre.
7. Officers bring back a report to Council regarding any proposals that result from the discussions noted in this motion.

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

*At 8.36 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.*

*J Lehmann addressed the meeting.*

*Immediately after the meeting, a notice of motion to rescind this decision was lodged with the General Manager. The rescission motion will be considered at the Council Meeting on 30 June 2020.*

**CM/8.2/20.06(2) Financial Assistance Grants (A18/0758)**

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Betts

That this item be deferred to the Council meeting on 30 June 2020.

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

**CM/8.3/20.06(2) Stop Deaths in Custody - Black Lives Matter - Implementing Royal Commission into Aboriginal Deaths in Custody Recommendations (A02/0424)**

**MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Copeland

That Council:

1. Notes its unanimous decision of September 2016 (CM/8.5/16.09 – Remembrance of Black Deaths in Custody):

‘That Council continues to fly its Aboriginal Flags at half-mast on 28 September, known as a day focusing on the Remembrance of Black Deaths in Custody, or if this is not a business day, on the closest business day prior to 28 September.’

2. Notes its majority decision of December 2016 not to support the following motion (CM/8.6/16.12 – Royal Commission into Aboriginal Deaths in Police and Prison Custody):

‘That Waverley Council work with the Member for Vacluse, NSW Attorney General, Hon Gabrielle Upton, in implementing the recommendations from the Royal Commission into Aboriginal Deaths in Police and Prison Custody, especially those recommendations that allow a Local Government connection.’

3. Notes the following report and motion from the North Bondi Precinct Committee meeting on 29 February 2012:

‘The incident at Kings Cross the alleged shooting and beating of an Aboriginal youth by police

To build good relationships and understanding in the community there are plans for local Aborigines to use the Yeshiva kitchen to prepare food for sale for charity

The possibility of using Justice Reinvestment money to be spent on addressing the causes of crime

Motion: resolved that the North Bondi Precinct applaud the initiatives as described by Cr Wy Kanak to improve community relationships with Aboriginal people in the community.’

4. Revisits its decision of December 2016 and writes to the State Members for Vaucluse and Coogee, and Federal Member for Wentworth, to convene a meeting of elected local, state and federal representatives for the Waverley local government area ('LGA') to discuss how the recommendations from the Royal Commission into Aboriginal (Torres Strait Islander) Deaths in Custody ('RCIADIC') can be fully implemented and actioned in the LGA and:
  - (a) To aid these discussions, and as part of the preparation for this meeting, Council and the State/Federal Members initially identify which RCIADIC recommendations they believe are actionable within their electorate/LGA sphere of influence.
  - (b) Council then further process actions following this meeting with further community/precinct and police consultation with a focused intent to stop black deaths in custody and to improve community/police relations.
5. Subject to further debate on, and amendments to, this motion, and related matters, Council recommit to its Reconciliation Action Plan actions in these matters.

**FORESHADOWED MOTION**

Mover: Cr Goltsman

That this item be deferred in order to hold a Councillor workshop to workshop the motion and to determine what other Councils Waverley may be able to work with to improve this Motion.

AT 9.15 PM, DURING THE CONSIDERATION OF THIS ITEM, THE MEETING BECAME INQUORATE. THE ABSENCE OF QUORUM WAS DUE TO CR GOLTSMAN TEMPORARILY LEAVING THE MEETING. THE COUNCILLORS PRESENT WERE CRS BETTS, COPELAND, KEENAN, LEWIS, MASSELOS AND WY KANAK.

AT 9.18 PM, THE MEETING BECAME QUORATE UPON THE RETURN OF CR GOLTSMAN. THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION:**

That Council:

1. Notes its unanimous decision of September 2016 (CM/8.5/16.09 – Remembrance of Black Deaths in Custody):

‘That Council continues to fly its Aboriginal Flags at half-mast on 28 September, known as a day focusing on the Remembrance of Black Deaths in Custody, or if this is not a business day, on the closest business day prior to 28 September.’
2. Notes its majority decision of December 2016 not to support the following motion (CM/8.6/16.12 – Royal Commission into Aboriginal Deaths in Police and Prison Custody):

‘That Waverley Council work with the Member for Vaucluse, NSW Attorney General, Hon Gabrielle Upton, in implementing the recommendations from the Royal Commission into Aboriginal Deaths in Police and Prison Custody, especially those recommendations that allow a Local Government connection.’
3. Notes the following report and motion from the North Bondi Precinct Committee meeting on 29 February 2012:

‘The incident at Kings Cross the alleged shooting and beating of an Aboriginal youth by police

To build good relationships and understanding in the community there are plans for local Aborigines



to use the Yeshiva kitchen to prepare food for sale for charity

The possibility of using Justice Reinvestment money to be spent on addressing the causes of crime

Motion: resolved that the North Bondi Precinct applaud the initiatives as described by Cr Wy Kanak to improve community relationships with Aboriginal people in the community.'

4. Revisits its decision of December 2016 and writes to the State Members for Vaucluse and Coogee, and Federal Member for Wentworth, to convene a meeting of elected local, state and federal representatives for the Waverley local government area ('LGA') to discuss how the recommendations from the Royal Commission into Aboriginal (Torres Strait Islander) Deaths in Custody ('RCIADIC') can be fully implemented and actioned in the LGA and:
  - (a) To aid these discussions, and as part of the preparation for this meeting, Council and the State/Federal Members initially identify which RCIADIC recommendations they believe are actionable within their electorate/LGA sphere of influence.
  - (b) Council then further process actions following this meeting with further community/precinct and police consultation with a focused intent to stop black deaths in custody and to improve community/police relations.
5. Subject to further debate on, and amendments to, this motion, and related matters, Council recommits to its Reconciliation Action Plan actions in these matters.

*Crs Burrill, Kay and Wakefield were not present for the vote on this item.*

## 9. Questions with Notice

There were no questions with notice.

## 10. Urgent Business

There were no items of urgent business.

## 11. Closed Session

**CM/11/20.06(2) Closed Session**

### **MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Goltsman

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

CM/11.1/20.06(2) CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2020-21

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) 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 competitor of Council.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, 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 1993*.
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 1993*.

*At 9.25 pm, during the consideration of this item, Cr Kay left the meeting and did not return.*

*Crs Betts and Wakefield were not present for the consideration and vote on this item.*

*At 9.25 pm, Council moved into closed session.*

**CM/11.1/20.06(2)      CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2020-21  
(A02/0162)**

**MOTION / DECISION**

Mover:      Cr Lewis  
Seconder:   Cr Copeland

That Council:

1. Treats this 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)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for commercial waste services as set out in the table in this report for the period 1 July 2020 to 31 December 2020
3. Officers undertake a follow-up market review to determine the fees and charges for commercial waste services for the period 1 January 2021 to 30 June 2021, with a report to come back to Council in November 2020.

*Crs Betts, Kay and Wakefield were not present for the consideration and vote on this item.*

**12. Resuming in Open Session**

**CM/12/20.06(2) Resuming in Open Session**

**MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Goltsman

That Council resumes in open session.

*Crs Betts and Wakefield were not present for the consideration and vote on this item.*

*At 9.31 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 9.32 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**30 JUNE 2020**