



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 30 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 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 7.04PM, those present were as listed above.

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 Cr Copeland.

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 B Scaffdi – CM/7.2/20.06(3) – Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.

AT THIS STAGE IN THE PROCEEDINGS, DUE TO TECHNICAL DIFFICULTIES PLAYING VIDEO SUBMISSIONS 4.2-4.6 RELATING TO ITEM CM/7.2/20.06(3), SEPARATE PROCEDURAL MOTIONS TO ADJOURN THE MEETING FOR A SHORT BREAK AND TO AMEND THE STANDING ORDERS TO MOVE THE PLAYING OF THE SUBMISSIONS IMMEDIATELY PRIOR TO ITEM CM/7.2/20.06(3) WERE PASSED.

- 4.2 C Burns – CM/7.2/20.06(3) – Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.
- 4.3 S Bruns – CM/7.2/20.06(3) – Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.
- 4.4 J Hutton – CM/7.2/20.06(3) – Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.

- 4.5 R Bruns – CM/7.2/20.06(3) – Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.
- 4.6 T Chapman – CM/7.2/20.06(3) - Bronte Surf Club and Community Facilities Building Upgrade – Community Consultation Outcomes.

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/5.1/20.06(3) Confirmation of Minutes - Council Meeting - 16 June 2020

CM/7.3/20.06(3) Bondi Festival 2020 - Postponement

CM/7.4/20.06(3) Petition - Boat Trailer Parking in Trafalgar Street, Bronte

CM/7.5/20.06(3) Early Education and Care - Relief Package and Transition Measures

5. Confirmation and Adoption of Minutes

CM/5.1/20.06(3) Confirmation of Minutes - Council Meeting - 16 June 2020 (SF20/42)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 16 June 2020 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/7.1/20.06(3) Operational Plan 2020-21 including Budget, Pricing Policy, Fees and Charges 2020-21 and Long Term Financial Plan (A19/0364)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the community and internal submissions made in relation to the Operational Plan 2020–21, Pricing Policy and Schedule of Fees, as set out in Attachment 1 of this report.
2. Adopts, in accordance with the *Local Government Act 1993*, the Operational Plan 2020–21, including the Budget and Statement of Revenue Policy, as set out in Attachment 2 and 4 of this report.
3. Adopts, in accordance with the *Local Government Act 1993*, the Pricing Policy, Fees and Charges 2020-21 as set out in Attachment 3 of this report.
4. Adopts, in accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act*, the Rating Structure for 2020–21 contained on page 64 of the Operational Plan 2020–21 at Attachment 2. setting the following rates and charges for every parcel of rateable land within the Waverley local government area for the period from 1 July 2020 to 30 June 2021:
 - (a) That an ordinary rate of zero point one one three eight six seven cents (0.113867) in the dollar subject to a minimum rate in accordance with section 548(3) of the Act, per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub categorised Ordinary in accordance with section 529(2)(b) of the Act
 - (b) That an ordinary rate of zero point four nine three six seven zero cents (0.493670) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Ordinary in accordance with section 529(2)(d) of the Act
 - (c) That an ordinary rate of zero point eight one five six three zero cents (0.815630) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Bondi Junction in accordance with section 529(2)(d) of the Act
5. Adopts, in accordance with section 496 of the *Local Government Act*, the Domestic Waste Management Service Charge set at \$576 per service per annum for the financial year 2020–21.
6. Adopts, in accordance with section 496A of the *Local Government Act*, the Stormwater Management Service Charge contained on page 67 of the draft Operational Plan 2020–21 for the financial year 2020–21 as tabled below:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

7. Receives and notes the Long Term Financial Plan (LTFP 5.2) for an 11-year period from 2020–21 to 2030–2031 including the Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as set in Attachment 5 to this report.
8. Confirms that:
 - (a) An internal transfer of up to \$6.44 million from the Property Investment Strategy Reserve to fund the 2020–21 expenditure program is provided for in the budget.

- (b) Based on updated revenue projections the intention is for a transfer of \$2.9 million.
- (c) This transfer is intended to be repaid within LTFP period (from 2020–21 to 2030–2031).

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 8 SUCH THAT THE CLAUSE NOW READS AS FOLLOWS:

‘Resolves that:

- (a) (pg 33-34 of agenda) Based on updated revenue projections, an internal transfer of only \$2.9 million from the Property Investment Strategy Reserve to fund the 2020-21 expenditure program is now provided for in the revised budget.
- (b) (pg 37 of agenda) This transfer will be repaid within the LTFP, noting that an estimated repayment schedule is proposed by the report over a period of 6 years from 2021/22’.

AMENDMENT (WITHDRAWN)

Mover: Cr Nemesh
 Seconder: Cr Goltsman

That the following clause be added to the Motion:

‘Council does not increase rates by 2.6%’.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION:

That Council:

1. Receives and notes the community and internal submissions made in relation to the Operational Plan 2020–21, Pricing Policy and Schedule of Fees, as set out in Attachment 1 of this report.
2. Adopts, in accordance with the *Local Government Act 1993*, the Operational Plan 2020–21, including the Budget and Statement of Revenue Policy, as set out in Attachment 2 and 4 of this report.
3. Adopts, in accordance with the *Local Government Act 1993*, the Pricing Policy, Fees and Charges 2020-21 as set out in Attachment 3 of this report.
4. Adopts, in accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act*, the Rating Structure for 2020–21 contained on page 64 of the Operational Plan 2020–21 at Attachment 2. setting the following rates and charges for every parcel of rateable land within the Waverley local government area for the period from 1 July 2020 to 30 June 2021:
 - (a) That an ordinary rate of zero point one one three eight six seven cents (0.113867) in the dollar subject to a minimum rate in accordance with section 548(3) of the Act, per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub categorised Ordinary in accordance with section 529(2)(b) of the Act
 - (b) That an ordinary rate of zero point four nine three six seven zero cents (0.493670) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub

categorised Ordinary in accordance with section 529(2)(d) of the Act

- (c) That an ordinary rate of zero point eight one five six three zero cents (0.815630) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Bondi Junction in accordance with section 529(2)(d) of the Act
5. Adopts, in accordance with section 496 of the *Local Government Act*, the Domestic Waste Management Service Charge set at \$576 per service per annum for the financial year 2020–21.
6. Adopts, in accordance with section 496A of the *Local Government Act*, the Stormwater Management Service Charge contained on page 67 of the draft Operational Plan 2020–21 for the financial year 2020–21 as tabled below:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to strata unit entitlement with a minimum of \$5	25.00

7. Receives and notes the Long Term Financial Plan (LTFP 5.2) for an 11-year period from 2020–21 to 2030–2031 including the Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as set in Attachment 5 to this report.
8. Resolves that:
- (a) (pg 33-34 of agenda) Based on updated revenue projections, an internal transfer of only \$2.9 million from the Property Investment Strategy Reserve to fund the 2020-21 expenditure program is now provided for in the revised budget.
- (b) (pg 37 of agenda) This transfer will be repaid within the LTFP, noting that an estimated repayment schedule is proposed by the report over a period of 6 years from 2021/22.

CM/7.2/20.06(3) Bronte Surf Club and Community Facilities Building Upgrade - Community Consultation Outcomes (A20/0329)

MOTION

Mover: Cr Masselos
 Second: Cr Keenan

That Council:

- Receives and notes the Bronte Surf Club and Community Facilities Consultation Report 2020 attached to this report.
- Notes that every submission received during the consultation period has been circulated to Councillors and is available on the Bronte Surf Club and Community Facilities Upgrade project page on Council's website.
- Notes the Council's role as Crown Land Manager for Bronte Park and Beach in terms of the *Crown Land Management Act 2016*.

4. Notes that the Bronte Park and Beach Plan of Management (2017) sets planning controls for development with Bronte Park, including specific controls for the Bronte Surf Club and Community Facilities Building, with some limited scope for alternative designs that achieve superior design outcomes.
5. Instructs the General Manager to direct the Public Private Partnership Project Control Group to commence a design review process of the current concept design and report back to Council with two proposals that respond to issues raised through the community consultation process. One of these proposals should be based on the specific controls incorporated within the Bronte Park and Beach Plan of Management (2017), the other proposal should seek to modify the concept design that went to public consultation, based on the design criteria arising out of the public consultation process as approved by Council in clause six below.
6. Endorses the following design review principles to guide and be considered in the design review process for Bronte Surf Club and Community Facilities Building Upgrade project as they relate to the concept design that went to public consultation, and the POM compliant design as appropriate:
 - (a) Reduction of overall footprint of the building(s).
 - (b) Consider relocation of the Public amenities and Council facilities to within existing building curtilage.
 - (c) Manage noise impacts through function room design, balcony size and acoustic design.
 - (d) Consider locating Dave Brown Place within existing curtilage.
 - (e) Minimise net loss of public open space and public green space.
 - (f) Investigate improved accessibility of the Coast Walk and Bronte Park.
 - (g) Address perceived privatisation of public space through improved design to the extent practical (with further consideration to be given to these issues through building management arrangements and lease conditions).
 - (h) Minimise impacts from building height and subsequent view loss.
 - (i) Address intensification of site including visitation, event, traffic and parking impacts through improved design to the extent practical (with further consideration to be given to these issues through building management arrangements and lease conditions).
 - (j) Provide justification/rationale for proposed bulk & scale, internal configuration and balcony size for any amended design proposal.
 - (k) Redesign to obtain a reduction in budget shortfall.
7. Notes that the concerns raised in the Petition tabled at the 16 June 2020 Council meeting have been considered in the community engagement report and in the development of the proposed design review principles detailed above.
8. Receives a further report with the amended concept design/s that give consideration to the design review principles detailed above.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 8 SUCH THAT THE CLAUSE NOW

READS AS FOLLOWS:

'Receives a further report with new concept designs that give consideration to the design review principles detailed above and the Bronte Park and Beach Plan of Management (2017)'.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That clause 5 be amended to read as follows:

'Instructs the General Manager to direct the Public Private Partnership Project Control Group to commence a design review process of alternative concept designs, and to report back to Council with proposals that respond to issues raised through the community consultation process and identified in the design review principles below. Proposals must be based on the specific controls incorporated within the Bronte Park and Beach Plan of Management (2017) to respond to Council's obligation as manager of Crown Lands.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF TWO FURTHER SUBCLAUSES TO CLAUSE 6.

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

UNANIMOUS DECISION:

That Council:

1. Receives and notes the Bronte Surf Club and Community Facilities Consultation Report 2020 attached to this report.
2. Notes that every submission received during the consultation period has been circulated to Councillors and is available on the Bronte Surf Club and Community Facilities Upgrade project page on Council's website.
3. Notes the Council's role as Crown Land Manager for Bronte Park and Beach in terms of the *Crown Land Management Act 2016*.
4. Notes that the Bronte Park and Beach Plan of Management (2017) sets planning controls for development with Bronte Park, including specific controls for the Bronte Surf Club and Community Facilities Building, with some limited scope for alternative designs that achieve superior design outcomes.
5. Instructs the General Manager to direct the Public Private Partnership Project Control Group to commence a design review process of the current concept design and report back to Council with two proposals that respond to issues raised through the community consultation process. One of these proposals should be based on the specific controls incorporated within the Bronte Park and Beach Plan of Management (2017), the other proposal should seek to modify the concept design that went to public consultation, based on the design criteria arising out of the public consultation process as approved by Council in clause six below.
6. Endorses the following design review principles to guide and be considered in the design review

process for Bronte Surf Club and Community Facilities Building Upgrade project as they relate to the concept design that went to public consultation, and the POM compliant design as appropriate:

- (a) Reduction of overall footprint of the building(s).
 - (b) Consider relocation of the Public amenities and Council facilities to within existing building curtilage.
 - (c) Manage noise impacts through function room design, balcony size and acoustic design.
 - (d) Consider locating Dave Brown Place within existing curtilage.
 - (e) Minimise net loss of public open space and public green space.
 - (f) Investigate improved accessibility of the Coast Walk and Bronte Park.
 - (g) Address perceived privatisation of public space through improved design to the extent practical (with further consideration to be given to these issues through building management arrangements and lease conditions).
 - (h) Minimise impacts from building height and subsequent view loss.
 - (i) Address intensification of site including visitation, event, traffic and parking impacts through improved design to the extent practical (with further consideration to be given to these issues through building management arrangements and lease conditions).
 - (j) Provide justification/rationale for proposed bulk & scale, internal configuration and balcony size for any amended design proposal.
 - (k) Redesign to obtain a reduction in budget shortfall.
 - (l) Mitigate risk associated with coastal inundation and rising sea levels.
 - (m) Consider and respond to the inter-dependencies of the Bronte SLSC and Community Facilities project with the design and programming of the Bronte seawall restoration project.
7. Notes that the concerns raised in the Petition tabled at the 16 June 2020 Council meeting have been considered in the community engagement report and in the development of the proposed design review principles detailed above.
8. Receives a further report with new concept designs that give consideration to the design review principles detailed above and the Bronte Park and Beach Plan of Management (2017).

B Scaffdi, C Burns, S Bruns, J Hutton, R Bruns, and T Chapman addressed the meeting.

CM/7.3/20.06(3) Bondi Festival 2020 - Postponement (A19/0743)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council approves the revised Bondi Festival 2020 as detailed in the report.

CM/7.4/20.06(3) Petition - Boat Trailer Parking in Trafalgar Street, Bronte (A17/0135)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council refers the petition on stopping Trafalgar Street, Bronte, being used for the long-term storage of boat trailers, to the Director, Planning, Environment and Regulatory and the Director, Community, Assets and Operations, for appropriate action.
2. A report comes back to Council.

CM/7.5/20.06(3) Early Education and Care - Relief Package and Transition Measures (A19/0783)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the Federal Government's Early Education and Care services transition measures from 13 July to 4 October 2020.
2. Notes Council's acceptance of the Federal subsidy of \$380,000 which is conditional upon the Early Education Services fees remaining at the relief package reference rates till 27 September 2020.
3. Fixes the daily fees for the Early Education Services for the period from 13 July to 27 September 2020 as follows:
 - (a) 0-3 year old: \$122.
 - (b) 3+ years old: \$116.
4. Notes that the 2020-21 Pricing Policy, Fees and Charges document will be updated accordingly.
5. Notes that any associated budget implication will be assessed in the Q1 budget review process.

8. Notices of Motions**CM/8.1/20.06(3) RESCISSION MOTION - CM/8.1/20.06(2) - Jack Munday Memorial (A02/0276)****MOTION (WITHDRAWN)**

That resolution CM/8.1/20.06(2) – Jack Munday Memorial, passed at the Council meeting on 16 June 2020, be rescinded.

CM/8.2/20.06(3) Financial Assistance Grants (A18/0758)**MOTION**

Mover: Cr Nemesh
Seconder: Cr Kay

That Council:

1. Acknowledges the Federal Government's \$1.8 billion commitment to support Local Government through the Coronavirus pandemic period via Financial Assistance Grants.
2. Notes that, as part of this support package, Waverley Council will receive \$1,062,708.
3. Writes to:
 - (a) Mr Dave Sharma MP, Member for Wentworth, thanking him for his advocacy in helping to secure this funding for Waverley Council.
 - (b) The Hon Mark Coulton MP, Minister for Local Government, thanking him for his support of Local Government during this period.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2 AND A NEW CLAUSE 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Acknowledges the Federal Government's \$1.8 billion commitment to support Local Government through the Coronavirus pandemic period via Financial Assistance Grants.
2. Notes that, as part of this support package, Waverley Council will receive \$1,062,708 which is approximately 50% of the 2020/21 Financial Assistance Grant (FAG) that councils would expect.
3. Notes that:
 - (a) This Financial Assistance Grant is part of the annual grant allocation by the Commonwealth Government's Financial Assistance Grants (FAG) program that is provided to the NSW Grants Commission's Grant Program for Councils
 - (b) The Commonwealth Government is bringing forward the first instalment of the grant and has advised the NSW Government that the FAG process will continue 'business as usual'
 - (c) Based on the advanced payment allocation it is expected the overall grant allocation will increase by 5.5% (\$110,987) over the 2019/2020 grant allocation although this is yet to be confirmed.
 - (d) Council has budgeted to expend the bulk of the expected FAG funding in the 2020/21 financial year.
4. Writes to:
 - (a) Mr Dave Sharma MP, Member for Wentworth, thanking him for his advocacy in helping to

secure this funding for Waverley Council.

- (b) The Hon Mark Coulton MP, Minister for Local Government, thanking him for his support of Local Government during this period.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session

There were no items dealt with in closed session.

12. Meeting Closure

THE MEETING CLOSED AT 9.00PM.

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SIGNED AND CONFIRMED
MAYOR
21 JULY 2020