



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 18 AUGUST 2020**

Present:

Councillor Elaine Keenan (Deputy Mayor) (Chair)	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
Mitchell Reid	Acting Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Richard Coelho	Acting Manager, Governance

At the commencement of proceedings at 7.03 pm, those present were as listed above.

At 10.04 pm, Cr Burrill 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 Cr Masselos.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Nemesh declared a pecuniary interest in item CM/5.2/20.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 23 July 2020 – TC/V.01/20.07 – Bon Accord Avenue, Bondi Junction – Temporary Road Closure (Bon Accord Lane to Flood Lane), and informed the meeting that he works for the Jewish Board of Deputies.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/8.4/20.08 – Motion for 2020 LGNSW Annual Conference – Support for TAFE NSW, and informed the meeting that he has been a TAFE student.

3. Obituaries

Phil O'Sullivan OAM

Sammy Tomasiello

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. P Ure – CM/7.9/20.08 – Bondi Surf Bathers Life Saving Club Conservation and Upgrade Project – Community Consultation.
- 4.2. B Jackson – CM/7.9/20.08 – Bondi Surf Bathers Life Saving Club Conservation and Upgrade Project – Community Consultation.
- 4.3. I Caldwell – CM/7.10/20.08 – Bronte Cutting Safety Upgrade.

- 4.4. A Freeman – CM/7.10/20.08 – Bronte Cutting Safety Upgrade.
- 4.5. S Ash – CM/7.10/20.08 – Bronte Cutting Safety Upgrade.
- 4.6. A Weinstock – CM/7.10/20.08 – Bronte Cutting Safety Upgrade.
- 4.7. P Mora – CM/8.2/20.08 – Waverley Cemetery- Formalising the Eastern Entry.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan

Seconder: Cr Lewis

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

- CM/5.1/20.08 Confirmation of Minutes - Council Meeting - 21 July 2020
- CM/7.1/20.08 Budget Carry Over - 2019-20 to 2020-21
- CM/7.2/20.08 Investment Portfolio Report - July 2020
- CM/7.3/20.08 Delivery Program 2018-2022 - Six-monthly Progress Report
- CM/7.5/20.08 Status of Mayoral Minutes and Notices of Motion
- CM/7.6/20.08 Precinct Committees - Update and Motions
- CM/7.11/20.08 Snap Send Solve App
- CM/7.12/20.08 Fleet Management Update
- CM/7.13/20.08 Stronger Communities Fund - Progress Report
- CM/7.14/20.08 Tender Evaluation - Time and Attendance System

5. Confirmation and Adoption of Minutes

CM/5.1/20.08 Confirmation of Minutes - Council Meeting - 21 July 2020 (SF20/42)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan

Seconder: Cr Lewis

That the minutes of the Council Meeting held on 21 July 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/20.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 July 2020 (SF20/45)

Cr Nemesh declared a pecuniary interest in item TC/V.01/20.07 – Bon Accord Avenue, Bondi Junction – Temporary Road Closure (Bon Accord Lane to Flood Lane), and informed the meeting that he works for the Jewish Board of Deputies. Cr Nemesh was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 23 July 2020 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.04/20.07 – 4 Victory Street, Rose Bay – Construction Zone.

And that this item be dealt with separately below.

CM/5.2.1/20.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 July 2020 - 4 Victory Street, Rose Bay - Construction Zone (A03/2514-04)

This item was saved and excepted by Cr Betts.

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Kay

That the Traffic Committee's recommendation be adopted subject to the construction zone being moved 5.5 m to the east so that it includes the driveway of 4 Victory Street, such that the recommendation now reads as follows:

'That Council:

1. Installs a 9 m 'No Parking 7 am–4.30 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles' zone outside 4 Victory Street, Rose Bay, up to the eastern extent of the driveway.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.'

6. Mayoral Minutes

There were no mayoral minutes.

7. Reports

CM/7.1/20.08 Budget Carry Over - 2019-20 to 2020-21 (A03/0346)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan

Seconder: Cr Lewis

That Council carries over budget funds from the 2019–20 financial year to the 2020–21 financial year, as set out in Attachment 1 to this report.

CM/7.2/20.08 Investment Portfolio Report - July 2020 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan

Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for July 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/7.3/20.08 Delivery Program 2018-2022 - Six-monthly Progress Report (A18/0477)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan

Seconder: Cr Lewis

That Council receives and notes progress to 30 June 2020 with respect to the deliverables detailed in the Delivery Program as set out in the attachment to this report.

CM/7.4/20.08 Local Government NSW Annual Conference 2020 (A13/0314)

MOTION

Mover: Cr Keenan

Seconder: Cr Lewis

That Council, in respect of the Local Government NSW Annual Conference 2020:

1. Nominates the Mayor, Deputy Mayor, Councillor O'Neill, Councillor Wy Kanak and Councillor Wakefield as voting delegates for motions.
2. Nominates Councillor Copeland and Councillor Lewis as reserve voting delegates for motions.
3. Nominates Councillors Goltsman to attend the Conference as observers.
4. Approves the attendance of the General Manager or nominee at the Conference.

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, in respect of the Local Government NSW Annual Conference 2020:

1. Nominates the Mayor, Deputy Mayor, Councillor O'Neill, Councillor Wy Kanak and Councillor Wakefield as voting delegates for motions.
2. Nominates Councillor Copeland and Councillor Lewis as reserve voting delegates for motions.
3. Nominates Councillors Goltsman and Betts to attend the Conference as observers.
4. Approves the attendance of the General Manager or nominee at the Conference.

CM/7.5/20.08 Status of Mayoral Minutes and Notices of Motion (SF18/691)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan
Seconder: Cr Lewis

That Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to June 2020.

CM/7.6/20.08 Precinct Committees - Update and Motions (A04/0038)

MOTION / UNANIMOUS DECISION

Mover: Cr Keenan
Seconder: Cr Lewis

That Council:

1. Receives and notes the list of Precinct motions from February–July 2020 attached to this report.
2. Notes the continued operation of Precinct Executive Committee meetings during the COVID-19 pandemic via online platforms.
3. Notes the decision of the Combined Precincts to postpone the hosting of community forums by the Combined Precincts group until 2021 due to the COVID-19 pandemic.

CM/7.7/20.08 Events Policy (SF20/3864)

MOTION

Mover: Cr Wakefield
Seconder: Cr Keenan

That Council:

1. Adopts the Events Policy attached to the report.

2. Notes that relevant and applicable provisions of the Sustainable Events Policy have been incorporated into the updated Events Policy and the Event Waste Management Guidelines and Requirements.
3. Endorses the Event Waste Management Guidelines and Requirements attached to this report as a support document to the updated Events Policy.
4. Notes that, as a consequence of the actions outlined in clauses 2 and 3 above, the Sustainable Events Policy is redundant and will be removed from Council's policy register.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1 AND THE ADDITION OF A NEW CLAUSE 5.

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

UNANIMOUS DECISION:

That Council:

1. Adopts the Events Policy attached to this report, subject to the following amendments:
 - (a) In clause 4.2(b), after the words 'Traditional Owners', add 'connection to country ("sovereignty") and custodianship of land, water and sky.'
 - (b) Events categorised as Medium Impact 1 and High Impact 1, and at the discretion of the General Manager, being reported to Councillors by email at the earliest opportunity prior to the event taking place.
2. Notes that relevant and applicable provisions of the Sustainable Events Policy have been incorporated into the updated Events Policy and the Event Waste Management Guidelines and Requirements.
3. Endorses the Event Waste Management Guidelines and Requirements attached to this report as a support document to the updated Events Policy.
4. Notes that, as a consequence of the actions outlined in clauses 2 and 3 above, the Sustainable Events Policy is redundant and will be removed from Council's policy register.
5. Informs community organisations, successful applicants of events in the past 12 months and precincts of the new policy and guidelines.

CM/7.8/20.08 The Bondi Memorial - Marks Park (A19/0036)

MOTION

Mover: Cr Keenan
Seconded: Cr Wakefield

That Council:

1. Adopts the Waverley Public Art Committee's recommendation regarding Site 4: Marks Park (the Bondi Memorial) from the Waverley Public Art Master Plan.
2. Engages Urban Arts Projects for the commissioning of their concept design *Rise* for Site 4: Marks Park

(the Bondi Memorial) from the Waverley Public Art Master Plan.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Adopts the Waverley Public Art Committee's recommendation of the Urban Arts Projects' concept design 'Rise' for Site 4: Marks Park (the Bondi Memorial) from the Waverley Public Art Master Plan.
2. Officers address any outstanding pre-construction concept design matters for the 'curtilage' of the selected artwork at a Councillor workshop, including:
 - (a) Pedestrian access to and from the site, including site accessibility for the mobility-impaired.
 - (b) Minimising risk to visitors of accident from hard surfaces, especially for children.
 - (c) Maintainability of the site and its access; retaining low-maintenance and high-presentation.
 - (d) Creative and safety lighting.
 - (e) Minimising skateboarding.
 - (f) Interpretive signage.
 - (g) Soft landscaping.
3. Engages Urban Arts Projects for the commissioning of their concept design 'Rise' for Site 4: Marks Park (the Bondi Memorial) from the Waverley Public Art Master Plan.

**CM/7.9/20.08 Bondi Surf Bathers Life Saving Club Conservation and Upgrade Project -
Community Consultation (A19/0172)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council:

1. Undertakes community consultation on the concept design for the Bondi Surf Bathers Life Saving Club (BSBLSC) Conservation and Upgrade Project attached to this report for a period of 28 days from 20 August to 17 September 2020.
2. Receives a summary report at the conclusion of the consultation process detailing consultation methodology, consultation outcomes, key feedback, and recommending any necessary revisions to the concept design.

P Ure and B Jackson addressed the meeting.

CM/7.10/20.08 Bronte Cutting Safety Upgrade (A20/0015)

This matter was last considered by Council at its meeting on 21 July 2020. Debate on the item was adjourned to this meeting.

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Receives and notes the outcome of the options analysis study for the Bronte Cutting Project.
2. Endorses Option 1B (2.5–3 m wide footpath, Calga Place) as the preferred option for Bronte Cutting Project, as detailed in the attachment to this report.
3. Develops Option 1B to a concept design suitable for informing the community.
4. Notes that the developed Option 1B will be reported back to Council prior to informing the community.

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

That debate on this be item be adjourned to the August Council meeting to allow the Surf Club to be consulted.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE CHAIR.

Division

For the Procedural Motion: Crs Betts, Burrill, Goltsman, Kay, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and O'Neill.

Cr Nemesh was not present for the vote on the Procedural Motion.

A FURTHER PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL THAT THIS ITEM LAY ON THE TABLE TO BE CONSIDERED AT A FUTURE TIME.

SUBSEQUENTLY, A FURTHER PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL TO RECOUNT THE VOTE ON THE PROCEDURAL MOTION TO ADJOURN DEBATE. CR WAKEFIELD THEN WITHDREW THIS PROCEDURAL MOTION.

A FURTHER PROCEDURAL MOTION, MOVED BY CR WAKEFIELD AND SECONDED BY CR BURRILL, TO RECOUNT THE VOTE TO ADJOURN DEBATE WAS THEN PUT AND DECLARED CARRIED.

THE VOTE ON THE PROCEDURAL MOTION TO ADJOURN DEBATE WAS RECOUNTED AND DECLARED CARRIED.

DECISION:

That debate on this be item be adjourned to the August Council meeting to allow the Surf Club to be consulted.

Division

For the Procedural Motion: Crs Betts, Burrill, Goltsman, Kay, Nemesh, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and O'Neill.

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

UPON THE RESUMPTION OF DEBATE, THE FOLLOWING AMENDMENT WAS MOVED:

AMENDMENT 1

Mover: Cr Lewis
Seconder: Cr Copeland

That:

1. Clause 2 be amended to read as follows:

'Endorses Option 1B (2.5–3 m wide footpath, Calga Place) as the preferred option for Bronte Cutting Project, as detailed in the attachment to this report, subject to Bronte SLSC feedback during the concept design phase.'

2. The following clause 5 be added to the Motion:

'Keeps the heritage items within the Bronte Cutting intact.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

AMENDMENT 2

Mover: Cr Burrill
Seconder: Cr Kay

1. Clause 2 be amended to read as follows:

'Endorses Option 1B (2.5–3 m wide footpath, Calga Place) as the preferred option for Bronte Cutting Project, as detailed in the attachment to this report, subject to:

- (a) Bronte SLSC feedback during the concept design phase, including assurance that parking movements are acceptable when occupancy is high.
- (b) Investigating widening the 50 m section of footpath on the eastern side of Calga Place near the steps from Bronte Road instead of a realignment of the grass verge and impacts to the steps and heritage sandstone wall.'

2. The following clause 6 be added to the Motion:

'Investigates a widening of the coastal walk and stairs from Calga Place to the Bronte Community Centre.'

3. The following clause 7 be added to the Motion:

'Ensures that the creative and safety lighting of the project is sympathetic to the environment and does not adversely impact on adjoining residents.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

AMENDMENT 3

Mover: Cr Burrill
Seconder: Cr Kay

That:

1. Clause 3 be amended to read as follows:

‘Develops Option 1B, informed by the outcomes of the investigations, to a concept design suitable for consulting with the community.’

2. Clause 4 be amended to read as follows:

‘Notes that the developed Option 1B will be reported back to Council prior to consulting with the community, including the Bronte SLSC.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

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

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

UNANIMOUS DECISION:

That Council:

1. Receives and notes the outcome of the options analysis study for the Bronte Cutting Project.
2. Endorses Option 1B (2.5–3 m wide footpath, Calga Place) as the preferred option for Bronte Cutting Project, as detailed in the attachment to this report, subject to:
 - (a) Bronte SLSC feedback during the concept design phase, including assurance that parking movements are acceptable when occupancy is high.
 - (b) Investigating widening the 50 m section of footpath on the eastern side of Calga Place near the steps from Bronte Road instead of a realignment of the grass verge and impacts to the steps and heritage sandstone wall.
3. Develops Option 1B, informed by the outcomes of the investigations, to a concept design suitable for consulting with the community.
4. Notes that the developed Option 1B will be reported back to Council prior to consulting with the community, including the Bronte SLSC.
5. Keeps the heritage items within the Bronte Cutting intact.
6. Investigates a widening of the coastal walk and stairs from Calga Place to the Bronte Community Centre.
7. Ensures that the creative and safety lighting of the project is sympathetic to the environment and does not adversely impact on adjoining residents.

I Caldwell, A Freeman, S Ash and A Weinstock addressed the meeting.

At 9.11 pm, following the vote on this item, the meeting adjourned for a short break.

At 9.17 pm, the meeting resumed.

CM/7.11/20.08 Snap Send Solve App (A19/0219)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan
Seconder: Cr Lewis

That Council:

1. Notes the usage of the Snap Send Solve application to report issues to Council, including the number of residents who have used it, the number and types of issues reported and the feasibility for increasing the use of the application as outline in this report.
2. Continues to promote usage of the app both internally and externally.

CM/7.12/20.08 Fleet Management Update (A19/0429)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan
Seconder: Cr Lewis

That Council:

1. Note the progress against Council resolutions CM/8.4/18.09 and CM/7.22/19.07.
2. Notes the progress of the strategic review of Council's fleet management initiatives.
3. Notes the update on the 2020–21 fleet management initiatives, including the pool vehicle utilisation and management review, amendments to the staff vehicle list to include electric vehicles, and continued work on the most appropriate funding mechanism for Council's fleet.
4. Supports the continued effort to trial emerging alternative technologies for all vehicles types as they become available.
5. Receives a six-monthly progress report on Council's fleet management program.

CM/7.13/20.08 Stronger Communities Fund - Progress Report (A19/0224)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan
Seconder: Cr Lewis

That Council receives and notes this progress report on the Stronger Communities Fund.

CM/7.14/20.08 Tender Evaluation - Time and Attendance System (SF20/678)**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan

Seconder: Cr Lewis

That Council:

1. Under clause 178(1) (b) of the *Local Government (General) Regulation 2005*, rejects all tenders for the supply of a time and attendance system.
2. Invites fresh tenders or applications as referred to in clause 178(3)(b)–(d) of the *Local Government (General) Regulation 2005*.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

8. Notices of Motions**CM/8.1/20.08 Women's Housing Company (A20/0402)****MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Keenan

That Council:

1. Investigates the adequacy of the current provision of emergency housing in the Waverley local government area (LGA) for local residents escaping domestic violence.
2. Explores collaborative arrangements with the Women's Housing Company and other relevant agencies to ensure that survivors who are escaping domestic violence in the Waverley LGA are able to access emergency housing in their own municipality.

CM/8.2/20.08 Waverley Cemetery - Formalising the Eastern Entry (A17/0108)

This Notice of Motion was withdrawn at the meeting by Cr Burrill, who submitted the Motion.

MOTION (WITHDRAWN)

That Council:

1. Investigates formalising the eastern entrance to Waverley Cemetery including the following:
 - (a) Installation of fencing, landscaping or other means to create a new boundary at the eastern side of Cemetery Area 22 to separate it from the Coastal walk.
 - (b) Extension of the central cemetery pathway to join with the coastal walk.
 - (c) Installation of appropriate signage to identify the entrance to the cemetery.
2. Officers prepare a report for Council consideration that provides outcomes and recommendations

from the investigation referred to in clause 1 above, to also include identification of potential funding sources.

3. Notes that the cemetery business plan that includes plans for Cemetery Area 22 is currently under development.

P Mora addressed the meeting.

CM/8.3/20.08 Motion for 2020 LGNSW Annual Conference - Attending Council Meetings Online in Exceptional Circumstances (A13/0314)

MOTION

Mover: Cr Keenan

Seconder: Cr Wy Kanak

That Council submits the following motion to the 2020 LGNSW Annual Conference:

‘That Local Government NSW writes to the Minister for Local Government, Shelly Hancock MP, requesting that the *Local Government Act* be amended to allow for a Councillor, in exceptional circumstances, to attend an ordinary Council meeting, with the approval of the Mayor and General Manager, via an online platform such as Zoom or Teams.’

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council submits the following motion to the 2020 LGNSW Annual Conference:

‘That Local Government NSW writes to the Minister for Local Government, Shelly Hancock MP, requesting that the *Local Government Act* be amended to allow for a Councillor, in exceptional circumstances, to attend ordinary Council and Committee meetings, with the approval of the Mayor and General Manager, via an online platform such as Zoom or Teams.’

CM/8.4/20.08 Motion for 2020 LGNSW Annual Conference - Support for TAFE NSW (A13/0314)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he has been a TAFE student.

MOTION / DECISION

Mover: Cr Keenan

Seconder: Cr Copeland

That Council submits the following motion to the 2020 LGNSW Annual Conference:

‘That:

1. Local Government NSW recognises the importance of TAFE as an institution which provides a suitably skilled workforce for Council operations and the wider community, including most trades.
2. Local Government NSW calls on the NSW Government (by way of a letter) to restore investment

levels in TAFE, re-directing funding away from private providers into the public TAFE system and that student fees are re-set at realistic levels for affordable access to courses and that staff levels are increased to teach courses relevant to demands for services across the economy.'

Division

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

Against the Motion: Cr Burrill.

CM/8.5/20.08 Stop Black Deaths in Custody - Walama Court (A02/0424)

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That Council notes the information from First Nations lawyers' organisations about the 'Walama Court' for alternative sentencing processes and includes this discussion in local government strategising to assist with locally based stop black deaths in custody measures.

Crs Burrill and Nemesh were not present for the vote on this item.

9. Questions with Notice

CM/9.1/20.08 Question with Notice - Heritage Provisions (A20/0261)

QUESTION

The following questions were submitted by Cr Keenan:

Can the Director, Planning, Environment and Regulatory, please indicate how:

1. Heritage provisions are being integrated into Waverley's development assessment process, including its fast track system?
2. Heritage provisions apply to commercial change of use in heritage buildings?
3. Building compliance links to approvals for buildings with heritage status, noting that provisions for BCA compliance require specialist heritage advice?

General Manager's answers

1. All development applications (DAs) are required to be assessed and determined in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. Section 4.15 of the Act specifies the relevant matters that must be considered in the assessment process and the local LEP and DCP are matters that must be considered. There are specific heritage provisions in both the LEP and DCP, with objectives and development controls, and these must be considered, where relevant, for all DAs (including those in fast track).
2. The heritage provisions in our LEP (clause 5.10) and DCP (Part B9) only relate to works that require a DA. This can involve minor works such as:

- Demolishing or moving or altering the exterior of the item (including, in the case of a building, making changes to its detail, fabric, finish or appearance).
- Altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in schedule 5 of WLEP in relation to the item.

They do not relate to a change of use where the change is a permissible use in the zoning and do not involve any changes to the internal or external fabric of the building.

3. It is a prescribed condition of every development consent that the new works comply with the BCA. Where the works are being undertaken to a building of heritage significance, specialist heritage advice may be required by way of a special DA condition to ensure the BCA compliance works (such as fire safety measures) do not adversely impact the heritage significance.

Mitchell Reid
Acting Director, Planning, Environment and Regulatory

CM/9.2/20.08 Question with Notice - Bondi Icebergs - Complaints (A14/0108)

QUESTION

The following question was submitted by Cr Wy Kanak:

What is Council doing to address the noise and other complaints from Notts Avenue residents about Bondi Icebergs?

General Manager's answer

Council's rangers have visited the premises and discussed the complaints with the management of Bondi Icebergs at the time of receiving the most recent complaint. Council's Executive Manager, Compliance, has also contacted the operator and discussed a number of issues, including early morning deliveries, and is arranging to meet with operator to attempt to resolve the matter.

Mitchell Reid
Acting Director, Planning, Environment and Regulatory

CM/9.3/20.08 Question with Notice - Bondi Icebergs - Development Application (DA-268/2002/B)

QUESTION

The following question was submitted by Cr Wy Kanak:

How is Council processing the DA related to a modification of the Bondi Icebergs DA from some years ago?

General Manager's answer

The assessment of all applications is undertaken in accordance with relevant legislative requirements. Council's development assessment staff are currently assessing a modification application (DA-268/2002/B)

for these premises for changes to the current operating hours, patron numbers, works to the façade and internal works.

Mitchell Reid
Acting Director, Planning, Environment and Regulatory

10. Urgent Business

CM/10.1/20.08 Coronavirus (COVID-19) - Beaches and Nippers (A20/0443)

The Chair ruled that this matter was urgent.

MOTION / DECISION

Mover: Cr Betts
Seconder: Cr Wakefield

That Council deals with this matter as an item of urgent business.

MOTION

Mover: Cr Betts
Seconder: Cr Goltsman

That Council urgently prepare protocols for managing our beaches, using the abundance of caution approach and complying with NSW Health and Police advice. In particular, Council needs to assist Surf Clubs in preparing protocols for their Nippers programs due to start on 18 October, understanding that unrestricted children's sport is allowed under the NSW *Public Health Act*.

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

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

UNANIMOUS DECISION:

That Council urgently meets with all local surf clubs to prepare protocols for managing our beaches. In particular, Council needs to assist Surf Clubs in preparing protocols for their Nippers programs due to start on 18 October, understanding that unrestricted children's sport is allowed under the NSW *Public Health Act*, using the abundance of caution approach and complying with NSW Health and Police advice.

CM/10.2/20.08 NSW Draft State Strategic Plan for Crown Land (A14/0201)

The Chair ruled that this matter was urgent.

MOTION / DECISION

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That Council deals with this matter as an item of urgent business.

MOTION

Mover: Cr Betts
Seconder: Cr Goltsman

That the Mayor, or Deputy Mayor, on behalf of Council, writes to the NSW Government's Department of Planning, Industry and Environment Crown Lands Office, concerning the Draft State Strategic Plan for

Crown Land, communicating that Council opposes any Draft State Strategic Plan for Crown Land that:

1. Fails to enhance custodianship of Crown Land for First Nations Peoples and fails to increase biodiversity protections.
2. Encourages an excessive corporate focus likely to lead to privatisation and exploitation.
3. Fails to create jobs for First Nations Peoples wishing to express co-management and caring for country.
4. Deprioritises distinct budget allocations, thereby creating the potential for further cost shifting to local councils and Aboriginal Land Councils.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That the Mayor, on behalf of Council, writes to the NSW Government's Department of Planning, Industry and Environment Crown Lands Office, concerning the Draft State Strategic Plan for Crown Land, communicating that Council opposes any Draft State Strategic Plan for Crown Land that:

1. Fails to enhance custodianship of Crown Land for First Nations Peoples and fails to increase biodiversity protections.
2. Encourages an excessive corporate focus likely to lead to privatisation and exploitation.
3. Fails to create jobs for First Nations Peoples wishing to express co-management and caring for country.
4. Deprioritises distinct budget allocations, thereby creating the potential for further cost shifting to local councils and Aboriginal Land Councils.

At 10.04 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.

11. Closed Session

There were no matters dealt with in closed session.

12. Meeting Closure

THE MEETING CLOSED AT 10.06 PM.

.....
SIGNED AND CONFIRMED
MAYOR
15 SEPTEMBER 2020