



W A V E R L E Y
COUNCIL

COUNCIL MEETING

ADDITIONAL BUSINESS

7.00 PM, TUESDAY 20 JULY 2021

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

ADDITIONAL BUSINESS

7. Reports

CM/7.1/21.07	COVID-19 - Council Response, Business Continuity and Community Support Initiatives - Supplementary Report	3
--------------	---	---

8. Notices of Motions

CM/8.7/21.07	Mill Hill Conservation Area - Change of Zoning	8
--------------	--	---

REPORT
CM/7.1/21.07

Subject: COVID-19 - Council Response, Business Continuity and Community Support Initiatives - Supplementary Report

TRIM No: A20/0258

Author: Sharon Cassidy, Acting Director, Community, Assets and Operations

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council:

1. Approves the waiving of the childcare gap fee across Council's Early Education Centres in response to the Federal Government decision encouraging childcare service providers to waive gap-fees in cases where children are kept at home and are therefore not using the service due to the current COVID-19 restrictions.
2. Approves the waiving of construction zone and hoarding permit fees for construction sites across the local government area in response to changes to the Public Health Orders regarding construction sites in Greater Sydney.
3. Approves the fee waivers in clauses 1 and 2 above to continue until the next Council meeting scheduled for 17 August 2021 or until such earlier time as determined by Council or the General Manager.

1. Executive Summary

This supplementary report has been prepared in response to announcements by both the State and Federal Governments both concurrent to, and following preparation of, the report on this agenda to be considered by Council at its meeting on 20 July 2021.

On 15 July 2021, the Federal Government announced that it would provide additional support for New South Wales by allowing childcare service providers to waive gap-fees for parents keeping their children at home due to current COVID-19 restrictions. On 17 July 2021, the NSW Government announced that from 12.01 am Monday, 19 July 2021, work at construction sites in Greater Sydney cannot be carried out unless the work is urgently required.

It is proposed that childcare gap fees, construction zone and hoarding permit fees be waived in response to these announcements. These measures are supplementary to those proposed in the *COVID-19 – Council Response, Business Continuity and Community Support Initiatives* report on the Council meeting agenda of 20 July 2021.

The report recommends that Council approves the waiving of the gap fee for childcare services and also construction zone and hoarding permit fees until the next Council meeting scheduled for 17 August 2021 or until such earlier time as determined by Council or the General Manager.

The current COVID-19 restrictions will impact Council's operational budget and the extent of this impact will depend upon the length of the restrictions. A further report on the financial impact of the recent COVID-19 restrictions will be submitted to Council as part of the Q1 budget amendment in October.

2. Introduction/Background

On 26 June 2021, the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* (PHO) was issued by the NSW Government in an effort to control the escalation of positive COVID-19 cases within the Greater Sydney Metropolitan Region and there have been numerous amendments since that time. The current PHO includes special directions for Greater Sydney (including the Waverley local government area), and affected people are subject to strict stay at home orders. In response, Council re-enacted its business continuity arrangements to enable the organisation to continue to deliver essential services to the community. This has been undertaken in accordance with the Public Health Orders issued by the NSW Government and has involved the closing of services, facilities, programs, and events where appropriate.

At its extraordinary meeting on 29 June 2021, Council adopted a new business support package. The package included measures that provide support to the business community through the current pandemic restrictions.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 June 2021	CM/4.1/21.06E2	<p>That Council:</p> <ol style="list-style-type: none"> <li data-bbox="655 1048 1390 1256">1. Notes that, along with all other councils in Greater Sydney, the Waverley local government area is subject to a revised Public Health Order issued by the NSW Government, with this Order imposing additional pandemic restrictions from 26 June 2021 until 9 July 2021. <li data-bbox="655 1301 1412 1827">2. Adopts the COVID-19 Business Support Package (June–July 2021) detailed in the mayoral minute until the Council meeting scheduled for 20 July 2021 or until such earlier time as determined by the Council or the General Manager, with the business support measures being those: <ol style="list-style-type: none"> <li data-bbox="730 1547 1366 1648">(a) Outlined in Table 1 of the mayoral minute and adjusted in accordance with Council's Schedule of Fees and Charges. <li data-bbox="730 1693 1366 1827">(b) Outlined in Table 2 of the mayoral minute subject to clause 3 below and subject to the Early Education Centres measure being amended to read as follows: <p style="margin-left: 40px;">'Delaying implementation of the fee increase from 1 July 2021 until the commencement of school term 4 on 5 October 2021.'</p> <li data-bbox="655 2007 1412 2076">3. Publicly exhibits the proposed changes to the Schedule of Fees and Charges contained in Table 2 of the mayoral

		<p>minute for a period of 28 days in accordance with section 610F(3) of the <i>Local Government Act 1993</i>.</p> <ol style="list-style-type: none"> 4. Officers, following the public exhibition period, prepare a further report to Council should any submissions be received in response to clause 3 above. 5. Notes that if no submissions are received, the changes to the Schedule of Fees and Charges referred to in clause 2 above will be effective from 1 July 2021, with the fee relating to Early Education Centres to increase from the commencement of school term 4, being 5 October 2021, or such later date as the Business Support Package (June–July 2021) may be extended to. 6. Delegates authority to the General Manager to suspend or modify any measures in the COVID-19 Business Support Package detailed in this mayoral minute in response to changes in the status of the COVID-19 pandemic restrictions up to 20 July 2021. 7. Officers prepare a report to Council on the status and financial impacts of the COVID-19 Business Support Package at the Council meeting scheduled for 20 July 2021. 8. Authorises the Mayor to sign, on behalf of Council, the letter to the NSW Premier, the Hon. Gladys Berejiklian, attached to the mayoral minute, calling on the NSW Government to provide support for businesses and individuals at financial risk from the latest COVID stay at home orders. 9. Notes the operational measures in support of vulnerable residents reported by the General Manager to Council as part of this resolution, as part of Council’s response to the latest outbreak of the pandemic.
--	--	--

4. Discussion

Childcare gap-fee waiver

On 15 July 2021, the Federal Government announced that it would provide additional support for New South Wales by allowing childcare service providers to waive gap-fees for parents keeping their children at home due to current COVID-19 restrictions. The gap fee is the difference between the Child Care Subsidy (CCS) the Government pays to a service provider and the remaining fee paid by the family.

The gap fee typically covers between 15% and 80% of a service’s payments depending on the parent’s income level. In Waverley, it is often at the higher end of this scale. Waiving this fee would therefore have a significant financial impact on the Early Education Centres service. However, there is community expectation that Council supports the families who choose not to send their children to childcare during this difficult time.

It is proposed that for families who opt to keep their children home for the full duration of the lockdown would have the gap fees waived and their enrolment maintained. If parents choose to continue to send their children, the usual fees will continue to apply.

Construction zone and hoarding permit fee waiver

On 17 July 2021, the NSW Government announced that from 12.01 am Monday, 19 July 2021, work at construction sites in Greater Sydney is not to be carried out unless the work is urgently required. Council has 25 construction zones and 20 hoarding permits in place with developers/contractors.

It is proposed that construction zone and hoarding permit fees be waived for these construction sites.

5. Financial impact statement/Time frame/Consultation

Financial

Council's Pricing Policy and Schedule of Fees and Charges provides Council with the ability to waive fees and charges in cases where a service is not provided or is disrupted. While the disruptions addressed in this report have not been caused by Council, the COVID situation and the Government Public Health Orders have certainly caused disruption to users of Council services. The General Manager has delegation to waive such fees and charges; however, in view of the financial value of the projected waiving, it is considered appropriate that the proposals be referred to Council for consideration and determination.

The proportion of families that would access the fee waiver is currently unknown. It is not known yet what proportion of families would access the fee waiver. In the event that 70% of families access the fee waiver, the loss of revenue would be in the order of \$65,000 per week. In the event that 30% of families access the fee waiver, the loss of revenue would be in the order of \$28,000 per week.

The proposal to waive the fees for the 25 construction zones would result in a loss of revenue of approximately \$38,875 per week. The proposal to waive the fees for the 20 hoarding permits would result in a loss of revenue of \$49,635 per week. In both these cases however, the fees would be still received following cessation of the restrictions.

The implementation of the above two additional COVID-19 support packages will increase the impact on Council's budget across two financial years, with most of the implication being in FY 2021–22.

The current FY 2021–22 budget operates with a small surplus of \$3,910. The latest business and childcare support packages will impact the FY 2021–22 budget negatively, as no allowance for the impact of the COVID restrictions has been included in the budget.

Council staff will undertake a full assessment of the impact of latest COVID-19 outbreak on Council's financial budget as part of the Q1 review which will be reported to Council in October 2021.

Time frame

It is proposed that the COVID-19 support detailed in this report be in place until the Council meeting of 17 August 2021 at the latest.

Consultation

The following organisations have been consulted in developing Council's COVID-19 response:

- Service NSW.
- NSW Health.

- Office of Local Government.
- NSW Education

6. Conclusion

Council's COVID-19 response has included enacting business continuity arrangements to ensure the delivery of essential services, a range of financial and non-financial support measures for the community and local business, compliance initiatives, and the direct delivery of community support programs. It is recommended that Council approves the waiving of the gap fee for childcare services and also construction zone and hoarding fees until the next Council meeting scheduled for 17 August 2021 or until such earlier time as determined by Council or the General Manager.

7. Attachments

Nil .

NOTICE OF MOTION CM/8.7/21.07



Subject: Mill Hill Conservation Area - Change of Zoning

TRIM No: A21/0367

Submitted by: Councillor Keenan
Councillor Copeland

MOTION:

That Council:

1. Reviews the zoning classification for the Mill Hill Conservation area from R3 to R2 to better reflect the character and heritage of the local area.
2. Amends the Waverley Local Environmental Plan to clarify which commercial projects can operate in a R3 zone and that must genuinely service the immediate community.
3. Writes to the NSW Planning and Open Spaces Minister, Rob Stokes, local MPs Dr Marjorie O'Neil and Gabrielle Upton, and LGNSW President, Linda Scott, demanding the return of planning decisions to elected members of local councils, as residents deserve a planning system that protects them.
4. Notes that these changes are necessary as the current planning system takes the power away from residents and locally elected representatives and gives power over planning to developers.

Background

Once again, our community has been overruled by an unelected body, the Waverley Local Planning Panel. The Mill Hill community did everything they could to stress upon the panel their strong opposition to a DA at 2 Birrell Street, Bondi Junction.

Over 100 residents signed petitions and wrote objection letters to Council; however, as we have seen with other inappropriate development, such as 194 Oxford Street and others, the community voice is overruled in favour of the developer.

It is clear the system, which was first trialled at Waverley Council under Cr Betts and instituted by the Liberal State Government, is not working for local communities because it has been hijacked by the development industry.

Our community is demanding that the people they elect to represent them are the ones who make decisions in relation to their local suburbs. They do not want unelected representatives installed by the State Government and which only allow them three minutes to put their case against DAs and inappropriate development.

It is also of great concern to the community that these poor decisions are being made in Heritage Conservation Areas (HCA). This is also happening in Charing Cross, where yet another inappropriate DA at Charing Square wishes to trash the rules and build well beyond the HCA planning rules.

General Manager's comment

Council has the primary responsibility for preparing and implementing local plans. Such plans are required to reflect state and regional planning priorities and actions.

The Waverley Local Strategic Planning Statement (LSPS) was prepared as the first step in undertaking a comprehensive review of planning controls and was adopted by Council and prepared in accordance with the *Environmental Planning and Assessment Act 1979* (the EP&A Act). The LSPS brings together and builds on planning work found in Council's other plans, studies and strategies including Council's Local Environmental Plan (LEP), Development Control Plan (DCP) and Development Contributions Plan. The LSPS is used to guide any updates to these plans, and identifies additional strategies and policies to be developed, so that Council's vision is clear throughout its planning framework and guides how planning decisions are made. This is important to both delivering on the vision, as well as embedding accountability and trust in the planning system.

A key strategy developed following the LSPS was the Waverley Local Housing Strategy (LHS). The LHS responds to the GSC's Region and District Plans, which set the growth strategy for local government areas, and was also adopted by Council. The LHS identified the housing priorities to guide the future of housing in Waverley. Similarly, the Our Liveable Places Strategy and Heritage Assessment were also prepared and adopted by Council and inform the development of future LEP amendments. The intent of this motion does not appear to be consistent with these plans and adopted Council policy.

Should Council adopt clause 3 and 4 of the motion, letters will be written to the Minister and State Members accordingly.

Tony Pavlovic
Director, Planning, Environment and Regulatory