



WAVERLEY COUNCIL

MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON TUESDAY, 12 NOVEMBER 2024

Present:

Councillor Michelle Stephenson (Chair)	Bondi Ward
Councillor Will Nemesch (Mayor)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 7.30 pm, those present were as listed above.

Crs Frazer, Masselos, Spooner and Wy Kanak attended the meeting by audio-visual link.

At 7.44 pm, during the consideration of item PD/5.1/24.11, the meeting adjourned for a short break.

At 7.54 pm, the meeting resumed.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair 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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/24.11 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 May 2024 (A23/0763)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Nemesh

That the minutes of the Strategic Planning and Development Committee meeting held on 7 May 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/24.11 Planning Agreement Policy (Amendment No. 5) - Adoption (SF23/1066)

A notice of motion to rescind this resolution has been submitted with the General Manager. The rescission motion will be considered at the Council meeting on 26 November 2024.

MOTION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council:

1. Adopts the Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:
 - (a) Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: ‘Monetary contributions obtained from planning agreements may be spent within the vicinity of the development they relate to but must be spent within the Waverley local government area.’
 - (b) Page 25 of the agenda, clause 2.5, ‘Allocation of VPA to affordable housing’, first paragraph – Amend to read as follows: ‘A maximum of 25% of all planning agreement contributions will go towards Waverley’s Affordable Housing Contributions Reserve fund, except for where a VPA is offered in lieu of a contribution charged under chapter 2 part 3 of the *State Environmental Planning Policy (Housing) 2021*, in which case 100% of the funds may be dedicated towards Waverley’s Affordable Housing Contributions Reserve fund.’
2. Officers prepare a report to Council no later than March 2025 that:
 - (a) Reviews the financial impact of allocating planning agreement contributions to the Section 7.4 Planning Agreement Reserve and the Affordable Housing Contributions Reserve through examining:
 - (i) The interrelationship between the Planning Agreement Policy and Affordable Housing Contributions Scheme to ensure reasonableness, assess duplication and ensure that maximum community benefit is achieved.
 - (ii) The timing for payment of monetary contributions (including any bonds or security required) raised in accordance with the Planning Agreement Policy and Affordable Housing Contributions Scheme.
 - (b) Provides future income and balance projections of both the Section 7.4 Planning Agreement Reserve and Affordable Housing Contributions Reserve over the next four years, with a year-by-year breakdown of forecast income by suburb based on the NSW Government’s new housing targets for the Waverley local government area.
 - (c) Makes recommendations and improvements to both the Planning Agreement Policy and Affordable Housing Contributions Scheme to:
 - (i) Ensure adequacy of affordable housing funds into the future, including the maintenance and renewal of current stock and the acquisition of new stock.
 - (ii) Rebalance the income contributions to prioritise funding for infrastructure and capital works programs and projects.

AMENDMENT (WITHDRAWN)

Mover: Cr Lewis
Seconder: Cr Merten

That clause 1(a) be amended to read as follows:

‘Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: “Monetary contributions obtained from planning agreements must be spent within the vicinity of the development they relate to.”’.

AT THIS STAGE IN PROCEEDINGS, A PROCEDURAL MOTION TO ADJOURN THE MEETING TO CONSIDER AMENDMENTS TO THE MOTION, MOVED BY CR STEPHENSON AND SECONDED BY CR NEMESH, WAS PUT AND DECLARED CARRIED.

LATER IN THE MEETING, A PROCEDURAL MOTION TO RESUME THE MEETING, MOVED BY CR STEPHENSON AND SECONDED BY CR NEMESH, WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1(a) AND 2(c)(ii).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Adopts the Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:
 - (a) Page 23 of the agenda, clause 2.2(f) – Amend to read as follows: ‘Monetary contributions obtained from planning agreements should as a priority be spent within the vicinity of the development they relate to but must be spent within the Waverley local government area’.
 - (b) Page 25 of the agenda, clause 2.5, ‘Allocation of VPA to affordable housing’, first paragraph – Amend to read as follows: ‘A maximum of 25% of all planning agreement contributions will go towards Waverley’s Affordable Housing Contributions Reserve fund, except for where a VPA is offered in lieu of a contribution charged under chapter 2 part 3 of the *State Environmental Planning Policy (Housing) 2021*, in which case 100% of the funds may be dedicated towards Waverley’s Affordable Housing Contributions Reserve fund.’
2. Officers prepare a report to Council no later than March 2025 that:
 - (a) Reviews the financial impact of allocating planning agreement contributions to the Section 7.4 Planning Agreement Reserve and the Affordable Housing Contributions Reserve through examining:
 - (i) The interrelationship between the Planning Agreement Policy and Affordable Housing Contributions Scheme to ensure reasonableness, assess duplication and ensure that maximum community benefit is achieved.
 - (ii) The timing for payment of monetary contributions (including any bonds or security required) raised in accordance with the Planning Agreement Policy and Affordable Housing Contributions Scheme.
 - (b) Provides future income and balance projections of both the Section 7.4 Planning Agreement

Reserve and Affordable Housing Contributions Reserve over the next four years, with a year-by-year breakdown of forecast income by suburb based on the NSW Government's new housing targets for the Waverley local government area.

- (c) Makes recommendations and improvements to both the Planning Agreement Policy and Affordable Housing Contributions Scheme to:
 - (i) Ensure adequacy of affordable housing funds into the future, including the maintenance and renewal of current stock and the acquisition of new stock.
 - (ii) Rebalance the income contributions to prioritise funding for infrastructure and projects.

Division

For the Motion: Crs Fabiano, Frazer, Lewis, Merten, Nemesh, Spicer, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Crs Masselos and Spooner.

PD/5.2/24.11 Social Media Policy and Media Policy - Exhibition (A24/1019)

MOTION

Mover: Cr Nemesh

Seconder: Cr Westwood

That Council:

1. Publicly exhibits the draft Social Media Policy attached to the report for 28 days, subject to the following amendments:
 - (a) Page 78 of the agenda, clause 2.2 – Amend to read as follows: 'A new Council social media platform, or a social media platform proposed by a Council-related entity (for example, a Council committee), can only be established or deleted with the written approval of the General Manager or their delegate in consultation with the Mayor.'
 - (b) Page 78 of the agenda, clause 2.3 – Amend to read as follows: 'Where a Council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate and in consultation with the Mayor may amend clause 2.1 of this policy without the need for endorsement by Council's governing body.'
 - (c) Page 81 of the agenda, clause 3.8 – Amend to read as follows: 'If a Councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within one month of a change in circumstances.'
 - (d) Page 83 of the agenda, clause 4.3(i) – Amend to read as follows: 'Must not make an official comment on behalf of Council where they have not been authorised to make such comment.'
 - (e) Page 84 of the agenda, clauses 5.8–5.10 – Delete.
 - (f) Page 85 of the agenda, clause 5.13 – Amend to read as follows: 'Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them. This clause does not apply to blocking or banning a person from a Councillor's

social media platform.’

- (g) Page 85 of the agenda, clause 5.15 – Amend to read as follows: ‘Where a determination is made to block or ban a person from a social media platform, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review. This clause does not apply to blocking or banning a person from a Councillor’s social media platform.’
 - (h) Page 86 of the agenda, clause 7.2 – Amend to read as follows: ‘Council officials must not destroy, alter, or remove social media content unless authorised to do so. If Council officials need to alter or remove social media content, they must do so in accordance with this policy and consult with the Council’s records manager and comply with the requirements of the *State Records Act 1998*.’
 - (i) Page 86 of the agenda, clause 7.3 – Amend to read as follows: ‘When/if a Councillor’s term of office concludes, the Council’s records manager must contact the Councillor to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.’
2. Publicly exhibits the draft Media Policy attached to the report for 28 days, subject to the following amendments:
- (a) Page 94 of the agenda, clause 3.9 – Amend to read as follows: ‘Should clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for Council (unless authorised to do so)’
 - (b) Page 94 of the agenda, clause 3.11 – Amend to read as follows: ‘must not disclose confidential Council information unless authorised to do so, and...’
 - (c) Page 94 of the agenda, clause 3.12 – Amend to read as follows: ‘May seek information and guidance from the Senior Media Advisor where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.’
 - (d) Page 95 of the agenda, clause 3.14 – Amend to read as follows: ‘Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should endeavour to provide this information to the Senior Media Advisor.’
 - (e) Page 95 of the agenda, ‘Councillors’ – Add the following clause after clause 3.14 – ‘Where the Senior Media Advisor or relevant Director becomes aware of potential issues that could result in media interest, they should provide this information to the Mayor.’
 - (f) Page 96 of the agenda, clause 4.2 – Amend to read as follows: ‘Council officials must not share information or make comments to the media through either direct or indirect mechanisms that could reasonably be seen as...:’
 - (g) Page 96 of the agenda, clause 4.2(a) – Amend to read as follows: ‘defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public.’
 - (h) Page 96 of the agenda, clause 4.2(b) – Amend to read as follows: ‘containing profane language or is sexual in nature.’
 - (i) Page 96 of the agenda, clause 4.2(c) – Amend to read as follows: ‘constituting harassment

and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory.’

- (j) Page 96 of the agenda, clause 4.2(e) – Amend to read as follows: ‘containing content about the Council, Council officials or members of the public that is misleading or deceptive.’
- (k) Page 96 of the agenda, clause 4.2(f) – Amend to read as follows: ‘divulging confidential Council information.’
- (l) Page 96 of the agenda, clause 4.2(g) – Amend to read as follows: ‘breaching the privacy of other Council officials or members of the public.’
- (m) Page 96 of the agenda, clause 4.2(h) – Amend to read as follows: ‘containing allegations of suspected breaches of the Council’s code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model.’
- (n) Page 97 of the agenda, clause 5.1 – Amend to read as follows: ‘During emergencies, such as natural disasters or public health incidents, the Senior Media Advisor and Communications and Engagement Manager will be responsible for coordinating media releases and statements on behalf of the Council in conjunction with the Mayor.’

3. Officers prepare a report to Council following the exhibition period.

AMENDMENT

Mover: Cr Lewis
Seconder: Cr Merten

That clause 2(a) be amended to read as follows:

‘Page 94 of the agenda, clause 3.9 – Amend to read as follows: “Must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so).”’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Fabiano, Lewis, Masselos, Merten, Spooner and Wy Kanak.

Against the Amendment: Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 2(b) and 2(f).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Publicly exhibits the draft Social Media Policy attached to the report for 28 days, subject to the following amendments:
 - (a) Page 78 of the agenda, clause 2.2 – Amend to read as follows: ‘A new Council social media platform, or a social media platform proposed by a Council-related entity (for example, a Council committee), can only be established or deleted with the written approval of the General Manager or their delegate in consultation with the Mayor.’

- (b) Page 78 of the agenda, clause 2.3 – Amend to read as follows: ‘Where a Council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate and in consultation with the Mayor may amend clause 2.1 of this policy without the need for endorsement by Council’s governing body.’
 - (c) Page 81 of the agenda, clause 3.8 – Amend to read as follows: ‘If a Councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor’s social media platforms and updated within one month of a change in circumstances.’
 - (d) Page 83 of the agenda, clause 4.3(i) – Amend to read as follows: ‘Must not make an official comment on behalf of Council where they have not been authorised to make such comment.’
 - (e) Page 84 of the agenda, clauses 5.8–5.10 – Delete.
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 - (b) Page 94 of the agenda, clause 3.11 – Amend to read as follows: ‘must not disclose Council information unless authorised to do so, unless the information is in the public domain and...’
 - (c) Page 94 of the agenda, clause 3.12 – Amend to read as follows: ‘May seek information and guidance from the Senior Media Advisor where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.’

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- (n) Page 97 of the agenda, clause 5.1 – Amend to read as follows: ‘During emergencies, such as natural disasters or public health incidents, the Senior Media Advisor and Communications and Engagement Manager will be responsible for coordinating media releases and statements on behalf of the Council in conjunction with the Mayor.’

3. Officers prepare a report to Council following the exhibition period.

Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.

PD/5.3/24.11 Sponsorship Policy - Exhibition (A24/0140)

MOTION / DECISION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council publicly exhibits the draft Sponsorship Policy attached to the report for 28 days, subject to the following amendments:

1. Page 105 of the agenda, next revision date – Amend to read as follows: ‘Two years from the approval date.’
2. Page 113 of the agenda, clause 4.10.2, ‘Outbound’, first sentence – Amend to read as follows: ‘\$14,999 and below – Approval by the General Manager in consultation with the Executive Leadership Team.’
3. Page 113 of the agenda, clause 4.10.2, ‘Outbound’, second sentence – Amend to read as follows: ‘Above \$15,000 – Approval by Council.’

Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.31 PM.

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SIGNED AND CONFIRMED
CHAIR
4 FEBRUARY 2025