



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT THE WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION  
ON TUESDAY, 19 APRIL 2016**

**Present:**

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Joy Clayton	Bondi Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewe	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Arthur Kyron	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Manager, Internal Ombudsman's Office

*At the commencement of proceedings at 6.30PM those present were as listed above with the exception of Cr Wakefield who arrived at 6.38PM.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Mayor 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**

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 to Council by Members of the Public**

AT THIS STAGE IN THE PROCEEDINGS THE FOLLOWING MOTION WAS MOVED:

**MOTION (Kanak / Wakefield)**

That people be allowed to audio visually record the Council Meeting in relation to the agenda item on the Bondi Pavilion upgrade for the purpose of transparency and public interest.

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

- 3.1 D Smith – Item CM/7.4/16.04 – Bondi Pavilion Upgrade & Conservation Project.
- 3.2 E Morel – Item CM/7.4/16.04 – Bondi Pavilion Upgrade & Conservation Project.
- 3.3 K Biddle – Item CM/7.4/16.04 – Bondi Pavilion Upgrade & Conservation Project.
- 3.4 B Robinson – Item CM/7.4/16.04 – Bondi Pavilion Upgrade & Conservation Project.
- 3.5 W Jones – Item CM/7.4/16.04 – Bondi Pavilion Upgrade & Conservation Project.
- 3.6 L Kulakauskas (on behalf of the Bondi Beach Precinct) – Item CM/7.6/16.04 – Campbell Parade Design Review.
- 3.7 R Johnson – Item CM/7.2/16.04 – Draft Estimates of Income and Expenditure for the Financial Year 2016/17, Long Term Financial Plan.

#### 4. Confirmation and Adoption of Minutes

**CM/4.1/16.04 Confirmation of Minutes - Extraordinary Council Meeting - 1 March 2016 (SF16/406)**

**MOTION / DECISION**

**Mover: Cr Clayton**  
**Seconder: Cr Mouroukas**

That the Minutes of the Extraordinary Council Meeting held on 1 March 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.2/16.04 Confirmation of Minutes - Council Meeting - 15 March 2016 (SF16/406)**

**MOTION / DECISION**

**Mover: Cr Mouroukas**  
**Seconder: Cr Clayton**

That the Minutes of the Council Meeting held on 15 March 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.3/16.04 Confirmation of Minutes - Extraordinary Council Meeting - 29 March 2016 (SF16/406)**

**MOTION / DECISION**

**Mover: Cr Burrill**  
**Seconder: Cr Goltsman**

That the Minutes of the Extraordinary Council Meeting held on 29 March 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.4/16.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 March 2016 (SF16/158)**

**MOTION**

**Mover: Cr Kay**  
**Seconder: Cr Mouroukas**

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 24 March 2016 be received and noted, and that the recommendations contained therein be adopted.

#### 5. Mayoral Minute

**CM/5.1/16.04 Parking in Wairoa Avenue (A03/0864)**

**MOTION / DECISION**

**Mover: Cr Betts**

That Council Investigates whether it is possible to have some angle parking in Wairoa Avenue between Blair Street and Hastings Parade as the street is very wide in that block.

#### **Background**

Residents living in the eastern part of Blair and western part of Hastings Parade have been complaining that

there is insufficient parking in the area. Because of the width of Wairoa Avenue it may be possible to provide additional parking on one side even though it may mean moving a cycle path.

**CM/5.2/16.04                    General Manager Performance Review (P13/093)**

**MOTION / UNANIMOUS DECISION**

**Mover:        Cr Betts**

That:

1.     The report of the General Manager Performance Review Committee for the review period ending 24 February 2016 be noted.
2.     It be noted in the unanimous opinion of the Review Committee the General Manager, Arthur Kyron is performing at a very high level and in recognition of that performance the General Manager's Total Remuneration Package be increased in accordance with Clause 8.3 of his Contract of Employment by 3.5% as from 24 February 2016.
3.     In recognition of Mr Kyron's family situation he be granted an additional week of annual leave.
4.     For the 2016/17 Performance Review period the Performance Agreement include the major projects and issues outlined in the background to this Mayoral Minute.

**Background**

The Council has appointed a General Manager Performance Review Committee comprising the Mayor, Cr Sally Betts, Deputy Mayor, Cr Tony Kay and Cr Ingrid Strewe. The Committee has been involved in the General Manager's performance review in the year ending February 2016, being the General Manager's anniversary of service. I want to thank my fellow Committee members, Councillors Tony Kay and Ingrid Strewe for the very positive contribution to the process and their dedication and commitment in attending meetings.

The Committee has been assisted this year by Stephen Blackadder of Blackadder Associates Pty Ltd as an independent facilitator. The review process meets the July 2011 DLG Guidelines on the Appointment and Oversight of General Managers.

The Committee has met on two (2) occasions – 11 and 23 March 2016 to conduct the annual review of performance. The General Manager, Arthur Kyron made a presentation to the Committee, outlining the major achievements in the 12 months based on performance of those responsibilities of the role as outlined in the General Manager's position description and contract of employment.

**Performance Review**

The Performance Review Committee received a presentation from the General Manager at both meetings of the Committee. The Committee then considered the presentations without the General Manager present. It was concluded by the Committee that the General Manager had performed at a very high level in the 12 month period to February 2016. The Committee noted the significant improvements to the organisation in 2015 and into 2016 and the high level of performance exhibited by the General Manager. The following achievements were particularly noted:

**LEADERSHIP**

New Mission, Vision and Values developed and owned by staff associated with the most comprehensive restructure to Waverley in its history

**TRAINING/SKILLS DEVELOPMENT**

Corporate competency program (TREC into Learning) introduced and the introduction of individual and group coaching for ELT, SLT and Managers for better performance outcomes

**CORPORATE GOVERNANC**

Establishment of Internal Ombudsman position and Review of delegations, contracts, procurement procedures, 100% online purchase order system put in place and QR payment options introduced

**PROJECT MANAGEMENT FRAMEWORK**

Establishment of an inaugural Project Management Office including the implementation of Prince2 Project Management Framework, and training of 40 Project Managers with 20 attaining professional accreditation in Prince 2; plus development and roll out of all associated Project Management templates and tools to the organisation.

**ECONOMIC DEVELOPMENT**

Creation of Economic Development Unit and an Economic Development Plan.

**PARKING EQUITY**

Review of parking hours, the introduction of free parking during off season at the beaches the increased parking time range to facilitate longer stays and introduced free parking after 7pm in Oxford Street and other areas

**DIGITAL REFORM/UPGRADE**

Digital Waverley Plan developed and implemented including Wi Fi for the high profile areas of Waverley

**CUSTOMER SERVICE**

Development of Customer Experience Strategy with actions for implementation.

**AMALGAMATION/LOCAL GOVERNMENT REFORM**

Management of the local government reform process and establishment of the internal Transition Unit that has met all milestones.

**EFFICIENCY/PROBITY**

Review of the Renewal Program – with scrutiny of Capital Works Program and more realistic planning.

The personal qualities of the General Manager were particularly noted – his perseverance in the face of many challenges during the review period, his honest and ethical leadership and performance of duties in a very difficult change environment; and his hard work, his staff leadership, his humility and his equitable support of all Councillors. The Committee noted that Mr Kyron has the support of the Mayor and all Councillors.

In view of this performance the Committee resolved that the General Manager's Total Remuneration Package should be increased by 3.5% in accordance with Clause 8.3 of the General Manager's contract of employment.

Having regard for a submission by the General Manager in relation to his family requirements it was also resolved that an additional weeks annual leave should be granted to Mr Kyron.

**2016/17 Review Period**

It was agreed that for the remaining period of the financial year (to 30 June 2016) the following key targets would be pursued by the General Manager:

- Directors working together to achieve common goals;

- Working towards the Merger Transition outcomes
- Substantive progress on the Strategic Asset Management Plan

For the 12 month period ending 24 February 2017, it was agreed the following major issues and projects will be pursued by the General Manager and built into his performance agreement:

### **Waverley Life Program**

1. Bondi Pavilion Upgrade & Conservation Project. During 2016-17 there will be detailed design, tender for construction, and construction will start perhaps April/May 2017 depending on DA approval timelines.
2. Customer Experience Action Plan rollout – agreed actions for implementation go up until about Feb 2017
3. Affordable housing purchase: attempting to purchase apartments by June 2016
4. Events program: this year's target was public program of events including at least 5 new events, with some to be activating streets or parks. Target of 5 new events by June 2016 (most of these have happened already but we will want additional new events in 2016-17)
5. Implement CCTV

### **Waverley Futures Program**

1. Business improvement processes
2. Strategic Investment Property Programme
3. Destination Management Programme
4. Second Nature Community Engagement programme
5. Civic Heart project

### **Waverley Renewal Program**

1. Condition Rating Assessment of Council Assets and the Preparation of Strategic Asset Management Plan 5
2. Resolution of long standing Waverley Cemetery issues, Strategic Business Plan and Plan of Management
3. West Connex reclamation of Council land, wash bay relocation and potential AIF reconfiguration
4. Bondi Car Park Feasibility study
5. Implementation of area based teams implemented in Park areas
6. Development of Bronte Park Plan of Management
7. Proactive Stormwater Management in the LGA

### **Waverley Corporate Program**

1. Digital Waverley Sub-program
  - a. Public Wi-Fi roll out across Waverley
  - b. Establish an new Intranet for staff and an Extranet for Crs
  - c. Establish mobility applications for the workforce
  - d. Complete knowledge management plan
  - e. Implementation of an Easy To Do Business Strategy
2. Positioning Waverley Sub-program
  - a. Integrate Project Management systems into the organisation
  - b. Implement a Communications and Engagement Framework for Council
  - c. Manage the Local Government Reform projects
3. Performance Waverley Sub-program
  - a. Implement the TREC into Waverley Corporate Competency Program
  - b. Implement HR Metrics reports
  - c. Complete a Business Continuity Strategy and Plan

4. Financial Waverley Sub-program
  - a. Provision of real time financial management information
  - b. Improve the procurement arrangements of Council
5. Governance Unit
  - a. Implement Info Council system
  - b. Implement council decision tracking and reporting system
  - c. Develop an induction and governance program for Councillors

### Summary

The Performance Review Committee is delighted with the high level of performance exhibited by Mr Kyron in the 12 month period ending 24 February 2016, and the improvements seen in the organisation. Of course, there are significant challenges ahead and the General Manager and staff are preparing well for those challenges. The Review Committee is unanimous in its assessment and makes the following recommendation to Council.

### CM/5.3/16.04 General Manager's Resignation (P13/093)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Betts

That Council:

1. Accepts with regret the resignation of General Manager, Arthur Kyron, affective 17 May 2016.
2. Notes that Mr Kyron's last day of work will be 29 April 2016.
3. Agrees to pay out the remaining notice period up to 17 May 2016 plus any other entitlements that are due.
4. Conveys its deepest appreciation to Mr Kyron for his outstanding service to Waverley Council and the Waverley community since 2014 and congratulates him on his significant achievements in the role.

### Background

I have been advised by our General Manager, Arthur Kyron, that he has been offered the position of Chief Executive Officer of the Canning City Council in Perth, Western Australia, and that he has accepted the offer.

Arthur has been our General Manager since February 2014 and has performed the role with distinction. We have indeed been fortunate to have had Arthur with us for this two (2) year period. In that short time he has transformed the organisation into a high performing and well regarded Council. This has been done at a time of considerable uncertainty with the State Government leading a reform agenda for local government in NSW with Waverley supporting the opportunity to work with our neighbour Councils.

Arthur will return to Western Australia, having been recruited by us from the Town of Victoria Park in 2013. He will join the City of Canning, a Tier One Council in Western Australia, and I note that all Councillors there are new having been elected last October after a period of 3 years in administration. I am sure Arthur will give that Council the same outstanding leadership he has displayed at Waverley.

Arthur's last day in the office will be 29 April 2016. As required under his contract of employment Arthur is required to provide 4 weeks' notice. Given Mr Kyron has a pre-booked overseas holiday to see his family I am recommending that Council agree to pay out the remaining 2 week notice period.

I'm sure Councillors and staff will join me in expressing the organisation's heartfelt thanks and gratitude for his outstanding contribution to Waverley Council. We wish him every success in his new role.

**CM/5.4/16.04 Appointment of Interim General Manager (P13/080)**

**MOTION / UNANIMOUS DECISION**

**Mover: Cr Betts**

That Council:

1. Appoints Peter Brown as Interim General Manager for a period of 3 months from 5.00 pm on 29 April 2016. The appointment is to be a temporary appointment in accordance with s351 of the *Local Government Act 1993*.
2. Requests the Executive Manager Performance Waverley to facilitate and finalise Mr Brown's appointment and remuneration on the terms outlined in this mayoral minute.
3. Accepts the fee for recruitment service with Blackadder and Associates on the terms outlined in this mayoral minute.
4. Revokes all delegations of functions made by Council to ARTHUR KYRON effective 29 April 2016.
5. Delegates to PETER BROWN, the new Interim General Manager of Council, or to the person acting in the position of General Manager during any period of absence from duty of PETER BROWN, all the powers and functions of the Council that it may under any Act of Parliament lawfully delegate, other than the functions prescribed in s377(1) of the *Local Government Act 1993* which may not be delegated, effective from 5 pm, 29 April 2016, subject to the limitations as set out in the Instrument of Delegation attached to this report.

**Background**

With Arthur's departure I have sought the assistance of Blackadder & Associates who have approached Mr Peter Brown to serve as our Interim General Manager on a temporary basis. Mr Brown has agreed to take up the appointment.

It is uncertain as to how long this appointment will be for as it depends on the timing for amalgamation, however I suggest a period of 3 months be agreed to this evening.

It is recommended that Mr Brown be appointed to the interim position on a salary of \$320,000 per annum, which equates to the salary Mr Brown was previously engaged on in his role as Interim General Manager in 2013.

He will be engaged through the services of Blackadder & Associates who will charge a fee of 10% of the remuneration package This will result in a nominal fee equal to 10% of the remuneration package.

Council is also required to make the necessary delegations to Mr Brown to enable him to carry out his role. The Instrument of Delegation is attached.



## 6. Obituaries

Don Setchell  
Lyn Paterson  
Les Dudman  
Tiga Bayles  
Dato Uncle John Kanak

*Council rose for a minute's silence for the souls of people generally who have died in our Local Government area.*

## 7. Reports

### CM/7.1/16.04                      **Draft Operational Plan 2016-17, Proposed Pricing Policy, Fees and Charges 2016-17 and Six Monthly Progress Report 2015-16 (A15/0199)**

#### MOTION

**Mover:        Cr Kay**  
**Seconder:    Cr Cusack**

That Council:

1. Adopts the draft Operational Plan 2016-17 as in attachment 1 and proposed Pricing Policy, Fees and Charges 2016-17 as in attachment 2 for public exhibition with submissions closing on 24 May 2016, subject to the following amendments:
  - (a) Pricing Policy, Fees and Charges 2016-17:
    - i. Increase 'Investigation of new car share allocated space' from \$236.00 to \$472 to better align with cost recovery objectives.
    - ii. For 'Placement of building waste bin in metered space' replace "(maximum fee \$200.00 for 1-7 days)" with "(maximum fee \$305.00 per week)" to ensure consistency with occupation of metered space.
    - iii. For Credit Card Fee, add a statement that indicates credit card fees are no longer being charged for parking meters from 2016/17.
    - iv. For 'Event Operations Parking fees - Queen Elizabeth Drive & Park Drive' delete the words "1-100" and also delete the entire second line concerning additional spaces.
    - v. "Filming and Commercial Photography – Administration Fee – medium impact' change \$300 to \$350.
    - vi. 'Bronte Park, Tamarama Park – Public Use – medium impact' – change from 'per hour' to 'per event'.
    - vii. Bronte Beach, Tamarama Beach (sand area) change private use peak season low impact to "not available".
    - viii. Waste Services – change 80/140/240 litre waste bin (green lid) from \$24.50 to \$61 and change 660 litre garbage bin from \$61 to \$735.
    - ix. Trees – pensioner/concession discount to change from 25% to 75%.

- (b) The Operational Plan 2016/17 includes appropriate statements about CCTV and Pop-ups.
2. Receives and notes the six monthly progress report for the period 1 July 2015 to 31 December 2015 with respect to the deliverables detailed in the Delivery Program 2013-17 as in attachment 3.

**AMENDMENT**

Mover: Cr Masselos  
Seconder: Cr Strewe

That the Motion be adopted subject to Beach Parking Permit fees not being increased and they stay at the 2015/16 rates.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**AMENDMENT**

Mover: Cr Masselos  
Seconder: Cr Strewe

That the Motion be adopted subject to Residential Parking Permit fees, Residents' Visitor Parking Permit fees and Other Parking Permit fees not being increased and staying at existing 2015/16 rates.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.

**CM/7.2/16.04 Draft Estimates of Income and Expenditure for the Financial Year 2016/17, Long Term Financial Plan (A03/2236)****MOTION**

Mover: Cr Betts  
Seconder: Cr Cusack

That Council:

1. Adopts, for purposes of public exhibition, the draft budget estimates of income and expenditure, including capital expenditure, for the financial year 2016/17 for inclusion in the Draft Operational Plan, for community consultation.
2. Notes the Draft Long Term Financial Plan (LTFP4.3) for an 11 year period from 2016/17 to 2026/27 including Income Statement, Balance Sheet, Statement of Cash Flows, Reserve Balances, Assumptions and Sensitivity Analysis.
3. Officers calculate the impact on the budget and the Long Term Financial Plan of deleting or reducing the assumption that it uses to calculate the \$2.00 charge for the first hour parking in Eastgate car park for 2016/17 and put a report to Council.
4. Officers investigate the impact on the budget of reducing or deleting the assumption of the additional 5% parking meter increase from FY 17/18 and thereafter.
5. Officers investigate the impact on the budget of reducing or deleting the assumption of the additional 1% in parking fine income from 17/18 and thereafter.

**AMENDMENT**

Mover: Cr Kanak  
Seconder: Cr Masselos

That given the NSW Government has protocols and guidelines preventing new large expenditure commitments during amalgamation, further budget allocations beyond Council's projected \$10-14 million for the Bondi Pavilion Upgrade be postponed until after Council amalgamation process is finalised.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Kanak, Masselos and Strewe.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.

**CM/7.3/16.04 Investment Portfolio Report - February 2016 (A03/2211)****MOTION / DECISION**

Mover: Cr Cusack  
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – February 2016.
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/7.4/16.04 Bondi Pavilion Upgrade & Conservation Project (A15/0272)**

*Subsequent to the Council Meeting a motion from Crs Masselos, Strewe and Wakefield to rescind this decision was received by the General Manager on Friday 22 April 2016. The matter was considered at an Extraordinary Council Meeting held on Saturday 30 April 2016.*

**MOTION**

Mover: Cr Betts  
Seconder: Cr Goltsman

That Council:

1. Acknowledges the valuable feedback from the community on the draft concept plan for the Bondi Pavilion Upgrade & Conservation Project.
2. Approves submitting a development application for the project including heritage impact statement and report for assessment by the Heritage Council, with the following amendments to the concept plan and associated arrangements:
  - (a) Inclusion of acoustic treatment to one or more of the designated meeting rooms labelled "Community Spaces" to allow for use for music rehearsals.

- (b) The northern "Gallery/Community/Exhibition" space be allocated as principally Meeting, Activity & Recreation Space, with a sprung floor.
  - (c) Amended landscaping of the internal courtyards in order to accommodate temporary seating and screen for people within the courtyards for outdoor cinema.
  - (d) Changes to the theatre and immediate surrounds to ensure suitable protected access from the theatre to the dressing room, green room and toilets.
  - (e) Include a box office facility in a suitable location on the ground floor.
  - (f) Include effective wind attenuating measures (most likely a wind break) in the entrance to the lobby facing the beach.
3. Notes that further reports will be provided to Council as follows:
- (a) A report recommending the new location for the music studio recording facilities and including a business case to recommend the most appropriate and contemporary technology for musicians and music groups using the facility.
  - (b) A report recommending the new location for the pottery studio.
  - (c) A report recommending the process for tendering the commercial tenancies at Bondi Pavilion, and recommending which areas will be tendered.
  - (d) A report recommending arrangements for footpath dining in the Bondi Pavilion forecourt including provision of shade.
  - (e) A report recommending a policy on the programming and hire of the new theatre.
4. Acknowledges community concern about potential commercial tenancies on the first floor, while noting that cafes and restaurants are enjoyed by the Bondi community.
5. Notes that any additional commercial income could be applied towards Bondi Pavilion conservation and upgrade costs, running costs, maintenance, cultural programming, and/or the establishment of a dedicated Bondi Pavilion Reserve.
6. Notes that Council has previously received preliminary financial modelling.
7. Requests an updated business case including updated financial modelling for the project, to form part of the report referred to in 3(c). The updated modelling should be based on the first floor being either (i) fully commercially leased; or (ii) partially commercially leased.
8. Approves the variation of \$468,495.50 to Tonkin Zulaikha Greer architects as principal design consultants, due to revised cost estimates for the project, noting that the additional fee allows variations to the architect's scope as well as sub-consultants.
9. Agrees to proceed to detailed design for the project, with a further report to be provided to Council prior to releasing any tender for construction.
10. Notes that the tender for construction would only proceed if funding has been secured.
11. Notes that a total project sum of \$38 million has been recommended for inclusion in the Waverley

Council proposed Long Term Financial Plan, to be funded from grants, Council general revenue, and borrowings, which are offset by likely increased commercial income.

12. Retains the Australian and Aboriginal flag posts in their existing position on the balcony.
13. Locates and build a new recording studio and pottery studio before the existing studios at the Bondi Pavilion are closed and demolished, if at all possible.
14. Guarantees AA a meeting room.
15. Will not permit or approve the installation of awnings of plastic or glass or other material on the front masonry balcony (upper level east).

**AMENDMENT**

Mover: Cr Strewe  
 Seconder: Cr Masselos

That no DA being applied for until completed plans are agreed to by Councillors and the community.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.  
**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Strewe  
 Seconder: Cr Wakefield

That a workshop is held with councillors, the architects and council staff to consider the submissions from the public and to decide what changes need to be made to the plan.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.  
**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Strewe  
 Seconder: Cr Wakefield

Maintain and refurbish the upper level theatre and build the new multi-purpose hall.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.  
**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Strewe  
 Seconder: Cr Masselos

The so called glass bubble on the north east corner is retained as usable commercial space. A secondary benefit of this retention is protection for the masonry upper level balcony balustrade from the masonry saw (the router) and plastic or glass wind shields.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Strewe

Seconder: Cr Wakefield

The front masonry balcony balustrade (upper level east) is not to be cut into and pieces are not to be removed and replaced with a clear material.

THE AMENDMENT WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE MAYOR.

**Division**

**For the Amendment:** Crs Clayton, Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Strewe

Seconder: Cr Masselos

The east facing balcony on the upper level of the Bondi Pavilion to remain accessible, at no cost, to the casual visitor. It will not be the exclusive domain of paying customers or clients of any future commercial activity.

THE AMENDMENT WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE MAYOR.

**Division**

**For the Amendment:** Crs Clayton, Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Masselos

Seconder: Cr Wakefield

That a report come to the May Council meeting with a detailed costing to renovate the Bondi Pavilion and landscaping keeping in place the existing community space and renovating the first floor theatre space.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**AMENDMENT**

Mover: Cr Wakefield

Seconder: Cr Masselos

A report be provided to Council detailing the costs and benefits of a staged refurbishment of the Pavilion in its current form.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division**

**For the Substantive Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

**Against the Substantive Motion:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

**DECISION:** That the Substantive Motion be adopted.

**CM/7.5/16.04 Surf Club Funding (A05/1309)**

**MOTION / DECISION**

**Mover: Cr Clayton**

**Seconder: Cr Goltsman**

That Council:

1. Approves an increase of \$2,565 to the annual Surf Club grant in support of lifesaving services, to be provided to each of the four Waverley Surf Clubs in recognition of the important services provided.
2. Supports the future review of funding to all Surf Clubs after State Government Local Government amalgamation proposals are finalised, to ensure consistency in funding across all Surf Clubs within the LGA.

**CM/7.6/16.04 Campbell Parade Design Review (A14/0512)**

**MOTION / UNANIMOUS DECISION**

**Mover: Cr Burrill**

**Seconder: Cr Clayton**

That Council:

1. Authorises the public exhibition of the Campbell Parade Design Review attached to this report for a period of 28 days.
2. Notes that a report will be presented to Council following the public exhibition period summarising the outcomes of the feedback and next steps.

**CM/7.7/16.04 Evaluation of Tender - Replacement of mobile elevated work platform - Tree operations (A15/0289)**

**MOTION / DECISION**

**Mover: Cr Cusack**

**Seconder: Cr Mouroukas**

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the Local Government Act 1993.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Aerial Access Australia Pty Ltd for Principal Landscape Contractor services for the one off supply, build and deliver of a mobile Elevated Work Platform (EWP).

3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

**CM/7.8/16.04 Evaluation of Tender - Design, Supply & Installation of 5 Solar Photovoltaic Systems on Council Buildings (A16/0125)**

**MOTION / DECISION**

**Mover: Cr Goltsman**

**Seconder: Cr Kay**

That Council:

1. Treats the Evaluation of Findings report attached to Council's file as confidential as it contains information of the kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Autonomous Energy Pty Ltd for the design, supply and installation of 5 solar photovoltaic systems on Council buildings.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

**CM/7.9/16.04 Evaluation of Tender - Waverley Park Multi Purpose Courts (A15/0582)**

**MOTION / DECISION**

**Mover: Cr Mouroukas**

**Seconder: Cr Kay**

That Council:

1. Treats the Evaluation of Findings report attached to Council's file as confidential as it contains information of the kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Court Craft for Principal Landscape Contractor services for the Waverley Park Multi Purpose Courts.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

**CM/7.10/16.04 Petition - Flooding in Simpson Street, Bondi Beach (A07/0521)**

**MOTION / DECISION**

**Mover: Cr Clayton**

**Seconder: Cr Goltsman**

That the petition requesting Council to address the flooding issue on the western side of Simpson Street, Bondi Beach, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.



**CM/7.11/16.04          Petition - Partial Street Parking Restrictions in New Street, Bondi (A03/2581)****MOTION / DECISION****Mover:      Cr Mouroukas****Seconder:   Cr Kay**

That the petition requesting the implementation of partial street parking restrictions in New Street, Bondi, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

**CM/7.12/16.04          Petition - Busby Lane Road Resurfacing (A03/0604)****MOTION / DECISION****Mover:      Cr Burrill****Seconder:   Cr Cusack**

That the petition requesting the resurfacing of Busby Lane, Bronte, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

**CM/7.13/16.04          2016 National General Assembly of Local Government - Attendance by Councillors (A13/0314)****MOTION / DECISION****Mover:      Cr Burrill****Seconder:   Cr Goltsman**

That Council:

1. Nominates Mayor Sally Betts and Deputy Mayor Tony Kay to attend the 2016 National General Assembly of Local Government held at the National Convention Centre in Canberra from Monday 19 June to Wednesday 22 June 2016.
2. Meets the registration fee, travel, accommodation, meal and incidental expenses in accordance with its Councillor Expenses and Facilities Policy for those Councillors nominated to attend the Assembly.
3. Notes the Councillor Expenses and Facilities Policy requires councillor attendees to provide a written report to Council on aspects of the Assembly relevant to Council's business and/or the local community.

**CM/L.1/16.04          Transition Project Unit Status Report (A16/0054)****MOTION / DECISION****Mover:      Cr Burrill****Seconder:   Cr Kay**

That Council:

1. Receives and notes this report.
2. Be provided with regular bulletins from the Transition Project Unit

**8. Notices of Motion****CM/8.1/16.04 Amalgamations - Information strategy about changes to service provision (A16/0054)**

*This is a revised version of the Notice of Motion submitted by Cr Strewe.*

**MOTION / DECISION**

**Mover: Cr Strewe**  
**Seconder: Cr Masselos**

That Councillors be advised of any detailed information strategy prepared by the General Manager to keep Waverley residents informed of the likely impacts resulting from amalgamations with Randwick on services in Waverley, and that Council note the additional report at item CM/7.14/16.04.

**CM/8.2/16.04 Amalgamations - Council decision making during merger proposal periods (A16/0054)**

This is a revised version of the Notice of Motion submitted by Cr Wakefield, Masselos and Strewe.

**MOTION / DECISION**

**Mover: Cr Masselos**  
**Seconder: Cr Betts**

That the matter be deferred to the next Council Meeting.

**CM/8.3/16.04 Amalgamations - Submission to Minister for Local Government about current councillors forming interim committee (A16/0054)**

This is a revised version of the Notice of Motion submitted by Cr Wakefield, Masselos and Strewe.

**MOTION / DECISION**

**Mover: Cr Masselos**  
**Seconder: Cr Betts**

That the matter be deferred to the next Council Meeting.

**CM/8.4/16.04 Snake warning signs (SF16/406)**

The following Notice of Motion was submitted by Cr Guttman-Jones:

**MOTION**

**Mover: Cr Guttman-Jones**  
**Seconder: Cr Clayton**

That Council, at the start of each season, erect signs in our bushland areas such as Bronte Gully and Tamarama Gully, to warn walkers of the possibility of snakes. The wording and placement of these signs is to be at the discretion of Council officers.

THE MOTION WAS PUT AND DECLARED LOST.

**CM/8.5/16.04 Deferral of Bondi Pavilion Upgrade and Conservation Project (A15/0272)**

The following Notice of Motion was submitted by Cr Wy Kanak:

**MOTION (WITHDRAWN) Mover: Cr Wy Kanak**

That Council:

1. Suspends its evaluation and decision making on the Bondi Pavilion Upgrade Concept (redesign) plans pending analysis of these proposed heritage impacts by the respective heritage authorities of the Australian Heritage Council and the Heritage Council of NSW.
2. Defers any adoption of the Bondi Pavilion Upgrade Concept plans and forward these plans to the State and Federal Ministers for Heritage matters, and their departments, to allow these bodies to properly assess the impacts on the important heritage and cultural values of the Bondi Pavilion and its relationship to the community.

**CM/8.6/16.04 Waverley Aboriginal Cultural Heritage Study (A07/1307-02)**

This is a revised version of the Notice of Motion submitted by Cr Wy Kanak.

**MOTION / DECISION Mover: Cr Wy Kanak  
Seconded: Cr Masselos**

That the matter be deferred to the next Council meeting.

**CM/8.7/16.04 Amalgamations - Retention of all current councillors on new governing body (A16/0054)**

The following Notice of Motion was submitted by Cr Wy Kanak:

**MOTION Mover: Cr Wy Kanak  
Seconded: Cr Masselos**

That the matter be deferred to the next Council meeting.

THE MOTION WAS PUT AND DECLARED LOST.

CR WY KANAK THEN WITHDREW HIS NOTICE OF MOTION.

**9. Urgent Business****CM/9.1/16.04 Delegates Report made public (A16/0054)**

Council agreed to deal with this matter as an item of urgent business.

**MOTION Mover: Cr Masselos  
Seconded: Cr Guttman-Jones**

That, as a matter of urgency, Council writes to the Minister for Local Government and members of the Boundaries Commission requesting that the Delegates Report on community consultation outcomes for the

amalgamation of Waverley Council with Randwick and possibly Woollahra be made available to the Mayor, Councillors and General Manager of Waverley Council.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

**For the Motion:** Crs Clayton, Guttman-Jones, Kanak and Masselos.

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

**10. Closed Session**

**CM/10/16.04 Closed Session**

*Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed and none were received.*

**MOTION / DECISION**

**Mover: Cr Goltsman**

**Seconder: Cr Cusack**

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under the provisions of Section 10A (2) of the Local Government Act 1993 for the reasons specified:

CM/10.1/16.04 CONFIDENTIAL REPORT - Sydney Talmudical College Association Debt Agreement

This matter is considered to be confidential in accordance with Section 10A(2)(di) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Pursuant to Section 10A(1), 10(2) and 10A(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Local Government Act 1993.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the Local Government Act 1993.

*At 11.39PM Council moved into closed session.*

**CM/10.1/16.04 CONFIDENTIAL REPORT - Sydney Talmudical College Association Debt Agreement (A05/1181-02)**

**MOTION / DECISION**

**Mover: Cr Cusack**

**Seconder: Cr Goltsman**

That Council:

1. Treats this report as confidential as it contains information of the kind specified in section 10A(2)(d) of the Local Government Act 1993. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Enters into an agreement with the Yeshiva Centre Chabad Association (ABN 66 306 279 788) to repay the initial debt of the Sydney Talmudical College Association as per the sum total of the monthly instalments schedule in the report.
3. Reserves its rights to enforce the Judgement Debt against the Sydney Talmudical College Association should the Yeshiva Centre fail to comply with this agreement.

**11. Resuming in Open Session**

**CM/11/16.04 Resuming in Open Session**

**MOTION / DECISION**

**Mover: Cr Kay  
Seconder: Cr Goltsman**

That Council resumes in Open Session.

*At 11.42PM Council resumed in Open Session.*

**Resolutions from Closed Session made public**

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

**12. Meeting Closure**

**THE MEETING CLOSED AT 11.43PM.**

.....  
**SIGNED AND CONFIRMED  
MAYOR  
17 MAY 2016**