



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS
ON MONDAY, 23 MAY 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:

Peter Brown	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 5.00 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 5.03 pm.

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 the following were received:

- 2.1 Cr Clayton declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion.

3. Addresses to Council by Members of the Public

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

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Strewe

That Council allows members of the public to record parts of the meeting for reasons of public interest and transparency.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

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

- 3.1 P Paech – Item CM/4.2/16.05E – RESCISSION MOTION – CM/8.2/16.05 – Amalgamations – Submission to Minister for Local Government about Current Councillors Forming Interim Committee.

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD MOVED A MOTION, SECONDED BY CR MASSELOS, THAT THE SPEAKER BE GRANTED AN EXTENSION OF TIME IN WHICH TO ADDRESS COUNCIL. THE MOTION WAS PUT AND DECLARED LOST.

- 3.2 M Cox – Item CM/4.1/16.05E – RESCISSION MOTION – CM/7.4/16.05 – Tender Evaluation Report – Bondi Park Picnic Shelters.
- 3.3 L Kulakauskas – Item CM/4.3/16.05E – RESCISSION MOTION – CM/8.5/16.05 – Poll on Merger.
- 3.4 N Boaz – Item CM/4.4/16.05E – RESCISSION MOTION – CM/8.6/16.05 – Minister’s Guidelines.

4. Notices of Motion

CM/4.1/16.05E RESCISSION MOTION – CM/7.4/16.05 – Tender Evaluation Report – Bondi Park Picnic Shelters (A15/0436)

Notice of Motion submitted by Crs Betts, Mouroukas and Goltsman.

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That the Rescission Motion be adopted.

BACKGROUND

This matter was last considered by Council at its adjourned meeting of 17 May 2016. Subsequently, the following Notice of Rescission was submitted by Crs Betts, Mouroukas and Goltsman:

‘We the undersigned Councillors wish to rescind the following Council decision adopted at the Council Meeting on Tuesday 17 May 2016:

CM/7.4/16.05 – Tender Evaluation Report – Bondi Park Picnic Shelters.

Councillors Betts, Mouroukas and Goltsman.’

Division

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

Against the Motion: Crs Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.

UPON ADOPTION OF THE RESCISSION MOTION, THE FOLLOWING MOTION WAS MOVED, SECONDED AND DECLARED CARRIED:

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluation 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

Fleetwood Urban Pty Ltd for Principal Construction services for the Bondi Park Picnic Shelters.

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

Division

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

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

M Cox addressed the meeting.

CM/4.2/16.05E RESCISSION MOTION – CM/8.2/16.05 – Amalgamations – Submission to Minister for Local Government about Current Councillors Forming Interim Committee (A16/0054)

Notice of Motion submitted by Crs Betts, Mouroukas and Goltsman.

MOTION

Mover: Cr Betts

Seconder: Cr Cusack

That the Rescission Motion be adopted.

BACKGROUND

This matter was last considered by Council at its adjourned meeting of 17 May 2016. Subsequently, the following Notice of Rescission was submitted by Crs Betts, Mouroukas and Goltsman:

‘We the undersigned Councillors wish to rescind the following Council decision adopted at the Council Meeting on Tuesday 17 May 2016:

CM/8.2/16.05 – Amalgamations – Submission to Minister for Local Government about Current Councillors Forming Interim Committee

Councillors Betts, Mouroukas and Goltsman.’

DURING THE DEBATE ON THIS ITEM, CR WAKEFIELD MOVED A MOTION, SECONDED BY CR WY KANAK, THAT THE ITEM LAY ON THE TABLE SO THAT THE GUIDE FOR ADMINISTRATORS REFERRED TO BY THE MAYOR COULD BE DISTRIBUTED TO ALL COUNCILLORS FOR THEIR CONSIDERATION.

THE MOTION TO LAY THE ITEM ON THE TABLE WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE MAYOR.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

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

AT THIS STAGE IN THE PROCEEDINGS, THE MOVER AND SECONDER OF THE MOTION ACCEPTED AN AMENDMENT THAT THE ITEM BE DEFERRED. THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Cusack

That the item be deferred to the reconvened Council meeting of 17 May to be held on 24 May so the information referred to by the Mayor can be circulated to all councillors.

P Paech addressed the meeting.

CM/4.3/16.05E RESCISSION MOTION – CM/8.5/16.05 – Poll on Merger (A16/0054)

Notice of Motion submitted by Crs Betts, Mouroukas and Goltsman.

MOTION

Mover: Cr Betts
Seconder: Cr Kay

That the Rescission Motion be adopted.

BACKGROUND

This matter was last considered by Council at its adjourned meeting of 17 May 2016. Subsequently, the following Notice of Rescission was submitted by Crs Betts, Mouroukas and Goltsman:

‘We the undersigned Councillors wish to rescind the following Council decision adopted at the Council Meeting on Tuesday 17 May 2016:

CM/8.5/16.05 – Poll on Merger

Councillors Betts, Mouroukas and Goltsman’

DURING THE DEBATE ON THIS ITEM, CR WAKEFIELD MOVED A MOTION, SECONDED BY CR WY KANAK, THAT THE ITEM LAY ON TABLE SO THAT MATERIAL FROM THE AUSTRALIAN ELECTORAL COMMISSION REFERRED TO BY THE MAYOR COULD BE PROVIDED TO ALL COUNCILLORS FOR THEIR CONSIDERATION.

THE MOTION TO LAY THE ITEM ON THE TABLE WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE MAYOR.

Division

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE MAYOR.

Division

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

DECISION: That the Motion be adopted.

L Kulakauskas addressed the meeting.

CM/4.4/16.05 RESCISSION MOTION – CM/8.6/16.05 – Minister’s Guidelines (A16/0054)

Notice of Motion submitted by Crs Betts, Mouroukas and Goltsman.

MOTION

Mover: Cr Betts

Seconder: Cr Kay

That the Rescission Motion be adopted.

BACKGROUND

This matter was last considered by Council at its adjourned meeting of 17 May 2016. Subsequently, the following Notice of Rescission was submitted by Crs Betts, Mouroukas and Goltsman:

‘We the undersigned Councillors wish to rescind the following Council decision adopted at the Council Meeting on Tuesday 17 May 2016:

CM/8.6/16.05 – Minister’s Guidelines

Councillors Betts, Mouroukas and Goltsman.’

AT THIS STAGE IN THE PROCEEDINGS, CR KAY MOVED A MOTION, SECONDED BY CR GOLTSMAN, THAT THE MEETING BE ADJOURNED FOR 10 MINUTES.

THE MOTION TO ADJOURN THE MEETING WAS PUT AND DECLARED CARRIED.

Division

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

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

WHEN THE MEETING RECONVENED, THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE MAYOR.

Division

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

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

DECISION: That the Motion be adopted.

N Boaz addressed the meeting.

CM/4.5/16.05 RESCISSION MOTION – CM/8.12/16.05 – Bondi Pavilion Upgrade – Breakdown of Costing Components for the \$38 million Allocation (A15/0272)

The following Notice of Motion, submitted by Crs Betts, Mouroukas and Goltsman, was withdrawn.

MOTION (WITHDRAWN)

That the Rescission Motion be adopted.

BACKGROUND

This matter was last considered by Council at its adjourned meeting of 17 May 2016. Subsequently, the following Notice of Rescission was submitted by Crs Betts, Mouroukas and Goltsman:

‘We the undersigned Councillors wish to rescind the following Council decision adopted at the Council Meeting on Tuesday 17 May 2016:

CM/8.12/16.05 – Bondi Pavilion Upgrade – Breakdown of costing components for the \$38 million allocation
Councillors Betts, Mouroukas and Goltsman.’

5. Closed Session

CM/5/16.05E 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. None were received.

MOTION / DECISION

Mover: Cr Betts

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/5.1/16.05E CONFIDENTIAL REPORT – Affordable Housing – MOU Bridge, Prospect for Purchase and Other Options

This matter is considered to be confidential in accordance with section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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*.

Cr Kanak requested that it be recorded in the minutes that he voted against the Motion.

At 6.59 pm, Council moved into closed session.

CM/5.1/16.05E CONFIDENTIAL REPORT – Affordable Housing – MOU Bridge, Prospect for Purchase and Other options (A14/0349)

MOTION / DECISION

Mover: Cr Betts

Seconder: Cr Burrill

That Council:

1. Treats this report as confidential as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Commits to an extension of the Memorandum of Understanding with Bridge Housing until 31 July 2016 to facilitate the joint purchase of the property described in section 4 of the confidential report.
3. Authorises the General Manager to complete all necessary arrangements to purchase as tenants in common with Bridge Housing Limited the 'Suitable Property' identified in section 4 of the confidential report, provided that:
 - (a) The maximum offer or bid to purchase the property be the Bridge/ Waverley Upper Purchase Price referred to in the Purchase Proposal (Attachment 1) of the confidential memo tabled at the meeting.
 - (b) Legal advice on the Contract of Sale is acceptable to the Mayor and General Manager.
 - (c) The purchase proposal is consistent with the terms of the Memorandum of Understanding.
 - (d) Bridge Housing has agreed to the purchase.
4. Authorises the Bridge Housing Development Director to make an offer and negotiate, or, if necessary, bid at auction and negotiate, on behalf of Council as joint purchaser of the property up to an amount that is no higher than the Bridge/ Waverley Upper Purchase Price referred to in the Purchase Proposal (Attachment 1) of the confidential memo tabled at the meeting, and that the General Manager executes and provides the documentation necessary to the agent or others to facilitate this.
5. Considers, if the purchase is successful, a further report to endorse the proposed allocation of units and apportioning of costs between Bridge Housing and Council, using the process set out in the MOU.
6. Investigates what, if any, opportunities may be available for the development, or redevelopment, of appropriate land or buildings, or the purchase of individual units or units in line, in Waverley and surrounding suburbs for affordable housing, including approaching Housing NSW jointly with Bridge Housing to determine whether they may have any sites that they would be willing to contribute to the project.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas, Masselos, Strewé and Wakefield.

Against the Motion: Cr Wy Kanak.

6. Resuming in Open Session**CM/6/16.05E Resuming in Open Session****MOTION / DECISION**Mover: Cr Kay
Seconder: Cr Mouroukas

That Council resumes in open session.

At 7.43 pm, 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.

7. Meeting Closure**THE MEETING CLOSED AT 7.45 PM.**

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SIGNED AND CONFIRMED
MAYOR
21 JUNE 2016