



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 21 JUNE 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 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	Manager, Internal Ombudsman's Office

At the commencement of proceedings at 6.30 pm, those present were as listed above with the exception of Cr Wakefield who arrived at 6.35 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.

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

MOTION

Mover: Cr Kanak

Seconder: Cr Masselos

That Council allows members of the public to record the items on the Bondi Pavilion.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Masselos, Strewe and Wy Kanak.

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Guttman-Jones.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Masselos declared a significant, non-pecuniary interest in item CM/10.3/16.06 - Marine Discovery Centre – Unpaid Loan and informed the meeting that she was on the Board of the Marine Discovery Centre and that she will vacate the Chamber when the matter is considered.
- 2.2 Cr Clayton declared less than significant, non-pecuniary interests in items relating to the Bondi Pavilion as a Bondi Pavilion user and a patron of the businesses there.
- 2.3 Cr Clayton declared a less than significant, non-pecuniary interest in CM/10.3/16.06 - Marine Discovery Centre – Unpaid Loan and informed the meeting she has knowledge of the person associated with the Marine Discovery Centre.
- 2.4 Cr Wy Kanak declared less than significant, non-pecuniary interests in items relating to the Bondi Pavilion as a Bondi Pavilion user and a patron of the businesses there.
- 2.5 Cr Kanak declared a less than significant, non-pecuniary interest in CM/10.3/16.06 - Marine Discovery Centre – Unpaid Loan and informed the meeting he has knowledge of the person associated with the Marine Discovery Centre.

3. Addresses to Council by Members of the Public

- 3.1 G DEACON – ITEM CM/7.7/16.06 – BONDI PAVILION PROPOSED FURTHER CONSULTATION PLAN.
- 3.2 L KULAKAUSKAS (ON BEHALF OF BONDI BEACH PRECINCT) – ITEM CM/7.7/16.06 – BONDI PAVILION PROPOSED FURTHER CONSULTATION PLAN.
- 3.3 L KULAKAUSKAS (ON BEHALF OF BONDI BEACH PRECINCT) – ITEM CM/8.7/16/06 – ‘MUNICIPALITY OF WAVERLEY NSW’ COAT OF ARMS MOSAIC SCULPTURE.
- 3.4 L KULAKAUSKAS (ON BEHALF OF BONDI BEACH PRECINCT) – ITEM CM/8.6/16.06 – TEMPORARY SUSPENSION OF PROPOSED BONDI PAVILION WORKS.
- 3.5 L KULAKAUSKAS (ON BEHALF OF BONDI BEACH PRECINCT) – ITEM CM/8.8/16.06 – LOCAL GOVERNMENT ELECTION 2016.
- 3.6 L KULAKAUSKAS (ON BEHALF OF BONDI BEACH PRECINCT) – ITEM CM/8.9/16.06 – BONDI PAVILION DOCUMENTATION.
- 3.7 B GALLAGHER – ITEM CM/8.2/16.06 – COMMENTS MADE IN RELATION TO BONDI PAVILION UPGRADE.
- 3.8 P PAECH – ITEM CM/8.6/16.06 – TEMPORARY SUSPENSION OF PROPOSED BONDI PAVILION WORKS.

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

MOTION

MOVER: CR MASSELOS
SECONDER: CR WAKEFIELD

THAT THE SPEAKER BE GRANTED AN ADDITIONAL MINUTE IN WHICH TO ADDRESS COUNCIL.

THE MOTION WAS PUT AND DECLARED LOST.

DIVISION

FOR THE MOTION: CRS CLAYTON, MASSELOS, STREWE, WAKEFIELD AND WY KANAK.

AGAINST THE MOTION: CRS BETTS, BURRILL, CUSACK, GOLTSMAN, KAY AND MOUROUKAS.

- 3.9 N BOAZ – CM/8.9/16.06 – BONDI PAVILION DOCUMENTATION.

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

MOTION

MOVER: CR WAKEFIELD
SECONDER: CR MASSELOS

THAT THE SPEAKER BE GRANTED AN ADDITIONAL MINUTE IN WHICH TO ADDRESS COUNCIL.

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

DIVISION

FOR THE MOTION: CRS CLAYTON, MASSELOS, STREWE, WAKEFIELD AND WY KANAK.

AGAINST THE MOTION: CRS BETTS, CUSACK, GOLTSMAN, KAY AND MOUROUKAS.

- 3.10 N HEYWOOD – CM/8.12/16.06 – SUBMISSIONS RECEIVED ON BONDI PAVILION UPGRADE.

3.11 C MALTBY – CM/8.13/16.06 – CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT.

3.12 W JONES – CM/10.3/16.06 – CONFIDENTIAL REPORT – MARINE DISCOVERY CENTRE INC – UNPAID LOAN.

3.13 R F LEVY – CM/10.3/16.06 – CONFIDENTIAL REPORT – MARINE DISCOVERY CENTRE INC – UNPAID LOAN.

4. CONFIRMATION AND ADOPTION OF MINUTES

CM/4.1/16.06 Confirmation of Minutes - Council Meeting - 17 May 2016 (SF16/406)

MOTION

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 17 May 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

AMENDMENT 1

Mover: Cr Wakefield

Seconder: Cr Kanak

That the Motion be adopted subject to the following correction on page 1 of the minutes, the sentence 'The motion for adjournment was declared carried' be deleted and replaced with 'The motion for adjournment was not concluded because some councillors left the meeting, leaving it inquorate'.

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

Cr Wy Kanak then moved a Motion of Dissent on the Chair's ruling to not uphold Cr Wy Kanak's Point of Order that Cr Cusack is not entitled to vote on the Amendment because he was not present at the subject meeting.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

For the Motion of Dissent: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

AMENDMENT 2

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council writes to the Minister of Local Government to inform him that the Mayor of Waverley is willing to falsify the minutes of this Council to protect her own interests.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Masselos, Strewé, Wakefield and Wy Kanak.

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

AT THIS STAGE IN THE PROCEEDINGS, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR BURRILL THAT THE SUBSTANTIVE MOTION BE NOW PUT.
THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Crs Clayton, Masselos, Wakefield and Wy Kanak.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Substantive Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

**CM/4.2/16.06 Confirmation of Minutes - Extraordinary Council Meeting - 23 May 2016
(SF16/406)**

MOTION / DECISION

Mover: Cr Burrill

Seconder: Cr Mouroukas

That the Minutes of the Extraordinary Council Meeting held on 23 May 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.3/16.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 May 2016
(SF16/158)**

MOTION / DECISION

Mover: Cr Kay

Seconder: Cr Mouroukas

That:

1. Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 26 May 2016 be received and noted, and that the recommendations contained therein be adopted.
2. The recommendation contained in item TC/TEACV.01/16.05 - Ocean Street (South) - Temporary full road closure for crane lift, dealt with by the Committee at its meeting on 26 May 2016 as a Part 1 item, be adopted.

5. Mayoral Minute

There were no Mayoral Minutes.

6. Obituaries

Margaret Gutman
Cecilia Rodrigo Joseph

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

7. Reports

CM/7.1/16.06 Draft Operational Plan 2016/17 and Proposed Pricing Policy, Fees and Charges 2016/17 (A15/0199)

MOTION

Mover: Cr Kay
Seconder: Cr Burrill

That Council:

1. Receive and note the submissions and proposed amendments made in relation to the draft Operational Plan 2016-17 and the proposed Pricing Policy, Fees and Charges 2016-17 as in Attachment 1 to this report.
2. Adopt the draft Operational Plan 2016-17 as highlighted in Attachment 2 to this report.
3. Adopt the proposed Pricing Policy, Fees and Charges 2016-17 as highlighted in Attachment 3 to this report.

AMENDMENT 1

Mover: Cr Masselos
Seconder: Cr Strewé

That the Bondi POM Underground Car Park Feasibility item be removed from the Operational Plan and the Budget.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.
Against the Amendment: Crs Betts, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT 2

Mover: Cr Masselos
Seconder: Cr Strewé

That in the Pricing Policy, Fees and Charges 2016/17, the fees for beach parking permits for 'Waverley Ratepayers or Residents' be amended as follows:

1. 6 month permit: \$60
2. 12 month permit: \$100
3. Concession - 6 month permit: \$40
4. Concession - 12 month permit: \$60

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.
Against the Amendment: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT 3

Mover: Cr Masselos
Seconder: Cr Wakefield

That the 'Bondi Junction Eastgate Car Park' item be amended so that the first hour of parking is free.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Masselos, Strewe, Wakefield and Wy Kanak.

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 Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.2/16.06 Proposed Budget for Financial Year 2016/17, and Long Term Financial Plan (LTFP 4.3) (A03/2236)

MOTION

Mover: Cr Burrill

Seconder: Cr Cusack

That Council:

1. Adopts the budget for the financial year 2016/17 as presented in Attachments 1, 2 and 3 to this report.
2. Notes the Long Term Financial Plan (LTFP4.3) for an 11-year period from 2016/17 – 2026/27 including Income Statement, Balance Sheet, Statement of Cash Flows, Reserves Balances, General Assumptions and Sensitivity Analysis.

AMENDMENT 1

Mover: Cr Masselos

Seconder: Cr Wakefield

That the Motion be adopted subject to the deletion of the Bondi PoM Underground Car Park Feasibility item and the \$300,000 from the budget.

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 2

Mover: Cr Masselos

Seconder: Cr Wakefield

That the Motion be adopted subject to the figure in Line Item 7 of \$29,050,000 in 2017/18 financial year be changed to \$4,000,000.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Masselos, Strewe, Wakefield and Wy Kanak.

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 Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.3/16.06 Coastal Storm Remediation - Capital Works Projects (A02/0130)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That Council:

1. Endorses the establishment of three new projects within the draft 2016/17 Capital Works program for Bronte Beach restoration works (\$862,000), Coastal Walk below Hunter Park restoration (\$250,000), and Waverley Cemetery coastal walk restoration (\$2 million).
2. Notes the submission for project funding under the Commonwealth – State *Natural Disaster Relief and Recovery Arrangements* (NDRRA) for the above mentioned projects.
3. Notes the submission for project funding under the Commonwealth – State *Natural Disaster Relief and Recovery Arrangements* (NDRRA) for the Waverley Cemetery embankment rectification works (\$4 million) project.
4. Receives a further report on the Waverley Cemetery embankment rectification works project pending the finalisation of proposed options analysis and detailed costings.
5. Notes a proposed Q1 amendment to fund the Bronte Beach restoration works, Coastal Walk below Hunter Park restoration, and Waverley Cemetery coastal walk restoration projects may be required should our grant funding application be unsuccessful.

CM/7.4/16.06 Investment Policy Review - 2016 (A05/0197)

MOTION / DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Adopts the Investment Policy 2016, as attached to this report.
2. Notes and endorses the retrospective changes and clarification to previous Investment Policies.

CM/7.5/16.06 Writing Off of Council's Trade Debtors Bad Debts (A05/1181-02)

MOTION / DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receive and note this report.
2. Approve the write-off of the bad trade debts and general abandonments identified in this report of \$4,030.14 in accordance with Clause 213 (3) of the Local Government (General) Regulation 2005.

CM/7.6/16.06 Investment Portfolio Report - April 2016 (A03/2211)**MOTION / DECISION**

Mover: Cr Cusack

Seconder: Cr Burrill

1. Receives the investment Portfolio Report – April 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/7.7/16.06 Bondi Pavilion Proposed Further Consultation Plan (A15/0272)**MOTION**

Mover: Cr Betts

Seconder: Cr Goltsman

That:

1. Council engages in a further period of consultation with community and key stakeholders on the Bondi Pavilion Upgrade and Conservation Project, for a period of approximately two months commencing July 2016.
2. Council endorses the Further Consultation Plan for the Bondi Pavilion Upgrade and Conservation Project attached to this report, subject to clause 4(g) being amended to read as follows:

‘Many aspects of the project are not determined yet. Aspects of the project that have been previously signed off by Council resolution will be reconsidered as part of this consultation’.
3. Council notes that the development application for the project will not be submitted until after the further consultation period has concluded and community feedback has been considered.
4. Local members of the arts and culture community be consulted and included in the small group discussions as mentioned on page 312 of the agenda.
5. The submissions received in the initial consultation on the \$38 million plan (i.e. the 700+ submissions) be included in any assessment arising from this second round of consultation so that those residents who made submissions initially continue to have their views taken into account.
6. The square meterage breakdown of space usage be finalised prior to the consultation and distributed with the consultation.
7. An external consultant be appointed to conduct a cultural and community use and impact assessment of the existing building.

AMENDMENT 1

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the Motion be adopted subject to 4(h) of the Further Consultation Plan for the Bondi Pavilion Upgrade and Conservation Project being amended to read as follows:

'All consultation will continue to build on all three alternative project versions'.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

AMENDMENT 2

Mover: Cr Masselos

Seconder: Cr Wakefield

That the Motion be adopted subject to the timeframe on page 311 of the agenda being amended to read as follows:

1. Preparation of detailed documentation and tender documentation be from November 2016 to October 2017
2. Construction tender advertised in October 2017
3. Development consent including heritage approvals issued in November 2017
4. Construction tender awarded and contracts executed in November 2017
5. Construction commences in November/December 2017

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

AMENDMENT 3

Mover: Cr Wakefield

Seconder: Cr Strewé

That the Motion be adopted subject to Council now resolving that 50% minimum of the first floor be devoted to community and cultural use.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

CM/7.8/16.06 Deed of Agreement for Easement with Ausgrid - Alexandria Integrated Facility (AIF), 67A Bourke Road, Alexandria (A12/0075)

MOTION / DECISION

Mover: Cr Betts
 Seconder: Cr Goltsman

That Council:

1. Enters into the Deed of Agreement for Easement with Ausgrid at Lot 12, DP 270785, Alexandria Integrated Facility, 67A Bourke Road, Alexandria (Attachment 3).
2. Registers the easement on the property title.
3. Authorises the Mayor and General Manager to do all things necessary to give effect to the Deed of Agreement.

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

CM/7.9/16.06 Planning Agreement associated with approved development DA-363/2011/B 50 Waverley Street, Bondi Junction (DA-363/2011/B)

MOTION / DECISION

Mover: Cr Kay
 Seconder: Cr Cusack

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to the land at 50 Waverley Street, Bondi Junction which contributes \$130,033 to Council for public domain upgrades in Bondi Junction as detailed in the Complete Streets Program.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation.

Division

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

Against the Motion: Cr Wy Kanak.

CM/7.10/16.06 Planning Agreement associated with approved development at 570 Oxford Street, Bondi Junction (DA-490/2015)

MOTION / DECISION

Mover: Cr Burrill
 Seconder: Cr Cusack

That Council:

1. Endorses the Planning Agreement applying to the land at 570-588 Oxford Street, Bondi Junction which contributes \$338,440 to Council for the upgrade of the Bondi Junction public domain as

detailed in the Complete Streets Program.

2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation.

Division

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

Against the Motion: Crs Masselos and Wy Kanak.

CM/7.11/16.06 Extension of contract for supply of marquees for City2surf 2016 (A16/0103)

MOTION / DECISION

Mover: Cr Clayton

Seconder: Cr Goltsman

That Council:

1. Not go to tender for the supply of marquees for the 2016 Sun Herald City to Surf Fun Run Event under s 55(3)(1) because of the unavailability of competitive or reliable tenderers.
2. Approve an extension to the existing agreement with the Butlers Hire Pty Ltd for the provision of marquees for The Sun Herald City to Surf Fun Run Event 2016 with a \$705 price increase per marquee.

Cr Wy Kanak asked that it recorded in the minutes that he voted against the Motion.

CM/7.12/16.06 Evaluation of Tender - Landscape Services Thomas Hogan Reserve (A15/0556)

MOTION / DECISION

Mover: Cr Kay

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 Hibernian Contracting for Principal Landscape Services for the Thomas Hogan Reserve upgrade.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

8. Notices of Motion**CM/8.1/16.06 Boot Factory (A14/0299)****MOTION / DECISION**

Mover: Cr Strewe

Seconder: Cr Burrill

That:

1. Council notes that staff have recently undertaken an asset condition report on the Boot Factory and as a result are planning to address the state of the guttering. Quotes are being sourced at the moment.
2. The guttering is to be replaced as soon as possible and Council to be informed of progress.

Division**For the Motion:** Crs Betts, Burrill, Clayton, Kay, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Motion:** Crs Cusack, Goltsman and Mouroukas.**CM/8.2/16.06 Comments made in relation to Bondi Pavilion Upgrade (A15/0272)****MOTION / DECISION**

Mover: Cr Strewe

Seconder: Cr Wakefield

That the Mayor informs Council to whom she was referring when she told ABC News (29 May 3.16pm) that some of people gathered at Bondi Beach for the announcement of a ban on working on the Pavilion, until the community are listened to, 'as thugs'.

I would like to know was she referring to myself and Councillor Wakefield? If not was she referring to National Living Treasure Jack Munday? Or a Senator of the Australian Parliament? Or was she in fact referring to the woman President of the CFMEU, construction division, Ms Malia? Or perhaps the Secretary of the division Mr Parker?

As an attendant at the announcement I have a right to know to whom the Mayor was referring.

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

Division**For the Motion:** Crs Betts, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Motion:** Crs Burrill, Cusack, Goltsman, Kay and Mouroukas.**CM/8.3/16.06 Investigate underground cabling in Waverley's streets (A05/0902)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay

Seconder: Cr Mouroukas

That Council Officers investigate opportunities to underground cabling in key streets in Waverley and report back to Council on the costs and benefits, and a recommended policy. The report should consider the following:

1. Local Villages & Urban Centres:
 - (a) How Council could prioritise underground cabling in local villages and urban centres under a full cost contribution model as part of our Capital Works Program. Priority should be based on streetscape benefit and scheduled footpath improvement works.
 - (b) Identify opportunities to install smart poles at these locations as a replacement for standard street lights.
2. Residential Streets:
 - (a) How Council could support funding towards the cost of undergrounding cables in residential streets where residents have requested this action, and they are prepared to contribute to the cost of the work.
 - (b) Bringing forward the scheduled footpath replacement program in areas where implementation of underground cabling projects is being considered , noting that it may be preferable to locate cabling under a grass verge, or otherwise.
3. Identify any grants or other sources of funding external to Council, and whether SSROC would be willing to assist in a group funding initiative or other measures to reduce project costs.
4. Determine outcomes from other Councils in undergrounding cables and how they have funded these outcomes.

CM/8.4/16.06 Council Youth Employment Scheme (A16/0374)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Kay

That Council:

1. Investigates the establishment of a fixed term, say 12 months, Youth Employment Scheme to operate within Council.
2. Reports back on the outcomes of the investigation.

CM/8.5/16.06 Future-proofing Council infrastructure against extreme weather (A03/2112)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Burrill

That Council assesses existing infrastructure including drainage, gutters, roads and footpath surfaces with a view to determining the current capacity of this infrastructure to handle extreme weather events, and look at opportunities for better future proofing including:

1. Reviewing current policies to ensure preparedness for extreme weather events.
2. Consider the outcomes of these reviews for input into the relevant policies and programs of Council.

CM/8.6/16.06 Temporary suspension of proposed Bondi Pavilion works (A15/0272)**MOTION**

Mover: Cr Masselos
Seconder: Cr Wakefield

That:

1. Design work and preparation of the Development Application for the proposed Bondi Pavilion works be temporarily suspended until the newly announced community consultation has been concluded and outcomes determined.
2. Any relevant design outcomes from the community consultation be incorporated into the proposed design.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Masselos, Strewé, Wakefield and Wy Kanak.

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

CM/8.7/16.06 'Municipality of Waverley NSW' Coat of Arms mosaic sculpture (A10/0719)**MOTION / UNANIMOUS DECISION**

Mover: Cr Mouroukas
Seconder: Cr Kay

That Council, in relation to the 'Municipality of Waverley NSW' Coat of Arms mosaic sculpture affixed to the façade of Waverley Council Chambers:

1. Notes that it is a sculpture of artistic and local historic value.
2. Undertakes an inspection to determine its condition and restoration needs.
3. Consults with Waverley's Public Art Committee to identify an appropriate location for the permanent installation of the sculpture should Council's amalgamation proceed which could include its current location.
4. Prepares a report for consideration on the above outcomes.

CM/8.8/16.06 Local Government Election 2016 (A13/0486)**MOTION**

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council request the State Government to hold Waverley's local council election in September 2016.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Masselos, Strewé, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.
CM/8.9/16.06 Bondi Pavilion Documentation (A15/0272)

MOTION Mover: Cr Wakefield
Seconder: Cr Masselos

That:

1. Council, subject to the *Government Information (Public Access) Act 2009* (GIPA Act), proactively releases Bondi Pavilion Upgrade and Conservation Project documentation as follows:
 - (a) Preliminary schematic layout diagrams.
 - (b) Urbis review February 2015.
 - (c) Financial income projections.
2. Subject to approval for release through the processes set out above, which may include advice from the project's independent probity advisors, and subject to any redactions required, Council makes the documents referred to above available to the public.
3. Council prepares explanatory information to explain the different documents in order to assist community understanding.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.10/16.06 Merger Proposal (A16/0054)

MOTION Mover: Cr Wakefield
Seconder: Cr Masselos

Council believes that the "Fit for the Future" process has not been undertaken in a robustly fair and consistent manner and now withdraws its support for a "base case" merger of Randwick and Waverley.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.11/16.06 Planning for possible amalgamation (A16/0054)

MOTION Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council Officers prepare a report for the next Council Meeting on matters related to planning for possible Council amalgamation, particularly those matters and actions that have already been undertaken

and such report provide an estimate of costs (including staff time) incurred so far and planned in relation to the proposed amalgamation process.

Division

For the Motion: Crs Betts, Burrill, Clayton, Kay, Masselos, Strewé, Wakefield and Wy Kanak.

Against the Motion: Crs Cusack, Goltsman and Mouroukas.

CM/8.12/16.06 Submissions received on Bondi Pavilion Upgrade (A15/0272)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. In light of Council's recommitment to community engagement, the submissions received during the earlier consultation process on the Bondi Pavilion Upgrade concept plans be referred to Tonkin Zulaikha Greer Architects for their consideration.
2. Tonkin Zulaikha Greer Architects be requested to offer suggestions on ways that the concept plans could be modified to address the concerns raised in the submissions, particularly:
 - (a) The change of use of the first floor, the replacement of the existing theatre and the changes to the balcony balustrade to improve views for seated diners.
 - (b) The resultant demolition of the music studios and High Tide room.
 - (c) The safety concerns about access to the relocated toilet and change rooms.
 - (d) The loss of the art and pottery studios resulting from relocation of the toilets and change rooms.
 - (e) The reduction in overall floor space for toilets and change rooms as a result of their relocation.
 - (f) Any other matters raised in submissions that Tonkin Zulaikha Greer Architects considers significant.
3. Tonkin Zulaikha Greer Architects be asked to provide their feedback for consideration by Council at the July (or August) meeting of Council.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewé, Wakefield and Wy Kanak.

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

CM/8.13/16.06 Constitutional Recognition of Local Government (A02/0764)

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council write to the current and/or future Prime Minister expressing its support for Commonwealth

Constitutional Recognition of Local Government.

Division

For the Motion: Crs Betts, Clayton, Kay, Masselos, Strewe, Wakefield and Wy Kanak.

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

9. Urgent Business

Council resolved to deal with the following item as an item of urgent business.

CM/9.1/16.06 Thanks to Council staff for storm clean up (A02/0031)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

That the Mayor and councillors formally give a vote of thanks to Waverley Council staff for their extraordinary efforts, dedication and good humour in cleaning up and securing areas affected by the storms on 4 and 5 June 2016.

10. Closed Session

CM/10/16.06 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 Strewe

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/10.1/16.06 CONFIDENTIAL REPORT - Fees and Charges - Waverley Cemetery

This matter is considered to be confidential in accordance with Section 10A(2)(d)ii 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 competitor of the council.

CM/10.2/16.06 CONFIDENTIAL REPORT - Fixing of Commercial Waste Fees and Charges for 1 July 2016 to 30 June 2017

This matter is considered to be confidential in accordance with Section 10A(2)(d)i 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.

CM/10.3/16.06 CONFIDENTIAL REPORT - Marine Discovery Centre Inc - Unpaid Loan

This matter is considered to be confidential in accordance with Section 10A(2)(a) 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 personnel matters concerning particular individuals (other than councillors).

2. Pursuant to Section 10A(1), 10A(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 Wy Kanak asked that it be recorded in the minutes that he voted against the Motion.

At 12.29AM Council moved into closed session.

CM/10.1/16.06 CONFIDENTIAL REPORT - Fees and Charges - Waverley Cemetery (A14/0165)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack

Seconder: Cr Burrill

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(d)ii of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Council adopts the proposed fees and charges for Cemetery services for the period 1st July 2016 to 30th June 2017.

CM/10.2/16.06 CONFIDENTIAL REPORT - Fixing of Commercial Waste Fees and Charges for 1 July 2016 to 30 June 2017 (A02/0162)

MOTION / DECISION

Mover: Cr Goltsman

Seconder: Cr Burrill

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(d)i 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. Adopts the proposed fees and charges for commercial waste for the period 1 July 2016 to 30 June 2017.

CM/10.3/16.06 CONFIDENTIAL REPORT - Marine Discovery Centre Inc - Unpaid Loan (A04/1666-02)

Cr Masselos declared a significant, non-pecuniary interest in this item and informed the meeting that she was on the Board of the Marine Discovery Centre. Cr Masselos left the chamber and was not in sight of the meeting for its consideration and vote on this item.

MOTION / DECISION

Mover: Cr Cusack
Seconder: Cr Betts

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(a) of the Local Government Act 1993. The report contains personnel matters concerning particular individuals (other than councillors).
2. Notes the outstanding debt of the Marine Discovery Centre Inc to Council as indicated in the report, arising from the 2009 loan agreement.
3. Declines the request of the Marine Discovery Centre Inc to waive the debt.
4. Agrees that if a satisfactory payment instalment plan (up to 12 months) has not been agreed and adhered to or the loan is not paid within 30 days of the June 2016 Council meeting, that debt collection services be engaged, and all occupation of office premises by the Marine Discovery Centre Inc is to cease as of that date.

Cr Wy Kanak and Cr Wakefield asked that it be recorded in the minutes that they voted against the Motion.

11. Resuming in Open Session**CM/11/16.06 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Mouroukas
Seconder: Cr Burrill

That Council resumes in Open Session.

At 12.52AM 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 12.54AM.

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SIGNED AND CONFIRMED
MAYOR
19 JULY 2016