



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 19 JULY 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 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 6.30PM those present were as listed above with the exception of Cr Wakefield who arrived at 6.40PM.

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 Wy Kanak

Seconder: Cr Masselos

That Council allows the items about the Bondi Pavilion to be recorded by members of the public.

THE MOTION WAS PUT AND DECLARED LOST ON SHOW OF HANDS 5/2

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Guttman Jones.

Council granted Cr Strewe leave of absence for this meeting (see item CM/7.4/16.07).

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in Item CM/8.8/16.07 and informed the meeting that his parents-in-law own property in Beach Road opposite the subject property, and that he would be leaving the chambers for the item.
- 2.2 Cr Goltsman declared a less than significant, non-pecuniary interest in Item CM/7.2/16.07 and informed the meeting that he participated in the program.
- 2.3 Cr Clayton declared less than significant, non-pecuniary interests in the Bondi Pavilion items and informed the meeting that she is a user of the Bondi Pavilion.
- 2.4 Cr Wy Kanak declared less than significant, non-pecuniary interests in the Bondi Pavilion items and informed the meeting that he is a user of the Bondi Pavilion.

3. Addresses to Council by Members of the Public

- 3.1 J Kaldor – CM/8.2/16.07 – Submission to Review of Planning Act about Complying Development Consents.

- 3.2 D Kresner – CM/8.3/16.07 – Synthetic Turf at Waverley Park.
- 3.3 R Harris – CM/8.4/16.07 – Annual Pavilion Community Cultural Centre Concert.
- 3.4 M Glare – CM/8.6/16.07 – Birrell Street Traffic Calming.
- 3.5 T Williams – CM/8.8/16.07 – Extension of Time for Submissions on DA-249/2016.
- 3.6 P McCallum (on behalf of the Waverley Historical Society) – CM/8.9/16.07 – Bondi Pavilion Heritage.

4. Confirmation and Adoption of Minutes

CM/4.1/16.07 Confirmation of Minutes - Council Meeting - 21 June 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 21 June 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Division

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

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

CM/4.2/16.07 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 June 2016 (SF16/158)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay

Seconder: Cr Mouroukas

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 23 June 2016 be received and noted, and that the recommendations contained therein be adopted.

5. Mayoral Minute

There was one confidential Mayoral Minute (see item CM/10.1/16.07).

6. Obituaries

Bill Symonds

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

7. Reports

CM/7.1/16.07 Investment Portfolio Report - May 2016 (A03/2211)

MOTION / DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – May 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/7.2/16.07 Eat, Pray, Naches: Jewish Community Stories Exhibition in Shanghai, China (A16/0401)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Kay

That Council:

1. Agrees to show its *Eat, Pray, Naches: Jewish Community Stories* exhibition at the Shanghai Jewish Refugees Museum in Shanghai, China.
2. Authorises the Mayor and General Manager to sign and to affix the Council Seal to the necessary documentation.

CM/7.3/16.07 Councillors' Fees – Local Government Remuneration Tribunal Determination for 2016–17 (A03/1343)

MOTION / DECISION

Mover: Cr Cusack
Seconder: Cr Kay

That Council:

1. Receives and notes this report and the attached determination from the Local Government Remuneration Tribunal.
2. In accordance with the Local Government Remuneration Tribunal's determination, endorses the annual fees for the year 1 July 2016 to 30 June 2017 as follows:
 - (a) All Councillors (including the Mayor) – \$18,840.
 - (b) Mayor – \$41,090 in addition to the Councillor fee.
 - (c) Deputy Mayor – \$3,637 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

CM/7.4/16.07 Cr Strewé - Leave of Absence (SF16/406)**MOTION / DECISION****Mover: Cr Masselos**
Seconder: Cr Wakefield

That Council grants a leave of absence to Cr Strewé from 1 July 2016 until 29 July 2016.

8. Notices of Motion**CM/8.1/16.07 Establishment of a Certification Business Unit (A16/0429)****MOTION / UNANIMOUS DECISION****Mover: Cr Masselos**
Seconder: Cr Wakefield

That Council:

1. Investigates how to grow its internal private certification service.
2. Actively promotes the benefits of Council's private certification service.

CM/8.2/16.07 Submission to Review of Planning Act about Complying Development Consents (A11/0500)**MOTION / UNANIMOUS DECISION****Mover: Cr Masselos**
Seconder: Cr Cusack

That Council:

1. Notes that the Mayor has already written to Minister Stokes seeking a meeting with Council Officers.
2. Notes that the letter explains the issues relating to the manner in which CDCs are being issued under the Exempt and Complying Development Codes SEPP.
3. Notes that in the letter the Mayor outlines the specific issues relating to different methods of assessing height and calls for the SEPP to be amended to better articulate what can and cannot be built under this legislation.
4. Notes that a copy of the letter to the Minister has been distributed to Councillors.
5. Prepares a report summarising the outcomes of the meeting between Council and the NSW Minister for Planning and Environment for Council's consideration.

CM/8.3/16.07 Synthetic Turf at Waverley Park (A15/0596)**MOTION****Mover: Cr Masselos**
Seconder: Cr Wakefield

That a report about the synthetic grass on Waverley Oval comes to the next Council meeting addressing the following matters:

1. Confirmation that:
 - (a) The life of the synthetic grass currently on Waverley Oval does indeed last for 10 years, and not 8 years as stated in the document *FIFA Quality Programme for Football Turf, October 2015*.
 - (b) Council is NOT seeking FIFA accreditation. If Council is seeking FIFA accreditation, why?
 - (c) The Mayor and / or Councillors were advised of this, and if so which Councillors?
 - (d) Of the reasons why this matter not brought to Council for determination.
2. Confirmation that Council:
 - (a) Is aware of the FIFA suggestion that synthetic turf playing surfaces should generate sufficient revenue to cover the cost of maintenance, staff utilities and supplies, depreciation, and planned replacement or renovation.
 - (b) Has laid synthetic turf because of the reason in 3a.
 - (c) Has ensured that no small clubs / people are missing out on using the field because clubs that can afford to pay are given priority. How has this been ensured?
 - (d) Has been advised that synthetic turf will heat up during warm weather - up to as much as 60 degrees Celsius and which can produce skin burn.
 - (e) Is aware that smoking is strictly prohibited and spilling of food and beverages must be avoided.
3. The *FIFA Quality Programme for Football Turf October 2015* document claims that synthetic turf is maintenance free is a myth and a dangerous concept to embrace as a neglected pitch can be dangerous as it presents a number of hazards to players. Is Council aware of this and the following issues?
 - (a) There are extensive maintenance issues associated with synthetic turf.
 - (b) The longevity of the synthetic turf is significantly reduced if not maintained properly.
 - (c) There is a host of paraphernalia required to keep the pitch maintained e.g. triangle brush, tractor unit, drag net, ball roll ramp.
 - (d) Synthetic turf needs regular brushing - the more the field is used, the more it needs brushing especially to prevent pile lean and flattening.
 - (e) Portable goals should have wheels and not be dragged around on the pitch as this can easily damage the synthetic turf.
 - (f) Infill levels need to be monitored especially in corners and other areas of intensive usage as heavy rain can affect infill levels.
 - (g) Compaction can also occur and will produce variable ball balance if not addressed.
4. How to protect the environment, in and surrounding, Waverley Park and the users of Waverley Park given the following:

- (a) The report advises avoiding locating pitches with synthetic turf close to leafy trees, because they can act detrimentally with the granulate in the synthetic turf if not removed.
- (b) There are mature trees close to the ovals in Waverley Park.
- (c) If the granulate becomes hard there will be poor drainage resulting in moss, algae and weed growth.
- (d) Toxic biocides such as mossicides, algaecides and weed killers have been recommended in the report to remove weeds, moss and algae.
- (e) In order to avoid contamination of the surface of the synthetic field (dirt is not allowed onto the field), a solution is to lay concrete or asphalt around the pitch as "this will stop spectators from dragging soil and dirt on to the pitch".
- (f) The Report recommends leaving a barrier between the natural area and the artificial pitch - such as a vegetation free zone.
- (g) Will Council be laying a concrete apron around the synthetic turf ovals in order to create a vegetation free zone, and are our trees, including our mature trees, at risk?

AT THIS STAGE IN THE PROCEEDINGS CR WAKEFIELD MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

Division

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

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

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.4/16.07 Annual Bondi Pavilion Community Cultural Centre Concert (A15/0455)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Waverley Council as part of its Cultural Programs support (or alternatively investigates the feasibility of) an annual Bondi Pavilion Concert showcasing the many music, dance and theatrical community activities and classes that take place at Bondi Pavilion.

AMENDMENT 1

Mover: Cr Burrill

Seconder: Cr Goltsman

That the Motion be adopted subject to it reading as follows:

‘That Waverley Council as part of its Cultural Programs investigates the feasibility of an annual Bondi Pavilion Concert showcasing the many music, dance and theatrical community activities and classes that

take place at Bondi Pavilion.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

Against the Amendment: Cr Wy Kanak.

THE AMENDMENT NOW BECAME THE SUBSTANTIVE MOTION.

A FURTHER AMENDMENT WAS MOVED:

AMENDMENT 2

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the Substantive Motion be adopted subject to it reading as follows:

‘That Waverley Council as part of its Cultural Programs initiates an annual Bondi Pavilion Concert showcasing the many music, dance and theatrical community activities and classes that take place at Bondi Pavilion.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Betts, Burrill, 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, Masselos, Mouroukas, and Wakefield.

Against the Substantive Motion: Cr Wy Kanak.

CM/8.5/16.07 Name of Future Council (A16/0054)

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Notes that it has not formally resolved on a submission to the Minister regarding naming the proposed future Council.
2. Resolves to submit two proposed names for the future merged Council to the Minister for Local Government.

THE MOTION WAS PUT AND DECLARED LOST.

CM/8.6/16.07 Birrell Street Traffic calming (A03/0042-04)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Mouroukas

That Council investigates traffic calming measures along Birrell Street in the area between Watson Street and Tamarama Street, and a report be prepared for the consideration of the Traffic Committee.

CM/8.7/16.07 Bondi Pavilion Plan of Management (A15/0272)

Subsequent to the meeting a motion to rescind this decision was lodged with the General Manager. The motion will be considered at the next Council Meeting.

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council appoints an external consultant to determine the extent to which the current proposal to re-develop the Bondi Pavilion is supported by the Statutory Plan of Management. This report to be completed coincidental with the current community consultation process.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.8/16.07 Extension of Time for Submissions on DA-249/2016 (DA-249/2016)

Cr Kay declared a pecuniary interest in this item and informed the meeting that his parents in law own property in Beach Road near the Bondi Pacific. Cr Kay was not in, or in sight of, the chamber for Council's discussion and vote on this matter.

MOTION / DECISION

Mover: Cr Wy Kanak
Seconder: Cr Cusack

That Council extends the submission response period for DA 249/2016, 182 Campbell Parade, Bondi Pacific (old Swiss Grand) for another 28 days from the proposed close of public submissions on or about 14 July 2016.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Masselos, Wakefield and Wy Kanak.

Against the Motion: Cr Mouroukas.

CM/8.9/16.07 Bondi Pavilion Heritage (A15/0272)

Subsequent to the meeting a motion to rescind this decision was lodged with the General Manager. The motion will be considered at the next Council Meeting.

MOTION

Mover: Cr Wakefield
Seconder: Cr Masselos

Council appoints an independent external heritage consultant to appraise the proposed architectural and

functional usage of the Pavilion. The appraisal will consider the proposed treatment of the Pavilion against best practice considerations for places of cultural significance. This report to be completed coincidental with the current community consultation process.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

9. Urgent Business

CM/9.1/16.07 Coastal Walk Project - Evaluation of Tender (A16/0368)

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

MOTION / DECISION

Mover: Cr Kay

Seconder: Cr Betts

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

CM/9.2/16.07 Establishment of Councillor Transition Reference Group (A16/0054)

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

Subsequent to the meeting a motion to rescind this decision was lodged with the General Manager. The motion will be considered at the next Council Meeting.

MOTION

Mover: Cr Goltsman

Seconder: Cr Burrill

That:

1. Council establishes a Councillor Transition Reference Group on the terms outlined in this report.
2. Council appoints two Councillors, being the Mayor Cr Sally Betts and Deputy Mayor Cr Tony Kay, to the Councillor Transition Reference Group, similar to the number suggested in the Department of Premier and Cabinet (DPC) Guidelines for post proclamation.
3. Council notes that updates on the activities of the Councillor Transition Reference Group will be included as part of the General Manager's regular Transition Update reports to Council.
4. The General Manager seeks advice under the *Local Government Act* on these procedures.

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the Motion be adopted subject to the addition of the following clause:

‘All Councillors receive notice by e-mail of the same notice sent to the appointed Councillors, including any attachments.’

AMENDMENT 2

Mover: Cr Wakefield
Seconder: Cr Masselos

That the Motion be adopted subject to clause 2 reading as follows:

‘Council appoints all Councillors to the Councillor Transition Reference Group, similar to the number suggested in the Department of Premier and Cabinet (DPC) Guidelines for post proclamation.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

AMENDMENT 3

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the Motion be adopted subject to all other Councillors being invited to all meetings of the group as observers.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

CM/9.3/16.07 Outstanding Motions Report

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

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Wakefield

That:

1. Status reports be compiled detailing all the Council motions of the last 4 years requiring action and/or follow up.

2. These reports be presented incrementally at the next and subsequent Council meetings for discussion.
3. These report also be distributed to Councillors (or former Councillors, should amalgamation proceed in the interim) under separate email prior to the Council meeting.
4. The list of outstanding motions be placed on a Council agenda for the administrator's consideration.

Cr Wy Kanak was not present for the debate and vote on this item.

CM/9.4/16.07 Supporting Cultural Diversity

Council resolved not to deal with this item at this meeting as an item of urgent business.

10. Closed Session

CM/10/16.07 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 Kay

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/10.1/16.07 CONFIDENTIAL REPORT - Extension of General Manager's Employment Contract

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), 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 Wy Kanak was not present for the vote on this item.

At 10.56PM Council moved into closed session.

CM/10.1/16.07 CONFIDENTIAL REPORT - Extension of General Manager's Employment Contract (P13/080)**MOTION / DECISION**Mover: Cr Betts
Seconder: Cr Kay

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. Extends the term of the current employment contract between Council and Peter Brown until 29 March 2017, pursuant to s 3.3 of the contract, on the same terms except with the addition of a 4 week notice period by both parties.

Cr Wy Kanak was not present for the vote on this item.

11. Resuming in Open Session**CM/11/16.07 Resuming in Open Session****MOTION / DECISION**Mover: Cr Kay
Seconder: Cr Mouroukas

That Council resumes in Open Session.

Cr Wy Kanak was not present for the vote on this item.

At 10.58PM 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 resolution 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 10.58PM.**

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SIGNED AND CONFIRMED
MAYOR
16 AUGUST 2016