



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 18 OCTOBER 2016**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter 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 Tony Kay (Deputy Mayor)	Waverley 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 6.36PM.

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

Apologies were received and accepted from Cr Strewe.

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 significant, non-pecuniary interest in Item CM/8.7/16.10 Chapel by the Sea Indigenous Mural and informed the meeting that his cousin was one of the two artists who painted the mural. Cr Kay advised the meeting that he will leave the chamber for the debate and vote on the item.
- 2.2 Cr GOLTSMAN declared a less than significant, non-pecuniary interest in Item CM/7.3/16.10 Small Grants Program 2016/17 (Round 1) and informed the meeting that he knows one of the applicants, Dover Heights Shule and that he volunteers for them and attends some of their events.
- 2.3 Cr CLAYTON declared a less than significant, non-pecuniary interest in items involving the Bondi Pavilion.
- 2.4 Cr WY KANAK declared a less than significant, non-pecuniary interest in items involving the Bondi Pavilion.

3. Addresses to Council by Members of the Public

- 3.1 E COHEN – Item CM/8.7/16.10 – Chapel by the Sea Indigenous Mural.

4. Confirmation and Adoption of Minutes

CM/4.1/16.10 Confirmation of Minutes - Council Meeting - 20 September 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That the Minutes of the Council Meeting held on 20 September 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/16.10 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 September 2016 (SF16/158)**MOTION / DECISION**

Mover: Cr Mouroukas
Seconder: Cr Kay

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 22 September 2016 be received and noted, and that the recommendations contained therein be adopted.

5. Mayoral Minute

There were no mayoral minutes.

6. Obituaries

Les Hawkins
Carl Melvey
Salvatore Barbagallo

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

7. Reports**CM/7.1/16.10 Confirmation of Minutes - Council Meeting (Mayoral Election) - 22 September 2016 (SF16/406)****MOTION / DECISION**

Mover: Cr Burrill
Seconder: Cr Mouroukas

That the Minutes of the Council Meeting (Mayoral Election) held on 22 September 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/7.2/16.10 Draft 2015/16 Financial Statements (A15/0244)**MOTION / DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

- 1) in relation to the financial statements required in accordance with Section 413(2)(c) of the Local Government Act 1993, Council resolve that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2016:
 - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;

- b. to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
 - c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
- 2) the Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
 - 3) the Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special purpose Financial Statements, be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
 - 4) the financial statements be referred to the Council's Auditors for audit.
 - 5) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
 - 6) a copy of the audited financial statements be forwarded to the NSW Office of Local Government.
 - 7) the audited financial statements be presented at a meeting of Council to be held in accordance with Section 418 of the *Local Government Act 1993*.
 - 8) Public notice of the meeting to be held on Tuesday, 15 November 2016, be given to the newspapers to be published in the week commencing 7 November 2016, including the publication of all documents required under Section 418 of the Local Government Act, 1993.
 - 9) Council resolves that at the meeting of Council scheduled for Tuesday, 15 November 2016, Council will present its Audited Financial Report and Auditor's Report to the public.

CM/7.3/16.10 Small Grants Program 2016/17 (Round 1) (A16/0293)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council approves the Small Grants Program 2016/17 (Round 1) grants to the organisations and individuals as set out in this report.

CM/7.4/16.10 Planning Agreement associated with DA-520/2014/A at 6 Edward Street, Bondi (DA-520/2014/A)**MOTION / DECISION**

Mover: Cr Kay
Seconder: Cr Mouroukas

That Council:

1. Endorses the draft Planning Agreement applying to the land at 6 Edward Street, Bondi that contributes \$106,882 to Council for the upgrade of Thomas Hogan Reserve.
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, Guttman-Jones, Kay and Mouroukas.

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

CM/7.5/16.10 Writing Off of Council's Trade Debtors Bad Debts (A05/1181-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council approves the write-off of the bad trade debts and general abandonments identified in this report of \$17,091.60 in accordance with Clause 213 (3) of the Local Government (General) Regulation 2005.

CM/7.6/16.10 Investment Portfolio Report - August 2016 (A03/2211)**MOTION / DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – August 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/7.7/16.10 Tabling of returns by Councillors and Designated Persons disclosing interests (A16/0563)**MOTION / DECISION**

Mover: Cr Kay
Seconder: Cr Mouroukas

That Council receives and notes the returns by Councillors and Designated Persons disclosing interests.

CM/7.8/16.10 Phase 1 Amendments to the NSW Local Government Act (A03/2631)**MOTION / UNANIMOUS DECISION****Mover: Cr Burrill****Seconder: Cr Kay**

That this matter be deferred for a report to come back to Council with a comparison between Council's submission and the amended *Local Government Act*.

CM/7.9/16.10 IPART Review of Local Government Rating System (A08/1245)**MOTION / DECISION****Mover: Cr Kay****Seconder: Cr Burrill**

That Council:

1. Receives and notes this report.
2. Endorses the draft submission to IPART's Review of the Local Government Rating System, subject to the following amendment:
 - (a) Item 20 to include an additional sentence at the start of Council's response to read: 'Recommendation for a rate deferral scheme is not supported.'

Division**For the Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay, Mouroukas and Wy Kanak.**Against the Motion:** Crs Masselos and Wakefield.**8. Notices of Motion****CM/8.1/16.10 Marriage Equality (A03/2248)****MOTION (WITHDRAWN)****Mover: Cr Wakefield****Seconder: Cr Masselos**

That, in the light of renewed media coverage of the Bondi gay bashings, the General Manager investigate and report urgently to Council on the progress made since towards ensuring that the rainbow flag is raised on the Bondi Road building, as required by the motion passed by Council at its meeting 17 May 2016.

CM/8.2/16.10 Divestment Day 2017 (A16/0629)**MOTION****Mover: Cr Wy Kanak****Seconder: Cr Masselos**

That Council:

1. Supports Divestment Day 2017.
2. Provides Community Awareness information on the Council website and in the Mayor's Column about how Divestment Days focus information to bank customers on alternative investment strategies to support greener industry.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.3/16.10 Bondi Pavilion Commercial Review - Building orientation (SF16/51)

MOTION (WITHDRAWN)

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the General Manager investigate and report back to Council on who instructed the author of the Bondi Pavilion Commercial Review (the Urbis report, February 2015) to change the presentation of the geographic orientation of the Bondi Pavilion from facing “almost due south” to facing instead “due east,” and such report to include detail about the processes which allowed the briefing for such realignment, and the reasons which caused the realignment, and whether Council staff have similarly sought to re-cast other aspects of Bondi Beach’s reality to suit the purpose of gaining extra commercial revenue from the public asset which is the Bondi Pavilion.

CM/8.4/16.10 Bondi Pavilion Commercial Review - Stakeholder identification (SF16/51)

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the General Manager report back to Council with information about how the various “stakeholders” in the Bondi Pavilion Commercial Review (the Urbis report, February 2015) were identified, and whether Council officers have adopted this terminology in developing the project.

Division

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

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

CM/8.5/16.10 Protecting National Historic Sites Grant (A15/0272)

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the General Manager provide Councillors with a copy of the following written endorsement which was claimed to exist in the application by Council for the \$1 million grant under the Federal Government’s Protecting National Historic Sites grant scheme, with proof that the specific endorsement for this project had been obtained by Waverley Council at the time of the application, as required by this condition and as Waverley Council claimed in the application:

“the activities within this project will be carried out in accordance with heritage best practice as contained in the Burra Charter, and has the written endorsement of an appropriate technical advisor, such as a heritage architect, to this effect”.

Division

For the Motion: Crs Betts, Clayton, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas,

Against the Motion: Wakefield and Wy Kanak.
Crs Burrill and Cusack.

CM/8.6/16.10 Protecting National Historic Sites Grant Variation (A15/0272)

MOTION / DECISION Mover: Cr Wakefield
Second: Cr Wy Kanak

That the General Manager be asked to investigate and report to Council on the \$1million grant awarded to Council under the Federal Government's Protecting National Historic Sites grant scheme for work on the Bondi Pavilion, and noting that the original grant agreement was the subject of a later deed of variation required by the Federal Department of the Environment which applied some of the grant to the Bondi Pavilion Fire Safety Upgrade Project.

CM/8.7/16.10 Chapel by the Sea Indigenous Mural (DA-428/2016)

Cr Kay declared a significant, non-pecuniary interest in this item and informed the meeting his cousin was one of the two artists who painted the mural. Cr Kay was not at or insight of the meeting for the debate and vote.

MOTION Mover: Cr Wy Kanak
Second: Cr Wakefield

That:

1. Council's Planning Officers take into relevant account the community requests to save the Chapel by the Sea Indigenous Mural at Gould Lane potentially threatened with demolition by the Wayside plans for the 95 Roscoe St Uniting Church building.
2. Council supports the community campaign to save the Indigenous Mural.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

CM/8.8/16.10 Amalgamation Proclamation (A16/0054)

MOTION Mover: Cr Wy Kanak
Second: Cr Masselos

That Council writes to the Minister for Local Government NSW and the Governor under section 213 of the Local Government Act 1993 requesting consideration of the continuation of precinct systems where they currently exist.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

CM/8.9/16.10 Bondi Pavilion Upgrade - Additional Plans (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Supports an increased level of transparency in the ongoing process of developing an upgrade that meets the community's expectations and is in line with Council's long-term budgeting for the project.
2. Convenes a workshop of Councillors, staff and community representative to examine these plans/schematic in more detail to determine whether they represent a way out of the damaging impasse between the demands of Council and the expectations of its community.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

9. Urgent Business

There were no items of Urgent Business.

10. Closed Session

CM/10/16.10 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 Mouroukas

Seconder: Cr Goltsman

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/10.1/16.10 CONFIDENTIAL REPORT - Lease for 3 Bondi Road, Bondi Junction

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.

At 8.40pm Council moved into closed session.

CM/10.1/16.10 CONFIDENTIAL REPORT - Lease for 3 Bondi Road, Bondi Junction (A16/0311)

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)(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. Enters into a lease of 3 Bondi Road, Bondi Junction on the terms and conditions contained in this report.
3. Authorises the Mayor and General Manager to do all things necessary to enter into the lease.

11. Resuming in Open Session

CM/11/16.10 Resuming in Open Session

MOTION / DECISION

Mover: Cr Kay

Seconder: Cr Goltsman

That Council resumes in Open Session.

At 8.44PM 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 8.45PM.

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SIGNED AND CONFIRMED
MAYOR
15 NOVEMBER 2016