



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 21 FEBRUARY 2017**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson 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 Strewé	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Cathy Henderson	Acting General Manager
Linda Bathur	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Acting Director, Waverley Renewal
Richard Coelho	Acting 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 6.56PM.

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 Clayton.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses to Council by Members of the Public

- 3.1 C Davitt (Chief Petitioner) - CM/7.8/17.02 - Petition - Resident Parking Scheme in the vicinity of St Catherine's School.
- 3.2 C O'Neal (on behalf of Chief Petitioner) – CM/7.9/17.02 - Petition - Fenced off-leash dog play area in Upper Dickson Park on Wellington Street.

4. Confirmation and Adoption of Minutes

CM/4.1/17.02 Confirmation of Minutes - Council Meeting - 6 December 2016 (SF17/81)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 6 December 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/17.02 Confirmation of Minutes - Extraordinary Council Meeting - 7 February 2017 (SF17/81)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That the Minutes of the Council Meeting held on 7 February 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Mayoral Minute

Nil.

6. Obituaries

Paul Anthony O'Donnell

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

7. Reports**CM/7.1/17.02 Quarter 2 Budget Review (Q2) (A03/0346)****MOTION / DECISION**

Mover: Cr Cusack

Seconder: Cr Burrill

That Council:

1. Adopts the variations to the Operating and Capital budgets in accordance with Attachment 1 and Attachment 2 to this report.
2. Approves the change of funding source for Niblick Street Reserve land remediation. This work is now to be funded from the Domestic Waste Reserve, \$291k.
3. Allocates \$110,000 to the anti-slip re-sheeting of Military Road, between George Street and Kobada Road, Dover Heights, in response to a recent road safety audit, and this work be funded from the 16/17 Roads Construction program project savings identified by staff.

Division

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

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

Cr Wakefield was not present for the consideration and vote on this item.

CM/7.2/17.02 Six Monthly Progress Report on Delivery Program 2013-17 (A15/0199)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council endorses progress to 31 December 2016 with respect to the deliverables detailed in the Delivery Program 2013–17 as per Attachment 1 to this report.

Cr Wakefield was not present for the consideration and vote on this item.

CM/7.3/17.02 Investment Portfolio Report – November 2016 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – November 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.

Cr Wakefield was not present for the consideration and vote on this item.

CM/7.4/17.02 Investment Portfolio Report - December 2016 (A03/2211)**MOTION / DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – December 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.

Cr Wakefield was not present for the consideration and vote on this item.

CM/7.5/17.02 Evaluation of Tenders - Bronte House Gardening and Horticultural Services (A16/0557)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

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 Pepo Pty Ltd for Bronte House gardening and horticultural services.
3. In accordance with clause 179 of the *Local Government (General) Regulation*, notifies unsuccessful tenderers of the decision.

Cr Wakefield was not present for the consideration and vote on this item.

**CM/7.6/17.02 Transfer of Dellview Street Tamarama from a Crown Road to a Council Road
(A15/0098)****MOTION / DECISION**

Mover: Cr Mouroukas
Seconder: Cr Kay

That Council:

1. Approves the transfer of Dellview Street Tamarama from a Crown Road to that of a Waverley Council Road.
2. Approves the relevant Council delegate to do all things necessary and execute documents to finalise the matter.

Crs Wakefield and Wy Kanak were not present for the vote on this item.

**CM/7.7/17.02 Transfer Granting Easement with Ausgrid for Lots 12-16, DP 270785, Alexandria
Integrated Facility, 67A Bourke Road, Alexandria (A12/0075)****MOTION / UNANIMOUS DECISION**

Mover: Cr Betts
Seconder: Cr Kay

That Council:

1. Enters into a Transfer Granting Easement document with Ausgrid for electricity purposes at Lots 12-16 DP 27085 at Alexandria Integrated Facility, 67A Bourke Road Alexandria and a Transfer Granting Easement for a Right of Carriageway Lot 13, DP 270785, Alexandria Integrated Facility, 67A Bourke Road Alexandria.
2. Authorises the Mayor and General Manager to do all things necessary to give effect to the easements and any associated documentation.

Crs Wakefield and Wy Kanak were not present for the vote on this item.

**CM/7.8/17.02 Petition - Request for resident parking scheme in vicinity of St Catherine's School
(A03/2581)****MOTION / DECISION**

Mover: Cr Cusack
Seconder: Cr Burrill

That the petition requesting a resident parking scheme in the vicinity of St Catherine's School be forwarded to the Executive Manager, Creating Waverley for investigation with a report containing options and recommendations to come back to Council as soon as possible.

C Davitt (Chief Petitioner) addressed the meeting.

CM/7.9/17.02 Petition - Fenced off-leash dog play area in Upper Dickson Park on Wellington Street (A16/0271)

MOTION / UNANIMOUS DECISION

Mover: Cr Mouroukas
 Secunder: Cr Kay

That the petition requesting a fenced off-leash dog play area in Upper Dickson Park on Wellington Street, Bondi be forwarded to the Director, Waverley Life for appropriate action.

C O'Neal (on behalf of Chief Petitioner) addressed the meeting.

8. Notices of Motion

CM/8.1/17.02 Planning Agreement for 41 O'Donnell Street (DA-164/2015)

MOTION

Mover: Cr Goltsman
 Secunder: Cr Mouroukas

That Council resolves to allocate the \$168,086.72 from the Planning Agreement applying to land at 41 O'Donnell Street for public works on landscaping improvements, returfing and irrigation upgrades within Bondi Park next to the children's playground, subject to 10% of the Planning Agreement contribution above being dedicated to the Affordable Housing fund in accordance with the Waverley Planning Agreement Policy 2014.

AT THIS STAGE IN PROCEEDINGS CR WAKEFIELD RAISED A POINT OF ORDER ON THE GROUNDS THAT THE MOTION IS IN CONTRADICTION OF AN EXISTING MOTION OF COUNCIL.

THE CHAIR DID NOT UPHOLD CR WAKEFIELD'S POINT OF ORDER AND RULED THAT THE MOTION IS VALID.

CR WAKEFIELD THEN MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division

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

FOLLOWING FURTHER DEBATE ON THE SUBSTANTIVE MOTION, CR CUSACK MOVED A PROCEDURAL MOTION THAT THE SUBSTANTIVE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Division

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

DECISION:

That Council resolves to allocate the \$168,086.72 from the Planning Agreement applying to land at 41 O'Donnell Street for public works on landscaping improvements, returfing and irrigation upgrades within Bondi Park next to the children's playground, subject to 10% of the Planning Agreement contribution above

being dedicated to the Affordable Housing fund in accordance with the Waverley Planning Agreement Policy 2014.

9. Urgent Business

There were no items of urgent business.

10. Closed Session

There were no matters dealt with in closed session.

11. Meeting Closure

THE MEETING CLOSED AT 7.38PM.

.....
SIGNED AND CONFIRMED
MAYOR
21 MARCH 2017