



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 16 MAY 2017**

**Present:**

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	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
Mitchell Reid	Acting Director, Waverley Futures
Emily Scott	Acting Director, Waverley Renewal
Rachel Jenkin	Acting Director, Waverley Life
Jane Worthy	Manager, Internal Ombudsman's Office

*At the commencement of proceedings at 6.37 pm those present were as listed above with the exception of Cr Wakefield who arrived at 6.37 pm and Cr Masselos who arrived at 7.30 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

Apologies were received and accepted from Cr Clayton, Cr Kay and Cr Guttman-Jones.

### 2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanakd eclared a less than significant non pecuniary interest in Item CM/7.9/17.05 - Writing Off of Council's Footpath Seating Bad Debts & Credit Reference Default Reporting and informed the meeting that he knows some of the people listed in the report.

### 3. Addresses to Council by Members of the Public

- 3.1 E Symon (Chief Petitioner) - CM/7.11/17.05 - Petition - Parking Restrictions in Bon Accord Avenue, Bondi Junction

### 4. Confirmation and Adoption of Minutes

**CM/4.1/17.05 Confirmation of Minutes - Council Meeting - 12 April 2017 (SF17/81)**

**MOTION / DECISION**

**Mover:** Cr Mouroukas  
**Seconder:** Cr Goltsman

That the Minutes of the Council Meeting held on 12 April 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.2/17.05 Confirmation of Minutes - Waverley Traffic Committee Meeting - 27 April 2017 (SF17/81)****MOTION / DECISION****Mover:** Cr Mouroukas  
**Seconder:** Cr Goltsman

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 27 April 2017 be received and noted, and that the recommendations contained therein be adopted.

**5. Mayoral Minute**

There were no Mayoral Minutes.

**6. Obituaries**

Terence Reid  
David Hall  
Elisseos Bramis  
Keith and Margaret Butler  
Claire Bowen

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

**7. Reports****CM/7.1/17.05 Quarter 3 Budget Review (Q3) (A03/0346)****MOTION / UNANIMOUS DECISION****Mover:** Cr Cusack  
**Seconder:** Cr Betts

That Council:

1. Adopts the variations to the Operating and Capital budgets in accordance with Attachments 1 and 2 to this report.
2. Notes that the capital works program project cost deferrals amounting to \$5,988,585 will be included in the draft 2017/18 budget which currently is on public exhibition.

**CM/7.2/17.05            The Nib Waverley Library Award for Literature - Sponsorship Proposal  
(A16/0844)****MOTION / UNANIMOUS DECISION****Mover:** Cr Betts  
**Seconder:** Cr Goltsman

That Council:

1. Treats Attachment 2 to this report as confidential in accordance with section 10A (2) (d) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Notes the success of the 2016 Nib Waverley Library Award for Literature as outlined in the attached Draft Evaluation Report.
3. Approve the sponsorship proposal as set out in the confidential attachment to this report.

**CM/7.3/17.05            Evaluation of Tender - Bondi Park Skate Park Asset Renewal (A17/0125)****MOTION / UNANIMOUS DECISION****Mover:** Cr Goltsman  
**Seconder:** Cr Mouroukas

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with 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 contract under clause 178 of the *Local Government (General) Regulation 2005* with Revolution Action Sports Concepts for the Bondi Skate Park Asset Renewal.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.4/17.05            Evaluation of Tender - Portable Wash Bay (A17/0068)****MOTION / UNANIMOUS DECISION****Mover:** Cr Mouroukas  
**Seconder:** Cr Goltsman

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment 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 contract under clause 178 of the *Local Government (General) Regulation 2005* with Enviroconcepts for the supply and installation of a portable wash bay, to be located at the Alexandria Integrated Facility (AIF) for the mechanical service of fleet.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local*

*Government (General) Regulation 2005.***CM/7.5/17.05 Evaluation of Tender - Campbell Parade Streetscape Design Services (A16/0507)****MOTION / UNANIMOUS DECISION**

**Mover:** Cr Goltsman  
**Seconded:** Cr Burrill

1. Treats the Tender Evaluation Matrix attached to this report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The attachment 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 contract under clause 178 of the *Local Government (General) Regulation 2005* with Taylor Brammer Landscape Architects Pty Ltd for the Campbell Parade Streetscape – Design Services.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.6/17.05 Evaluation of Tender - Stormwater Quality Improvement Opportunities Assessment (A17/0053)****MOTION / UNANIMOUS DECISION**

**Mover:** Cr Goltsman  
**Seconded:** Cr Burrill

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The attachment 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 contract under clause 178 of the *Local Government (General) Regulation 2005* with McGregor Coxall for the stormwater quality improvement opportunities assessment.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.7/17.05 Planning Agreement associated with modification application for 344-354 Oxford Street, Bondi Junction (DA-101/2014/B)****MOTION / DECISION**

**Mover:** Cr Cusack  
**Seconded:** Cr Burrill

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 344-354 Oxford Street, Bondi Junction that provides a total contribution of \$985,712; of which \$887,141 is to be dedicated to Council for the Bondi Junction Complete Streets Program and \$98,571 (10%) towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy

2014.

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, Cusack, Goltsman, Mouroukas and Wakefield.

**Against the Motion:** Crs Strewe and Wy Kanak.

**CM/7.8/17.05                      Planning Agreement associated with development application at 157-159 Military Road, Dover Heights (DA-316/2015)**

**MOTION / DECISION**

**Mover:** Cr Goltsman

**Seconder:** Cr Betts

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 157-159 Military Road, Dover Heights that provides a total contribution of \$143,605.68. Of this amount, \$129,245.10 is to be dedicated towards public works for the upgrade to the intersection of Military Road and Blake Street, Dover Heights. The remaining \$14,360.58 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.
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, Cusack, Goltsman, Mouroukas and Wakefield.

**Against the Motion:** Crs Strewe and Wy Kanak.

**CM/7.9/17.05                      Writing Off of Council's Footpath Seating Bad Debts & Credit Reference Default Reporting (A05/1181-02)**

**MOTION / UNANIMOUS DECISION**

**Mover:** Cr Cusack

**Seconder:** Cr Burrill

That Council:

1. Approves the write-off of the bad debts detailed in this report of \$38,629.94 in accordance with Clause 213 (3) of the *Local Government (General) Regulation 2005*.
2. Notes that a report on credit referencing will be presented to Council in June 2017.

**CM/7.10/17.05 Investment Portfolio Report – April 2017 (A03/2211)****MOTION / DECISION****Mover:** Cr Cusack**Seconder:** Cr Burrill

That Council:

1. Receives the investment Portfolio Report – April 2017.
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/7.11/17.05 Petition - Parking Restrictions in Bon Accord Avenue, Bondi Junction (A02/0638)****MOTION / UNANIMOUS DECISION****Mover:** Cr Mouroukas**Seconder:** Cr Strewe

That the petition requesting the introduction of parking restrictions in Bon Accord Avenue, Bondi Junction, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

*E Symon (Chief Petitioner) addressed the meeting.*

**CM/7.12/17.05 8-10 Roberts Avenue, Randwick - Affordable Housing (A14/0349)****MOTION / UNANIMOUS DECISION****Mover:** Cr Betts**Seconder:** Cr Cusack

That Council:

1. Retain the existing Torrens Title to the property known as 8-10 Roberts Avenue, Randwick, which is owned as tenants in common with Bridge Housing Ltd in equal (50/50) shares.
2. Officers work with Bridge Housing to draft a Co-Owners and Management Deed to replace the existing Memorandum of Understanding (MoU) and a further report be presented to the June 2017 Council Meeting for consideration of the deed and proposed refurbishment scope of works.

**8. Notices of Motion****CM/8.1/17.05 Plebiscite (A16/0248)**

*This Notice of Motion was withdrawn at the meeting by Cr Wakefield.*

**MOTION (WITHDRAWN)**

That:

1. Council officers prepare a report on the process, costs and recommended wording of a plebiscite on whether Waverley Council should be merged with Woollahra and Randwick Councils. The plebiscite is to be held in conjunction with the September 2017 local government election to minimise costs and

burden for our residents.

- The report is to be presented to Council at the next Full Council meeting in June 2017.

**CM/8.2/17.05 Complying Development Consents - Submission Update (A11/0500)**

**MOTION / UNANIMOUS DECISION**

**Mover:** Cr Strewé  
**Seconder:** Cr Wakefield

That Council conducts a workshop at an appropriate time in the future to explain specific outcomes to the Environmental Planning and Assessment Act and the Complying Development State Environmental Planning Policy.

**9. Urgent Business**

There were no items of Urgent Business.

**10. Closed Session**

**CM/10/17.05 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 Mouroukas

- 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/10.1/17.05 CONFIDENTIAL REPORT - Shop 4, 1 Spring Street, Bondi Junction - Assignment of Lease

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).

- 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.
- 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 7.33 pm Council moved into closed session.

**CM/10.1/17.05            CONFIDENTIAL REPORT - Shop 4, 1 Spring Street, Bondi Junction - Assignment of Lease (A15/0328)**

**MOTION / DECISION**

**Mover:**                    Cr Cusack

**Seconded:**                Cr Burrill

That Council:

1. Treats this report as confidential in accordance with section 10A(2)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning particular individuals (other than councillors).
2. Approves the assignment of the lease for Shop 4, 1 Spring Street, Bondi Junction, from Rainbow Business Services Pty Ltd to M & M Business Services Pty Ltd.
3. Authorises the General Manager and Mayor to sign all the necessary documents to complete the matter.

**11. Resuming in Open Session**

**CM/11/17.05            Resuming in Open Session**

**MOTION / DECISION**

**Mover:**                    Cr Goltsman

**Seconded:**                Cr Mouroukas

That Council resumes in Open Session.

At 7.35 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.

**12. Meeting Closure**

**THE MEETING CLOSED AT 7.35 pm.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**20 JUNE 2017**