



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS  
ON TUESDAY, 15 MARCH 2016**

**Present:**

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Joy Clayton	Bondi Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewe	Waverley Ward

**Staff in attendance:**

Arthur Kyron	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 6.30 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 6.37 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**

There were no apologies.

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

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

- 2.1 Cr Burrill declared a pecuniary interest in Item CM/8.2/16.03 – Short-Term Rentals, and informed the meeting that a close family member does short-term holiday letting. Cr Burrill advised that she will leave the Chamber for the debate and not participate in the decision.
- 2.2 Cr Clayton declared a less than significant non-pecuniary interest in Item CM/7.7/16.03 – O'Donnell Street Reserve Upgrade – Evaluation of Tender, and informed the meeting that she lives close by.

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

- 3.1 J McAlpin (on behalf of Charing Cross Precinct) – Item CM/8.1/16.03 – Precincts and Council Amalgamations.

### **4. Confirmation and Adoption of Minutes**

**CM/4.1/16.03 Confirmation of Minutes – Council Meeting – 16 February 2016 (SF16/406)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Clayton

Seconder: Cr Mouroukas

That the Minutes of the Council Meeting held on 16 February 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.2/16.03 Confirmation of Minutes – Extraordinary Council Meeting – 21 February 2016 (SF16/406)**

**MOTION / DECISION**

Mover: Cr Goltsman  
Seconder: Cr Mouroukas

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

**CM/4.3/16.03 Adoption of Minutes – Waverley Traffic Committee Meeting – 25 February 2016 (SF16/158)**

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Mouroukas

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 25 February 2016 be received and noted, and that the recommendations contained therein be adopted.

**5. Mayoral Minutes**

There were no mayoral minutes.

**6. Obituaries**

Jocelyn Elizabeth Strewe  
Joy Dutton  
Neville Warburton  
Des O'Reily

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

**7. Reports**

**CM/7.1/16.03 Confirmation of Minutes – Council Meeting – 15 December 2015 (SF15/5)**

**MOTION / DECISION**

Mover: Cr Burrill  
Seconder: Cr Mouroukas

That the Minutes of the Council Meeting held on 15 December 2015 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/7.2/16.03                    2nd Quarter 2015/16 Budget Review – December 2015 (A03/0346)****MOTION / DECISION**

Mover:        Cr Cusack

Seconder:    Cr Burrill

That Council adopts the variations to the Operating and Capital Works budgets in accordance with Attachments 1 and 2 of this report.

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

**CM/7.3/16.03                    Investment Portfolio Report – January 2016 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Cusack

Seconder:    Cr Burrill

That Council:

1.     Receives the investment Portfolio Report – January 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/7.4/16.03                    Customer Experience Action Plan (A15/0282)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Kay

Seconder:    Cr Cusack

That Council:

1.     Adopts the Customer Experience Action Plan as set out in Attachment 1, subject to the following:
  - (a)    Add a new action, and related table elements, to the appropriate section of the Plan, that has the following intent with exact wording to be determined by Council officers: 'Trial extension of monitoring customer requests within Council to encompass "whole of life" of each request before it is closed, especially where Council refers the request to outside agencies.'
2.     Refers the required 2015/16 budget amendments as outlined in section 6 of this report to the 2015/16 Second Quarter (Q2) Budget Review.

**CM/7.5/16.03                    Preparation of Bronte Park Plan of Management (A16/0168)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Burrill

Seconder:    Cr Mouroukas

That Council endorses the preparation of a new Bronte Park Plan of Management in accordance with the proposed program.

**CM/7.6/16.03 Dickson Park Upgrade – Evaluation of Tender (A15/0399)****MOTION / UNANIMOUS DECISION**

Mover: Cr Mouroukas

Seconder: Cr Kay

That:

1. The Evaluation of Findings report attached to Council's file be treated as confidential as it contains information of a kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Council enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Regal Innovations Pty Ltd for Principal Landscape Contractor Services for the Dickson Park Upgrade.
3. Unsuccessful tenderers be notified of the decision.

**CM/7.7/16.03 O'Donnell Street Reserve Upgrade – Evaluation of Tender (A15/0575)**

*Cr Clayton declared a less than significant non-pecuniary interest in this item, and informed the meeting that she lives close by.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Clayton

Seconder: Cr Goltsman

That:

1. The Evaluation of Findings report attached to Council's file be treated as confidential as it contains information of the kind referred to in section 10A(2)(c) of the *Local Government Act 1993*.
2. Council enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Regal Innovations Pty Ltd for Principal Landscape Contractor services for the O'Donnell Street Reserve Upgrade.
3. Unsuccessful tenderers be notified of the decision.

**CM/7.8/16.03 Petition – Boat and Trailer Parking in Young Street, Vacluse (A14/0127)****MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Mouroukas

That the petition requesting the restriction of boat and trailer parking in Young Street, Vacluse, be received and noted, and forwarded to the Executive Manager, Creating Waverley, for appropriate action.

**CM/7.9/16.03 Council's Submission on the Local Government Act Review – Phase 1 Amendments (A12/0619)****MOTION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council endorses the draft 'Waverley Council Submission on the Local Government Act Review – Phase 1 Amendments' attached to the report, subject to the following amendments, and forwards the submission to the Office of Local Government:

1. That the section 'Comment on Process' be amended to read as follows:

*Comment on Phase 1 Process*

Waverley Council has the following comments on the Phase 1 amendments process:

- The short timeline during the amalgamation boundaries commission process has not been ideal.
- The release of an exposure draft would be preferable to provide an opportunity for Councils to provide feedback on the final amendment wording.
- There are concerns about the use of additional mandatory guidelines rather than incorporation into the Act as changes can be made without consultation with LGNSW and Councils.

Following are Waverley Council's comments on proposed amendments to the Local Government Act 1993 as set out in the paper issued by the Office of Local Government titled 'Towards New Local Government Legislation Explanation Paper: proposed Phase 1 amendments'.

2. That section 1.1 'Purposes of the Local Government Act' be amended to read as follows:

- Waverley Council supports this amendment in principle.
- Councils must balance financial sustainability with Community outcomes therefore the words "maximizes value for money" may not be the ideal words to use as this could drive everything to the cheapest option without consideration of longevity or quality.

3. That section 1.2 'Role of local government' be amended to read as follows:

- Waverley Council supports this amendment in principle.
- Question whether the existing words, as a Charter, has more weight than the proposed Provisions.
- Councils must balance financial sustainability with Community outcomes therefore the words 'the best possible value for money' may not be the ideal words to use as this could drive everything to the cheapest option without consideration of longevity or quality.

4. That section 1.3 'The guiding principles of local government' be amended to read as follows:

- Waverley Council supports this amendment in principle.
- Question whether the existing words, as a Charter, has more weight than the proposed Provisions.

5. That section 2.1 'The role of the governing body' be amended to read as follows:

- Waverley Council supports this amendment in principle.

6. That section 2.2 'The number of councillors' be amended to read as follows:

- Waverley Council supports this amendment in principle.
- Propose to increase the number of Councillors to a maximum of 25 in alignment with our recent submission to the Boundaries Commission.

7. That section 2.3 'Rural councils' be amended to read as follows:

- As a non-rural Council we prefer not to comment.

8. That section 3.1 'The role of the mayor' be amended to read as follows:

- Waverley Council supports this amendment in principle.

- Bullet point 6 be amended to add the words 'in conjunction with the General Manager'.

9. That section 3.2 'The mayor's term of office' be amended to read as follows:

- Waverley Council supports:

- A minimum 2 year term for mayor, deputy mayor and committee chairs.

- Waverley Council does not support:

- The proposal for compulsory voting in the mayoral election.

- Proxy voting in any form; this could lead to a lack of quorum in the meeting, and there are no proposed legislation changes to cover this eventuality.

- Drawing lots to determine who should leave the Chamber in the situation where there are the same number of voters at the Mayoral Election in support of different candidates; the present system of drawing the name of the Mayor and Deputy Mayor from a hat is simpler.

10. That section 3.3 'The role of councillors' be amended to read as follows:

- Waverley Council does not support the following statements:

- To represent the collective interests of residents, ratepayers and the wider community of the local government area.

- To be accountable to the community for the local government's performance.

- To uphold and represent accurately the policies and decisions of the governing body.

- Councillors are not directors on a board and therefore are not held joint and severally liable. These statements do not reflect the political nature of a council.

11. That section 3.4 'Councillor's term of office' be amended to read as follows:

- Waverley Council does not support popularly elected mayors as stated in our submission to the Boundaries Commission.

12. That section 3.5 'Oath or affirmation of office' be amended to read as follows:

- Waverley Council supports this amendment.

13. That section 3.6 'Councillor's expenses and facilities' be amended to read as follows:

- Waverley Council supports this amendment.

14. That section 3.7 'Mayor/councillor professional development' be amended to read as follows:

- Waverley Council supports this amendment.

15. That section 3.8 'Role and function of administrators' be amended to read as follows:

- Waverley Council supports this amendment.

16. That section 3.9 'Financial controllers' be amended to read as follows:

- A financial controller and an administrator must be two different people.
- If an administrator is appointed they should have the power to determine whether a financial controller is appointed, and their responsibilities and authority.
- A financial controller in itself is unlikely to change the root issues behind poor performance. Therefore it may be critical to also review organisational development, restructuring of the council or replacement of the General Manager.

17. That section 3.10 'Meetings' be amended to read as follows:

- Waverley Council supports this amendment.

18. That section 3.11 'Delegation of functions' be amended to read as follows:

- Waverley Council supports this amendment.

19. That section 4.1 'Extension of the option of universal postal voting to all councils' be amended to read as follows:

- Waverley Council supports this amendment.

20. That section 5.1 'Determination of the organisations structure' be amended to read as follows:

- Waverley Council supports this amendment.

21. That section 5.2 'The role of general managers' be amended to read as follows:

- Waverley Council supports this amendment.

22. That section 5.3 'The requirement to report annually to the council on senior staff contractual conditions' be amended to read as follows:

- Waverley Council supports this amendment.

23. That section 6.1 'Consolidation of the prescription of ethical standards' be amended to read as follows:

- Waverley Council supports this amendment.

24. That section 6.2 'Investigation of pecuniary interest breaches' be amended to read as follows:

- Waverley Council supports this amendment.

25. That section 7.1 'Integrated planning and reporting principles' be amended to read as follows:

- Waverley Council supports this amendment as we have been at the forefront of integrated planning and reporting principles.

26. That section 7.2 'Streamlining the existing integrated planning and reporting provisions' be amended to read as follows:

- Waverley Council supports this amendment in principle.



27. That section 7.3 'Council's integrated planning and reporting to reflect regional priorities' be amended to read as follows:
- Waverley Council supports this amendment.
28. That section 7.4 'Expanded scope of delivery programs' be amended to read as follows:
- Waverley Council supports this amendment.
29. That section 7.5 'Fiscal sustainability' be amended to read as follows:
- Waverley Council supports this amendment.
30. That section 7.6 'Expanded scope of council's community engagement strategies' be amended to read as follows:
- Waverley Council supports this amendment.
  - The minimum prescribed requirement for a community engagement strategy be consultation with the Local Aboriginal Land Council Network as well as native title claimant registrants, where appropriate.
31. That section 8.1 'Annual reports' be amended to read as follows:
- Waverley Council supports this amendment as we already have an internal audit committee.
32. That section 8.2 'State of the environment reports' be amended to read as follows:
- Waverley Council supports this amendment.
33. That section 8.3 'Performance measurement' be amended to read as follows:
- Waverley Council supports this amendment.
34. That section 8.4 'Internal audit' be amended to read as follows:
- Waverley Council supports this amendment as we already have an internal audit committee.
35. That section 8.5 'Sector-wide performance audits by the Auditor-General' be amended to read as follows:
- Waverley Council supports this amendment.
36. That section 8.6 'Financial management' be amended to read as follows:
- Waverley Council supports this amendment.
37. That section 8.7 'Financial reporting' be amended to read as follows:
- There are concerns about the use of additional mandatory guidelines rather than incorporation into the Act as changes can be made without consultation with LGNSW and Councils.
38. That section 8.8 'External Audit' be amended to read as follows:
- Waverley Council supports this amendment.

**AMENDMENT 1**

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Motion be adopted subject to section 3.2 'The mayor's term of office' being amended to read as follows:

'No change is made to the current one-year term for mayors.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.

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

**AMENDMENT 2**

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Motion be adopted subject to an additional point under section 3.2 'The mayor's term of office' that reads as follows:

'That a clause be introduced into the Act that enables Council to "spill" the positions of Mayor, Deputy Mayor and/or Chairs of committees.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.

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

**AMENDMENT 3**

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Motion be adopted subject to the submission including a statement that Waverley Council believes that the reform of local government should be accompanied by the abolition of state government.

THE AMENDMENT WAS PUT AND DECLARED LOST.

*Cr Guttman-Jones was not present for the vote on this amendment.*

**AMENDMENT 4**

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That the Motion be adopted subject to an additional point under section 2.1 'The role of the governing body' that reads as follows:

'That the role of councils in a new Local Government Act be a mechanism for recognising a regime of co-management strategies incorporating a recognition of traditional Aboriginal land custodianship.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

*Cr Strewe was not present for the vote on this amendment.*

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

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

**DECISION:** That the Motion be adopted.

**8. Notices of Motion****CM/8.1/16.03 Precincts and Council Amalgamations (A12/0619)**

Amended Notice of Motion submitted by Cr Masselos.

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Mouroukas

That Council recommends the following for consideration by any new interim body managing the Council amalgamation process:

1. Supports the concept of participatory democracy as a key tenet of local government.
2. Supports the direct participation of the community at the local government level.
3. Recognises the role of the precinct committees.
4. Continues with the present precinct system during the transition period.

**BACKGROUND**

The precincts system has played a major role in proving a two way communication conduit between council and the residents. As a highly democratic process where residents can attend of their own volition, the precinct system is a prime example of participatory democracy which has worked exceptionally well since its inception.

**CM/8.2/16.03 Short-Term Rentals (A12/0190)**

*Cr Burrill declared a pecuniary interest in this item, and informed the meeting that a close family member does short-term holiday letting. Cr Burrill was not present at the meeting for the consideration and vote on the item.*

Amended Notice of Motion submitted by Crs Kay and Betts.

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Betts

That Council:

1. Notes that the NSW Department of Finance, Services and Innovation has conducted a study to investigate issues arising from accommodation services in NSW that involve Airbnb. This study informs an inquiry currently being conducted by the Legislative Assembly's Environment and Planning Committee into the adequacy of the regulation of short-term holiday letting in New South Wales.
2. Conducts a councillor workshop to discuss Waverley's situation on short-term rentals, the gaps in Council's current position, the regulatory and enforcement issues on amenity concerns (principally noise) arising from such uses, required resources for increasing operational unit compliance, and officers provide examples of the economics of Airbnb listings within Waverley.
3. Sends a submission to the Environment and Planning Committee Inquiry on issues relating to short-term accommodation, including Airbnb, and Waverley's suggested ideas and planned actions to address these issues.
4. In the submission, advises the Inquiry Committee that considering Waverley has one of the highest concentrations of short-term accommodation in NSW, that it be considered a key stakeholder for the purposes of the Department's development of future policy for the collaborative economy and testing of any regulatory solutions.
5. Distributes the submission to the following people: the NSW Premier the Hon Mike Baird MP; the NSW Minister for Innovation & Better Regulation the Hon Victor Dominello MP; the Federal Minister for Industry, Innovation and Science the Hon Christopher Pyne MP; the Federal Minister for Tourism & International Education Senator the Hon Richard Colbeck; the Federal Assistant Minister for Innovation the Hon Wyatt Roy MP; and the local NSW state members of Coogee and Vaucluse.

**BACKGROUND**

Waverley Council and other councils in NSW are experiencing the rise in 'disruptive' businesses like Airbnb which offer opportunities for owners to rent out their properties on a short-term basis (even days), but currently not legal in NSW if the lease term is less than 3 months.

This 'collaborative economy' is now said to be contributing millions of dollars to the NSW economy each year, with an estimated 45,000 people in NSW earning income from these ventures in the past year.

The down side for our residents is that with short-term rentals come the potential for undue amenity impacts, such as noise and illegal dumping. Owners living in residential flat buildings have even experienced damage to infrastructure from short-term lessees, damage that the owners have to pay for.

The NSW Government is currently developing a framework for regulation of the 'collaborative economy' which they say will include customer protection, and community safety and amenity standards.

Waverley only enforces its own Local Environment Plan when complaints are made. Owners generally do not apply to Council for permission to rent out their dwelling on a short-term basis, presumably because short-term rentals are prohibited in residential zones.

The rise in popularity of Airbnb and other digitally based businesses has led to a much greater number of short-term rentals. Our community has started to become concerned about the potential intensification of these activities, and the undue impact that these uses could have on their amenity.

It is also important to acknowledge the investment in tourist accommodation by existing businesses (e.g. serviced apartments), and how they might be impacted. On the one hand, operations like Airbnb may take away customers from existing businesses, yet it is likely that short-term letting will become a significant driver of local tourism for all businesses, with tourism in Waverley trending higher each year and tourist demographics changing.

We now need to make a submission to the NSW Government to ensure that our voice is heard on behalf of the Waverley community, owners, residents and businesses, and so that all issues may be addressed in a fair and balanced manner, and the legislation can provide more certainty on the permissibility and regulation of short-term rentals.

### **CM/8.3/16.03                      Annual Chemical Waste Collection Service (A16/0227)**

Notice of Motion submitted by Crs Kay and Goltsman.

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Kay  
Seconder:    Cr Goltsman

That Council investigates a system that provides residents with an annual chemical waste collection service, with a report to come back to Council for consideration.

#### **BACKGROUND**

It is not straightforward to dispose of chemical waste products like paint, motor and cooking oils, pool chemicals, and household cleaners, none of which are to be placed in the waste or recycling bins.

Waverley Council does not provide a collection service, and does not pick up household chemical waste during on-call clean-ups and annual ward-based clean-ups. It is left to the NSW Environment Protection Authority (EPA) or another authority to organise household chemical clean-out events at collection depots, usually annually. The next one is scheduled to be hosted by Randwick Council in Clovelly on Saturday 30 April.

People have to transport their household chemical waste to these depots for collection.

It is important that Waverley make it easier and more accessible for its residents to dispose of household chemical waste. This would especially apply to those who:

1. For religious reasons are unable to avail themselves of the opportunity to visit the waste disposal depot on the clean-out day.
2. Find it difficult to travel to places outside the Waverley LGA on the chemical collection day for the Eastern Suburbs.
3. Are elderly or disabled, and would be unable or find it challenging to transport chemical waste items

safely in their vehicle.

4. Would find difficulty or impossible to attend the depot on the clean-out day identified, e.g. being out of Sydney.

Issues that need to be considered include cost, feasibility, partnering with Randwick and Woollahra, frequency of collection, and how this collection would take place.

### **CM/8.4/16.03            Waverley Development Control Plan – Living Design Guidelines (A15/0395)**

Notice of Motion submitted by Crs Kay and Betts.

#### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Kay  
Seconder:    Cr Burrill

That Council:

1. Investigates the integration of Living Design Guidelines into the Waverley Development Control Plan (WDCP) as one response to Council's 'Living Local, Staying Connected' Forum held on Friday 4 March 2016.
2. Conducts a councillor workshop in the next two months on this initiative.
3. Prepares a progress report to come back to Council by June 2016.

#### **BACKGROUND**

On Friday, 4 March 2016, Council conducted an interactive Forum around improving housing choices for people as they age, focusing mainly on the design of residential flat buildings.

The presentations and discussions were excellent, and led to an understanding of the current barriers to accessible, adaptable and affordable housing. A workshop produced ideas in how Council might lead change for the steadily increasing number and percentage of older people in Waverley to have more 'ageing in place' options as they get older.

Two Council officers from Banyule Council, Victoria, indicated in their presentation that they had already completed a project to integrate a subset of Liveable Housing Design Guidelines into their planning requirements for residential flat buildings. These guidelines provide assurance that a home is easier to access, navigate and live in, as well as more cost effective to adapt when life's circumstances change, so that 'ageing in place' is a real option for many more people.

To inform our own investigation, it would be interesting to understand their philosophy for what they have done, how it has worked in practice, and the way that other councils are helping plan dwellings for older people.

**CM/8.5/16.03 Councillor Training and Accreditation (A03/2680-02)**

Notice of Motion submitted by Cr Wy Kanak.

**MOTION**

Mover: Cr Wy Kanak

Seconder:

That Council uses Registered Training Organisations to ensure interested Councillors are assisted to obtain training and education for accreditation with formal qualifications related to local government experience before, and if arrangeable after, the event of any NSW local government amalgamation scenario that would cut short the expected current Councillor term.

**BACKGROUND**

If Council amalgamation goes ahead, even though I don't think it should without an electors' poll/plebiscite/local referendum, I believe Councillors should be given assistance from Waverley Council to gain a formal accreditation for the time and experience that Councillors have gained in local government as a transitional measure for Councillors to move on with a 'piece of paper' that may gain them engagement in other local government related industry pursuits should they so wish.

Even without the threat of amalgamation, Councillors should be supported by Waverley Council with councillor development type training in gaining formal qualifications as a recognition of councillors' time and experience in NSW local government. TAFE courses exist that could provide the basis of a Certificate IV in local government industry related subjects. Recently, NSW TAFE, Local Government NSW, the University of Technology (Centre for Local Government), and the Australian Centre for Excellence in Local Government recently produced a course called Executive Certificate for Elected Members that may also be a suitable course for formalising Councillor qualifications.

THE MOTION LAPSED DUE TO THE ABSENCE OF A SECONDER.

**CM/8.6/16.03 Increasing Native Species Planting (A14/0270)**

Amended Notice of Motion submitted by Cr Wy Kanak.

**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council acknowledges that Sustainable Waverley is currently implementing a number of programmes to increase native plantings that are further improving the condition of our remnant vegetation and habitat connectivity including:

1. Planting more native species of plants in the public domain and Council landscaping works.
2. Taking any opportunity for landscape works in the public domain to include native plant species, and that native trees giving canopy cover and shade to Waverley's streets are planted whenever possible.

**BACKGROUND**

Brisbane Street closure and St Thomas Street, Bronte, traffic control devices are examples of where native planting is possible, and where appropriate native trees could be planted. In December 2015, the Federal Minister for the Environment, Greg Hunt, announced the National Landcare Program of planting 20 million trees in local communities. Waverley should be using these types of initiatives to maximise its native

species planting in local infrastructure and streetscaping.

## 9. Urgent Business

### CM/9.1/16.03 Legal Challenge to Council Amalgamations (A16/0248)

*Council agreed to deal with this matter as an item of urgent business.*

#### MOTION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. Council authorises the Mayor and General Manager to obtain urgent legal advice on the prospects of success of council joining in, or mirroring, the two legal challenges presented by Woollahra Council to the State government's forced amalgamation proposal.
2. If the prospects advice is positive, Council authorises the Mayor and General Manager to engage in a legal challenge to the forced amalgamation of Randwick, Waverley and Woollahra Councils.

#### BACKGROUND

In summary, the advice says that, even assuming the government has chosen the correct part of the *Local Government Act* under which to try and force council amalgamations, the delegate has:

1. Failed to give reasonable notice of public meeting for the inquiry

This is an almost universal complaint. In Woollahra's case the first public notice of the meeting was on 20 January 2016 and the public meeting was on 4 February 2016. The *Local Government Act* requires 'reasonable notice'. Given the hundreds of pages of reports, the partial and inadequate financial material then available and the complexity of the issues, this cannot be described as 'reasonable notice'.

2. Failed to hold an inquiry

The public meeting undertaken was a session where the delegate sat passively and listened to submissions and in which the delegate took no active part. An 'inquiry' requires the person holding any such meeting to ensure someone is in attendance at the meeting who is informed on the proposal and has an ability to explain the issues and answer questions relating to the proposal. It also requires the person undertaking the inquiry to more than sit passively and receive submissions. This procedure was largely consistent across the State.

3. Failed to observe procedural fairness

The failure to give adequate notice and failure to hold an inquiry as specified in the *Local Government Act*, taken together, amount to a failure to provide residents with procedural fairness.

4. Failed to seek the views of electors

Section 218F(3) requires every 'joint proposal of 2 or more councils for the amalgamations of two or more areas' to seek the views of electors by either formal polls (here meaning plebiscites) or by a combination of public meetings, public submissions and postal surveys sent to every elector with reply paid questionnaires. This provision is mandatory for each and every one of the 35 forced amalgamations proposals, and has not



been complied with in any one.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

**DECISION:** That the Motion not be adopted.

**CM/9.2/16.03 Bondi Pavilion Upgrade (A15/0272)**

**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That this matter be dealt with as a matter of urgency.

THE MOTION WAS PUT AND DECLARED LOST.

**DECISION:** That the Motion not be adopted.

*Cr Wy Kanak requested that it be recorded in the minutes that he voted for the Motion.*

**10. Closed Session**

There were no items dealt with in closed session.

**11. Meeting Closure**

**THE MEETING CLOSED AT 9.58 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**19 APRIL 2016**