



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING
HELD AT THE WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION
ON TUESDAY, 2 AUGUST 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 Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewe	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	Internal Ombudsman

At the commencement of proceedings at 6.30 pm, those present were as listed above, with the exception of Cr Strewe, who arrived at 6.34 pm, and Cr Wakefield, who arrived at 6.35 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 Cusack.

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

There were no addresses to Council by members of the public.

4. Reports**CM/4.1/16.08E Gilgandra Reserve Zoning Assessment (PP-2/2015)****MOTION / UNANIMOUS DECISION**

Mover: Cr Betts

Seconder: Cr Goltsman

That Council:

1. Prepares a Planning Proposal to amend *Waverley Local Environment Plan 2012* to:
 - (a) Rezone 27-29 Gilgandra Road, North Bondi (Gilgandra Reserve) from R1 Low Density Residential to RE1 Public Recreation.
 - (b) Note 27-29 Gilgandra Road, North Bondi on the Land Reservation Acquisition Map.
2. Requests the Department of Planning and Environment to amend the Gateway Determination for 21-23 Niblick Street, North Bondi to include the rezoning of 27-29 Gilgandra Road, North Bondi.
3. Requests the Department of Planning and Environment to grant to Council the authority to exercise the delegations issued by the Minister under section 59 of the *EP&A Act 1979* in relation to the making of the amendment.

Division

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

Against the Motion: Nil.

5. Notices of Motion

CM/5.1/16.08E RESCISSION MOTION – Council Meeting 19 July 2016 – CM/8.7/16.07 – Bondi Pavilion Plan of Management (A15/0272)

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

Notice of Motion submitted by Crs Masselos, Wakefield and Wy Kanak.

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Rescission Motion be adopted.

Background

This matter was last considered by Council at its meeting on 19 July 2016. Subsequently, the following Notice of Rescission was submitted by Crs Masselos, Wakefield and Wy Kanak:

‘We the undersigned Councillors wish to rescind the following decision made by Council at its meeting on Tuesday 19 July 2016:

CM/8.7/16.07 – Bondi Pavilion Plan of Management

Councillors Masselos, Wakefield and Wy Kanak’.

BELOW IS THE MINUTE EXTRACT FROM THE COUNCIL MEETING HELD ON 19 JULY 2016:

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 August 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.

FORESHADOWED MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

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

THE RESCISSION MOTION WAS THEN PUT AND DECLARED CARRIED.

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

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That Council appoints an external consultant to determine the extent to which the current proposal to redevelop the Bondi Pavilion is supported by the Statutory Plan of Management and the Conservation Management Plan 2015 prepared by TKD Architects and adopted in full by Council. This report to be completed coincidental with the current community consultation process.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division**For the Motion:** Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman, Kay and Mouroukas.**DECISION:** That the Substantive Motion be adopted.**CM/5.2/16.08E RESCISSION MOTION – Council Meeting 19 July 2016 – CM/8.9/16.07 – Bondi Pavilion Heritage (A15/0272)**

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

Notice of Motion submitted by Crs Masselos, Wakefield and Wy Kanak.

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Rescission Motion be adopted.

Background

This matter was last considered by Council at its meeting on 19 July 2016. Subsequently, the following Notice of Rescission was submitted by Crs Masselos, Wakefield and Wy Kanak:

‘We the undersigned Councillors wish to rescind the following decision made by Council at its meeting on

Tuesday 19 July 2016:

CM/8.9/16.07 – Bondi Pavilion Heritage

Councillors Masselos, Wakefield and Wy Kanak’.

BELOW IS THE MINUTE EXTRACT FROM THE COUNCIL MEETING HELD ON 19 JULY 2016:

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 August 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.

FORESHADOWED MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That 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 RESCISSION MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Rescission Motion be adopted.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Substantive Motion be adopted.

**CM/5.3/16.08E RESCISSION MOTION – Council Meeting 19 July 2016 – CM/9.2/16.07 –
Establishment of Councillor Transition Reference Group (A16/0054)**

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

Notice of Motion submitted by Crs Masselos, Wakefield and Wy Kanak.

MOTION

Mover: Cr Wakefield
Seconder: Cr Masselos

That the Rescission Motion be adopted.

Background

This matter was last considered by Council at its meeting on 19 July 2016. Subsequently, the following Notice of Rescission was submitted by Crs Masselos, Wakefield and Wy Kanak:

‘We the undersigned Councillors wish to rescind the following decision made by Council at its meeting on Tuesday 19 July 2016:

CM/9.2/16.07 – Establishment of Councillor Transition Reference Group

Councillors Masselos, Wakefield and Wy Kanak’.

BELOW IS THE MINUTE EXTRACT FROM THE COUNCIL MEETING HELD ON 19 JULY 2016:

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 August 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.

FORESHADOWED MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

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

THE RESCISSION MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Rescission Motion be adopted.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That:

1. Council establishes a Councillor Transition Reference Group on the terms outlined in this report.
2. Council appoints all Councillors to the Councillor Transition Reference Group.
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.
5. All Councillors receive notice by e-mail of the same notice sent to the appointed Councillors, including any attachments.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Substantive Motion be adopted.

6. Closed Session**CM/6/16.08E 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. None were received.

MOTION / DECISION

Mover: Cr Goltsman

Seconder: Cr Kay

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under the provisions of section 10A (2) of the *Local Government Act 1993* for the reasons specified:

CM/6.1/16.08E CONFIDENTIAL REPORT – Purchase of 21-23 Niblick Street, North Bondi and Licence Agreement for 27-29 Gilgandra Road, North Bondi

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

At 7.15 pm, Council moved into closed session.

CM/6.1/16.08E CONFIDENTIAL REPORT – Purchase of 21-23 Niblick Street, North Bondi and Licence Agreement for 27-29 Gilgandra Road, North Bondi (A14/0493)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts

Seconder: Cr Goltsman

That Council:

1. Treats this report as confidential as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Agrees to the purchase of Lot 4 DP 9486 & Lot 1 DP 613758, 21-23 Niblick Street, North Bondi, from Sydney Water on the terms and conditions contained in this report and noted in Table 1 of this report.

- 3. Approves the entering into a 99 year licence agreement with Sydney Water for Gilgandra Reserve, Lot 23 DP 7758 & Lot 24 DP 654616, 27-29 Gilgandra Road, North Bondi, on the terms and conditions contained in this report and noted in Table 2 of this report.
- 4. Authorises the Mayor and General Manager to negotiate the final terms and conditions for the licence for 27-29 Gilgandra Road and do all things necessary to execute all documents associated with both the Gilgandra Licence and the purchase of 21-23 Niblick Street, North Bondi, including the application of the Council seal where necessary.

Division

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

Against the Motion: Nil.

7. Resuming in Open Session

CM/7/16.08E Resuming in Open Session

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council resumes in open session.

At 7.20 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.

8. Meeting Closure

THE MEETING CLOSED AT 7.20 PM.

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SIGNED AND CONFIRMED
MAYOR
16 AUGUST 2016