



WAVERLEY
COUNCIL

EXTRAORDINARY COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

6.30PM, TUESDAY 7 FEBRUARY 2017

Peter Brown
General Manager

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AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor will 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

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses to Council by Members of the Public

4. Notices of Motion

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The following matter is proposed to be dealt with in Closed Session and has been distributed to Councillors separately with the Agenda:

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7. Meeting Closure

NOTICE OF MOTION
CM/4.1/17.02E**Subject:** **Opposition to Council Merger****TRIM No.:** A16/0054**Submitted by:** Councillor Masselos
 Councillor Strewe
 Councillor Wakefield

MOTION:

That Council calls on the new Minister for Local Government and Member for Vacluse Ms Gabrielle Upton to recognise Waverley Council's opposition to a merger and its strong financial position and to reject plans to merge Waverley, Woollahra and Randwick Councils.

Background

The Hon. Honourable Gabrielle Upton stated her opposition to the merger of Woollahra Council in a 11 October 2015 speech to residents. In this she said "Local is Local" and "... let me be clear about my position on this issue. My position is that Woollahra Council should not be merged with other Councils if it has the communities support and the numbers stack up." <https://www.youtube.com/watch?v=27jxcbMhs-c> (6:05 mins)

Previous motions opposing amalgamation have been passed by Waverley Council:

16/09/2014 CRD.73/14 - Local Government Reform - Fit for the Future (A12/0619)

That:

1. Council receives the Officer report, Local Government Reform - Fit for the Future.
2. The General Manager prepares a process for Waverley Council to discuss and respond to the reform Package.
3. The Mayor and General Manager meet with the Mayors and General Managers of Woollahra and Randwick Councils to discuss and determine the response to the reform package.
4. Council believes that our current financial position does not justify Waverley Council's amalgamation with any other Council; on TCorp's assessment criteria Waverley is financially stable.
5. The General Manager reports to Council in confidence (if required) on previous discussions with any General Managers on Local Government Reform.
6. The General Manager provides periodic reports to Council about the progress of the above.
7. Council notes that before Council makes a decision on amalgamation, that we consult with the community of Waverley.

14/10/2014 CM/8.1/14.10 - Council Amalgamations (A12/0619)

That Council does not support amalgamation with any other Council unless it can be demonstrated that there are sufficient benefits of a preferred amalgamation to Waverley, and this is supported by the Waverley community.

10/06/2015 CM/4.1/15.06E - Fit for the Future (A12/0619)

1. That Council informs the State Government that Waverley Council's preference is for the status quo.

However, Council notes:

- A) The excellent progress toward achieving the Fit for the Future performance measures having moved from being 'unsustainable into the future' in 2007 to a much more sustainable footing currently, such that by financial year 2020 Waverley will achieve six of the seven benchmarks.
- B) That this sound progress, reinforced by the NSW Treasury Corporation's independent assessment of Waverley as having a positive financial sustainability outlook, is a result of focused planning, good management and political leadership over recent years in liaison with the Waverley community.
- C) The broad range of external awards that have been presented to Waverley Council as independent recognition of the Council's good performance across a range of areas including innovative planning, high quality and diverse community services, outstanding environmental leadership, excellent recreational facilities and strategic asset management.
- D) Waverley's demonstrated capability in partnering with the State Government and our high media presence to preserve and enhance Sydney's global image as we preserve and enhance our iconic beaches and tourist venues.
- E) That the option of Joint Organisations is not a current option in Metropolitan Sydney.
- F) The resolution of Council of 14 October 2014 that 'Council does not support amalgamation with any other council unless it can be demonstrated that there are sufficient benefits of a preferred amalgamation to Waverley, and this is supported by the Waverley community'.
- G) That the community engagement undertaken has demonstrated that:
 - i. the Status Quo option, that is Waverley Council as a stand-alone entity, was the most preferred first preference option of the community across all consultation mediums, with between 35.4% and 38.7% support, and;
 - ii. between 59.8% and 63.6% of the community's first preferences are for some form of merger most frequently with Randwick and/or Woollahra.
- H) The community's most preferred merger option that would meet the Fit for the Future scale and capacity requirements is a Waverley/Woollahra/Randwick amalgamation, then a Waverley/Randwick amalgamation.
- I) The Greater Sydney option, as the NSW Government's default option for Waverley Council, is not preferred by the community and is not shown by independent analysis to be of most benefit to Waverley when compared to other options.

- J) The community clearly articulated that an amalgamation with Botany Bay/Randwick/Woollahra and the City of Sydney was the least preferable of all options.
- K) That based on the Fit for the Future criteria and the assessment methodology detailed by the Independent Pricing and Regulatory Tribunal, Waverley Council standing alone, whilst Council's underlying preference, cannot meet the threshold requirement to demonstrate 'as good as or better' scale and capacity to the Independent Local Government Review Panel's preferred merger (the Greater Sydney option of five councils consisting of City of Sydney, Woollahra, Waverley, Randwick and Botany Bay combined). This is articulated in the comparison of just three elements of strategic capacity listed in Box 8 of the ILGRP report, being discretionary spending, undertaking new functions and resources to cope with unexpected change.
- L) The Fit for the Future guidance material states that Council Merger Proposals must be endorsed by all councils in the proposed group; but councils are advised to argue the case for inclusion of additional non-agreeing partners if it improves the case for sustainability.
- M) The resolution of Randwick Council of 26 May 2015 and the correspondence received proposing a base case merger with Waverley, and that the proposal may include other partners subject to the agreement of the base case merger partners.
- N) The correspondence received from the Mayor of Woollahra requesting that Waverley Council not support any merger with Woollahra.
- O) That Council's population is significantly lower than the threshold criterion of scale and capacity according to Fit for the Future criteria, and hence the stand-alone option cannot be entertained. However, Waverley and Randwick contain the two largest populations of the eastern suburbs councils and, as noted by independent analysis, can achieve an appropriate minimum population to demonstrate scale and capacity as well as providing potential increased public benefit.
- P) That a Waverley, Woollahra, Randwick grouping would see a population of over 270,000 which independent analysis notes would demonstrate appropriate scale and capacity and provide further potential increased public benefit.
2. That noting the above, and based on Council's stated position that 'Council does not support amalgamation with any other council unless it can be demonstrated that there are sufficient benefits of a preferred amalgamation to Waverley, and this is supported by the Waverley community', and considering the results of the Independent Grant Thornton Report together with the results of the IRIS Report, Council resolves to:
- A) Endorse the submission of a Council Merger Proposal, proposing a base case merger between Waverley and Randwick Councils, and
- i. Offer to submit an equal partner joint merger proposal on behalf of both Waverley and Randwick Councils; and
 - ii. Include within the 'Scale and Capacity' section of the submission proposal, Waverley's position that a merger of Waverley, Randwick and Woollahra Councils would provide increased potential benefit.
 - iii. Confirm to the State Government that both the Council and the community strongly oppose the Global City option as it will not deliver a community of interest and could deliver a reduction of services to the residents of Waverley.

- iv. Note and inform the State Government that Waverley's support of a base case merger with Randwick is conditional upon the Government proceeding with its Fit for the Future program in a robustly fair and consistent manner across Metropolitan Sydney.
- B) Write to Randwick and Woollahra Councils advising of Council's resolution.
- C) Support the enhanced employment protections of five years contained within the proposed MOU between Waverley Council and the Unions.
- D) Delegate to the General Manager the authority to sign the MOU between Waverley Council and the Unions and to finalise the Fit for the Future submission with Randwick.
- E) Endorse the Mayor writing to all households in Waverley clarifying the State Government's position in relation to the Global City, and Waverley's preferred option of a smaller 'Community of Interest' eastern coastal option for Waverley to ensure that Waverley has a seat at the table controlling its future, with local representation, rather than being forced into an amalgamation resulting in a Council of approximately 600,000 residents.

CLOSED SESSION
CM/5/17.02E

Subject: Moving into Closed Session
Author: Peter Brown, General Manager

RECOMMENDATION:

That:

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/5.1/17.02 CONFIDENTIAL REPORT - Resignation of General Manager

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).

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.

Introduction/Background

In accordance with section 10A(2) of the Act, a Council may close part of its meeting to deal with business of the following kind:

- (a) personnel matters concerning particular individuals.
- (b) personal hardship of any resident or ratepayer.
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
 - i prejudice the commercial position of a person who supplied it: or
 - ii confer a commercial advantage on a competitor of Council;
 - iii reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of law.
- (f) matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any Code of Conduct requirements applicable under Section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the Local Government Act 1993 and, under the provisions of the Act and the Local Government (General) Regulation 2005, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clause 252 of the Local Government (General) Regulation, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

**RESUMING IN OPEN SESSION
CM/6/17.02E**



Subject: Resuming in Open Session
Author: Peter Brown, General Manager

RECOMMENDATION:

That Council resumes in Open Session.

Introduction/Background

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumes in open session the Chair will announce 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.