



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING SCHEDULED TO BE HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON THURSDAY, 20 DECEMBER 2018 AND RECONVENED ON MONDAY, 7 JANUARY 2019**

**Present:**

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Marjorie O'Neill	Waverley Ward
Councillor Will Nemesh	Hunter Ward

**Staff in attendance:**

Ross McLeod	General Manager
Peter Monks	Director, Waverley Futures
Jane Worthy	Internal Ombudsman

*There being no quorum at the scheduled start time of the 20 December 2018 meeting, the Chair adjourned the meeting to reconvene at 7.00 pm on Monday, 7 January 2019 in the Waverley Council Chambers.*

*Pursuant to clause 5.2(3) of Council's Code of Meeting Practice, the absence of quorum at the 20 December 2018 meeting was a consequence of Crs Betts, Burrill, Goltsman and Lewis not being in Sydney at the time of the meeting, Cr Kay having prior commitments and Cr Nemesh having work commitments. Crs Copeland, Keenan, Masselos, O'Neill, Wakefield and Wy Kanak were present.*

*At the commencement of the reconvened meeting at 7.04 pm on Monday, 7 January 2019, those present were as listed above.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

*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.*

The Mayor read the following Acknowledgement of Indigenous Heritage:

*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 Crs Betts, Burrill and Wy Kanak.

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

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

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Closed Session****CM/4/18.12E Closed Session**

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR KAY AND SECONDED BY CR NEMESH:

That Council remains in open session to deal with the matter of the Sydney Football Stadium Redevelopment.

A FURTHER PROCEDURAL MOTION WAS THEN MOVED BY CR LEWIS AND SECONDED BY CR MASSELOS:

That the Motion to remain in open session lay on the table.

THE PROCEDURAL MOTION TO LAY THE MOTION ON THE TABLE WAS PUT AND DECLARED CARRIED.

**Division**

**For the Procedural Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

**Against the Procedural Motion:** Crs Goltsman, Kay and Nemesh.

*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 Wakefield

Seconder: Cr Masselos

That:

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

CM/4.1/18.12E CONFIDENTIAL REPORT - Sydney Football Stadium Redevelopment

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the *Local Government Act*, and 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Pursuant to sections 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 as confidential under 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*.

*At 7.34 pm, Council moved into closed session.*

*At 8.03 pm, Council resumed in open session on a motion moved by Cr Wakefield and seconded by Cr Lewis.*

**CM/4.1/18.12E CONFIDENTIAL REPORT - Sydney Football Stadium Redevelopment (A03/0943)**

**MOTION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council, in regard to the development proposal for the Sydney Football Stadium:

1. Notes previous motions of Council.
2. Notes that Waverley Council is designated a significant stakeholder in the development proposal.
3. Writes to the Minister for Planning, the Hon Anthony Roberts, advising that Council is in receipt of legal advice that calls into question whether the consent issued by the Minister for the state significant development application for a concept for the redevelopment has been issued correctly, especially in regard to the exercising of the Minister's responsibilities in forming an opinion on the design excellence of the concept application as required by clause 6.21 of the City of Sydney Local Environment Plan.
4. Believes this potential non-compliance is egregious, with adverse impact on Waverley's residents and businesses.
5. Requests that the Minister for Planning ensures work on the demolition of the Sydney Football

Stadium does not proceed until the Minister has been able to correct any errors made in the issuing of the consent to date.

6. Requests the Minister for Planning to urgently advise Council of what action he has taken or intends to take to address the matters referred to in clauses 3 and 5 above.
7. Resolves that, if a satisfactory response has not been received from the Minister by 10 am Monday, 14 January 2019, Council initiates legal proceedings in the Land and Environment Court, with the commencement of such proceedings being conditional upon at least one further Council resolving to join as a co-applicant in any such legal proceedings.

*At 8.09 pm, the meeting adjourned for a short break.*

*At 8.14 pm, the meeting reconvened.*

**AMENDMENT 1**

Mover: Cr Goltsman  
Seconder: Cr Kay

That the motion be adopted subject to the deletion of clause 2.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Goltsman, Kay and Nemesh.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2 OF THE MOTION SUCH THAT CLAUSE 2 NOW READS AS FOLLOWS:

'Notes that Waverley Council is designated by the Department of Planning and Infrastructure NSW as a significant stakeholder in the development proposal.'

**AMENDMENT 2**

Mover: Cr Kay  
Seconder: Cr Nemesh

That clause 4 be deleted from the substantive motion.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Goltsman, Kay and Nemesh.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

**AMENDMENT 3**

Mover: Cr Goltsman  
Seconder: Cr Kay

That clause 7 be deleted from the substantive motion.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Goltsman, Kay and Nemesh.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED THE ADDITION OF A CLAUSE 8 AND 9 TO THE MOTION SUCH THAT THE MOTION, AS AMENDED, NOW READS AS FOLLOWS:

That Council, in regard to the development proposal for the Sydney Football Stadium:

1. Notes previous motions of Council.
2. Notes that Waverley Council is designated by the Department of Planning and Infrastructure NSW as a significant stakeholder in the development proposal.
3. Writes to the Minister for Planning, the Hon Anthony Roberts, advising that Council is in receipt of legal advice that calls into question whether the consent issued by the Minister for the state significant development application for a concept for the redevelopment has been issued correctly, especially in regard to the exercising of the Minister's responsibilities in forming an opinion on the design excellence of the concept application as required by clause 6.21 of the City of Sydney Local Environment Plan.
4. Believes this potential non-compliance is egregious, with adverse impact on Waverley's residents and businesses.
5. Requests that the Minister for Planning ensures work on the demolition of the Sydney Football Stadium does not proceed until the Minister has been able to correct any errors made in the issuing of the consent to date.
6. Requests the Minister for Planning to urgently advise Council of what action he has taken or intends to take to address the matters referred to in clauses 3 and 5 above.
7. Resolves that, if a satisfactory response has not been received from the Minister by 10 am Monday, 14 January 2019, Council initiates legal proceedings in the Land and Environment Court, with the commencement of such proceedings being conditional upon at least one further Council resolving to join as a co-applicant in any such legal proceedings.
8. Writes to adjacent councils informing them of our decision.
9. Notes that the City of Sydney and Woollahra councils have already indicated that they will not be making a legal challenge against the NSW Government.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill and Wakefield.

**Against the Motion:** Crs Goltsman, Kay and Nemesh.

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

*Note: subsequent to the reconvened meeting, before 10 am the following day, a motion to rescind this decision was lodged with the General Manager. The Rescission Motion will be considered at the Extraordinary Council Meeting on 11 January 2019.*

**5. Meeting Closure**

**THE MEETING CLOSED AT 9.33 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**19 FEBRUARY 2019**