



W A V E R L E Y
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:

6.00PM, FRIDAY 11 JANUARY 2019

A handwritten signature in black ink, appearing to read 'R. B. McLeod', is positioned above the printed name.

Ross McLeod
General Manager

Waverley Council
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Bondi Junction NSW 1355
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Tel. 9083 8000
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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

CM/4.1/19.01E RESCISSION MOTION - CM/4.1/18.12E - CONFIDENTIAL REPORT - Sydney
Football Stadium Redevelopment2

5. Meeting Closure

**NOTICE OF MOTION
CM/4.1/19.01E**

Subject: RESCISSION MOTION - CM/4.1/18.12E - CONFIDENTIAL
REPORT - Sydney Football Stadium Redevelopment

TRIM No: A03/0943

Submitted by: Councillor Kay
Councillor Goltsman
Councillor Nemesh

MOTION:

That the Rescission Motion be adopted.

Background

This matter was last considered by Council at the reconvened Extraordinary Council Meeting on 7 January 2019. Subsequent to the meeting, before 10 am the following day, the following notice of motion to rescind the decision was submitted by Crs Kay, Goltsman and Nemesh:

‘We the undersigned Councillors give notice of rescission on the decision made at the Council Meeting held on Monday, 7 January 2019. Item CM/4.1/18.12E CONFIDENTIAL REPORT – Sydney Football Stadium Redevelopment.

Crs Kay, Goltsman and Nemesh.’

BELOW IS A MINUTE EXTRACT FROM THE RECONVENED EXTRAORDINARY COUNCIL MEETING HELD ON 7 JANUARY 2019:

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

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.

MOTION: Mover: Cr Wakefield
Seconded: 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 Ministers 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 10am Monday 14th January 2019 the Council initiates legal proceedings in the Land & 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.

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 Ministers 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 10am Monday 14th January 2019 the Council initiates legal proceedings in the Land & 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 SUBSTANTIVE 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.