



WAVERLEY
COUNCIL

**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 5 FEBRUARY 2019**

Present:

Councillor Paula Masselos (Chair)	Lawson Ward
Councillor John Wakefield (Mayor)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

Staff in attendance:

Ross McLeod	General Manager
Rachel Hensman	Acting Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.36 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair 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 Kay.

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. Confirmation of Minutes

PD/4.1/19.02 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 November 2018 (SF18/246)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Strategic Planning and Development Committee Meeting held on 6 November 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/19.02 Planning Appeals in the Land and Environment Court (A17/0514)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes this report on the status of the planning appeals currently being defended in the Land and Environment Court.
2. Receives a quarterly update report to Committee, rather than a monthly update, given that the information within the report on appeals will not change significantly from month-to-month.

PD/5.2/19.02 Outdoor Events - Quarterly Report (A17/0607)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council receives and notes this report outlining the number of requests for events and the number of events held, including issues and outcomes, during quarter four of 2018 (1 October–31 December 2018).

PD/5.3/19.02 Minutes - Sydney Coastal Councils Group Annual General Meeting - 1 December 2018 (A15/0018)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council receives and notes the minutes of the Sydney Coastal Councils Group Full Group Annual General Meeting held on 1 December 2018.

Cr Wy Kanak was not present for the vote on this item.

6. Urgent Business

PD/6.1/19.02 Sydney Football Stadium Redevelopment (A03/0943)

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

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Notes with concern the imminent demolition of the Sydney Football Stadium.
2. Receives and notes the Minister for Planning's response to Council's letter dated 1 February 2019

regarding the demolition of the Sydney Football Stadium.

3. Considers the Minister's response unsatisfactory as it fails to deal with the fundamental point that the Minister was required to form an opinion that the concept plan exhibited design excellence.
4. Notes that there are two separate legal opinions that consider that the Minister for Planning has breached the EP&A Act in issuing the consent for the demolition of the Sydney Football Stadium, including the advice from Phillip Clay SC dated 20 December 2018 ('Clay Advice').
5. Notes the intended formation of the Sydney Football Stadium Community Consultative Committee (CCC) with the inaugural meeting on 7 February 2019 in an Extraordinary Meeting with only two weeks' notice to members.
6. Considers that:
 - (a) The CCC has not been validly constituted in light of the legal advice that the Minister has breached the EP&A Act in issuing the consent.
 - (b) The use of an Extraordinary Meeting to form the CCC is contrary to standard codes of meeting practice.
 - (c) The appointed Chairperson has a clear and publicly known conflict of interest in that the Chairperson lists the selected developer as a client.
7. Resolves to:
 - (a) Instruct its solicitors to commence legal proceedings in the Land and Environment Court 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.
 - (b) Make an application for interlocutory injunction and an expedited hearing date, given the urgency of the matter.
 - (c) Not give an undertaking for damages if requested by the Land and Environment Court.
8. Be directed to take all reasonable steps to recover legal costs from the relevant authority, should it be necessary.

Division

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

Against the Motion: Crs Betts, Burrill, Goltsman and Nemes.

Note: immediately after the meeting, a motion to rescind this decision was lodged with the General Manager. The rescission motion will be considered at the Extraordinary Strategic Planning and Development Committee Meeting on 7 February 2019.

7. Meeting Closure

THE MEETING CLOSED AT 8.32 PM.

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SIGNED AND CONFIRMED
CHAIR
5 MARCH 2019