



W A V E R L E Y  
COUNCIL

## EXTRAORDINARY STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council  
Chambers Cnr Paul Street and Bondi Road, Bondi Junction at:

**5.30PM, THURSDAY 7 FEBRUARY 2019**

Ross McLeod  
**General Manager**

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## Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
  - (a) The appointment of a general manager.
  - (b) The making of a rate.
  - (c) A determination under section 549 as to the levying of a rate.
  - (d) The making of a charge.
  - (e) The fixing of a fee
  - (f) The borrowing of money.
  - (g) The voting of money for expenditure on its works, services or operations.
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
  - (j) The adoption of an operational plan under section 405.
  - (k) The adoption of a financial statement included in an annual financial report.
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
  - (t) This power of delegation.
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

### Live Streaming of Meetings

*This meeting is streamed live via the internet and an audio visual recording of the meeting will be publicly available on Council's website.*

*By attending this meeting you consent to your image and/or voice being live streamed and publicly available.*

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair 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 by Members of the Public**

**4. Notices of Motion**

PD/5.1/19.02E RESCISSION MOTION - PD/6.1/19.02 - Sydney Football Stadium  
Redevelopment.....2

**5. Meeting Closure**

**NOTICE OF MOTION**  
**PD/5.1/19.02E**

**Subject:** RESCISSION MOTION - PD/6.1/19.02 - Sydney Football Stadium Redevelopment

**TRIM No:** A03/0943

**Author:** Councillor Betts  
Councillor Nemesh  
Councillor Goltsman

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**MOTION:**

That the Rescission Motion be adopted.

**Background**

This matter was last considered by Council at the Strategic Planning and Development Committee Meeting on 5 February 2019. Immediately after the meeting, the following notice of motion to rescind the decision was submitted by Crs Betts, Nemesh and Goltsman:

‘We the undersigned give notice of rescission on the decision made at the Strategic Planning and Development Committee Meeting held on Tuesday, 5 February 2019. Urgent Item PD/6.1/19.02 Sydney Football Stadium Redevelopment.

Crs Betts, Nemesh and Goltsman.’

BELOW IS A MINUTE EXTRACT FROM THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 5 FEBRUARY 2019:

**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 Nemesh.

*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.*