



**MINUTES OF THE EXTRAORDINARY COUNCIL MEETING OF WAVERLEY COUNCIL
HELD AT WAVERLEY COUNCIL CHAMBERS
ON WEDNESDAY, 10 JUNE 2015**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Joy Clayton	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward
Councillor John Wakefield	Bondi Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Paula Masselos	Lawson Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Ingrid Strewe	Waverley Ward

Staff in attendance:

Cathy Henderson	Acting General Manager, Waverley Corporate
Linda Bathur	Acting Director, Waverley Life
Peter Monks	Director, Waverley Futures
Mark Wood	Director, Waverley Renewal
Peter Brown	Acting Executive Manager, Performance Waverley
Jane Worthy	Internal Ombudsman, Waverley Corporate

At the commencement of proceedings at 6.30 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 6.32 pm.

Opening Prayer and Acknowledgement of Local Indigenous Heritage

The Mayor 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 / Leave of Absence

An apology was received and accepted from Cr Mouroukas.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses to Council by Members of the Public

1. N Grieve – CM/4.1/15.06E – Fit for the Future.
2. M McAdam (on behalf of the Mill Hill Bondi Junction Precinct) – CM/4.1/15.06E – Fit for the Future.
3. L Joslyn – CM/4.1/15.06E – Fit for the Future.
4. M Main – CM/4.1/15.06E – Fit for the Future.
5. Dr K Spooner – CM/4.1/15.06E – Fit for the Future.
6. T Allerton – CM/4.1/15.06E – Fit for the Future.

4. Reports

CM/4.1/15.06E Fit for the Future (A12/0619)

MOTION

Mover: Cr Betts

Seconder: Cr Kay

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 that
 - 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.

Cr Kanak moved an Amendment to the Motion that was ruled out of order by the Chair. The Chair ruled that the Amendment was a Foreshadowed Motion. Cr Kanak then moved a Motion of Dissent against the Chair's ruling that his Amendment was a Foreshadowed Motion. The Motion of Dissent was put and declared lost on a division.

Division

For the Motion of Dissent:

Crs Kanak, Masselos, Strewé and Wakefield.

Against the Motion of Dissent:

Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones and Kay.

AMENDMENT 1

Mover: Cr Strewé

Seconder: Cr Wakefield

That the Motion be adopted subject to Clause 1 G)ii being amended to read as follows:

'Only 14% to 19% of respondents' first preference was for a merger with Randwick Council.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment:

Crs Guttman-Jones, Kanak, Masselos, Strewé and Wakefield.

Against the Amendment:

Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

AMENDMENT 2

Mover: Cr Kanak
Seconded: Cr Wakefield

That the Motion be adopted subject to the addition of the following clause:

‘That Council requests the government permit a binding referendum on this issue prior to any merger being implemented.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman-Jones, Kanak, Masselos, Strewé and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

AMENDMENT 3

Mover: Cr Kanak
Seconded: Cr Strewé

That the Motion be adopted subject to the addition of the following clause:

‘That before Council’s submission is sent to IPART, Council officers receive submissions from minority-view councillors so a minority view can be included in the submission.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman-Jones, Kanak, Masselos, Strewé and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

AMENDMENT 4

Mover: Cr Strewé
Seconded: Cr Masselos

That the Motion be adopted subject to the deletion of Clause 2 A)ii.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Guttman-Jones, Kanak, Masselos, Strewé and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

AMENDMENT 5

Mover: Cr Wakefield
Seconded: Cr Strewé

That the Motion be adopted subject to the first paragraph of Clause 2 being amended to read as follows:

‘Considering the results of the Independent Grant Thornton Report together with the results of the IRIS Report, Council resolves to:’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.**AMENDMENT 6****Mover:** Cr Masselos**Seconder:** Cr Strewe

That the Motion be adopted subject to the deletion of Clause 1 O).

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

Cr Wakefield moved an Amendment to the Motion that was ruled out of order by the Chair. The Chair ruled that the Amendment was a Foreshadowed Motion. Cr Kanak then moved a Motion of Dissent against the Chair's ruling that Cr Wakefield's Amendment was a Foreshadowed Motion. The Motion of Dissent was put and declared lost.

AMENDMENT 7**Mover:** Cr Kanak**Seconder:** Cr Wakefield

That the Motion be adopted subject to the addition of the following clause:

‘That Council includes in its IPART submission an optional analysis of the survey results using the preferential counting method.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.**AMENDMENT 8****Mover:** Cr Masselos**Seconder:** Cr Wakefield

That the Motion be adopted subject to the deletion of Clause 2 E).

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division**For the Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman and Kay.

Against the Motion: Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

DECISION: That the Motion be adopted.

N Grieve, M McAdam, L Joslyn, M Main, Dr K Spooner and T Allerton addressed the meeting.

Immediately following the closure of the meeting, a Motion to rescind the decision, signed by Crs Strewe, Kanak, Masselos, Guttman-Jones and Wakefield, was submitted to the Acting General Manager.

THE MEETING CLOSED AT 9.01 PM.

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SIGNED AND CONFIRMED
MAYOR
21 JULY 2015