



WAVERLEY
COUNCIL

**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD IN THE RANDWICK COUNCIL CHAMBER, 90 AVOCA STREET, RANDWICK ON
TUESDAY, 5 JUNE 2018**

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 Tony Kay	Waverley 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:

Peter Monks	Acting General Manager
Mitchell Reid	Acting Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Annette Trubenbach	Acting Director, Waverley Life
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.30 pm, those present were as listed above.

The Chair thanked Randwick City Council for allowing Waverley Council to use its Council Chamber.

The Chair also announced that the audio recording of the meeting would be uploaded to Council's website.

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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Copeland declared a pecuniary interest in Item PD/5.2/18.06 – Bondi Pavilion Upgrade and Conservation Project – Revised Principal Design Consultant Brief, and informed the meeting that he works for a locker company at the Bondi Pavilion.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item PD/5.2/18.06 – Bondi Pavilion Upgrade and Conservation Project – Revised Principal Design Consultant Brief, and informed the meeting that he knows the Bondi Pavilion Stakeholder Committee members.
- 2.3 Cr Betts declared a less than significant non-pecuniary interest in Item PD/7.1/18.06 – CONFIDENTIAL REPORT – Bondi Baths Reserve Trust (Icebergs), and informed the meeting that she is a member of the Icebergs Club.
- 2.4 Cr Keenan declared a less than significant-non pecuniary interest in Item PD/7.1/18.06 – CONFIDENTIAL REPORT – Bondi Baths Reserve Trust (Icebergs), and informed the meeting that she is a member of the Icebergs Club.

3. Addresses by Members of the Public

- 3.1 A resident – PD/5.1/18.06 – Bronte Park and Beach Plan of Management – Amendments.
- 3.2 E Morel (on behalf of Friends of Bondi Pavilion) – PD/5.2/18.06 – Bondi Pavilion Upgrade and Conservation Project – Revised Principal Design Consultant Brief.
- 3.3 N Bettar – PD/5.3/18.06 – Draft Waverley Development Control Plan 2012 – Amendment No. 6.

4. Confirmation of Minutes

PD/4.1/18.06 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 1 May 2018 (SF18/246)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Wakefield

That the minutes of the Strategic Planning and Development Committee Meeting held on 1 May 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/18.06 Bronte Park and Beach Plan of Management - Amendments (SF16/974)

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the Bronte Park and Beach Plan of Management attached to this report subject to the following amendments:

1. Clause E4.4 (page 92 in Attachment 2 and page 81 in Attachment 3): include 'Restore the Bronte Pool gate to former white timber in keeping with the heritage values of the heritage listed Bronte Pool' at the end of the clause.
2. Delete action B4.7iii (page 79 of Attachment 2 and page 68 of Attachment 3): 'Extend the fixed handrail from the main pool stairs to the ocean access stairway.'
3. Insert additional clause at 6.3.1 (page 81 of attachment 2 and page 70 of Attachment 3) to read as follows:

'C1.8 – Investigate the reinstatement of the three picnic shelters on the northern park above the Bronte Surf Club.'

Division

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

Against the Motion: Crs Burrill and Kay.

A resident addressed the meeting.

PD/5.2/18.06 Bondi Pavilion Upgrade and Conservation Project - Revised Principal Design Consultant Brief (A15/0272)

Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works for a locker company at Bondi Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he knows the Bondi Pavilion Stakeholder Committee members.

Immediately after the meeting, a notice of motion to rescind this decision was lodged with the General Manager. The Rescission Motion will be considered at the Extraordinary Council Meeting on 12 June 2018.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Acknowledges its responsibility under the NSW *Crown Lands Act* to maintain the Bondi Pavilion building for the purpose of public recreation.
2. Recognises the significant First Nations, local, state, and national heritage value of Bondi Beach and the Bondi Pavilion Community and Cultural Centre, and acknowledges the important role that the Bondi Pavilion plays as an integral element of the Bondi Beach cultural landscape.
3. Commits to the restoration of the Bondi Pavilion as a community and cultural centre.
4. Re-titles the project as the 'Bondi Pavilion Restoration and Conservation Project'.
5. Notes the three previous reports including diagrams and the associated recommendations from the Bondi Pavilion Stakeholder Committee received and noted at the Council meetings of 20 February 2018, 6 March 2018 and 1 May 2018.
6. Endorses the intention to restore the Bondi Pavilion Community and Cultural Centre to achieve a five-star environmental standard with improved and enhanced community space and leased commercial space primarily retained in the ground floor front facade and forecourt areas.
7. Adopts the Revised Principal Design Consultant Brief attached to this report subject to the following amendments:
 - (a) Delete reference to a 'demountable seating structure' in the central courtyard.
 - (b) Delete reference to a kiosk on the first floor.
 - (c) Defines financial sustainability as Council's capacity to maintain the fabric and functions of the Bondi Pavilion.
 - (d) Regarding forecourt glass structure/s, commentary only is required to consider the functionality and heritage viability of such structures is requested.
 - (e) (Section on 'The design of the Pavilion must include full asset upgrade of....' – p. 21): add new bullet point to read 'consideration of new plumbing and pipework for toilets that remain in their existing locations.'

- (f) (Section on 'The design of the Pavilion must include full asset upgrade of... – p. 21): add new bullet point to read 'improved accessibility to the building and functional areas, e.g. toilets, pottery studio, music and recording studios, theatre.'
 - (g) (Southern Courtyard – Southern Wall – p. 21): amend second bullet point to read 'the music and recording studios remain in their current location and be refurbished with consideration being given to accessibility and updating the equipment to a more contemporary standard following advice from an audio consultant experienced in sound studio operations.'
 - (h) (Northern Courtyard – Western Wall – p. 22): amend second bullet point to read 'consideration for optimum location for waste facility noting the need for safe access for trucks from Campbell Parade, no conflict between vehicles and pedestrians, and internal access to the Pavilion users and tenants.'
 - (i) (Central Building Ground Floor – p. 22): amend fifth bullet point to read 'consideration be given to relocating the lift, adding a second lift or providing a new enlarged lift, removal of internal fire stairs and reduction of amenities footprint to improve circulation within the building, accessibility, and increased community space.'
 - (j) (Theatre – p. 23); add new bullet point to read 'improve flexibility and movability of performance staging infrastructure, as far as is practicable and achievable'.
 - (k) (Theatre – p. 23): add new bullet point to read 'include acoustic treatment to mitigate noise from outside sources'.
 - (l) (Central Building Top Floor – p. 23): add new bullet point to read 'consideration be given for the Seagull Room to be temporarily subdivided into smaller spaces by using moveable, acoustically treated, partitions.'
 - (m) (Central Building Top Floor – p. 23): amend second bullet point to read 'a functional dance studio be provided within the Seagull Room, ensuring that the room is acoustically treated to mitigate noise spill.'
 - (n) (Central Building Top Floor – p. 23): amend seventh bullet point to read 'bar area and foyer be retained in their current location with optimal sizing and orientation to be considered including a potential bar servery to the balcony and improved access to and from the balcony for the public.'
 - (o) Add a new bullet point in an appropriate place in the brief to read 'Any new or upgraded pottery studio to have an area greater than the existing facility, and a new kiln.'
 - (p) (Function Requirements – p. 20): amend the second arrow point to read 'ensuring Bondi Pavilion, as a centre of community life, has a vibrant mix of cultural, community, recreation and commercial uses through:...'
 - (q) Considers the provision of an enhanced locker facility.
 - (r) Investigates where the best accommodation should be for the rangers and their vehicles that are currently accommodated at the Pavilion.
8. Notes that the Design Consultant Brief has been developed following extensive community and stakeholder consultation incorporating the recommendations of the Bondi Pavilion Stakeholder Committee (BPSC), and meeting the key objectives of the project contained in the Bondi Park, Beach and Pavilion Plan of Management 2014 (Bondi POM), draft Bondi Pavilion Conservation Management

- Plan and the draft Bondi Beach Cultural Landscape Conservation Management Plan (Conservation plans), and the draft Strategic Asset Management Plan 5 (SAMP 5).
9. Notes that the Principal Design Consultant will be provided with the Bondi Pavilion Stakeholder Committee Combined Recommendations on the Uses and Functions of the Bondi Pavilion report in conjunction with the Revised Principal Design Consultant Brief.
 10. Requests the Principal Design Consultant, Tonkin Zulaikha Greer, to respond to the revised brief by providing one new 'whole-of-building concept design' with particular attention to:
 - (a) The three Stakeholder Committee reports (including diagrams) and the recommendations of those reports, and incorporating the following objectives endorsed by Council at its 20 February 2018 meeting:
 - (i) Retention and refurbishment in their current positions of the music rooms, theatre, bar, High Tide Room and Sea Gull Room.
 - (ii) Renovation of all amenities (toilets and showers, change facilities, etc.) with an increase in female amenities, plus a parents' room, and accessible shower and toilets.
 - (iii) Provision of adequate waste management facilities.
 - (iv) Provision of adequate storage facilities.
 - (v) Future-proofing to provide technological facilities.
 - (vi) Ensuring adequate plumbing for the building.
 - (b) The viability of outdoor festivals, music, film, theatre and other performance in the internal courtyard areas, including the future uses and functions of the current amphitheatre.
 11. Notes that a business case for the future operations of the Pavilion will be finalised in conjunction with the new concept design.
 12. Prepares an analysis of the demand for public amenities in and around Bondi Pavilion, noting the approved motions of Council to increase the number of shower heads on the Promenade, and the separate project to identify a location for a new amenities facility at Bondi Beach.
 13. Prepares an analysis of current and projected passenger, delivery and waste vehicular movement accessing the western side of the Bondi Pavilion.
 14. Prepares designs for the area of Bondi Park between the Bondi Pavilion and Park Drive guided by all relevant conservation management plans.
 15. Prepares a policy to achieve best practice waste minimisation by all commercial tenants and for public activities in the Bondi Pavilion, and uses this policy to:
 - (a) Compare to current estimates of waste generation.
 - (b) Project waste generation levels in the restored building when occupied.
 - (c) Revise and re-assess waste management infrastructure in the building, with particular reference to decreasing the previously defined requirement for two waste compacting units in the restored building.

- (d) Use the best practice waste minimisation policy to inform the drafting of future lease contracts with commercial tenants, with hiring policies for users of the Bondi Pavilion and in Council's management of public areas.
- 16. Receives as soon as practical all outstanding reports, designs and the new whole-of-building concept design for the Bondi Pavilion Restoration and Conservation Project.
- 17. Acknowledges and thanks the members of the Bondi Pavilion Stakeholder Committee and Council officers for their commitment and excellent work.
- 18. Commits to additional consultation on the concept plan with the Bondi Pavilion Stakeholder Committee and the wider community prior to submitting a development application, and notes that, after it is submitted, the development application will benefit from a further 28-day public consultation period.

Division

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

Against the Motion: Crs Betts, Burrill, Kay and Nemesh.

E Morel (on behalf of Friends of Bondi Pavilion) addressed the meeting.

PD/5.3/18.06 Draft Waverley Development Control Plan 2012 - Amendment No.6 (A17/0250)

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council exhibits the Draft Waverley Development Control Plan 2012 (Amendment No. 6) attached to this report for a period of 28 days, in accordance with section 3.43 of the *Environmental Planning and Assessment Act 1979* and clause 18 of the *Environmental Planning and Assessment Regulation 2000*, subject to the following amendments:

1. Insert new subclause (d) to D2 Outdoor Dining, item 3.1, Hours of Operation and Noise (p. 215 of the DCP) to read as follows:
 - (d) Notwithstanding the hours outlined in table 2, extended dining hours may be granted only on a trial and reviewable basis where the proprietor can demonstrate:
 - (i) There is a need for longer hours to more closely align with the approved operating hours of the premises, and
 - (ii) The premises has not generally been subject to complaints relating to noise and overall operation, and
 - (iii) The additional period will not cause or result in adverse amenity impacts on the neighbourhood.

Extended dining hours will not exceed 10 pm in any case, and any approval will be subject to a reviewable condition that allows the termination of the extended hours at any time.

2. Delete Part B8 Control 8.2.2(i) (p. 72 of the DCP) in order for Council officers to determine the policy position for application of the Resident Parking Scheme to new developments and how best to

implement the policy in the future.

Division

For the Motion Crs Betts, Burrill, Copeland, Goltsman, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak.

Against the Motion Cr Kay.

N Bettar addressed the meeting.

PD/5.4/18.06 Current and Projected School Enrolments (A14/0170)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council:

1. Notes that a further related report on supply and demand for early education and care services will be coming to Council.
2. Supports joint planning and advocacy activities with both Woollahra and Randwick councils to:
 - (a) Improve local school capacity and related infrastructure development, including a new public high school in the eastern suburbs.
 - (b) Investigate opportunities for innovation and design excellence as part of potential partnerships with the Department of Education and Training (DoE) and other agencies around the development of flexible learning spaces (e.g. senior secondary school campus) and integrated community facilities (e.g. out of school hours care).
3. Seeks clarification from DoE about planning implications for local school catchment areas/clusters under the new Schools Assets Strategic Plan (SASP).
4. Provides input into DoE's new shared use policy to maximise community access opportunities.
5. Continues to advocate for Waverley community needs in consultations and planning for improved provision of Out of School Hours Services (OSHS).

PD/5.5/18.06 Bondi Junction Office Market Report (A18/0225)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Nemesh

That Council commissions the Property Council of Australia to include Bondi Junction in its Office Market Report from 2019–2021 inclusive.

6. Urgent Business

There were no items of urgent business.

7. Closed Session

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 / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That:

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

PD/7.1/18.06 CONFIDENTIAL REPORT - Bondi Baths Reserve Trust (Icebergs)

This matter is considered to be confidential in accordance with section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 9.12 pm, Council moved into closed session.

PD/7.1/18.06 CONFIDENTIAL REPORT - Bondi Baths Reserve Trust (Icebergs) (A17/0006)

Cr Betts declared a less than significant non-pecuniary interest in this item, and informed the meeting that she is a member of the Icebergs Club.

Cr Keenan declared a less than significant non-pecuniary interest in this item, and informed the meeting that she is a member of the Icebergs Club.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Lewis

That:

1. Council treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Council notes the information in this report and informs Crown Lands that it does not wish to become the Reserve Trust Manager of the Bondi Baths R100245 Reserve Trust.
3. Council informs Crown Lands that it is interested in becoming a member of a Community Trust for the Bondi Baths R100245 Reserve Trust, subject to the parameters and obligations of this responsibility being provided to Council.
4. Council authorises the General Manager to do all things necessary in making further inquiries, negotiating Councils position and lodging applications to become a member of a Community Trust Board for Bondi Baths R100245 Reserve Trust.
5. Council authorises the General Manager to enter into discussions directly with the Bondi Icebergs Club Cooperative Ltd and other prospective parties, including Aboriginal traditional owners and Aboriginal land councils, that may be interested in forming part of a Community Trust arrangement, with such discussions to include the exchange of any commercial arrangements on a confidential basis.
6. A further report to come back to Council on the result of any discussion or negotiations between the various prospective Community Trust members.

8. Resuming in Open Session**PD/8/18.06 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Goltsman

Seconder: Cr Burrill

That Council resumes in open session.

At 9.27 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

9. Meeting Closure

THE MEETING CLOSED AT 9.30 PM.

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SIGNED AND CONFIRMED
CHAIR
3 JULY 2018