



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 NOVEMBER 2019**

**Present:**

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson 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 Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 8.01 pm, those present were as listed above, with the exception of Cr O'Neill, who arrived at 8.11 pm.*

## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager 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 Nemesh.

### 2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item PD/5.3.19.11 – 40km/h Speed Limit Changes, and informed the meeting that he lives in Park Parade.
- 2.2 Cr O'Neill declared a non-pecuniary interest in Item CM/6.1/19.11 – Privatisation of Management of Region 9 Bus Services, and informed the meeting that, as Council is proposing to write to her in her capacity as the Member for Coogee, this would constitute a conflict of interest. Cr O'Neill advised that she will leave the Chamber for the consideration and vote on this item.

### 3. Addresses by Members of the Public

- 3.1 L Kosnetter (LK Planning, on behalf of the applicant) – PD/5.6/19.11 – Planning Proposal – 201-209 Old South Head Road, Bondi Junction - Additional Permitted Use.

### 4. Confirmation of Minutes

**PD/4.1/19.11 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 3 September 2019 (SF19/327)**

#### MOTION / DECISION

Mover: Cr Lewis  
Seconder: Cr Keenan

That the minutes of the Strategic Planning and Development Committee Meeting held on 3 September 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

*Cr O'Neill was not present for the consideration and vote on this item.*

## 5. Reports

### PD/5.1/19.11 Waverley Community Participation Plan (SF19/3954)

#### MOTION (WITHDRAWN)

Mover: Cr Masselos

Seconder: Cr Keenan

That Council defers this item.

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts the Waverley Community Participation Plan attached to this report in accordance with Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), subject to the document being known as the 'Waverley Community Development Participation and Consultation Plan'.

#### Division

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

**Against the Motion:** Nil.

### PD/5.2/19.11 Draft Waverley Development Control Plan 2012 - Amendment - SEPP (Vegetation in Non-rural Areas) 2017 (A19/0675)

#### MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Exhibits the draft Waverley Development Control Plan 2012 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 changes:
  - (a) Page 68: correct spelling under 'Common Name' column, if needed, of 'Cocos Parlm' to 'Cocos Palm'.
  - (b) Page 69: under the heading 'Tree Assessment', add at the first dot point after the word 'environmental', 'Aboriginal'.
  - (c) Page 70: under the 'Arborist and Other Specialist Reports' paragraph, add the word 'to' after the word 'applicant'.
2. Notes that the Waverley Tree Management Policy and the Waverley Tree Permit Application Form will be amended to reflect the Vegetation SEPP.

#### Division

**For the Motion:** Crs Burrill, Copeland, Kay, Keenan, Lewis, Masselos, O'Neill and Wakefield.

**Against the Motion:** Crs Betts, Goltsman and Wy Kanak.

**PD/5.3/19.11            40 km/h Speed Limit Changes (A18/0579)**

*Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he lives in Park Parade.*

**MOTION**

Mover:        Cr Kay  
Seconder:    Cr Betts

That Council:

1. Exhibits the concept designs for the 40 km/h 'Stage 1' Speed Limit Change Project attached to this report for a period of 28 days, subject to:
  - (a) The Park Parade concept design (page 178 of the attachment) being amended to delete the two concrete kerb blisters to ensure no loss of on-street parking.
2. Officers prepare a project summary for exhibition with the concept designs.
3. Noting the design of the Bondi Junction cycleway includes traffic calming measures, investigates whether additional measures are required if the Oxford Street transit mall is to become 40 km/h.
4. Notes 'Stage 1' is the area of the Waverley local government area (LGA) that is south and west of Bondi Road, and it is intended that, subject to funding and Transport for NSW endorsement, Stage 2 will be investigated next, being the area of the Waverley LGA that is north of Bondi Road.
5. Notes that Bondi Road, Council Street and Carrington Road are excluded from the scope of the Speed Review Study.
6. Notes the proposed signage treatment is excluded from the public exhibition, being a technical matter for Waverley Traffic Committee consideration.
7. Notes, following the public exhibition period, a further report will be prepared for the Traffic Committee summarising the consultation process, key feedback, and recommending revision to concept design, as necessary.

**AMENDMENT (WITHDRAWN)**

Mover:        Cr Wy Kanak  
Seconder:    Cr Wakefield

That the Motion be adopted subject to clause 1(a) being deleted and dealt with separately.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1(a) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Exhibits the concept designs for the 40 km/h 'Stage 1' Speed Limit Change Project attached to this report for a period of 28 days, subject to:
  - (a) On page 178 of the attachment, in regard to Park Parade, Council officers consider repositioning the threshold and kerb blisters further south towards the corner of Birrell Street so as to eliminate the splay corner, minimise the loss of parking and to maximise pedestrian safety.
2. Officers prepare a project summary for exhibition with the concept designs.

3. Noting the design of the Bondi Junction cycleway includes traffic calming measures, investigates whether additional measures are required if the Oxford Street transit mall is to become 40 km/h.
4. Notes 'Stage 1' is the area of the Waverley local government area (LGA) that is south and west of Bondi Road, and it is intended that, subject to funding and Transport for NSW endorsement, Stage 2 will be investigated next, being the area of the Waverley LGA that is north of Bondi Road.
5. Notes that Bondi Road, Council Street and Carrington Road are excluded from the scope of the Speed Review Study.
6. Notes the proposed signage treatment is excluded from the public exhibition, being a technical matter for Waverley Traffic Committee consideration.
7. Notes, following the public exhibition period, a further report will be prepared for the Traffic Committee summarising the consultation process, key feedback, and recommending revision to concept design, as necessary.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**UNANIMOUS DECISION:** That the Motion be adopted.

**PD/5.4/19.11                      Campbell Parade Shade Structures (A19/0169)**

**MOTION / DECISION**

Mover:        Cr Masselos  
Secunder:     Cr Copeland

That Council:

1. Notes the results of the stakeholder engagement process.
2. Grants written consent to the developer to investigate temporary modifications to the current design to address some of the issues raised during the stakeholder engagement.
3. Investigates long-term modifications to the design for the future implementation, operation and maintenance of the shade structures.
4. Incorporates the shade structures into the development of the concept design for the Campbell Parade Streetscape Upgrade between Francis Street and Beach Road.

**Division**

**For the Motion:**        Crs Betts, Burrill, Copeland, Kay, Goltsman, Lewis, Masselos and O'Neill.

**Against the Motion:**    Crs Keenan and Wy Kanak.

*Cr Wakefield was not present for the consideration and vote on this item.*

**PD/5.5/19.11 Sydney Eastern City Planning Panel - Appointment of Council Representatives (A16/0688)****MOTION / DECISION**

Mover: Cr Lewis  
Seconder: Cr Masselos

That Council:

1. Appoints Jan Murrell, Lee Kosnetter and Jeremy Swan as Council's members of the Sydney Eastern City Planning Panel for a period of four years.
2. Provides remuneration to members at a flat rate of \$1,500 per meeting.

*Cr Wakefield was not present for the consideration and vote on this item.*

**PD/5.6/19.11 Planning Proposal - 201-209 Old South Head Road, Bondi Junction - Additional Permitted Use (PP-4/2019)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Kay

That Council:

1. Notes the submission of the planning proposal prepared by LK Planning on 11 September 2019 to add an additional permitted use of recreation facility (indoor) at 201–209 Old South Head Road, Bondi Junction.
2. Supports the planning proposal being forwarded to the Department of Planning, Industry and Environment for Gateway Determination.
3. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the Department of Planning, Industry and Environment.
4. Accepts the role of the Planning Proposal Authority and Plan-Making Authority from the Department of Planning, Industry and Environment, if offered, to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
5. Reviews the permissibility of recreation facility (indoor) within the B1 Neighbourhood Centre zoning as part of the LEP Review and the Village Centres Study.

**Division**

**For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

**Against the Motion:** Nil.

*Cr O'Neill was not present for the consideration and vote on this item.*

*L Kosnetter (LK Planning, on behalf of the applicant) addressed the meeting.*

**6 Urgent Business****CM/6.1/19.11 Privatisation of Management of Region 9 Bus Services (A03/0189)**

*During the consideration of the motion to deal with this matter as an item of urgent business, Cr O'Neill declared a non-pecuniary interest, and informed the meeting that, as Council is proposing to write to her in her capacity as the Member for Coogee, this would constitute a conflict of interest. Cr O'Neill was not present at, or in sight of, the meeting for the remaining consideration and votes on this item.*

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council deals with this matter as an item of urgent business.

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman and Kay.**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

## 1. Notes:

- (a) The Minister's announcement that the NSW government will privatise bus services in regions 7, 8 and 9.
- (b) That region 7 covers Sydney's north western suburbs, including Ryde; region 8 covers the lower north shore and northern beaches; and region 9 encompasses the eastern suburbs.
- (c) That, while the government will no longer be responsible for operating any bus services in NSW, it will continue to own all buses and depots in regions 7, 8 and 9, as well as regulate fares, timetables, routes and bus stops.
- (d) That the new private operator(s) are expected to take responsibility for operating regions 7, 8 and 9 on behalf of the NSW government in mid-2021.
- (e) That the ongoing performance issues of the privatised region 6 show consistently that their on-time running KPIs have never been met, while figures from the state's transport agency have shown that the punctuality of buses has worsened since the privatisation of service delivery.
- (f) That further evidence in region 6 and Newcastle reveals that routes have been cut, stops have closed and workers' conditions have plummeted.
- (g) The failure of the on-demand bus services in the eastern suburbs.
- (h) The Premier's pre-election commitment not to privatise the remaining Sydney bus regions.

## 2. Directs the mayor to write to the Premier, the Hon Gladys Berejiklian, MP; the Minister for Transport and Roads, the Hon Andrew Constance, MP; the Member for Vacluse, the Hon Gabriel Upton, MP; the Member for Coogee, Marjorie O'Neill, MP; and the Member for Wentworth, Dave Sharma MP:

- (a) Affirming Council's support for public transport.

- (b) Requesting the government to honour its pre-election commitment given on 20 March 2019 not to privatise the remaining bus regions 7, 8 and 9.
- (c) Confirming that the Waverley Bus Depot stays in government hands and continues to operate as a working bus depot.
- (d) Making good on their commitment to reinstate the 378 bus service from Bronte to the CBD and requesting the reinstatement of bus services 378, 389 and 361.

## Background

On 24 October 2019, the NSW Government announced it would be privatising the remaining bus regions 7, 8 and 9 in spite of the Premier promising on 20 March 2019 that no further bus regions would be privatised.

While the Minister's press release says the reform was designed to ensure the best outcomes for customers and staff, experience with the Hunter and region 6 privatisations shows the exact opposite. In fact, region 6 has failed to ever meet its on-time running KPI. The state's transport agency has shown that the punctuality of buses has worsened since the privatisation. Further evidence in region 6 and Newcastle reveals that routes have been cut, stops have closed and workers' conditions have plummeted.

The Minister goes on to say that bus patronage has increased by more than 50% over the past six years.

Waverley LGA residents are highly supportive of public transport. They are high users of public transport and, in particular, buses, as evidenced by the response to the recent 'Bring Back the 378' activities.

Council's People, Movement Places Policy supports the role of public transport in making the Waverley LGA more walkable and safer for pedestrians, while addressing the reduction of traffic congestion.

## AMENDMENT

Mover: Cr Burrill  
Seconder: Cr Kay

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

'Council writes to the Premier, the Hon Gladys Berejiklian, MP; the Minister for Transport and Roads, the Hon Andrew Constance, MP; the Member for Vacluse, the Hon Gabriel Upton, MP; the Member for Coogee, Marjorie O'Neill, MP; and the Member for Wentworth, Dave Sharma MP.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

## Division

**For the Amendment:** Crs Burrill, Betts and Kay

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

*Cr Goltsman was not present for the vote on the amendment.*

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.



**7. Meeting Closure**

**THE MEETING CLOSED AT 9.06 PM.**

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**SIGNED AND CONFIRMED**  
**CHAIR**  
**3 DECEMBER 2019**