



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, 3 DECEMBER 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 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
George Bramis	Acting Director, Planning, Environment and Regulatory
Dan Joannides	Acting Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 8.05PM, those present were as listed above.

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 O'Neill.

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/5.4/19.12 Bondi Pavilion Restoration and Conservation Project - Project Update and informed the meeting that he works part-time at Bondi Pavilion.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/19.12 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 5 November 2019 (SF19/327)

MOTION / DECISION:

Mover: Cr Lewis

Seconder: Cr Keenan

That the minutes of the Strategic Planning and Development Committee Meeting held on 5 November 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/19.12 Draft Open Space and Recreation Strategy - Public Exhibition (A18/0401)

MOTION / UNANIMOUS DECISION:

Mover: Cr Masselos

Seconder: Cr Keenan

1. Defers the public exhibition of the draft Open Space and Recreation Strategy attached to this report to February 2020.
2. The Draft Open Space and Recreation Strategy be amended as follows:
 - (a) Clause A3.1: deleting the words 'Redevelopment of the Waverley Bus Depot'.
 - (b) Deleting clause A3.2.
 - (c) Clause A3.3: deleting the words 'to develop a community and recreation facility with potential for indoor pool' in the first bullet point.
 - (d) Clause F.1.1: insert the word 'or' after the words 'Prepare and' in the first line.
 - (e) Incorporating strategies that encompass Council's soon to be piloted Street Play Policy.
 - (f) Revising the document to more clearly differentiate between ideas that have come through public consultation and those that are based on Council policies.
 - (g) Page 2 of the Strategy, Acknowledgment:
 - (i) Insert an additional dot point: 'Demonstrate and celebrate their living culture and ongoing heritage proudly.'
 - (ii) In the last sentence, change 'land and waters' to 'land, water and sky.'
 - (h) Page 68 of the Strategy, Our vision:
 - (i) Amend the second paragraph to read as follows: 'Our parks provide a green sanctuary protecting and supporting biodiversity and an opportunity to implement the ongoing Aboriginal traditional custodianship of land which forms our local government area.'
3. A further draft of the document reflecting these proposed amendments come back to Council prior to placing the document on public exhibition.

PD/5.2/19.12 Smart Cities Transport and Parking Initiative (SF18/4225)

MOTION / DECISION:

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Endorses the principle of the Smart Cities Transport and Parking Initiative to use kerbside parking space to provide Pick Up Drop Off bays, combined with a digital booking and information platform developed in consultation with Transport for NSW, for new shared transport service providers for a 12-month trial.

2. Refers this resolution to the Precincts and Access Committee for further discussion before the locations are finalised.
3. Refers any proposed changes to parking signs to the Traffic Committee for deliberation.

PD/5.3/19.12 Vivid in Waverley (A19/0715)**MOTION / DECISION:**

Mover: Cr Keenan
Seconder: Cr Masselos

That Council:

1. Proceeds with planning work to enable Council to make a decision on whether to host Vivid in 2021.
2. Officers make an appropriate budget submission for consideration in the preparation of the budget for financial year 2020–21.
3. Notes that a final decision on whether to proceed will be made when budget implications are considered in early 2020.
4. Engages with stakeholders and begins negotiating with potential sponsors for Vivid 2021.
5. Notes, that at the Festivilion held recently, Friends of Bondi Pavilion conducted ‘secret’ Pavilion tours using a light show.
6. Undertakes an environmental assessment in relation to the proposed Vivid project.

Division:

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

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

PD/5.4/19.12 Bondi Pavilion Restoration and Conservation Project - Project Update (A15/0272)**MOTION / UNANIMOUS DECISION:**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes this update on the Bondi Pavilion Restoration and Conservation project.
2. Undertakes the restoration and conservation in one stage to provide best value for money, a more efficient program and less disturbance overall for community and commercial tenants.
3. Notes that the access road civil works will be included in the main works contract planned to commence as soon after development approval is obtained and no later than May 2020.

PD/5.5/19.12 2A Edmund Street, Queens Park - Feasibility Study Outcome (A18/0175)**MOTION / DECISION:**

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council demolishes and builds a new two-storey social housing building at 2A Edmund Street, Queens Park (Option 3 in the feasibility study attached to this report).
2. The Committee recommends to Council that, in order to fund the project, brings forward the following amounts from the Long Term Financial Plan 2020/21–2030/31:
 - (a) \$350,000 in design funding to the 2020/21 financial year.
 - (b) \$1.85 million in construction funding to the 2021/22 financial year.

Division:**For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Keenan, Lewis, Masselos, Nemesh and Wy Kanak.**Against the Motion:** Nil.*Crs Kay and Wakefield were not present for the vote on this item.***PD/5.6/19.12 Minutes - Waverley Cycling Advisory Committee Meeting - 8 May 2019 and 4 September 2019 (A18/0188)****MOTION / DECISION:**

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Receives and notes the minutes of the Cycling Advisory Committee meetings held on 8 May 2019 and 4 September 2019 attached to this report.
2. Notes that the minutes are available on Council's website.

AT THIS STAGE IN THE PROCEEDINGS CR GOLTSMAN RAISED A POINT OF ORDER ON THE GROUNDS THAT THE CHAIR DID NOT ALLOW ANY COUNCILLORS OTHER THAN THE SECONDER THE OPPORTUNITY TO SPEAK ON THIS MATTER OR VOTE BEFORE HE DECLARED THE MOTION CARRIED.

THE CHAIR DID NOT UPHOLD THE POINT OF ORDER AND RULED THAT HE HAS ALREADY DECLARED THE MOTION. CR GOLTSMAN THEN MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

Division:**For the Motion of Dissent:** Crs Betts, Burrill, Goltsman, Kay and Nemesh.**Against the Motion of Dissent:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak.*Cr Wakefield was not present for the consideration and vote on this item.*

PD/5.7/19.12 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Voluntary Planning Agreement and Site Specific DCP (PP-1/2015)

MOTION / UNANIMOUS DECISION:

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that:
 - (a) Council consistently has not supported the planning proposal at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction (Planning Proposal).
 - (b) Council has written to the Minister for Planning and Open Spaces requesting that he take back his delegation in respect of the Planning Proposal and refuse the Planning Proposal.
 - (c) Council objects to the proposed height and bulk of the Planning Proposal and that it will present an unacceptable built form scale, particularly to Oxford Street.
 - (d) The majority of community feedback opposes the Planning Proposal.
 - (e) The Planning Proposal is inconsistent with the recommendations of the Government Architect's Office on the West Oxford Street Precinct Plan.
2. Further notes that, despite Council's and the community's opposition, the Planning Proposal was approved by the Department of Planning and Environment and gazetted on 20 September 2019, and that the approved Planning Proposal increased the height of the buildings on the site from 15 m to 36 m, the FSR from 1.5:1 to 3.5:1 and removed the heritage listing from four terrace houses.
3. Notes that negotiations have occurred for a Voluntary Planning Agreement (VPA) generated by the Planning Proposal, with the proposed agreement to provide for contributions totalling \$7.45 million, with \$4.7 million as a cash contribution.
4. Publicly exhibits the proposed VPA for a minimum period of 28 days from December 2019 to all of February 2020.
5. Publicly exhibits the Site-Specific DCP for 194–214 Oxford Street for a minimum period of 28 days from December 2019 to all of February 2020, 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:
 - (a) The draft DCP being amended to require that Council has representation in the Design Excellence Jury.
 - (b) The draft DCP being amended to require a landscape plan to be prepared and submitted with any future DA that outlines landscaping for the proposed public plaza and public realm surrounding the development. The landscape plan should include areas of deep soil planting to ensure a mature tree canopy is provided in the future.
 - (c) The draft DCP being amended to require a public art plan to be prepared and submitted with any future DA that outlines public art for the proposed public plaza and public realm surrounding the development.

6. Notes that Council's policy is that VPA contributions are spent in the immediate vicinity of the development to which they relate.
7. Officers prepare a report on public works options to utilise the VPA contributions generated by the Planning Proposal.
8. Notifies all those who made submissions to the Planning Proposal of the Site-Specific DCP and VPA exhibition and be invited to make a submission.
9. In its notification letters to the community, seeks suggestions from the community on how the VPA contributions generated by the Planning Proposal may be spent.
10. Writes to the Minister to convey Council's views that the approval process of the planning proposal has not complied with the relevant planning legislation.
11. Investigates allocating 15–25% of the VPA contributions generated by the Planning Proposal to affordable housing and the precedent created by this potential allocation, and a report come back to Council.

Division:

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

Against the Motion: Nil.

6 Urgent Business

There were no items of urgent business.

7. Closed Session**PD/7/19.12 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 / DECISION:

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That:

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

PD/7.1/19.12 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Review of Decision

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that

would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 9.26 pm, Council moved into closed session.

PD/7.1/19.12 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Review of Decision (SF19/5571)

MOTION / DECISION:

Mover: Cr Lewis
Seconder: Cr Masselos

That Council:

1. 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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Does not proceed with legal action appealing or seeking to set aside the gazettal of the 194 Oxford Street Planning Proposal.

Division:

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

Against the Motion: Nil.

8. Resuming in Open Session

PD/8/19.12 Resuming in Open Session

MOTION:

Mover: Cr Wy Kanak
Seconder: Cr Masselos

That Council resumes in open session.

At 9.31 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

9. Meeting Closure

THE MEETING CLOSED AT 9.46 PM.

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SIGNED AND CONFIRMED
CHAIR
4 FEBRUARY 2020