



STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE
will be held by video conference at:

7.30 PM, TUESDAY 1 SEPTEMBER 2020

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod
General Manager

Waverley Council
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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. Confirmation of Minutes

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6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/20.09



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 July 2020

TRIM No: SF20/44

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee Meeting held on 7 July 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of the Strategic Planning and Development Committee meeting must be submitted to Strategic Planning and Development Committee for confirmation, in accordance with clause 20.23 of the Waverley Code of Meeting Practice.

The Strategic Planning and Development Committee did not meet in August. Accordingly, the minutes of the July meeting are submitted to this meeting for confirmation.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 7 July 2020



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 7 JULY 2020**

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 Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Will Nemesh	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
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.31 pm, those present were as listed above.

At 7.51 pm, Cr O'Neill left the meeting and did not return.

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 Crs Burrill and Copeland.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/20.07 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 3 March 2020 (SF20/44)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That the minutes of the Strategic Planning and Development Committee Meeting held on 3 March 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/20.07 Waverley Development Control Plan 2012 (Amendment No. 8) and Community Participation Plan 2019 (Amendment No. 1) (A20/0155)

MOTION

Mover: Cr Lewis
Seconder: Cr Keenan

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 8) attached to this report, in accordance with section 21 of the *Environmental Planning and Assessment Regulation 2000*, to take effect on 1 August 2020.
2. Adopts the Draft Community Participation Plan (Amendment No.1) attached to this report in accordance with division 2.6 of the *Environmental Planning and Assessment Act 1979*.

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

‘Adopts the Waverley Development Control Plan (Amendment No. 8) attached to this report, in accordance with section 21 of the Environmental Planning and Assessment Regulation 2000, to take effect on 1 August 2020, subject to the following amendment:

- (a) A new clause being inserted on page 117, under Public Domain B16, section 16.3 Arcades and Through Site Links, heading Controls as follows:
 - (e) viii Adhere to Council’s health policy by regular deep cleansing of the pedestrian access through the arcade.’

AMENDMENT

Mover: Cr Betts
Seconder: Cr Kay

That the following sub-clause be added to clause 1:

- ‘(b) That the following clause on page 163 under Low Density Residential C2, section 2.8 Car Parking, sub-section 2.8.4 Design be deleted:
 - (c) No element of the street facade/frontage of a building including verandas and window awnings are to be removed or demolished in order to accommodate car parking.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemesh.

Against the Amendment: Crs Keenan, Lewis, Masselos, O’Neill, Wakefield and Wy Kanak.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 8) attached to this report, in accordance with section 21 of the Environmental Planning and Assessment Regulation 2000, to take effect on 1 August 2020, subject to the following amendment:
 - (b) A new clause being inserted on page 117, under Public Domain B16, section 16.3 Arcades and Through Site Links, heading Controls as follows:
 - (e) viii Adhere to Council's health policy by regular deep cleansing of the pedestrian access through the arcade.
2. Adopts the Draft Community Participation Plan (Amendment No.1) attached to this report in accordance with division 2.6 of the *Environmental Planning and Assessment Act 1979*.
3. Council commits to implementing and progressing the DCP and Community Participation Plan in ways that operate to involve and acknowledge that Aboriginal first nation peoples have a custodial ongoing spiritual, social, cultural, economic and traditional relationship to looking after country and people.

Division

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

Against the Motion: Nil.

At 7.51 pm, during the consideration of this item, Cr O'Neill left the meeting and did not return.

6 Urgent Business

There were no items of urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 7.56 PM.

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SIGNED AND CONFIRMED
CHAIR
1 SEPTEMBER 2020

REPORT
PD/5.1/20.09

Subject: Property Strategy 2020-2024 and Property Policies - Adoption

TRIM No: A19/0131

Author: Andrew Best, Executive Manager, Property and Facilities

Director: Darren Smith, Chief Financial Officer

RECOMMENDATION:

That Council:

1. Adopts the Waverley Council Property Strategy 2020–24 attached to this report (Attachment 1).
2. Adopts the Leasing and Licensing on Council Managed Land Policy attached to this report (Attachment 2).
3. Adopts the Property Acquisition and Disposals Policy attached to this report (Attachment 3).
4. Adopts the Commercial Property Policy attached to this report (Attachment 4).
5. Notes the status of the projects identified in the Property Strategy as strategic actions, to be delivered in the current financial year.

1. Executive Summary

Council does not currently have a strategic framework to guide the management of its property portfolio. Council's previous strategic planning document in the property area was the Investment Strategy 2 (2007–2017).

Council has a number of large-scale strategic property projects currently underway and the need for a strategic framework for the management of Council's property portfolio is stronger than ever. Council has the responsibility to manage and maintain its property portfolio in the best interests of the local community and stakeholders.

The Property Strategy 2020-2024, Property Acquisition and Disposals Policy, Commercial Property Policy and Leasing and Licensing on Council Managed Land Policy, together form a high-level strategic property framework that together will ensure that Council's objectives for its property portfolio are met, in accordance with the key principles set out in the Property Strategy.

The delivery of the strategic actions identified in the strategy will ensure that Council has the necessary data in relation to the performance of its property portfolio, to inform future decision-making in the property area, for the public good.

2. Introduction/Background

The project to develop a Property Strategy commenced in 2019. In February that year, a proposal for the development of a strategic property framework consisting of a Property Strategy and new property policies was presented to the Executive Leadership Team (ELT) and was approved.

The Property Strategy and accompanying policies have been developed with the assistance of consultants Asset Technologies Pacific (ATP) and guided internally by the Strategic Property Working Group, comprising the Director, Planning, Environment and Regulatory, Chief Financial Officer, Executive Manager, Property and Facilities, and Property Manager.

The documentation has been further peer reviewed by property consultant Paul Nelson, who has extensive Local Government and private sector property experience.

A Councillor workshop was held on 11 June 2019, at which Councillors provided their input into the development of objectives and key principles to be included in the strategy, to drive Council's strategic direction in the property area.

A further workshop was held on 14 July 2020 at which the Draft Property Strategy 2020-2024, Commercial Property Policy, Acquisition and Disposals Policy, Leasing and Licensing on Council Managed Land Policy along with a Waverley Council Property Portfolio Analysis Report were presented, and Councillor feedback received.

The strategy has been created for the period from 2020 to 2024, to align with the end of the next Council term which will commence in 2021. The strategy will be reviewed and updated at the end of the four-year period.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 18 September 2007	0709.11.3.2	That the recommendation of the Finance, Ethics and Strategic Planning Committee made at its meeting on 4 September 2007 be adopted with the additional clause: 'Council note that it will receive further reports as it requires as elements of the Investment Strategy move into implementation.'
Finance, Ethics and Strategic Planning Committee 4 September 2007	F-0709.7	That: 1. Council note that it has previously determined to sell its remaining industrial unit in Alexandria to generate income for the Investment Strategy. 2. As the main depot in Green Square is incompatible with the existing planning controls and future development proposals for this part of Green Square and is considerably larger in area than required, Council sell the depot and use the proceeds to fund the acquisition and construction of new depot and sub depot facilities and to generate a return for other projects within the Investment Strategy. 3. Subject to development consent being obtained and a suitable tenure being negotiated with the RTA, Council construct a sub depot under Syd Einfeld Drive as soon as

		<p>practicable.</p> <ol style="list-style-type: none"> 4. Council commence using part of the Hollywood Avenue Car Park for garaging some small vehicles and equipment. 5. Council construct a sub depot under Hugh Bamford Reserve. 6. Council remove the compound behind the Bondi Surf Bathers' Life Saving Club which is used to house some parks and public works staff and transfer its functions to the new sub depot under Hugh Bamford Reserve. 7. Council purchase a new main depot site outside the local government area, preferably in conjunction with one or more other councils or otherwise independently. 8. Council plan for a further 1300m² of office space for staff accommodation in the next 10 years consolidated preferably in Bondi Junction or in the Council Chambers/Waverley Park Precinct. 9. Council undertake a restacking of the Chambers building, with details of the recommended option for the third floor to be provided in a separate briefing to Council. 10. Council prepare a submission to the draft Bondi Junction LEP in regard to the zoning and controls for the Family Day Care Centre site. 11. Once the draft Bondi Junction LEP has been gazetted or is advertised for a second time, Council commence detailed design for a new Family Day Care Centre and other community and/or Council uses on the site. 12. Council continue to pursue a joint venture with the Department of Education and Training on the Bondi Public School site to construct affordable child care and that the Family Day Care site, Hugh Bamford Reserve and Dickson Park be considered as alternative sites should acceptable leasing arrangements be unable to be negotiated for the Bondi Public School site. 13. Council prepare a master plan underpinned by commercial feasibility advice to set out the long term vision for a number of key Councils sites in the Spring/Ebley Street Precinct, in particular the Officeworks and Waverley Works buildings and Mill Hill site. 14. Council take no sale or redevelopment action arising out of the feasibility work to date on the Officeworks and Waverley Works sites. 15. As the draft Bondi Junction LEP proposes a FSR of 4:1 for
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		<p>the Officeworks and Waverley Works sites, Council re examine the potential for these sites as part of the Spring/Ebley Street Precinct Master Plan process.</p> <p>16. Council note that it has determined to peer review draft Amendment No. 6 to the Waverley/Woollahra Joint Bondi Junction Commercial Centre LEP, which relates to the Bondi Junction Town Square Precinct.</p> <p>17. Council undertake discussions with land owners within the potential Bondi Junction Town Square site with a view to progressing the achievement of Amendment No 6 Town Square objectives.</p> <p>18. Consistent with objectives of the draft Bondi Junction LEP including the generation of office space and economic opportunities in the western end of Bondi Junction, Council undertake further feasibility work with a view to converting part of the north west corner of Levels 5, 7 and 8 of the Eastgate Car Park to office space.</p> <p>19. In order to provide a viable income generating investment, Council consider the use of about 75% of the proposed conversion of the north west corner of the Eastgate Car Park for commercial leasing, with the remaining 25% considered a feasible option for the accommodation of Council staff.</p> <p>20. Subject to the financial and other support of the Eastgate Costshare Committee, improvements to the Spring, Newland and Ebley Street façades of the Eastgate building be undertaken in conjunction with the potential conversion of the north west corner of the Eastgate Car Park.</p> <p>21. Council undertake immediate action at Waverley Pavilion in line with the most recent structural report and closely monitor its condition.</p> <p>22. As an immediate priority, Council prepare a detailed accommodation brief for a new Waverley Pavilion, prior to preparing a detailed design, gaining development approval and demolishing and rebuilding the Pavilion,</p> <p>23. Council prepare a revised Plan of Management for Bondi Park and a revised Plan of Management or Master Plan for Waverley Park and fund priority improvements resulting from the Plans through the recurrent budget, rather than through Investment Strategy funds.</p> <p>24. Council prepare and implement an Asset Action Plan for the Bondi Pavilion and fund its implementation through a combination of the recurrent and capital budget, grants and funds generated from the Investment Strategy.</p>
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		<p>25. Council form an internal Housing Management Working Group to manage the Waverley Affordable Housing Program in the short to medium term.</p> <p>26. Council continue to fund the construction of Greenlinks from grants and the sale of laneways and road reserves which are surplus to Council's requirements.</p> <p>27. Council prepare updated design guidelines for the Arnold Street road closure in preparation for a sale of the site to fund approved Greenlinks.</p> <p>28. While detailed feasibility and design work is being undertaken on Investment Strategy projects, Council maintain funds set aside for income generation in short to medium term investments, recognising that this will not achieve an optimum rate of return but provides an appropriate holding strategy until the funds are required for approved Investment Strategy projects.</p> <p>29. Council only consider property acquisition in the next 12 months as an investment arising from this Strategy if the purchase can provide immediate income and has true potential to achieve a strategic purpose eg a new main depot</p>
Council 15 May 2007	0705.13.2	That Council adopts option A as the consultation mechanism for Councillors on the Investment Strategy over the next few months.

4. Discussion

The Property Strategy is the highest-level planning document within the strategic property framework. The three new policies are presented along with the strategy as one package, so to establish a framework of strategic documents to drive and underpin decision making in the property area.

The strategy aims to provide a holistic approach to the management of all property assets and establishes a set of objectives and guiding principles for the alignment of Council's property portfolio with its future community and service delivery requirements.

The Property Strategy sits within Council's broader strategic planning framework.

The Property Strategy

The strategy document is structured to provide an overview of Council's existing land holdings and establishes the documents position in Council's overall Strategic Planning Framework. The document sets out the property classifications for land under Council's management. Those being Council-owned (community or operational), Crown Reserves, public road or properties leased or licensed from others.

The strategy then introduces the 'categories of use' as a means of categorising each of Council's properties (buildings). The categories of use are:

- | | |
|---|---|
| • Direct community service properties | e.g. Early Education Centres |
| • Indirect community services properties | e.g. WAYS Youth and Family, 63A Wairoa Avenue |
| • Council operational services properties | e.g. AIF Depot, Council Chambers building |
| • Commercial properties | e.g. Spotlight, Officeworks buildings |

It should be noted that some Council sites have blended use, where this is the case the property is designated to the primary or majority use e.g. Margaret Whitlam Centre which is designated as a Direct Community Service property.

Objectives and key principles

Consultant ATP facilitated a workshop with Councillors in June 2019 to seek Councillors' input into the development of the objectives and key principles to be included in the Strategy. The strategic property objectives represent the tangible outcomes that will be realised from Council's property management activities. The objectives are expressed in a way that make them measurable and that can be monitored over time, so as to inform Council in relation to whether the Property Strategy or actions need to be adjusted.

The following strategic property objectives have been identified:

- Ensuring that Council's property portfolio is managed in a financially sustainable way that optimises the balance of both commercial and community outcomes specific to each property.
- Ensuring its property management practices are consistent with Council's strategic goals, as defined in its Community Strategic Plan.
- Meeting community needs and expectations taking into consideration future trends and changes in community demographics.
- Ensuring properties are safe, secure and compliant with relevant legislation and other regulatory obligations including Council policies, procedures and guidelines.
- Ensuring properties are maintained in accordance with best practice strategic asset management principles, with all buildings being maintained such that their condition ratings are either *very good*, *good* or *fair* as defined in Council's Strategic Asset Management Plan.

The key principles developed from Councillor feedback have been formulated to help ensure good governance, practice and outcomes. The following strategic property key Principles have been identified:

- Best practice property management which is regularly reviewed and improved.
- Maximisation of the overall value of Council property in terms of both commercial value and community outcomes.
- Community and stakeholder needs are sought, and expectations are met.

Several sub-principles have also been created from Councillor feedback, that sit under each of the key principles, which provides clear guidance on how Council will manage its property portfolio, to ensure the objectives are met.

Councillor feedback received at the workshop has also been used to guide the development of the property policy framework e.g. Council made it clear at the workshop that any funds received from the sale of property should be reinvested in the property portfolio and not go into general revenue. This policy position has been captured in the Property Acquisitions and Disposals Policy.

Strategic actions

The strategy includes 15 strategic actions to be delivered over the four-year term of the strategy. It is through the successful delivery of these actions that Council's strategic property objectives will be met, in accordance with the key principles.

The strategic actions have then been collated into an Implementation Plan, which provides an estimate of when each action will be delivered.

The strategic actions include the holistic review of a number of property categories. It is through the completion of these reviews that detailed and current information as to the performance of Council's property portfolio will be obtained and presented to Council to inform future strategic property decisions.

Implementation Plan

The implementation plan sets out in which year each strategic action will be delivered over the four-year term of the strategy. It is anticipated that following Council endorsement of the strategy, the Strategic Actions will be incorporated into the next Council Delivery Program (three-year) to ensure progress in the delivery of the Strategy is reported on regularly and can be tracked.

Delivery of the strategy

The Strategic Property Working Group will be responsible for guiding the delivery of the Property Strategy. The working group will be chaired by a member of the Executive Leadership Team (ELT) and will include internal representatives and subject matter experts from across Council. The group will meet monthly and will provide briefings, advice and recommendations to ELT and involve Councillors through workshops and reports to Council, to support delivery of the strategy. The group will engage external property consultants and financial experts to assist on an as needs basis.

Property Policies

Strategic action 2 of the Property Strategy established the requirement for a suite of new property related policies to be developed to support the delivery of the strategy. It is important that Council has an endorsed policy position in the areas of acquisition and disposal, leasing and licensing and commercial properties prior to making future strategic decisions.

The following three property policies have been developed that along with the Property Strategy form part of the strategic property framework.

Leasing and Licensing of Council Managed Land Policy

The Policy provides guidance on:

- Types of leases and licenses e.g. retail or residential.
- Considerations when leasing/licensing on Community or Crown Land.
- Justification for leasing/licensing, e.g. service delivery, commercial return.
- Assessment to inform the need to enter into a lease/Licence.
- Available methods to lease/license property e.g. public tender, EOI, direct negotiation.
- Overview of process.

Property Acquisitions and Disposals Policy

The Policy provides guidance on:

- Justification for acquisition/disposal of property.
- Assessment to inform when to acquire/dispose.
- Available methods to acquire/dispose.
- Overview of the process to acquire/dispose.

Commercial Property Policy

The Policy is to be used by Council when making decisions in relation to Council's Commercial Property portfolio and provides guidance on:

- Definition of commercial property.
- Council roles in respect of commercial property.
- Justification and assessment required to designate a property as commercial.

The Property Team has commenced the development of a set of Property Guidelines which will set out the detailed processes and procedures to be followed to ensure adherence to the policies.

5. Financial impact statement/Time frame/Consultation

Given the significant number of activities currently taking place in the property area, officers have commenced work on the Strategic Actions scheduled to be delivered in the current financial year prior to formal endorsement of the strategy.

The table below provides the current status of each of the Strategic Actions to be delivered in the current financial year.

Table 1. Status of Property Strategy 2020-2021 strategic actions as of August 2020.

Strategic action no.	Strategic action	Status/timeline
1	Establish officer led Strategic Property Working Group to oversee the delivery of Council's Property Strategy and provide advice to Council (as decision maker).	Completed - The group has been established following ELT approval September 2019. The group has led the delivery of the strategy and policies being presented to Council.
2	Develop a suite of new property related policies and update existing, to support the delivery of the strategy.	Underway – Three Policies have been drafted and are being presented to Council along with the Property Strategy for endorsement. Three existing policies to be reviewed.
5	Investigate options for a Property Management System (PMS) and then establish the system to improve the effectiveness with which Council manages its property portfolio	Underway – The procurement of a PMS has been included in the scope of the Asset Management System Project; currently underway. This is a multi-year project.
6	Carry out a Council Staff Accommodation Review, to investigate agile working	Underway – The review is underway with consultants engaged to provide analysis of

Strategic action no.	Strategic action	Status/timeline
	opportunities within Council's property portfolio, to provide optimal accommodation to cater for staffing and service levels to meet future needs.	current best practice, options analysis and recommendations.
7	Develop Plans of Management for all Council-owned and managed Community Land.	Underway – The Open Space Team are working on the development of POMs in accordance with the Crown Lands Management Act (2016). A report will be brought to Council in late 2020 setting out the priority POMs to be developed.
8	Undertake a high-level analysis of Council's property portfolio to develop a list of priority projects requiring further review or Council determination.	Completed – This is a working document that provides an overview of the status of all Council's Property Assets (buildings). A draft analysis report was presented at a Councillor Workshop in July 2020. The document will be updated at regular intervals and provided to Council as required.
9	Include the strategic actions identified in the Property Strategy as part of future Delivery Programs and Operational Plans so that progress in the delivery of actions can be tracked.	Underway – For the current financial year 2020-21, progress on the delivery of the strategy will be reported to Council as part of the 6 monthly progress reports against the Operational Plan. The actions relating to 2021-22 will be incorporated into the Operational Plan for that year.
10	Carry out a review of the performance of Council's Commercial Property Portfolio to include valuations, yield, classifications, zoning and options for potential future development.	Pending - Consultants to be engaged early in 2021.
11	Carry out an audit and review of Council's community tenancy property portfolio and services.	Underway – Consultants have completed the review and a report will be brought to Council with recommendations relating to community tenant lease arrangements in late 2020.
12	Develop an operational management model for both the newly renovated Bondi Pavilion and Boot Factory buildings in time for their reopening. The model should prioritise community outcomes (including financial sustainability) whilst balancing the requirement to generate funds to contribute to operational costs, programs and maintenance of the buildings at an appropriate standard.	Underway – A consultant's brief has been issued. The consultants will carry out an options analysis of different operational management models, provide advice on current best practice and make recommendations as to the appropriate model for each building.
13	Carry out condition assessments on all	Pending – Consultants to be engaged early in

Strategic action no.	Strategic action	Status/timeline
	Council building assets as part of Council's Strategic Asset Management Planning cycle.	2021, with data to be included in SAMP 6.
14	Carry out a holistic review of Council's social and affordable housing property portfolio and program.	Underway – An RFQ process has commenced to appoint a consultant to undertake the review. The review is anticipated to be completed in late 2020.

There are no budget considerations in relation to the adoption of the Property Strategy and policy documents. The cost of engaging consultants to undertake the various reviews identified in the current financial year has been allocated in the Property and Facilities Department's operational budgets. The Property Strategy and new property policies are high-level internal planning documents and, as such, community consultation is not required.

6. Conclusion

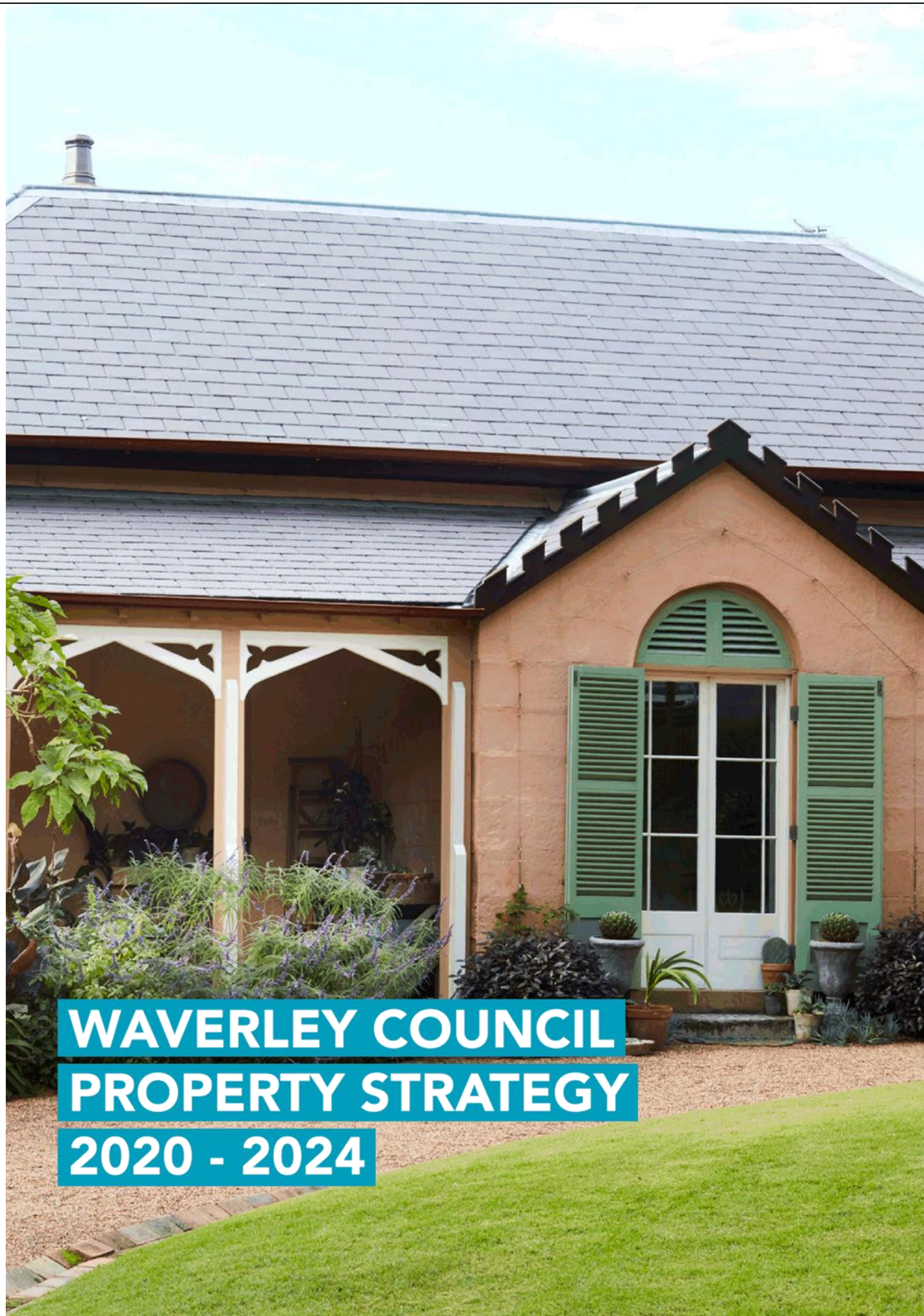
The Property Strategy and accompanying policies represent the creation of a robust framework to guide and inform future Council decisions in the property area.

The strategic property framework will be further developed and strengthened through the delivery of the strategic actions set out in the Property Strategy.

It is recommended that Council adopts the Waverley Council Property Strategy 2020-2024, the Leasing and Licensing on Council Managed Land Policy, the Property Acquisitions and Disposals Policy and the Commercial Property Policy as attached to this report.

7. Attachments

1. Waverley Council Property Strategy 2020-2024 [↓](#)
2. Leasing and Licensing on Council Managed Land Policy [↓](#)
3. Property Acquisitions and Disposals Policy [↓](#)
4. Commercial Property Policy [↓](#)



**WAVERLEY COUNCIL
PROPERTY STRATEGY
2020 - 2024**

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1. INTRODUCTION

Waverley Council (Council) is responsible for the management of property including land and built assets across the 9.2km² of the local government area. Council's Land and Building portfolio has a value of \$583 Million.

Council's property portfolio comprises of land and buildings that are occupied for a mix of community, commercial and Council operational use.

Purpose

The Property Strategy formalises Council's approach to the strategic management of its property portfolio and aligns Council's organisational objectives with its service delivery objectives and community expectations. Application of this Property Strategy will enable Council to best realise the value and benefits from its properties, whether in financial or service delivery terms, and will enable Council to meet the needs of the community as they evolve over time.

The Property Strategy will assist Council in minimising risk and guiding future strategic decision making, investments and budget allocations in relation to its property holdings.

Scope

This Property Strategy applies to all Council property assets (land and buildings), that are either Council owned or managed, whether in full or part, or occupied by Council as lessee.

Council's Open Space and Recreation Strategy (OSRS) should be referenced in relation to land use matters relevant to Council's Parks and Reserves.

Council's Strategic Asset Management Plan (SAMP) should be referenced in relation to the condition ratings of Council's building assets.

2. CONTEXT AND BACKGROUND

Strategic Framework

The Property Strategy forms part of Council’s strategic planning and integrated reporting framework providing strategic direction to assist in the implementation of Council’s Community Strategic Plan 2018-2029.



Previous Strategy

Council has previously managed its property portfolio by adopting the Investment Strategy 2 (2007-2017). Work on developing a new strategy was delayed due to proposed Council amalgamations. As it has subsequently been decided that Waverley will be remaining as a stand-alone Council, it is now imperative that it moves ahead to introduce a Property Strategy and planning framework as a priority.

The Property Strategy 2020-2024 will serve as the highest level of planning and lay the path for the future development of additional policies, plans and procedures in the property area.

3. PROPERTY CLASSIFICATIONS AND CATEGORIES OF USES

3.1 PROPERTY CLASSIFICATIONS

Council Owned Land

All Council owned land must be classified as either Community Land or Operational Land.

Community Land

Community Land includes land intended for public access and use including public reserves and is managed under the Local Government Act 1993.

Community Land cannot be sold; cannot be leased, licenced or any other estate granted over the land for more than 21 years (other than in exceptional circumstances); and must have a Plan of Management (POM) prepared for it. Community Land maybe reclassified as operational land to meet future service requirements via an amendment to the Local Environment Plan

Operational Land

Operational Land does not have any special legislative restrictions other than those that may apply to any piece of land e.g. Planning.

Land classified as Operational includes commercial and residential property (either held for capital gain or providing rental yields).

Council Owned Public Roads

In accordance with the Roads Act 1993, Council is the Roads Authority in relation to public roads within the Waverley Local Government Area. Public roads mean any road that is opened or dedicated as a public road, and any road that is declared to be a public road, within the meaning of the Roads Act 1993.

Crown Reserves (Council as Land Manager)

The management of Crown Land is governed by the Crown Land Management Act 2016, which authorises Council to manage Crown Land as if it were Public Land under the Local Government Act 1993.

Council, in its capacity as a Manager of Crown Land, is required to create a new or amend an existing Plan of Management, for these lands under the provisions of the Local Government Act 1993.

Properties Leased / Licensed from Others

Council may lease or license properties from other parties where:

1. The property or part of the property being used by Council will contribute to Council meeting its statutory, service delivery and/or community requirements;
2. Council possesses the required resources and capability (which may be supplemented by external parties as required) to manage the property or part thereof; and
3. Ownership of the property would be impractical, inappropriate or otherwise problematic. This may be due to a pre-existing arrangement, or as a result of Council determining the value to be realised from leasing / licensing being greater than the value that could be realised if Council were to assume ownership of the property, or similar reason.

Examples of properties currently being leased / licensed by Council include the Grafton St Office, Public Place Cleansing depot under Syd Einfeld Drive, Waverley EEC and Grace Childcare buildings.

3.2 CATEGORIES OF USES OF COUNCIL PROPERTY

Council has categorised the uses of its property portfolio in the following terms.

Direct Community Services Property

Properties that provide services directly to the community are those which are occupied, visited and used by members of the community as part of a particular Council service as well as those properties where Council engages with the community as part of a Council service.

The types of properties that directly provide community services include: Library, Community Halls, Community Service Centre, Social and Affordable Housing, Child Care Centres, Park / Open Space Area, Recreation Centre.

Indirect Community Services Property

Properties that provide services indirectly to the community are those which are utilised by a service provider such as community partners, charities, not-for-profit organisations that deliver the service to the community.

These properties are typically owned by Council and made available to the service provider on a lease or license basis. Depending on the overall value that can be realised from the property and the service provision being offered, Council may elect to make the property available on preferential lease terms such as subsidised rent, to attract the most appropriate service provider. Such concessions on preferential lease terms may also be used to attract funding from external sources.

Council Operational Services Property

Operational services properties are those which accommodate Council staff who oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery.

The types of properties that directly provide community services include the Council Chambers, Administration Offices and Depots.

Commercial Property

Commercial property relates to the use and management of land or assets where the primary purpose is an investment for the generation of revenue. A key financial objective for commercial properties will be to achieve self-sufficient operation and to supplement the funding of the operation, management, maintenance and capital requirements for Council's other services.

Properties of a commercial nature may also include a provision for community benefit, albeit this secondary function may not always apply. It is preferable, however, to maximise opportunities for community benefit wherever practical to maximise the overall value being realised.

Council will generally determine which of the above applies during the planning stage of new developments. Council may recategorise the use of a property to meet service requirements as required. Where buildings accommodate multiple uses, the property will be designated according to the primary or majority use.

In addition to the four usage categories outlined above Council property may from time to time become and be categorised as vacant. Where a property remains vacant for an extended period Council may declare property as surplus and therefore redundant to needs. Where a property is identified as redundant a decision will need to be made regarding the most appropriate action to take for the property, for example disposal, development or other action. This decision should take into consideration not only the financial implications but also the impacts to the current and future members of the community.

4. OBJECTIVES, KEY PRINCIPLES AND STRATEGIC ACTIONS

Council has structured its Property Strategy by adopting the following elements:

Element	Description
Objective	What will be achieved (by adopting the Key Principles and performing the Strategic Actions)
Key Principles	How the Strategic Actions will be performed
Strategic Actions	What property management activities will be performed to meet the objectives

4.1 OBJECTIVES

Council has defined Strategic Property Objectives which represent the tangible outcomes that will be realised from its property management activities. The Objectives are expressed in such a manner that future outcomes can be measured and monitored over time so as to inform Council in relation to whether the Property Strategy or actions need to be adjusted.

Council will manage its property portfolio in accordance with the Key Principles and achieve the following Objectives:

- ensuring its property management practices are consistent with Council's strategic goals, as defined in its Community Strategic Plan;
- meeting community needs and expectations taking into consideration future trends and changes in community demographics;
- ensuring properties are safe, secure and compliant with relevant legislation and other regulatory obligations including Council policies, procedures and guidelines;
- ensuring properties are maintained in accordance with best practice strategic asset management principles, with all buildings being maintained such that their condition ratings are either very good, good or fair as defined in Council's Strategic Asset Management Plan; and
- ensuring that Council's property portfolio is managed in a financially sustainable way that optimises the balance of both commercial and community outcomes specific to each property.

4.2 KEY PRINCIPLES AND STRATEGIC ACTIONS

Council will adopt the following Property Management Key Principles to ensure good governance, practice and outcomes. Strategic Actions have been identified which will be undertaken in accordance with relevant Key Principles, thereby ensuring Council meets its strategic Objectives for the property portfolio.

Key Principle 1 - Best practice property management which is regularly reviewed and improved

- Council will adopt property management practices that are based on good governance, ethical behaviour and can be transacted in a transparent and accountable manner;
- Council will continuously monitor and review its property management performance to ensure Council has the necessary current and relevant information on which to base its decisions;
- Council will consider short, medium and long-term implications of property projects when undertaking an acquisition, disposal, proposal for alternative use or refurbishment of Council property; and
- Council will make property decisions with consideration of the financial, social, environmental and economic performance of a property.

Action 1 – Establish officer led Strategic Property Working Group to oversee the delivery of Council's Property Strategy

Action 2 – Develop a suite of new property related Policies and review / update existing policies, to support the delivery of the strategy (See Property Policy Register Appendix 1).

Action 3 – Carry out a review and audit of Council's Property and Land Register to ensure accuracy of information.

Action 4 – Carry out a review of Council's Asset Register for buildings and land to ensure valuations are consistent with identified Fair Value.

Action 5 – Investigate options for a Property Management System and then establish the system to improve the effectiveness with which Council manages its property portfolio.

Action 6 – Carry out a Council Staff Accommodation Review, to investigate agile working opportunities within Council's property portfolio, to provide optimal staffing and service levels to meet future needs.

Action 7 – Develop Plans of Management for all Council owned and managed Community and Crown Land.

Action 8 – Undertake a high-level analysis of Council's property portfolio to develop a list of priority projects requiring further review or Council determination.

Action 9 – Include the Strategic Actions identified in the Property Strategy as part of future Delivery Programs and Operational Plans, so that progress in the delivery of actions can be tracked.

Key Principle 2 - Maximisation of the overall value of Council property, in terms of both commercial value and community outcomes

- Council will manage its property portfolio in a financially sustainable way, to optimise value, whether through maximising investment yield, delivering quality community outcomes or through a combination thereof.
- If Council is unable to maximise investment yield, consider alternate uses for commercial property through other strategies such as redevelopment or disposal.
- Council will maximise utilisation of property assets through the collocation of services in multi-use facilities wherever possible.

Action 10 – Carry out a review of the performance of Council's Commercial Property Portfolio to include valuations, yield, classifications, zoning and options for potential future development.

Action 11 – Carry out an audit and review of Council's community tenancy properties and services.

Action 12 – Develop an operational management model for both the newly renovated Bondi Pavilion and Boot Factory buildings in time for their reopening. The model should prioritise community outcomes (including financial sustainability) whilst balancing the requirement to generate funds to contribute to operational costs, programs and maintenance of the buildings at an appropriate standard.

Key Principle 3 - Community and stakeholder needs are sought, and expectations are met

- Council's property portfolio will be managed and maintained to meet community needs, demands and expectations now and into the future.
- Council will consult with the community, tenants and other stakeholders on all major property projects and act in a responsive manner when dealing with feedback.
- Council will partner with external organisations and agencies where appropriate to optimise community outcomes and provide highest and best use.
- Council will implement Ecological Sustainability Development (ESD) principles when undertaking new developments or building upgrades.

Action 13 – Carry out condition assessments on all Council building assets as part of Council's Strategic Asset Management Planning cycle.

Action 14 – Carry out a holistic review of Council's social and affordable housing property portfolio and program.

Action 15 – Develop a list of remnant land parcels such as laneways and other unused road assets for possible reuse or sale.

5. IMPLEMENTATION PLAN

The Property Strategy has been developed to provide a holistic framework for the management of all property assets and establishes guiding principles for the alignment of Council's property portfolio with its future community and service delivery requirements.

The implementation of the strategic actions outlined in the Strategy will be undertaken as outlined in the table below. The Strategic Property Working Group will be responsible for the delivery of the strategy.

The Group will be chaired by a member of the Executive Leadership Team (ELT) and will include internal representatives and subject matter experts from across Council. The group will meet monthly and will provide briefings, advice and recommendations to ELT and involve Councillors through workshops and reports to Council to support delivery of the strategy. The group will engage external property consultants and financial experts on an as needs basis.

Action no.	Action	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
1	Establish officer led Strategic Property Working Group to oversee the delivery of Council's Property Strategy.	✓				
2	Develop a suite of new Property related Policies and review / update existing policies, to support the delivery of the strategy.	✓	✓			
3	Carry out a review and audit of Council's Property and Land Register to ensure accuracy of information.			✓		
4	Carry out a review of Council's Asset Register for buildings and land to ensure valuations are consistent with identified Fair Value.			✓		
5	Investigate options for a Property Management System and then establish the system to improve the effectiveness with which Council manages its property portfolio		✓			
6	Carry out a Council Staff Accommodation Review, to investigate agile working opportunities within Council's property portfolio, to provide optimal staffing and service levels to meet future needs.	✓	✓			
7	Develop Plans of Management for all Council owned and managed Community and Crown Land.	✓	✓	✓	✓	✓
8	Undertake a high-level analysis of Council's property portfolio to develop a list of priority projects requiring further review or Council determination.	✓	✓	✓	✓	✓
9	Include the Strategic Actions identified in the Property Strategy as part of future Delivery Programs and Operational Plans, so that progress in the delivery of actions can be tracked.		✓			

Action no.	Action	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
10	Carry out a review of the performance of Council's Commercial Property Portfolio to include valuations, yield, classifications, zoning and options for potential future development.		✓		✓	
11	Carry out an audit and review of Council's community tenancy property and services.	✓	✓			
12	Develop an operational management model for both the newly renovated Bondi Pavilion and Boot Factory buildings in time for their reopening. The model should prioritise community outcomes (including financial sustainability) whilst balancing the requirement to generate funds to contribute to operational costs, programs and maintenance of the buildings at an appropriate standard.		✓	✓		
13	Carry out condition assessments on all Council building assets as part of Council's Strategic Asset Management Planning cycle.		✓			
14	Carry out a holistic review of Council's social and affordable housing property portfolio and program.		✓			
15	Develop a list of remnant land parcels such as laneways and other unused road assets for reuse or sale.				✓	

6. DEFINITIONS

Following are the key definitions relating to Waverley Council's property management strategy. For further technical detail on the definitions, refer to the Property Guidelines.

Acquisition	An asset or object bought or obtained by Council.
Asset	Aggregated physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.
Building	Includes part of a building and any structure or part of a structure but does not include a moveable dwelling or associated structure; or part of a moveable dwelling or associated structure as defined in the Local Government Act 1993.
Co-ownership	Ownership of an asset whether at law or in equity in possession by two or more persons as joint tenants or as tenants in common; and co-owner has a corresponding meaning and includes an incumbrancer of the interest of a joint tenant or tenant in common.
Crown Land	Crown land as defined in the Crown Lands Act 1989 before its repeal, land that becomes Crown land because of the Crown Land Management Act 2016 or a declaration made under the Crown Land Management Act 2016, and land vested, on and from the repeal of the Crown Lands Act 1989, in the Crown (including when it is vested in the name of the State).
Disposal	The sale or transfer of an asset beyond Council.
Public Land	Land that is vested in or under Council's control.
Lease	An agreement via contract between the Lessor and Lessee that secures the use of an asset by the Lessee subject to conditions, such that the Lessee has exclusive possession of the asset and there is a fixed term of occupation with rent payable.
License	An agreement via contract between the Licensor and Licensee that secures the use of part of an asset by the Licensee for a fee subject to conditions and such that the Licensee does not have exclusive possession of the asset.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include dunny lanes, road closures, excess land from old subdivisions, verge extensions or footpath widenings.
Surplus Assets	Surplus assets are assets that are considered to be of no benefit to either the community through the delivery of services, or long-term strategic property portfolio or for any other purpose Council related purpose.

APPENDIX 1

Waverley Council Property Policy Register

Property	Status	
Property Acquisitions and Disposals Policy	In development	2019-20
Leasing and Licensing of Council Managed Land Policy	In development	2019-20
Commercial Property Policy	In development	2019-20
Community Tenancy Policy (2014)	To be reviewed	2020-21
Waverley Housing for Older People Tenancy Policy (2014)	To be reviewed	2020-21
Waverley Affordable Housing Program Tenancy Policy (2014)	To be reviewed	2020-21



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Waverley Council Property Strategy 2020-2024



WAVERLEY
COUNCIL

Leasing and Licensing of Council Managed Land Policy

Leasing and Licensing of Council Management Land Policy

Policy owner	Andrew Best
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	
Relevant legislation/codes	
Related policies/procedures/guidelines	
Related forms	

VERSION CONTROL

This Leasing and Licensing of Council Managed Land Policy is effective upon its approval and is due for review in 2024.

Version	Description of Change	Author	Reviewed By	Approved By	Date Approved
Draft 1	Initial draft	ATP	AB	-	-
Draft 2	Updated with stakeholder feedback	ATP	AB	-	-
Version 1	Release version	ATP	AB	-	-
Version 1.01	Updated references	ATP	AB	-	-
Final	Finalised following Councillor review	AB	JA	-	-

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1. Background

Waverley Council (Council) owns and manages a Property portfolio comprising land and building assets that are important to meeting the needs of the local community. Council is committed to managing its Properties in a manner that not only discharges its statutory responsibilities under the Local Government Act 1993 but also enables Council to address current and future needs.

In order to ensure that Council implements structured, rigorous and robust property management practices, a strategic property framework was established which comprises the following elements:

- 1) ***Property Strategy*** – Highest level planning document that details Council’s overarching property management strategy, the Objectives to be achieved for the long-term benefit of the Waverley community and the Principles to be adopted when managing Properties to achieve the Objectives.

The Draft Waverley Council Property Strategy 2020-2024 will be presented to Council for endorsement in 2020.

- 2) ***Property Policies*** – Processes for making decisions and planning actions in accordance with the *Property Strategy*
 - (i) Property Acquisitions and Disposals Policy;
 - (ii) Leasing and Licensing Council Managed Land Policy (This Policy);
 - (iii) Community Tenancy Policy; and
 - (iv) Commercial Property Policy.

2. Purpose

This Policy is designed to enable Council to make informed, strategic and transparent decisions in relation to the **Leasing and Licensing of Council Property**, where:

- A lease agreement between Council and a tenant gives the tenant an exclusive interest in a property; and
- A license provides a tenant with the non-exclusive use of Council controlled property.

This Policy provides guidance on:

- Which factors need to be considered and prioritised when making decisions regarding the leasing or licensing of a property;
- Whether to proceed with leasing or licensing a property; and
- The most suitable terms under which to lease or license a property.

This Policy should be read in conjunction with the *Property Strategy* for contextual guidance and other Council documents relevant to leasing and licensing.

3. Scope

This Policy applies to properties where Council is the Lessor or Licensor and the properties are:

- Currently owned (whether in full or part) by Council; or
- Under consideration for leasing or licensing (whether in full or part) by Council;

This Policy does not apply to leasing and licensing associated with any of the following:

- Provision of subsidised accommodation to community tenants. The leasing of these properties is addressed through Council's Community Tenancy Policy;
- Short-term hire of community venues;
- Leases and licenses over public roads under the Roads Act (1993);
- Where Council acts as lessee or licensee;
- Footpath Seating Permits; or
- Fitness trainer permits.

4. Policy Content

Council must ensure that all decision-making processes are undertaken in accordance with the Local Government Act 1993 and other relevant legislation, standards, codes and Council policies, plans and procedures. Senior management will make decisions based on relevant available information and additional information sourced from the community, technical personnel and expert advisors as appropriate.

Council will seek to maximise the utilisation of its property through the issuing of leases and licenses.

4.1 Types of Leases / Licenses

- Retail Leases - As defined by the Retail Leases Act (1994).
- Commercial leases – Leases other than Retail leases where a business undertakes commercial activities to provide income to Council.
- Residential leases – As defined by the Residential Tenancies Act (2010).
- Surf Clubs leases – Leases to Surf Clubs should follow the Crown Lands Guide to *Authorising surf life saving clubs' use of Crown land in NSW (2016)*.
- Community Tenancy Leases - Refer Council's Community Tenancy Policy 2014.
- Sporting groups licenses – Licenses will be awarded to local Not for Profit sporting clubs and associations through an EOI process. With successful organisations receiving subsidised rent of Council sports fields, with subsidy levels to be approved by Council.

- Mobile vendors / Market licenses – Council will award a limited number of licenses to commercial operators to delivery services in specific locations, that are not the core business of Council but that meet community demand.

4.2 Leasing / Licensing of Council Property

Council is party to a range of existing lease and license arrangements.

Council may identify that an alternative lease or license arrangement represents the best outcome for Council or the community relative to a pre-existing arrangement and seek to establish a new lease or license with a third party.

A decision will need to be made regarding the most appropriate action to take for the property, considering both the impacts to the current and future members of the community as well as the financial implications.

4.2.1 Leasing / Licensing on Community and Crown Land

Council may only lease or license Community Land where this is authorised by a Plan of Management. The terms of the lease or license must have regard to the needs and benefits of the community. Council will enter into Leases and Licenses on Community Land only in accordance with Section 46 and 47 of the Local Government Act 1993.

In accordance with the Crown Land Management Act 2016 Council will manage Crown Land as if it were community land under the Local Government Act 1993.

4.3 Justification for Leasing / Licensing of Council Property

A decision to lease or license a property must be justified in terms of the property (or part thereof) subject of the arrangement satisfying at least one of the following criteria:

- It will serve a function that supports the achievement of Council's Objectives as set out in the *Property Strategy*;
- It will be aligned with Council's *Community Strategic Plan* and other relevant strategies;
- It will meet community expectations and demand;
- It will optimise the utilisation of the property;
- It will support the service delivery requirements for Council; or
- It will deliver a commercial return to Council.

4.4 Assessment to Inform the Need / Opportunity to Lease Property

The following items must be assessed and fully documented when considering whether to lease / license a property:

- Will leasing / licensing the property contribute towards the achievement of one or more Objectives as set out in the *Property Strategy*, and if so, which ones?
- Will leasing / licensing the property support an existing or proposed Council service or assist in the delivery of a Council led project?
- Will expected user demand for the property, in conjunction with the rent, enable Council to provide services in a cost-effective manner?
- Will Council's standard terms and conditions be appropriate, or will modifications be required to accommodate user specific needs?
- What are the proposed performance measures of the property and how do they align with Council's service delivery requirements?
- Is it feasible to convert an existing Council owned property to be fit for the proposed use without compromising the property's capacity to meet existing and future service needs?
- Will a license or a lease arrangement be more suitable arrangement to meet the requirements of Council and/or the community?

The prioritisation and weighting of the assessment items must be appropriate to the Purpose of the property and take into consideration to the current market, property specific details, risk management and good practice.

The information considered as part of the assessment items must be provided to Council when proposing to enter into a lease or license agreement.

4.5 Available Methods to Lease / License Property

Should Council elect to proceed with leasing or licensing a property, then Council must determine the most appropriate method to proceed. The process for determining the most appropriate method must be in accordance with this Policy.

Council may seek to establish a lease or license for a property using one of the following methods:

General Process

- Public Tender through a public exhibition process;
- Expressions of Interest through a public exhibition process; or
- For lease through an external agent or via Council (commencing with a fixed asking price).

Alternative Process Requiring Justification

- Direct negotiation.

The method chosen to award a lease or license will be dependent on the use of the property and also the type of business i.e. not for profit, commercial operator etc.

If proposing Direct Negotiation, a report must be prepared and submitted to Council in accordance with ICAC "Direct Negotiations: Guidelines for Managing Risks" August 2018, where the report justifies the reasons for proposing a direct negotiation and details the activities to be undertaken.

4.6 Overview of the Leasing / Licensing Process

Council will adopt a structured, rigorous and robust planning, implementation and post-implementation process for the leasing and licensing of property in accordance with relevant legislation, standards and codes and Council policies, strategies and guidelines.

Following is an overview of the property leasing / licensing process:

- Identify and assess the need to lease / license the property or the opportunities presented by leasing / licensing the property;
- Determine the most appropriate method for leasing / licensing the property;
- Present a report to the Executive Leadership Team (ELT) providing rationale for proposal to lease / license the property seeking approval to proceed with the process;
- Perform due diligence, obtain independent valuation and conduct further analysis;
- Prepare and advertise documentation seeking market responses;
- Assess market responses;
- Facilitate formal consideration and approval by Council;
- Proceed with the establishment of the lease / license; and
- Finalise documentation and close out the process.

4.7 After Lease / License Establishment

Once a property has been leased / licensed, Council will maintain oversight of the property and manage the agreement with the Lessee / Licensee on an ongoing basis in accordance with the lease and processes that are in accordance with this Policy. The management approach must also be appropriate to the context of the property's specific Purpose.

5. Review of Policy

- 5.1. This policy will be reviewed every 4 years or as required in the event of legislative changes or requirements. The policy may also be changed as a result of other amendments. Any amendments to a community facing policy must be way of a Council resolution, and any amendments to an organisational facing policy must be approved by the General Manager.
- 5.2. Council staff and members of the public may provide feedback about this document by emailing DL_Property_and_Facilities@waverley.nsw.gov.au

6. Definitions

Following are the key definitions relevant to this Policy:

Acquisition	An asset or object bought or obtained by Council.
Agent	In relation to the sale of property, includes any agent or representative named in the contract for the sale of the property.
Asset	Aggregated physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.
Building	Includes part of a building and any structure or part of a structure, but does not include: <ul style="list-style-type: none"> ▪ a moveable dwelling or associated structure; or ▪ part of a moveable dwelling or associated structure, ▪ as defined in the Local Government Act 1993.
Civil Assets	Assets owned or managed by Council which are not roofed and lockable, for example a park bench, playground facility or park picnic area.
Co-ownership	Ownership of an asset whether at law or in equity in possession by two or more persons as joint tenants or as tenants in common; and co-owner has a corresponding meaning and includes an incumbrancer of the interest of a joint tenant or tenant in common.
Community	Assets held for the delivery of services to the Community such as libraries, social housing, administrative services, aged care, child care centres, youth clubs, depots, leisure centres etc. and exclude Public Open Space and Reserves.
Crown Assets	Assets owned and managed by the Crown (State or Federal Government).
Crown Land	Crown land as defined in the Crown Lands Act 1989 before its repeal, land that becomes Crown land because of the Crown Land Management Act 2016 or a declaration made under the Crown Land Management Act 2016, and land vested, on and from the repeal of the Crown Lands Act 1989 , in the Crown (including when it is vested in the name of the State).
Crown Land Manager	Council is a Manager of Crown Land under the Crown Land Management Act previously the Reserve Trustee
Disposal	The sale or transfer of an asset beyond Council.
Freehold	The ownership of property in perpetuity.
Leasehold	The control of land through a leasehold interest ?
Income	When used with reference to property, includes rents and profits.

Leasing and Licensing of Council Management Land Policy

Infrastructure	Fundamental site services needed for operation including water, power, sewer, stormwater, communications and the like.
Public Land	Land that is vested in or under Council's control under the LGA 1993
Obsolescent Asset	An asset that is no longer of use to Council.
Open Market	An unrestricted market with free access and competition of buyers and sellers.
Operational Assets	Assets held for occupation or commercial return and investment purposes. These assets do not provide direct services to the community yet will yield an appropriate rate of return (on the capital value of the property) or be used for Administrative purposes.
Property	Includes Land and Assets that have value from an accounting and/or service delivery perspective.
Property Classification	<p>Council's designated convention for classifying properties in accordance with relevant legislation. The property classifications:</p> <ul style="list-style-type: none"> ▪ Community Land in accordance with the Local Government Act 1993; ▪ Operational Land in accordance with the Local Government Act 1993; ▪ Public Roads in accordance with the Roads Act 1993, where Council is the Roads Authority; ▪ Crown Reserves in accordance with the Crown Land Management Act 2016, where Council is the Manager of Crown Land; and ▪ Properties Leased or Licensed from Others, in accordance with relevant agreements between Council and another party.
Property Purpose	<p>Council's designated convention for the purpose of each property in terms of one of the following:</p> <ul style="list-style-type: none"> ▪ Direct Community Services Property, which provide services directly to the community; ▪ Indirect Community Services Property, which provide services indirectly to the community via a service provider (e.g. tenants, suppliers, partners, charities, not-for-profit organisations or the like) that delivers the service; ▪ Council Operational Services Property, which accommodate Council staff who oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery; or ▪ Commercial Property, which are for the generation of revenue.
Public Auction	The sale of assets where any and all persons who attend are registered and permitted to bid towards purchasing an asset.
Purchaser	Includes a prospective buyer.

Leasing and Licensing of Council Management Land Policy

Real Property Asset	Land owned or managed by Council which is vacant or which is improved by a facility which is both roofed and lockable, such as a block of beachside amenities, an affordable housing unit or a childcare facility. Facilities which are not both roofed and lockable are defined as 'civil assets'.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include dunny lanes, road closures, excess land from old subdivisions, verge extensions or footpath widenings.
Rent	The regular payment by a tenant to Council as landlord for the use of an asset.
Road Reserve	The legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel. It is the total area between boundaries shown on a cadastral plan. May include remnant assets.
Sale	Means a sale of a property so including exchange followed by settlement
Surplus	Surplus assets are considered to be of minor benefit to either the community through the delivery of services, or long term strategic property portfolio or for any other purpose Council related purpose.
Vendor	Includes a prospective seller.



WAVERLEY
COUNCIL

Property Acquisitions and Disposals Policy

Property Acquisitions and Disposals Policy

Policy owner	Andrew Best
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	
Relevant legislation/codes	
Related policies/procedures/guidelines	
Related forms	

VERSION CONTROL

This Property Acquisition and Disposal Policy is effective upon its approval and is due for review in 2024 following the Council election.

Version	Description of Change	Author	Reviewed By	Approved By	Date Approved
Draft 1	Initial draft	ATP	AB	-	-
Draft 2	Updated with stakeholder feedback	ATP	AB/JA	-	-
Draft 3	Further updates	ATP	PN	-	-
Version 1	Release version	ATP	PN	-	-
Version 1.01	Updated references	ATP	AB	-	-
Final	Finalised following Council review	AB	JA	-	-

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1. Background

Waverley Council (Council) owns and manages a Property portfolio comprising land and building assets that are important to meeting the needs of the local community. Council is committed to managing its Properties in a manner that not only discharges its statutory responsibilities under the Local Government Act 1993 but also enables Council to address current and future needs.

In order to ensure that Council implements structured, rigorous and robust property management practices, a strategic property framework was established which comprises the following elements:

- 1) **Property Strategy** – Highest level planning document that details Council's overarching property management strategy, the Objectives to be achieved for the long-term benefit of the Waverley community and the Principles to be adopted when managing Properties to achieve the Objectives.

Council has endorsed the Waverley Council Property Strategy 2020-2024.

- 2) **Property Policies** – Processes for making decisions and planning actions in accordance with the *Property Strategy*
 - (i) Property Acquisitions and Disposals Policy (This Policy);
 - (ii) Leasing and Licensing Policy;
 - (iii) Community Tenancy Policy; and
 - (iv) Commercial Property Policy.

2. Purpose

This Policy is designed to enable Council to make informed, strategic and transparent decisions in relation to the **Acquisition and Disposal of Council Property**, where:

- Acquisition involves the purchase or obtainment of property by Council; and
- Disposal involves the sale or transfer of a property by Council.

This Policy should be read in conjunction with the *Property Strategy* for contextual guidance and other Council documents relevant to property acquisitions and disposals.

3. Scope

This Policy applies to all properties that are:

- Currently owned (whether in full or part) by Council;
- Under consideration for acquisition (whether in full or part) by Council; and
- Under consideration for disposal (whether in full or part) by Council.

The types of decisions that Council may need to make in accordance with this Policy include:

- Which factors need to be considered and prioritised when making decisions regarding the acquisition or disposal of a property;
- Whether to proceed with a property acquisition or disposal; and
- The most suitable method to undertake a property acquisition or disposal.

For direction on leasing and licensing matters, refer to the *Leasing and Licensing of Council Managed Land Policy* and for direction on commercial property matters, refer to the *Commercial Property Policy*.

4. Policy Content

Council must ensure that all decisions are made in accordance with the Local Government Act 1993 and relevant legislation, standards, codes and Council policies, plans and procedures. Senior management will make recommendations based on relevant available information and additional information sourced from the community, technical personnel and expert advisors as appropriate.

Council may acquire or dispose of property in order to address a specific need or opportunity, for example in terms of one or more of the following:

- Social e.g. to deliver better services to the community;
- Risk e.g. to address safety, compliance and/or other relevant risks;
- Functional e.g. to address limitations that are preventing optimum use;
- Financial e.g. to generate revenue or achieve a capital gain;
- Environmental e.g. to rectify ecological or sustainability deficiencies; and
- Strategic e.g. to fulfil a policy position, commitment or prepare for the future.

4.1 Acquisition of Property

Council is committed to continually improving the ability with which it can make available properties that support the services that are offered for the benefit of the community.

From time to time, Council may identify an opportunity to acquire property that will fulfil a specific function or address a need. A decision will need to be made regarding the most appropriate action to take for the property, considering both the financial implications and the impacts to the current and future members of the community.

In accordance with Section 186 of the Local Government Act 1993 (Act), Council may acquire a property (including land) in order to exercise any of its functions under the Act. Council may also acquire property:

- that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument; or

- which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired in accordance with the Act.

4.1.1 Justification for Acquiring Property

A decision to acquire a property must be justified by satisfying at least one of the following criteria:

- 1) The property will serve a function that supports the achievement of Council's Objectives as set out in the Property Strategy;
- 2) The property will be aligned with Council's Community Strategic Plan;
- 3) The property will support Council led projects to improve the urban environment and/or stimulate economic activity.

4.1.2 Assessment to Inform the Need / Opportunity to Acquire Property

The following items must be assessed and fully documented when considering whether to acquire a property:

- 1) What are the Objectives (set out in the Property Strategy) that the property will contribute towards?
- 2) Which existing or proposed Council service will the property support or assist in the delivery of a Council led project?
- 3) How is the Property assessed in the Strategic Asset Management Plan framework i.e. condition to meet service delivery?
- 4) Will the property require redevelopment or capital expenditure to meet Council's future service requirements or assist in the delivery of future Council services?
- 5) What are the proposed performance measures for and intended Purpose of the property and how do they align with Council's service delivery, social, financial, strategic and other relevant requirements?
- 6) Is it more feasible to upgrade or redevelop an existing property to meet the needs and requirements that the proposed property acquisition is intended to meet?

The prioritisation and weighting of the assessment items must be appropriate to the Purpose and Categorisation of Use of the property and take into consideration to the current market, property specific details, risk management and good practice. The information considered as part of the assessment items must be provided to Council at the time of the proposal for acquisition being submitted.

4.1.3 Available Methods to Acquire Property

Should Council elect to proceed with acquiring a property, then Council must determine the most appropriate method to proceed. The process for determining the most appropriate method must be in accordance with this Policy.

Council may acquire a property using one of the following methods:

- 1) Private purchase via negotiation or auction;
- 2) General purchase through public auction;
- 3) Tender; or
- 4) Compulsory acquisition.

4.1.4 Overview of the Property Acquisition Process

Council will adopt a structured, rigorous and robust planning, implementation and post-implementation due diligence process for the acquisition of property in accordance with relevant legislation, standards and codes and Council policies, strategies and guidelines.

Following is an overview of the property acquisition process:

- 1) Identify and assess the need to acquire property or the opportunities presented by acquiring property;
- 2) Determine the most appropriate method for acquisition;
- 3) Justify the acquisition and prepare a Proposal to Acquire Property;
- 4) Seek “in-principle” agreement to proceed with the acquisition;
- 5) Perform due diligence and further analysis sometimes with external assistance;
- 6) Nominate the Property Classification for Council Resolution;
- 7) Prepare for and receive a Council Resolution for acquisition;
- 8) Arrange Ministerial approval (if compulsory acquisition only);
- 9) Proceed with the acquisition; and
- 10) Finalise documentation and close out the process.

4.1.5 After Acquisition

Once a property has been acquired, Council will manage the property on an ongoing basis by adopting processes that are in accordance with this Policy. The management approach must also be appropriate to the context of the property’s specific Purpose.

4.2 Disposal of Property

Council recognises that community requirements and the capacity with which Council's properties can support services to meet those requirements may change over time. Disposal of property therefore plays an important role in enabling funding for future acquisitions and for the betterment of the community and returning funds to Council so they can be used to improve the property portfolio and better support its service delivery functions.

From time to time, Council may declare property as being surplus due to vacancy, amenity, performance, financial or strategic reasons or because the property needs to be held for future development but does not yet have a practical function. A decision will need to be made regarding the most appropriate action to take for the property, considering the financial implications, the impacts to the current and future members of the community and whether the property's status as being surplus is a temporary or long-term matter.

4.2.1 Justification for the Disposal of a Property

A decision to dispose of a property must be justified by satisfying at least one of the following criteria:

- 1) The property does not adequately support the achievement of Council's Objectives as set out in the Property Strategy (or is unlikely to do so without significant intervention);
- 2) The property is not aligned with Council's Community Strategic Plan or Council's long-term endorsed direction;
- 3) The property is obsolete or life expired in the market and is not required to support delivery of the services offered by Council;
- 4) The property is underperforming in terms of relevant indicators; or
- 5) The property is unserviceable, financially unfeasible or beyond economic repair, or the economic repair required for the property outweighs the role of the property within the portfolio where the property can be replaced or disposed of to the benefit of Council and the community.

4.2.2 Assessment to Inform the Need / Opportunity to Dispose of Property

The following items must be assessed and fully documented when considering whether to dispose of a property:

- 1) What are the Objectives (set out in the Property Strategy) that the disposal of the property will contribute towards?
- 2) Is the property fit for its existing or future purpose?
- 3) If the property had a different Purpose, would it be fit for purpose to meet current and future demand?
- 4) Will the property be required to support an existing or likely future Council service?
- 5) Will the disposal of the property enable Council to better support an existing or future service or Council led project?

- 6) Will the monies gained from disposal of the property enable Council to better meet its financial performance indicators in the broader context of the Council including property management?
- 7) What is the book value of the asset vs the likely disposal proceeds and what is the impact on the Council's financial position?
- 8) Will the monies gained from disposal of the property enable reinvestment in the property portfolio that will better meet the needs of Council and/or the community?
- 9) Will the disposal of the property maximise the potential return to Council relative to retention of the property over a reasonable timeframe?
- 10) Is it feasible to dispose of part of the property through sub-division?
- 11) Is it feasible to redevelop or improve the property to meet Council's existing or likely future service requirements?

The prioritisation and weighting of the assessment items must be appropriate to the Purpose of the property and take into consideration to the current market, property specific details, risk management and good practice.

The information considered as part of the assessment items must be provided to Council at the time of the proposal for disposal being submitted.

4.2.3 Available Methods to Dispose of Property

Should Council elect to proceed with the disposal of a property, then Council must determine the most appropriate method to proceed. The process for determining the most appropriate method must be in accordance with this Policy.

Council may dispose of a property using one of the following methods:

General Disposals:

- 1) Public Auction where the reserve price is set by an independent valuer.
- 2) Public Tender.
- 3) Private Auction through registered bidders only via public invitation.
- 4) Sale by direct negotiation.

Alternative Disposals:

- 1) Expressions of Interest.
- 2) Transfer to other Government agencies.

Note sec 55 of the LGA 1993 re Tendering does not apply to the purchase or sale of land by Council

4.2.4 Overview of the Property Disposal Process

Council will adopt a structured, rigorous and robust planning, implementation and post-implementation (vendor due diligence) process for the disposal of property in accordance with relevant legislation, standards and codes and Council policies, strategies and guidelines.

Following is an overview of the property disposal process:

- 1) Identify and assess the need to dispose of property or the opportunities presented by disposing of property;
- 2) Determine the most appropriate method for disposal;
- 3) Justify the disposal and prepare a Proposal to Dispose of Property;
- 4) Prepare for and receive a Council Resolution to proceed with proposal to dispose;
- 5) Perform due diligence and further analysis;
- 6) Prepare and submit a report to Council (sale by direct negotiation only) in accordance with ICAC "Direct Negotiations: Guidelines for Managing Risks" August 2018, where the report justifies the reasons for proposing a direct negotiation disposal and details the disposal activities to be undertaken;
- 7) Prepare a Planning Proposal in accordance with the Environmental Planning and Assessment Act (for disposal of community property or reclassification of community property as operational property);
- 8) Participate in the Gateway Review process and prepare documentation as necessary (for disposal of community property only);
- 9) Prepare for and receive a Council Resolution for disposal;
- 10) Proceed with the disposal; and
- 11) Finalise documentation and close out the process.

4.2.5 After Disposal

Council will hold in reserve the funds generated through the disposal of Council property and in due course reinvest the funds into the property portfolio. The funds will not be allocated to general revenue.

Council will also update the Land and Property register following the disposal of any Council property.

5. Review of Policy

- 5.1. This Policy will be reviewed every 4 years or as required in the event of legislative changes or requirements. The policy may also be changed as a result of other amendments. Any amendments to a community facing policy must be way of a Council resolution, and any amendments to an organisational facing policy must be approved by the General Manager.
- 5.2. Council staff and members of the public may provide feedback about this document by emailing DL_Property_and_Facilities@waverley.nsw.gov.au.

6. Definitions

Following are the key definitions relevant to this Policy:

Acquisition	An asset or object bought or obtained by Council.
Agent	In relation to the sale of property, includes any agent or representative named in the contract for the sale of the property.
Asset	Aggregated physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.
Building	Includes part of a building and any structure or part of a structure, but does not include: <ul style="list-style-type: none"> ▪ a moveable dwelling or associated structure; or ▪ part of a moveable dwelling or associated structure, ▪ as defined in the Local Government Act 1993.
Civil Assets	Assets owned or managed by Council which are not roofed and lockable, for example a park bench, playground facility or park picnic area.
Co-ownership	Ownership of an asset whether at law or in equity in possession by two or more persons as joint tenants or as tenants in common; and co-owner has a corresponding meaning and includes an incumbrancer of the interest of a joint tenant or tenant in common.
Community	Assets held for the delivery of services to the Community such as libraries, social housing, administrative services, aged care, child care centres, youth clubs, depots, leisure centres etc. and exclude Public Open Space and Reserves.
Crown Assets	Assets owned and managed by the Crown (State or Federal Government).

Property Acquisitions and Disposals Policy

Crown Land	Crown land as defined in the <u>Crown Lands Act 1989</u> before its repeal, land that becomes Crown land because of the Crown Land Management Act 2016 or a declaration made under the Crown Land Management Act 2016, and land vested, on and from the repeal of the <u>Crown Lands Act 1989</u> , in the Crown (including when it is vested in the name of the State).
Crown Land Manager	Council is a Manager of Crown Land under the Crown Land Management Act previously the Reserve Trustee
Disposal	The sale or transfer of an asset beyond Council.
Freehold	The ownership of property in perpetuity.
Leasehold	The control of land through a leasehold interest ?
Income	When used with reference to property, includes rents and profits.
Infrastructure	Fundamental site services needed for operation including water, power, sewer, stormwater, communications and the like.
Public Land	Land that is vested in or under Council's control under the LGA 1993
Obsolescent Asset	An asset that is no longer of use to Council.
Open Market	An unrestricted market with free access and competition of buyers and sellers.
Operational Assets	Assets held for occupation or commercial return and investment purposes. These assets are do not provide direct services to the community yet will yield an appropriate rate of return (on the capital value of the property) or be used for Administrative purposes.
Property	Includes Land and Assets that have value from an accounting and/or service delivery perspective.
Property Classification	Council's designated convention for classifying properties in accordance with relevant legislation. The property classifications: <ul style="list-style-type: none"> ▪ Community Land in accordance with the Local Government Act 1993; ▪ Operational Land in accordance with the Local Government Act 1993; ▪ Public Roads in accordance with the Roads Act 1993, where Council is the Roads Authority; ▪ Crown Reserves in accordance with the Crown Land Management Act 2016, where Council is the Manager of Crown Land; and ▪ Properties Leased or Licensed from Others, in accordance with relevant agreements between Council and another party.

Property Acquisitions and Disposals Policy

Property Purpose	<p>Council's designated convention for the purpose of each property in terms of one of the following:</p> <ul style="list-style-type: none"> ▪ Direct Community Services Property, which provide services directly to the community; ▪ Indirect Community Services Property, which provide services indirectly to the community via a service provider (e.g. tenants, suppliers, partners, charities, not-for-profit organisations or the like) that delivers the service; ▪ Council Operational Services Property, which accommodate Council staff who oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery; or ▪ Commercial Property, which are for the generation of revenue.
Public Auction	The sale of assets where any and all persons who attend are registered and permitted to bid towards purchasing an asset.
Purchaser	Includes a prospective buyer.
Real Property Asset	Land owned or managed by Council which is vacant or which is improved by a facility which is both roofed and lockable, such as a block of beachside amenities, an affordable housing unit or a childcare facility. Facilities which are not both roofed and lockable are defined as 'civil assets'.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include dunny lanes, road closures, excess land from old subdivisions, verge extensions or footpath widenings.
Rent	The regular payment by a tenant to Council as landlord for the use of an asset.
Road Reserve	The legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel. It is the total area between boundaries shown on a cadastral plan. May include remnant assets.
Sale	Means a sale of a property so including exchange followed by settlement
Surplus	Surplus assets are considered to be of minor benefit to either the community through the delivery of services, or long term strategic property portfolio or for any other purpose Council related purpose.
Vendor	Includes a prospective seller.



WAVERLEY
COUNCIL

Commercial Property Policy

Commercial Property Policy

Policy owner	Andrew Best
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	
Relevant legislation/codes	
Related policies/procedures/guidelines	
Related forms	

VERSION CONTROL

This Commercial Property Policy is effective upon its approval and is due for review in 2024.

Version	Description of Change	Author	Reviewed By	Approved By	Date Approved
Draft 1	Initial draft	ATP	AB	-	-
Draft 2	Second Draft	AB	PSN	-	-
Version 1	Release version	ATP	AB	-	-
Version 1.01	Updated references	ATP	AB	-	-
Final	Finalised following Councillor review	AB	JA	-	-

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1. Background

Waverley Council (Council) has established a strategic framework for managing its land and built asset property portfolio. The framework comprises the following elements:

- 1) **Property Strategy** – Highest level planning document that sets Council's overarching property management strategy objectives, strategic actions required to achieve the objectives and Key Principles relating to governance and the delivery of the actions.
- 2) **Property Policies** – Processes for making decisions and planning actions in accordance with the *Property Strategy*. Council's Property Policies include;
 - (i) Property Acquisitions and Disposals Policy;
 - (ii) Leasing and Licensing of Council Managed Land Policy;
 - (iii) Community Tenancy Policy; and
 - (iv) Commercial Property Policy (This Policy).

Further Policies may be developed as the need is identified.

This Policy forms part of a suite of policies that have been adopted by Council and is designed to enable Council to make informed, strategic and transparent decisions in relation to managing its commercial property portfolio.

2. Purpose

Council has defined the Purpose for each of its properties in terms of whether they primarily support the community or Council's operational services or are commercial properties that are intended to generate revenue. This Policy is to be used by Council employees when making decisions in relation to Council's **Commercial Property** portfolio.

This Policy should be read in conjunction with the *Property Strategy*, Community Strategic Plan and other Strategic Plans as well as the 4 Year Delivery Program and Annual Operational Plan. The procedural details on how to undertake acquisition, disposal, leasing or licensing, and measurement of financial performance for a Commercial Property will be documented in accordance with this Commercial Property Policy.

3. Scope

3.1 Definition of Commercial Properties

- Properties that are currently owned or managed by Council (in full or part) and have been designated with the purpose "Commercial Property", being any property for which Council is being paid a market rent and which does not have a primary community focus;
- Properties that are being held for future redevelopment and/or recategorisation by Council as a Commercial Property;

- Properties that are under consideration for acquisition by Council and subsequent designation as Commercial Property; and
- Properties that are designated as “Investment Properties” for reporting purposes under Special Schedule 7, Report on Infrastructure Assets.

Depending on the extent of the commercial and/or investment activity associated with a property, Council may designate a Commercial property as being the entirety of a property or a tenancy or tenancies within a property.

3.2 When to use the Commercial Property Policy

Council will act in accordance with this Policy when considering the following:

- Proceeding with or deferring the acquisition of a Commercial Property;
- Proceeding with or deferring the disposal of a Commercial Property;
- Proceeding with or deferring the redefinition of a Commercial Property or a property with another Purpose as a Commercial Property;
- Proceeding with or deferring the development of a Commercial Property;
- Entering into, reviewing, terminating or extending a lease/license for a Commercial Property;
- Reviewing the management approach for a Commercial Property;
- Reviewing the utilisation strategy for a Commercial Property; and
- Assessing the performance of a Commercial Property.

3.3 Council Roles In Respect to Commercial Properties

In the context of Commercial Property, Council may assume any of the following roles:

- Developer / owner (landlord) / service provider, seeking the best possible return for its property;
- Statutory authority responsible for the assessment and approval of any Development Application for the property; and
- Corporate entity seeking to generate revenue and provide value that deliver tangible benefits to the community.

For direction on acquisition and disposal matters, refer to the *Property Acquisitions and Disposals Policy* and for direction on leasing and licensing matters, refer to the *Leasing and Licensing of Council Managed Land Policy*.

4. Policy Content

Council must ensure that all decision-making processes are undertaken in accordance with the Local Government Act 1993 and other relevant legislation, standards, codes and Council policies, plans and procedures. Senior management will make recommendations to Council based on relevant available information and additional information sourced from the community, technical personnel and expert advisors as appropriate.

4.1 Property Management Key Principles

Council has adopted the Property Management Key Principles set out in the *Property Strategy* to ensure good governance, practice and outcomes. The Key Principles will apply in their entirety to the management of the Commercial Property portfolio, with the following additional considerations:

- Council will assess “overall value” by taking a holistic approach appropriate to the context of Commercial Property; and
- Council will prioritise the realisation of commercial financial outcomes but not to the detriment of social or community outcomes.

4.2 Designating a Property as Commercial

Council may redefine the Purpose of an existing Council owned property as Commercial Property if the redefinition of the property does not adversely affect the delivery of community outcomes in the local area.

It should be noted that all Commercial Properties will have involvement with the local community through the provision of services, either directly or indirectly.

4.3 Acquisitions & Disposals

Refer to the *Property Acquisitions and Disposals Policy*, when considering an acquisition or disposal of a Commercial Property.

Justification of a decision to acquire a Commercial Property must include evidence that the property will, or has the capacity to, satisfy the Objective set out in the *Property Strategy* as follows:

“ensuring that Council’s property portfolio is managed in a financially sustainable way that optimises the balance of both commercial and community outcomes specific to each property.”

Conversely, for disposals, justification of a decision to dispose of a Commercial Property must include evidence that the property fails to satisfy the above Objective.

4.4 Leasing & Licensing

Council may elect to lease or license a Commercial Property for the purpose of generating revenue and supporting its financial targets.

At its discretion, Council may seek to negotiate with a tenant of a Commercial Property prior to the end of lease term in relation to a new lease, to satisfy the objectives identified in the Property Strategy.

Refer to the Leasing and Licensing of Council Managed Land Policy.

4.5 Community Involvement

Whilst the primary function of a Commercial Property is to generate revenue and maximise overall value, some Commercial Properties may be used in such a way that benefits the local community.

Council will endeavour to include provisions in its commercial agreements for its Commercial Property portfolio so that the local community can benefit from the Commercial Properties.

Except for properties that are vacant and under assessment, Council will not hold Commercial Properties that lack any form of interaction with the local community.

4.6 Crown Land

Council may be required to bear certain costs in relation to Crown Land. Council does not expect to benefit from any capital growth or rental growth.

4.7 Easements

At its discretion, Council may grant or relinquish an easement over its land for different purposes, including but not limited to, establishing a right of way, drainage, sewerage, electricity or other utility services.

Council will only consider granting an easement over Council land if an easement does not detrimentally affect the use of Council owned land. The proponent will be required to fairly and reasonably compensate Council, including all fees and charges related to the granting of the easement. Council is unable to grant private easements over Community land.

It should be noted that some statutory bodies may be able to obtain easements on Council land under powers granted through legislation.

4.8 Development of Commercial Property

Development of a property may be recommended to foster economic returns for Council or to provide social community outcomes. Development may involve either capital expenditure or acquisition of property either in full or in part.

Capital expenditure may occur to ensure that property retains value and meet safety requirements. Capital expenditure includes building upgrades which increase the value of the building but does not include general repairs and maintenance.

4.8.1 Justification

The development of a Commercial Property must satisfy one of the following criteria:

- 1) Development of the property will better support the achievement of Council's Objectives as set out in the Property Strategy;
- 2) There is a threat of substantial value depreciation or obsolescence if the capital expenditure is not carried out;
- 3) There is a threat of unacceptable and unmanageable safety hazards resulting in serious incidents if the capital expenditure is not carried out;
- 4) There is an opportunity for substantial appreciation in overall value if the capital expenditure is carried out;
- 5) Development of the property is aligned with Council's Community Strategic Plan; or
- 6) Development of the property will support Council led projects to improve the urban environment and/or stimulate economic activity.

4.8.2 Assessment

The following items must be assessed and fully documented when considering whether to develop a Commercial Property:

- 1) What are the Objectives (set out in the Property Strategy) that the development of the property will contribute towards?
- 2) Will the development of the property result in an increase in the overall value realisable from the property?
- 3) Will the development of the property result in a net financial benefit to Council within a reasonable timeframe?
- 4) Will the development of the property address Council's future service requirements or assist in the delivery of future Council services?
- 5) Will the development result in a change to the performance measures for the property, and if so, what are they and how do they align with Council's service delivery, social, financial, strategic and other relevant requirements?
- 6) Is it more feasible to repurpose or dispose of the property to meet the needs and requirements that the proposed development is intended to address?
- 7) Is this development expected to support the achievement of Council's financial performance indicators? If not, can the property be disposed of or is another action more appropriate?
- 8) Will there be either a threat of substantial value depreciation if the capital expenditure is not carried out, a threat of increased safety hazards if the capital expenditure is not carried out or an opportunity for substantial value appreciation if the capital expenditure is carried out?

4.9 Prohibited Uses

Council recognises that there are many ways for a Commercial Property to generate revenue. However, Council will not acquire or permit any Commercial Property to be used for the purpose of the sale or provision of:

- Illegal products and services;
- Unfair, predatory or deceptive practice;
- Adult content and services;
- Virtual currency; or
- Gambling.

4.10 Allocation & Diversification

The scope of Council's Commercial Properties which includes its investment Property portfolio will be limited to real property i.e. land and buildings.

Council may decide to diversify its Commercial Property portfolio by taking into consideration the following:

- Location within the Waverley Council Local Government Area;
- Opportunities for properties beyond the Waverley Council Local Government Area but which are available for use by members of the Waverley community as part of Council's Functions;
- Services that are provided through the use of the Commercial Property;
- Alignment of services (that are provided through the use of the Commercial Property) with Council's strategic, financial, operational and community requirements; and
- Relative balance of financial and community outcomes that can be realised from the Commercial Property.

4.11 Financial leverage

Council will not borrow to invest in Commercial Property except where the Commercial Property has a strong community element and is in accordance with Council's long-term strategic plans.

4.12 Risk Tolerance

Council will be reasonably risk averse and focus more on protecting against downside risk than seeking upside potential. As a minimum, Council will endeavour to manage its Commercial Properties to avoid returns below the benchmark 10 Year Australian Government benchmark bond yield. Council may adjust its risk tolerance for specific matters at its discretion.

4.13 Targets for Commercial Return

Council will manage its Commercial Properties on an ongoing basis by adopting processes that are in accordance with this Commercial Property Policy.

Council will assess the performance of its Commercial Property portfolio at least once every 4 years or on a site-specific basis as required.

Council will aim to meet the following long-term financial targets at a minimum, when managing its Commercial property portfolio:

- Achieve an annual income comparable with market evidence or the current 10 year bond rate;
- Maintain the real value of the Commercial Property where capital growth occurs at least in line with the Reserve Bank's target rate of inflation; and
- Ensure the annual financial return increases at least in line with CPI.

If fluctuations in the actual outcomes occur during the short to medium term, Council will assess the Commercial Property for its capacity to meet the long-term targets.

Council will take into consideration relevant factors, for example if the property is on Crown Land Council and may wish to adjust its commercial return targets on a property specific basis.

5. Review of Policy

5.1. This policy will be reviewed every 4 years or as required in the event of legislative changes or requirements. The policy may also be changed as a result of other amendments. Any amendments to a community facing policy must be way of a Council resolution, and any amendments to an organisational facing policy must be approved by the General Manager.

5.2. Council staff and members of the public may provide feedback about this document by emailing DL_Property_and_Facilities@waverley.nsw.gov.au

6. Definitions

Following are the key definitions relevant to this Policy:

Acquisition	An asset or object bought or obtained by Council.
Agent	In relation to the sale of residential property, includes any agent or representative named in the contract for the sale of the property.
Asset	Aggregated physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.

Building	Includes part of a building and any structure or part of a structure, but does not include: <ul style="list-style-type: none"> ▪ a moveable dwelling or associated structure; or ▪ part of a moveable dwelling or associated structure, ▪ as defined in the Local Government Act 1993.
Civil Assets	Assets owned or managed by Council which are not roofed and lockable, for example a park bench, playground facility or park picnic area.
Co-ownership	Ownership of an asset whether at law or in equity in possession by two or more persons as joint tenants or as tenants in common; and co-owner has a corresponding meaning and includes an incumbrancer of the interest of a joint tenant or tenant in common.
Community	Assets held for the delivery of services to the Community such as libraries, social housing, administrative services, aged care, child care centres, youth clubs, depots, leisure centres etc. and exclude Public Open Space and Reserves.
Crown	Assets owned and managed by the Crown (State or Federal Government).
Crown Land	Crown land as defined in the Crown Lands Act 1989 before its repeal, land that becomes Crown land because of the Crown Land Management Act 2016 or a declaration made under the Crown Land Management Act 2016, and land vested, on and from the repeal of the Crown Lands Act 1989, in the Crown (including when it is vested in the name of the State).
Disposal	The sale or transfer of an asset beyond Council.
Freehold	The ownership of property in perpetuity.
Income	When used with reference to property, includes rents and profits.
Infrastructure	Fundamental site services needed for operation including power, sewer, stormwater, communications and the like.
Land	Public land that is vested in or under Council's control.
Obsolescence	An asset that is no longer of use to Council.
Open Market	An unrestricted market with free access by and competition of buyers and sellers.
Operational	Assets held for the commercial return and investment purposes. These assets are do not provide services to the community yet will yield an appropriate rate of return (on the capital value of the property).
Property	Includes Land and Assets that have value from an accounting and/or service delivery perspective.

Commercial Property Policy

Property Classification	<p>Council's designated convention for classifying properties in accordance with relevant legislation. The property classifications:</p> <ul style="list-style-type: none"> ▪ Community Land in accordance with the Local Government Act 1993; ▪ Operational Land in accordance with the Local Government Act 1993; ▪ Public Roads in accordance with the Roads Act 1993, where Council is the Roads Authority; ▪ Crown Reserves in accordance with the Crown Land Management Act 2016, where Council is the Manager of Crown Land; and ▪ Properties Leased or Licensed from Others, in accordance with relevant agreements between Council and another party.
Property Purpose	<p>Council's designated convention for the purpose of each property in terms of one of the following:</p> <ul style="list-style-type: none"> ▪ Direct Community Services Property, which provide services directly to the community; ▪ Indirect Community Services Property, which provide services indirectly to the community via a service provider (e.g. tenants, suppliers, partners, charities, not-for-profit organisations or the like) that delivers the service; ▪ Council Operational Services Property, which accommodate Council staff who oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery; or ▪ Commercial Property, which are for the generation of revenue.
Public Auction	The sale of assets where any and all persons who attend are registered and permitted to bid towards purchasing an asset.
Purchaser	Includes a prospective buyer.
Real Property	Land and buildings.

REPORT
PD/5.2/20.09

Subject: Draft Waverley Local Character Statements - Exhibition

TRIM No: A20/0325

Author: Alicia Baker, Senior Development Assessment Officer
Tim Sneesby, Manager, Strategic Planning

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council publicly exhibits the draft Waverley Local Character Statements 2020 attached to this report for a minimum of 42 days, and during exhibition sends the report to the relevant precincts with an offer of a briefing or presentation.

This item was deferred from the Council Meeting on 21 July 2020. The only change to the report since then is that officers are now recommending that the statements be exhibited for a minimum of 42 days, rather than a minimum of 28 days.

1. Executive Summary

The purpose of this report is to seek Council's endorsement of the draft *Waverley Local Character Statements* (the draft Local Character Statements) for public exhibition. The draft Local Character Statements have been prepared as part of the *Comprehensive Waverley Local Environmental Plan Review 2021* project (the Comprehensive LEP Review).

The draft Local Character Statements document the outcomes of a local character study, which identified and described at a high level the social, environmental and economic characteristics of 23 defined areas across the Waverley local government area (LGA). Characteristics include housing type and architectural style, density and height, heritage and culture, parking, public/private domain interface, open space, topography and tree canopy. This is the first time that Council has undertaken a local character study for the whole LGA. A written and graphic statement of the existing and desired future character has been prepared for each of the 23 areas.

The preparation of the draft Local Character Statements forms part of Phase 4 of the Comprehensive LEP Review process and delivers on Action 7.3 of the *Waverley Local Strategic Planning Statement 2020-2036* (Waverley LSPS) and Action 5.1 of the Waverley Local Housing Strategy (Waverley LHS). The draft Local Character Statements form part of a suite of environmental studies that provide an evidence base to strengthen the integration of local character considerations into the Waverley planning framework. This will occur first as part of the strategic planning process and then through its translation into statutory controls, in the comprehensive review of the Waverley Local Environmental Plan 2012 (WLEP) and the Waverley Development Control Plan 2012 (WDCP). Specifically, this work will help Council prioritise place-based planning and local character when assessing planning proposals (PPs) and development applications (DAs).

The character study and draft Local Character Statements are a starting point to identify and describe the existing and future character of an area. The next step is to gain further public input. It is proposed to put

the draft Local Character Statements on public exhibition to enable broad community feedback and refinement prior to adoption.

2. Introduction/Background

Recent reforms to the NSW planning system have resulted in a shift to a strategic-led planning framework with the introduction of regional strategic plans across NSW and district strategic plans in Greater Sydney.

In accordance with sections 3.8(3) and (4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is required to undertake a comprehensive review of the WLEP to implement the Region Plan ('A Metropolis of Three Cities') and the District Plan (the 'Eastern City District Plan'), prepared by the NSW Government. As part of the review process, section 3.9 of the EP&A Act also requires that Council prepare a Local Strategic Planning Statement (LSPS). The LSPS is a new policy that sets the vision for the local area for the next 20 years and ensures there is a clear line of sight between State and local strategic planning priorities, including priorities to support local character.

The requirement to undertake the Comprehensive LEP Review is an opportunity for Council to revise and clarify a strategic vision for the area through the LSPS, and to review current plans and policies that guide development. This includes local character considerations.

The Comprehensive LEP Review consists of six phases, each with a deliverable to Council or the NSW Government. These six phases are:

- Phase 1 – The Health Check (completed 31 October 2018).
- Phase 2 – Draft Waverley Local Strategic Planning Statement (completed 1 June 2019).
- Phase 3 – Finalise Waverley Local Strategic Planning Statement (completed 4 February 2020).
- Phase 4 – Prepare planning proposal (currently underway).
- Phase 5 – Public exhibition.
- Phase 6 – Finalisation.

The Waverley LSPS identifies additional environmental studies, required to form a more detailed evidence base to undertake the comprehensive review of the WLEP and WDCP (refer to Figure 1). Studies include the draft Local Character Statements as well as the Waverley LHS and draft Waverley Village Centres Strategy (VCS). This evidence base may lead to some changes to the WLEP and WDCP, or it may confirm that the existing WLEP and WDCP are performing effectively to achieve Waverley's vision. The preparation and finalisation of the additional environmental studies forms part of Phase 4 of the Comprehensive LEP Review process.

The draft Local Character Statements have been prepared in response to Action 7.3 of the Waverley LSPS, to 'implement Local Character Statements, including desired future character, into Council's LEP and DCP' and Action 5.1 of the Waverley LHS, to 'complete Local Character Statement Discussion Paper'. The local character work will also deliver on the NSW Government's and Council's strategic direction to elevate the consideration of local character in planning and decision-making. It will help Council prioritise place-based planning and local character when assessing planning proposals (PPs) and development applications (DAs), against the WLEP, WDCP and other policies.

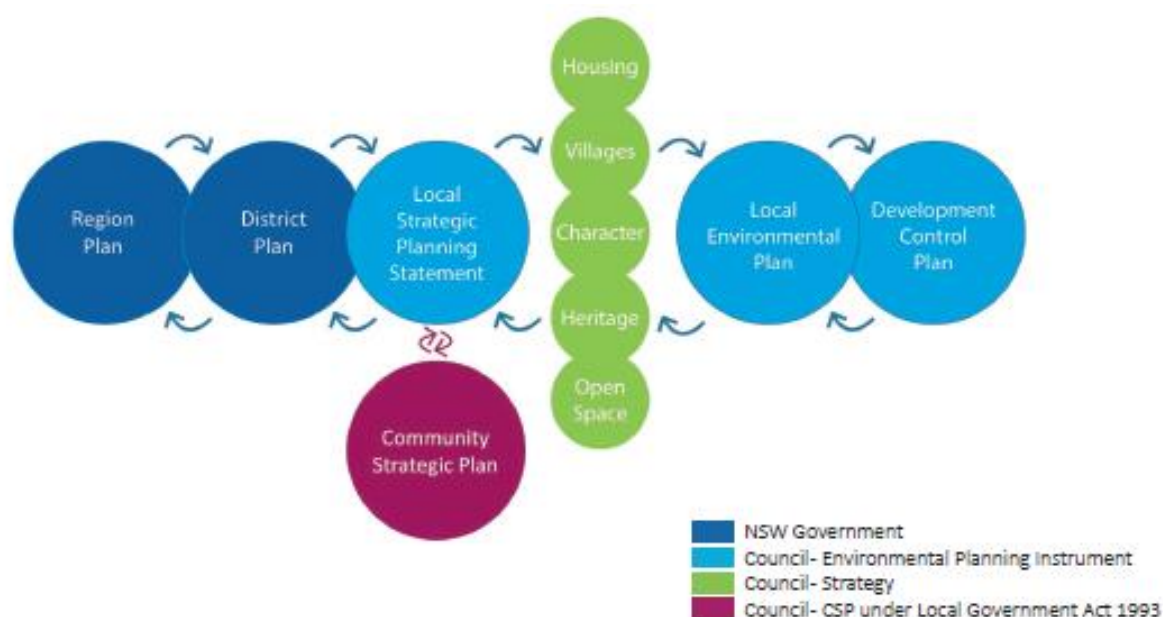


Figure 1. Comprehensive LEP Review process.

To assist Council's to identify and describe local character and integrate it in the planning framework, the Department of Planning, Industry and Environment (DPIE) released two documents relating to local character, the *Local Character and Place Guideline* (2019) and *Discussion Paper – Local Character Overlays* (2019). The draft Local Character Statements have been prepared with reference to these documents.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 July 2020	CM/7.7/20.07	That this item be deferred to the September Strategic Planning and Development Committee meeting.
Council 16 June 2020	CM/7.8/20.06(2)	That this item be deferred to the July Council meeting.
Strategic Planning and Development Committee 4 February 2020	PD/5.1/20.02	That Council: <ol style="list-style-type: none"> Endorses the Waverley Local Strategic Planning Statement 2020–2036 (LSPS) attached to this report for finalisation, subject to the following amendments: <ol style="list-style-type: none"> Page 14 of the LSPS, right column, add dot point: 'Maintaining diversity of retail offerings to serve local needs.' Page 17 of the LSPS, right column, second dot point: delete the second sentence and replace with: <p>'Proposals can satisfy these high standards by committing all development on the subject site to achieve a 5+ Green Star rating with the Green Building Council of Australia, or a Core</p>

		<p>Green Building Certification or Zero Carbon Certification with the Living Futures Institute of Australia, or equivalent.'</p> <p>(c) Page 38 of the LSPS, right column, fourth paragraph regarding Principle H5: insert the word 'protected' after the word 'enhanced'.</p> <p>(d) Page 47 of the LSPS, point 1 under heading Actions: add at the end of the sentence 'while maintaining diversity of retail offerings.'</p> <p>2. Forwards the endorsed LSPS to the Greater Sydney Commission to complete the assurance process.</p> <p>3. Delegates authority to the General Manager to take any further actions necessary to finalise and make the LSPS in accordance with clause 3.9 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>4. Council commits to implementing and progressing the LSPS in ways that operate to involve and acknowledge that Aboriginal First Nation Peoples have a custodial ongoing spiritual, social, cultural, economic and traditional relationship to looking after country and people.</p>
Strategic Planning and Development Committee 4 June 2019	PD/5.1/19.06	<p>That Council:</p> <p>1. Endorses the Draft Waverley Local Strategic Planning Statement (Attachment 1) and Draft Waverley Local Strategic Planning Statement Summary (Attachment 2) for public exhibition for a period of no less than 28 days, subject to the following amendments:</p> <p>(a) Provide indicative timing for short-, medium- and long-term indicators in the 'Key to actions' table (page 5).</p> <p>(b) Amend 'About the plan' (page 4) to clarify that the scope of the LSPS addresses broader economic, social and environmental issues, as well as land use planning issues.</p> <p>(c) Amend the list of 'Key Issues' (page 9) as follows:</p> <p>(i) Change 'A holistic approach encompassing how climate change, biodiversity, and green space are managed' to 'A holistic approach to the management of biodiversity, green space, and adaptation and resilience to</p>

		<p>climate change.'</p> <p>(ii) Change 'A diverse economy that is less reliant on tourism' to 'A diverse and thriving local economy that is less reliant on tourism.'</p> <p>(iii) Add as a Challenge 'There are community concerns about how tourism is managed.'</p> <p>(iv) Change 'Additional public schools in Waverley, particularly a secondary school' to 'Additional public schools in the Eastern Suburbs, particularly a secondary school.'</p> <p>(v) Change 'More space in the Mill Hill Community Centre' and 'Improve use of Bondi Pavilion, including more events and activities at night' to 'Provide more space for community uses and events.'</p> <p>2. Endorses the Waverley Local Housing Discussion Paper (Attachment 3) for public exhibition at the same time.</p>
Strategic Planning and Development Committee 9 October 2018	PD/5.1/18.10	<p>That Council:</p> <p>1. Endorses the Comprehensive Waverley Local Environmental Plan Review 2021 – Phase 1 – Health Check attached to this report.</p> <p>2. Forwards the document to the Department of Planning and Environment by 31 October 2018.</p>

4. Discussion

What is local character?

Local character is what makes one area distinctive from another. It is the way an area 'looks' and 'feels'. Character is created through the interrelation of distinctive natural and built elements in the public and private domains, including topography, vegetation, streetscape, built form, activity types, as well as the emotional and cultural experience of a place.

All areas in the Waverley local government area (LGA) have character; however, in some the character may be more identifiable, more unusual, or more attractive and what is important in one area might be different in another – from vibrant local centres, leafy streets, consistent dwelling typologies and architectural styles, to areas and items of heritage significance and access to coastal views and open space. This character makes the Waverley LGA an attractive place to live, work and visit. Consequently, the area is subject to ongoing redevelopment pressures and change, such as:

- Alterations and additions to existing dwellings, including second-storey and parking structure (e.g. enclosed garage) additions, rooftop additions comprising apartment dwellings and / or consolidation of apartments.
- Replacement of existing dwellings with 'higher-value' dwellings and densities, such as residential flat buildings (RFBs) or dual-occupancies.
- Exempt and Complying Development undertaken in accordance with State and Environmental Planning Policies (SEPPs), for example the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

If these pressures and change are not managed, areas may be impacted by new development, which may be insensitive to the area's existing character, in terms of building height, landscaped areas and car parking provision, etc.

Respecting local character does not mean that change cannot occur; rather, it means that good planning and design needs to be implemented to ensure new development is well-considered and builds on the valued characteristics of an area. Built form, bulk, scale and height as well as landscaping and materiality all play a part in ensuring the character of an area is maintained and/or enhanced whilst still allowing for new development to occur. Places which develop in response to an identified local character and desired future character are likely to be more liveable, more sustainable, and more productive. Accordingly, it is important that Council and the community create a shared vision for an area and how it will change over time, including identifying existing characteristics to be maintained and/or enhanced.

Local character study and statements

Methodology

The boundaries of each area have been informed by natural features, open space, primary roads, change in land use or building typologies, existing and former character areas and/or suburb boundaries. The 23 areas provide a narrowed focus for the local character study. The study has been informed by the DPIE's 'Character Assessment Toolkit' and 'Local Character Wheel' documented in the *Local Character and Place Guideline* (2019) (refer to Figure 3).

This is the first time that Council has undertaken a local character study for the whole LGA. The study seeks to complement the work on character within the WDCP (i.e. the existing Special Character Areas at North Bondi, Ben Buckler, and Bondi Heights in Part C) and other strategic studies including, the Waverley LHS, draft VCS, draft *Waverley Council Heritage Assessment 2020* and the Bondi Junction Urban Design Review Update 2020.

It is noted, that the draft Local Character Areas include Waverley's village centres (in some instances split across multiple character areas). These centres contribute to the social and economic character of each area. The draft Local Character Statements, however, do not seek to duplicate the detailed description and recommendations of the draft VCS, including the desired future character of each centre. The draft Local Character Statements complement the detail in the draft VCS, rather than duplicating significant work. Both documents will inform the review of the Waverley LEP and DCP.

Further, it is noted that the Bondi Junction Strategic Centre has been excluded from the character study. A number of studies and strategies have been completed for Bondi Junction in the past decade or so, including the Bondi Junction Complete Streets Project (2013) and Bondi Junction Commercial Centre Review (2017). These documents provide a series of recommendations and principles for the future development of the centre that have informed current policy settings and LEP and DCP controls. The current Bondi Junction Urban Design Review Update 2020 seeks to evaluate the current principles and policy framework applying to development in Bondi Junction to ensure that they are valid and up to date and makes appropriate recommendations for their implementation. It is considered that the existing documents holistically and sufficiently address the existing and desired future character of the Bondi

Junction centre. It is considered that these documents provide adequate assessment and justification for any future inclusion of all or part of the centre as a local character area/local character overlay. As such, to avoid duplication of significant work, the Bondi Junction centre has been excluded from this local character study.

The local character study has informed the preparation of a written and graphic statement for the 23 areas. Each statement comprises:

- A high-level description of the area's existing characteristics, using text, photos and maps. The existing characteristics focus on the themes of history, configuration and connectivity, built form, the public and private interface, natural environment and recent development within an area,
- A rating of the area's key existing character attributes, and
- A desired future character statement and objectives for the area.

By describing the way a place looks and feels and the valued elements in the public and private domains, it can provide a reference point for future planning decisions.

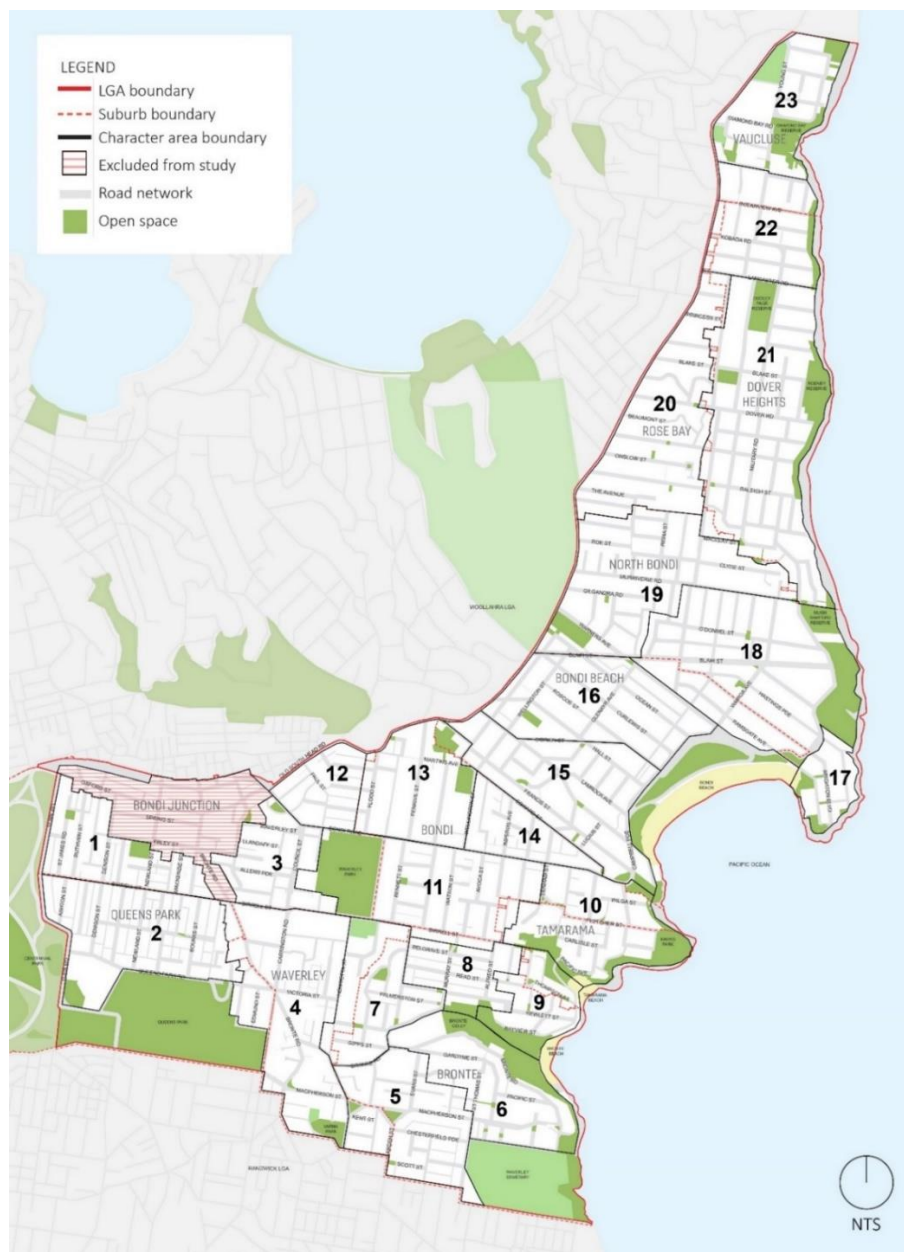


Figure 2. Draft Local Character Areas map.

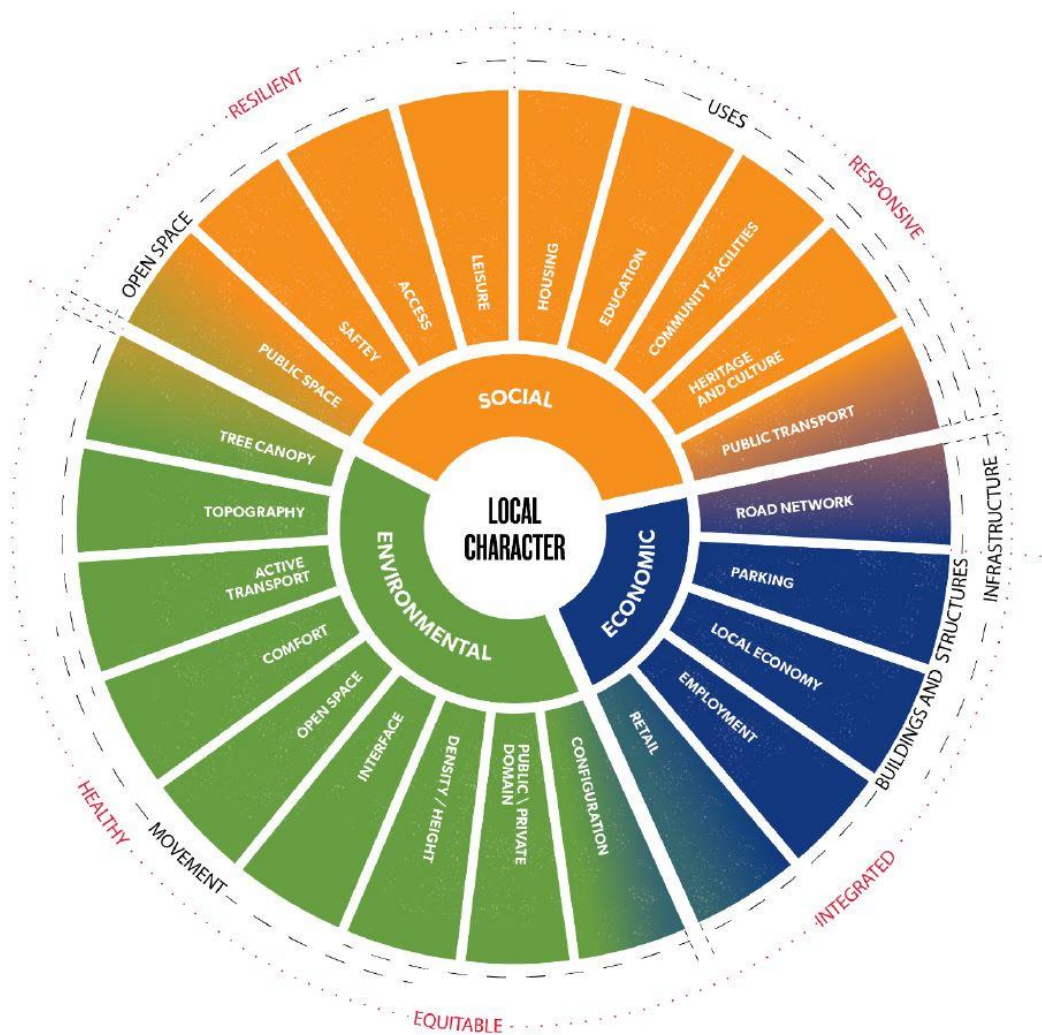


Figure 3. Local Character Wheel, DPIE, 2019.

Waverley's approach to strengthening local character in the LGA

Currently local character is considered by strategic studies such as the Waverley LHS and draft VCS and addressed at the development assessment stage through the WDCP. Where an area's character has been identified as being important in the local character study and through community consultation, there is the opportunity to incorporate additional design objectives and controls in the LEP or DCP to elevate the consideration of local character. It is anticipated that any changes to planning controls would only apply to focussed areas (such as certain streets or blocks), within the identified local character areas. Similarly, it is not expected that all character areas will warrant changes to the LEP or DCP.

Any changes to the LEP or DCP will represent a considered policy response to planning for character in the Waverley LGA. Changes may be undertaken as part of the comprehensive review of the LEP and DCP, or they may be undertaken as separate amendments. The following options will be considered:

- Waverley LEP
 - Option 1: Objectives and Development Standards review
Review and update the Waverley LEP, where required, to ensure zones, objectives and development standards align with the local character study outcomes and the desired

future character of an area. An amendment to the LEP would be facilitated by a planning proposal, and subject to the agreement of the DPIE.

- Option 2: Inclusion of Local Character Overlays (optional)

The DPIE is proposing amendments to the Standard Instrument (Local Environmental Plan) Order 2006 (SILEP) to introduce a Local Character Overlay (LCO) to strengthen local character and give its consideration legal weighting. The optional LCO would introduce a map layer and associated clause in an LEP identifying specific character areas. Development proposed in these areas would be required to address a Council's local character aspirations and development controls, as outlined in the local character study and / or DCP. It is noted that at the time of writing there is no commitment to the standard SILEP clause by DPIE.

The implementation of LCOs within the Waverley LEP will be investigated for areas which require additional direction to manage change whilst maintaining and enhancing local character. It is noted that an LCO will not be warranted for all LCAs, or even the entirety of a local character area identified within the Local Character Statements. It is more likely that an LCO would apply at a geographical level of a block or street. An amendment to the LEP would be facilitated by a planning proposal, subject to approval by the DPIE. The planning proposal would need to address and satisfy a state-wide set of criteria and be supported by detailed analysis.

- Waverley DCP

- Option 1: Objectives and development controls review

Council will review and update the WDCP, where required, to ensure development objectives and controls align with the local character study and the desired future character of an area. This review would also include existing WDCP Special Character Areas (SCAs), such as the Bondi Beachfront Area and Ben Buckler.

- Option 2: Inclusion of Local Character Areas (optional)

The WDCP has the capacity to include a character statement or character description which would establish the context for development in a particular area. Council will investigate the amendment of existing SCAs or inclusion of new SCAs, with associated design objectives and controls, within the WDCP. It is anticipated that not all local character study areas identified in this draft Discussion Paper would warrant inclusion in the WDCP.

Local character and heritage

'Heritage and local character are often intrinsically linked, and individual places can be heavily influenced by their existing built or natural environment, creating a rich tapestry from which to build. Rather than create a distinction between past and present, heritage can be used as a foundation of local character' (Justin Hewitt, Local Character and Place Collection, 2019, p.19).

Heritage and local character are intrinsically linked, however there remain important differences between areas or items of heritage significance and areas of local character, in terms of the assessment process and current legislative status, within the planning system.

A Heritage Conservation Area (HCA) is an umbrella term with specific Conservation Areas sitting below them. For example, an 'Urban Conservation Area' (a HCA with special architectural or historic interest that

includes built form) and a 'Landscape Conservation Area' (a HCA that contains significant landscape/parklands etc.). Heritage items are buildings, archaeological remains, trees etc. that is an exemplar of its type.

HCAs or heritage items are assessed against the criteria set out in the NSW Heritage Manual, with reference to the national best-practice standards contained in the Burra Charter (Australia ICOMOS, 2013), to determine whether it has heritage significance and therefore warrants listing. Areas and items of heritage significance within the Waverley LGA are identified in Schedule 5 of the WLEP.

If a building is included within a HCA or if it is individually heritage listed, it does not mean that works proposed to the building are not possible. What it does mean is that any proposed changes to the building may require a heritage exemption or a development application (DA) to Council with a Heritage Impact Statement included, as specified in cl.5.10 of the WLEP and Part B9 of the WDCP. It also means that Exempt and Complying Development, for example under the Codes SEPP, cannot be undertaken on a building within an HCA or that is individually listed.

Local character is much broader than heritage. Each Council is free to choose how to undertake a local character study, using the DPIE's *Local Character and Place Guideline* as a guide. Local character considerations go beyond historic and built form considerations to include all elements that contribute to the look and feel of an area including the public and private domains, including topography, vegetation, streetscape, activity types. Character elements of an area could be wide verges, leafy streets, dwelling typologies, styles or materials, consistent setbacks, significant views, etc. – these may have nothing to do with heritage.

Further, each Council can choose how to integrate the consideration of local character into the planning framework. Currently, character areas may be included within a standalone local character statement or within a Council's DCP. A DA to Council for new development, if located in a character area, would be required to consider the DCP objectives and controls relating to that area. The opportunity for inclusion of a local character area within a Council's LEP, as a local character overlay (LCO) is still being determined by the DPIE. Therefore, a character area does not have the same legislative weight as a HCA or heritage item. Identifying an area of local character is not an alternative form of heritage listing. It does not seek to duplicate the detail of the *draft Waverley Council Heritage Assessment 2020*; however, it does utilise the historic narrative to inform the local character statements and to identify areas of character.

Local character and exempt and complying development

State Environmental Planning Policies (SEPPs) are state legislated plans prepared by the NSW Government. They specify planning controls for certain areas and/or types of development. SEPPs have greater weight than Council's plans and policies.

Some SEPPs, including the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), enable Exempt Development, being development that can be undertaken without approval, and Complying Development, being development that requires a Complying Development Certificate approved by an accredited Certifier under a fast-track assessment process. Types of development can include:

- Construction of a new building (e.g. a dwelling, secondary dwelling, school).
- Alterations and additions to an existing building.
- Demolition of a building.
- Internal alterations (fit-out) of commercial / retail premises.

Exempt and complying Development does not require a DA to Council. Therefore, local design objectives and controls in the WLEP and WDCP do not apply. This includes local character considerations. As such, the

application of some design controls under a SEPP can create a potential conflict with the character of an area, in terms of building height, landscaped areas, car parking provision, materiality etc.

Where an area's character has been identified as being highly valued in the local character study and through community consultation, there may be the opportunity to, in limited circumstances, introduce local variations to, or seek a local exclusion from, part of a SEPP, subject to the agreement of the DPIE. It is noted that this approach will not be warranted for all character areas, or even the entirety of a character area.

Further investigation and analysis are required to determine where the application of SEPPs, particularly the Codes SEPP, may result in development that is incompatible with an area's existing character, document the design controls that would result in this incompatibility, and propose alternative controls. This analysis would inform any request to the DPIE for local variations or exclusions. Requests would need to address and satisfy a state-wide set of clear criteria.

While the potential to use local character studies to inform a request for local variations or exclusions has been flagged by the DPIE, at the time of writing no commitments have been made by the DPIE. Council will continue to advocate for greater consideration of local character within State policy.

Recommendations

The following recommendations have been identified in the local character study for further investigation. Figure 4 identifies local character investigation areas that warrant further review. It is noted that these recommendations may support priorities and actions from other strategic studies including the Waverley LSPS and Waverley LHS.

Table 1. Recommendations of local character study and statements.

Recommendation
1. Research and analysis
1.1. Undertake a further review of the local character investigation areas (refer to Figure 4) to identify areas of high character value that may warrant more tailored planning objectives and controls in the WLEP and / or WDCP, or exemption from the Codes SEPP.
1.2. Consider policy development for particular types of development or areas, for example alterations and additions to Inter-War RFBs, local centres
2. Review of local planning policy
2.1. Undertake a review of the WLEP to identify inconsistencies (if they exist) between existing character and desired future character in respect of the zone objectives and development standards, including height of building and floor space ratio.
2.2. Undertake a review of the WDCP to ensure current development objectives and controls align with the local character study outcomes, for example protection of view corridors, alterations and additions to existing dwellings, adaptive reuse, and vegetation coverage, etc.
2.3. Undertake a review of existing WDCP to determine relevancy of existing local character areas and investigate the inclusion of amended or new local character areas, with associated planning objectives and controls (refer to recommendation 1.1)
3. Review of State planning policy
3.1. Undertake a review of the applicability of the Codes SEPP, including the Low-Rise Medium Density Housing Code (LRMDHC), within the Waverley LGA to determine: <ul style="list-style-type: none"> Application of the Code across the LGA (this may involve mapping of Complying Development hotspots, or mapping where the LRMDHC could apply),

- Inconsistencies between the Code and Council's controls, that may result in an erosion of local character,
- Whether Council's controls need to be updated to reflect the LRMDHC to promote a Development Assessment pathway, and
- Whether local variations or exemptions from the Code is warranted.

3.2. Undertake a review of the applicability of the Seniors SEPP within the Waverley LGA to:

- Identify opportunity sites that may warrant tailored planning objectives and controls, and
- Investigate new controls including zone objectives in the WLEP to encourage seniors housing that is consistent with desired future character.

4. Advocacy

4.1. Continue to work with the DPIE and advocate for greater consideration of local character within State policy, including local variations and exemptions where warranted.

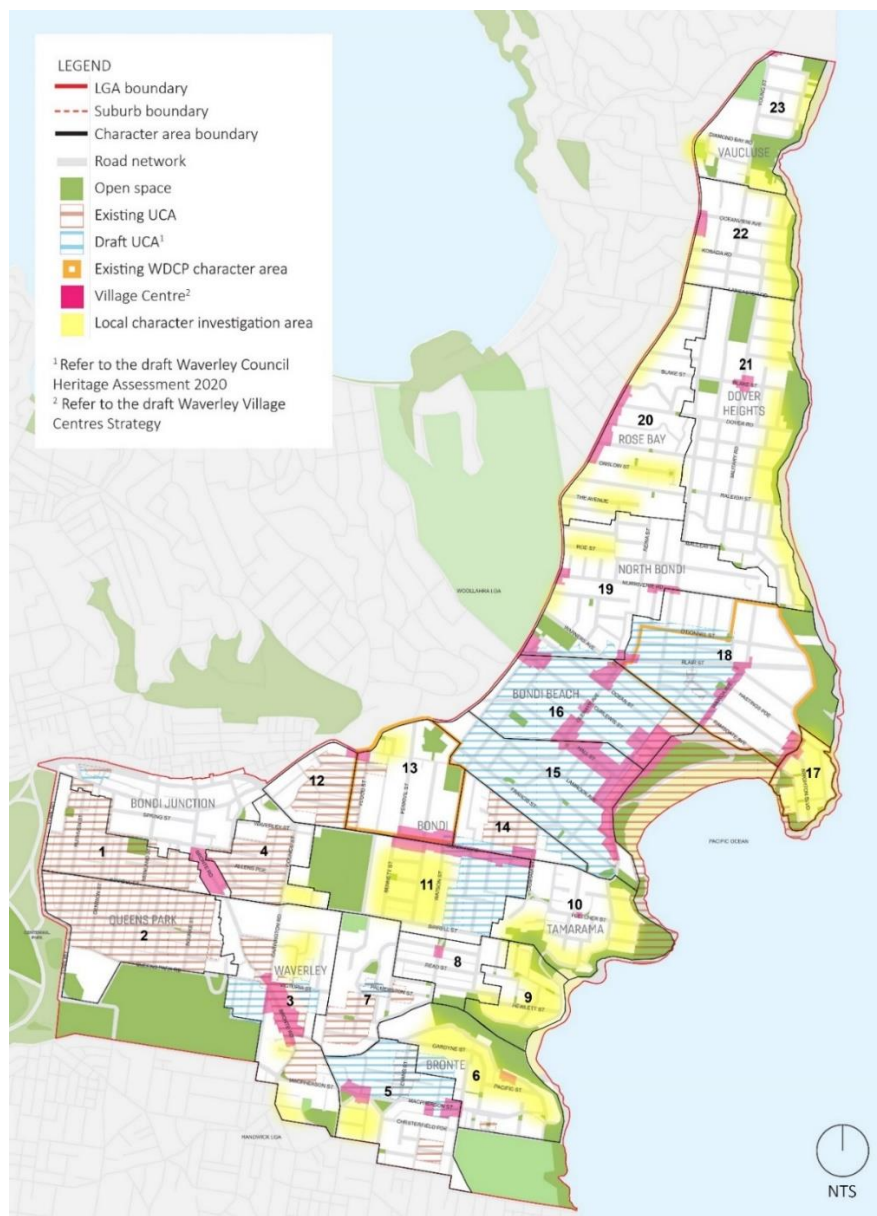


Figure 4. Investigation areas map.

5. Financial impact statement/Time frame/Consultation

Time frame

DPIE has set a time frame of three years for Council to complete the Comprehensive LEP Review, beginning in June 2018 and culminating in June 2021.

<i>Table 2 - Comprehensive LEP Review Process and Timeframes</i>	
Comprehensive LEP Phase	Timeline
Phase 1 – The Health Check	Completed 31 October 2018
Phase 2 – Prepare Draft Waverley Local Strategic Planning Statement	Completed 1 June 2019
Phase 3 – Finalise Waverley Local Strategic Planning Statement	Completed 4 February 2020
Phase 4 – Prepare planning proposal	Underway Environmental studies, including the draft Discussion Paper and draft Local Character Statements, are currently being finalised to inform the draft planning proposal to be completed by late 2020.
Phase 5 – Public exhibition of planning proposal	Early 2021
Phase 6 – Finalisation	June 2021

Consultation

Council undertook extensive community consultation during the preparation of the Waverley Community Strategic Plan, Waverley Local Strategic Planning Statement (LSPS), Waverley Local Housing Discussion Paper, Waverley Architectural Mapping Project, Waverley Local Housing Strategy (LHS) and draft VCS. The feedback received as part of these consultations, including that documented in the *Community Strategic Plan Engagement Report 2018* and *Village Centres Strategy Consultation Summary Report – Engagement August-September 2019*, have informed the preparation of the local character study and draft Local Character Statements.

As part of Phase 1 of the Review, marketing material was developed to attract the community to sign up for project updates on the Have Your Say project page, which will be live for the duration of the Comprehensive LEP Review (until June 2021). Similar channels will be engaged in the public exhibition of the environmental studies, including the draft Local Character Statements to ensure that the project is adequately advertised, and the next level of detail attracts additional public input. Following public exhibition, the draft Local Character Statements will be finalised and reported back to Council for adoption in July/August 2020.

Consultation with the community and other stakeholders will be important in validating the character statements and desired future character objectives. Each Local Character Area has a series of questions for targeted feedback, but the community will also be invited to comment on all elements of the LCS, including the appropriateness of the recommendations.

Financial impact statement

There are no financial implications. The work is programmed within Council's work program and budget.

6. Conclusion

The draft *Waverley Local Character Statements 2020* have been prepared in response to the priorities and actions of the Waverley LSPS and Waverley LHS, which seek to elevate the consideration of local character in planning and decision-making.

The draft Local Character Statements document the outcomes of a local character study, undertaken for 23 defined areas across the Waverley LGA (with the exception of Bondi Junction), and include written and graphic descriptions of the existing and desired future character of each area.

Together with other environmental studies, the draft Local Character Statements will provide an evidence base to inform the review of the WLEP and WDCP undertaken as part of the Comprehensive LEP Review. It will provide a vision, objectives and controls which will guide Council planning and decision making, including assessment of PPs and DAs as well as advocating for local variations and exemptions to State policies.

This report seeks Council's endorsement of the draft Local Character Statements for public exhibition.

7. Attachments

1. Draft Waverley Local Character Statements 2020 (under separate cover) [↗](#)

REPORT
PD/5.3/20.09

Subject: Bondi Junction Urban Design Review Update - Adoption

TRIM No: A12/0038-02

Author: Patrick Connor, Strategic Planner

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Notes the matters raised in the submissions made on the Bondi Junction Urban Design Review Update during the exhibition period.
2. Adopts the Bondi Junction Urban Design Review as amended and attached to this report (Attachment 1).
3. Notifies those people who made a submission of Council's decision.

1. Executive Summary

The *Bondi Junction Urban Design Review Update 2020* (the Review) evaluates the current principles and policy framework applying to development in Bondi Junction to ensure that they are valid and up to date. The Review will form an important evidence base as part of the strategic planning framework, along with the suite of other completed and draft environmental studies, to inform decisions in the face of continued development pressure, such as proponent-led planning proposals. There is a presumption against a Rezoning Review if the policy framework has been reviewed in the last five years.

The Review examines three studies: the original Bondi Junction Urban Design Review (BJUDR), the West Oxford Street Design Charette and the Bondi Junction Town Square Review – looking at their recommendations and principles and confirming whether these are still relevant given the context of high levels of development and change in Bondi Junction. Most of the recommendations from the studies examined in the Review have been actioned and no further work is required for these. Where recommendations have not been fulfilled, the Review recommends further work or in some instances no further work. One of the most significant recommendations from the original BJUDR was for a transition in building height towards the edges of Bondi Junction. This principle is enshrined in one of the aims of the WLEP 2012. This Review recommends that this principle and associated planning controls be upheld.

The Bondi Junction Urban Design Review was placed on exhibition from 26 May to 28 June 2020 (see Attachment 2). During this time, Council received five submissions. The submissions were mostly supportive, with a number of additional recommendations being made. These are discussed further in section four. Council staff also made further amendments to the BJUDR following the exhibition to better explain the intent of some of the recommendations. These changes are also discussed in section four.

2. Introduction/Background

The *Bondi Junction Urban Design Review Update 2020* (the Review) evaluates the current principles and policy framework applying to development in Bondi Junction to ensure that they are valid and up to date. The Review examines three studies: the original Bondi Junction Urban Design Review (BJUDR), the West Oxford Street Design Charette and the Bondi Junction Town Square Review – looking at their recommendations and principles and confirming their relevancy given the context of high levels of development and change in Bondi Junction.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 April 2020	CM/7.7/20.04	<p>That Council:</p> <ol style="list-style-type: none"> Publicly exhibits the draft Bondi Junction Urban Design Review Update 2020 (the Review) attached to this report for a minimum period of 28 days. Notes the Review has been completed to ensure that the current principles and policy framework applying to development in Bondi Junction are valid and up to date, in the context of recent and continued development pressure. Notes this document will form an important evidence base as part of the strategic planning framework, along with the suite of other completed and draft environmental studies, to inform decisions in the face of continued development pressure, such as proponent-led planning proposals.
Operations Committee 31 March 2015	OC/5.1/15.03(2)	<p>SUMMARISED</p> <p>Clause 1 of the resolution noted that the West Oxford Street Design Charrette produced ideas for the future of West Oxford Street that were publicly exhibited and commented on.</p> <p>Clause 2 noted the summary report and recommendations prepared by the Government Architects Office.</p> <p>Clause 3 supported discussions with Transport for NSW and RMS for public domain improvements and traffic ideas for certain areas within the West Oxford Street Precinct.</p> <p>Clause 4 agreed with the recommendation that no change be made to the LEP in certain blocks in West Oxford Street. This included one of the sites in the 194 Oxford Street Planning Proposal and two sites to the east of this.</p> <p>Clause 5 suggested sending an information sheet about the 194 Oxford Street Planning Proposal to residents in streets surrounding the development and Woollahra Council.</p>

		<p>Clause 6 supported initiating the process for adjusting Council's DCP controls on arcades, through site links and squares.</p> <p>Clause 7 suggested that suggestions made by Council's design team for improvements to Centennial Park and the bus depot be circulated to key stakeholders for their consideration in future planning.</p> <p>Clause 8 endorsed Council preparing a community engagement plan for any future planning.</p> <p>Clause 9 noted various statistics on the feedback received on the LEP and DCP. Most feedback related to maintaining the existing controls to protect the existing amenity of West Oxford Street.</p> <p>Clause 10 noted various statistics on the feedback received on various ideas for the future of the West Oxford Street Precinct. These ideas involved public domain improvements, traffic improvements, heritage, art and culture ideas and built form ideas.</p> <p>The motion was adopted.</p>
Council 12 March 2013	1303.13.2.1	<p>SUMMARISED</p> <p>This resolution made two sets of recommendations regarding the adoption of the findings of the Bondi Junction Urban Design Review.</p> <p>Clause 1 of the resolution made changes to the LEP and DCP pertaining to zoning, additional permitted uses and added an additional local provision. Blocks in Bondi Junction, west of Oxford Street Mall were rezoned from B3 Commercial Core to B4 Mixed Use. Select properties on the southern side of Ebley Street were given an additional permitted use of office premises. An additional local provision was added for the purposes of solar access in key sites within Bondi Junction.</p> <p>Clause 2 made many recommendations for changes to the LEP and DCP from the consultant team that were 'noted but not necessarily supported'. These recommendations included changes such as incorporating character statements into the DCP, introducing environmental design in the DCP and allowing for additional LEP heights at certain sites. Other recommendations not related to the LEP and DCP were made such as the creation of a VPA policy, to creating a movement strategy for Bondi Junction and even as simple as public domain improvements for specific areas within Bondi Junction.</p> <p>The motion was adopted.</p>

4. Discussion

Consultation

During the exhibition period, five submissions were received on the Planning Proposal. The table below outlines the points raised in the submissions.

Table 1. Submissions.

Submission	Comments	Response
1. A resident	Broadly supports the BJUDR Update	Noted
	Withholding the existing edge building heights is welcomed	Noted
	Reducing residential apartments in the commercial core is welcomed	Noted
	Would like to see more support for design excellence principles	Noted
	Does not support the VPA policy, wants more transparency on where exactly the VPA money is being spent	Noted
	Does not believe Complete Streets project is effective.	Noted
	Wants more resident input on VPAs	Noted. VPAs are now sent directly to local Precinct Committees.
2. Custance Associates Australia	All streets should be cycle friendly, either with shared or separate paths	Noted.
	Believes given the high traffic volumes BJ and the BJ interchange receive daily that the objectives of the Complete Streets project need to be met	Noted.
	Proposes for 71-81 OSH Rd that the HOB be uplifted from 12.5m to 60m, the FSR be increased from 0.9:1 to 6:1 and the zone be changed from R3 to B4.	This proposal for significantly increased heights outside of the centre is inconsistent the BJUDR and other strategic documentation. The BJUDR states that the LEP controls for edge sites are to be maintained and the LEP expressly states an aim of <i>providing an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding areas</i> . The proposal states that it will act as an appropriate transition from the scale of Bondi Junction to the residential scale of Ben Eden Street – increasing the height from 12.5m to 60m does not act as a transition, it would grossly overshadow and be out of context with the residential area and Fingleton Reserve which is in an Urban Conservation Area. The shadow diagrams provided even reflect significant impact as 45% of the
	Believes the changes above will incentivise the owners to consolidate and redevelop the site and in return for the substantial uplift the site would dedicate 6m to road widening purposes.	
	Believes a height of 60m on their sites is a good transition to the 9.5m to the East of their site	

		<p>reserve will be in shadow at midday on 21st June. This proposal would be grossly out of scale with the residential uses to the East of the site and would not act as a transitional site but rather have significant detrimental impacts on these residential areas. This is significantly larger than the proposal at 194-214 Oxford Street and 2 Nelson Street which was almost unanimously rejected by the community. The community benefit proposed of 6m of road widening is minimal and in no way justifies or outweighs the adverse impacts of this proposal. This submission provides little strategic merit for such a significant uplift and is clearly just an attempt to raise the value of the site with no regard for the surrounding community.</p> <p>It should also be noted that in the past Council officers have provided feedback for this site in which a similar response was given.</p>
3. LKK (representing Easts Group)	Representing the owners of 93-97 Spring Street	Noted
	Believes the four 'remaining sites' for redevelopment identified on page 25 of the BJUDR Update may not be a complete representation of the remaining sites. Believes this estimate is conservative.	Noted
	Covid-19 may mean there is even less incentive for large scale commercial development as businesses expand into virtual office spaces	Noted. The long-term structural impacts of COVID-19 on the office market will not likely be known at least until the pandemic is resolved, or some time after once a transition period is over. While there may be greater demand for working from home, this may be offset by preferences for greater separation in office desks and layout. Planning should take a precautionary approach. Therefore, the intention to protect and promote commercial floorspace in Bondi Junction will continue and can be reviewed in several years' time once the pandemic is resolved and impacts are known.
	Commercial development is becoming much less attractive as it is much less viable than residential development	Noted. The purpose of planning is to intervene in the market to ensure that land use configuration promotes the public interest, rather than maximise financial profit for private landowners. In

		this instance, broader economic benefits are conferred, and community welfare is maximised by having better access to a range of goods and services, as well as employment opportunities associated with commercial floorspace.
	93-97 Spring Street site is under-developed to its controls. Believes redevelopment of the site can offer solutions to recommendation E <i>'Investigate further mechanisms to reduce pedestrian and vehicle conflicts in Spring Street and Bronte Road'</i>	Noted
	Believes sites in the B3 zone remain undeveloped to their full potential under the controls as they do not have the residential uses of shop top housing to incentivise redevelopment	
	Supports the recommendation to work with DPIE to continue to grow commercial floor space in Bondi Junction	Noted
	Would be willing to provide Grade A commercial floor space as part of a redevelopment on 93-97 Spring Street with shop top housing added on as the incentive to redevelop	Noted
	Believes uplift on the site could facilitate a commercial development as opposed to a predominantly residential development (shop top).	Noted
	Believes given the location of the site they could redevelop a focal point building	Noted
	Notes the limited ability of the BJUDR Update to impact controls	Noted
	Purpose of this submission is to invite Council and Council's Planning Department staff to commence a dialogue to determine where opportunities may exist for the owners of 93-97 Spring Street to deliver on the recommendations foreshadowed in the review and the potential for incentives to deliver A-grade commercial floor space in Bondi Junction	Noted. The site 93-97 Spring Street already has Waverley Council's highest HOB limit at 60 m and a considerable FSR of 6:1. The site is also already zoned B4 Mixed Use and therefore can be developed for shop top housing. Further conversations would be required to understand what type of uplift the applicant is seeking and whether this would have the strategic merit required to justify receiving any uplift. The owners may approach Council as any applicant can to discuss this matter further.
4. Save West Bondi Junction	Notes the recent public domain works that have taken place	Noted
	They want to reiterate the place making	Noted

	principles, consulting the community and creating a vibrant functional space	
	Notes the importance of major stakeholders such as Transport for NSW and Westfield in being involved in planning in this space	Noted
	Supports the recommendation to maintain controls in edge areas and not allow for any increases	Noted
	Encourages Council to promote service industries such as car repairs and nurseries within the centre to maintain these businesses within the BJ area	Noted. Council's current protecting and promoting non-residential floor space PP aims to create a provision that will help to promote floor space that can be used for these uses. Further investigation needs to be undertaken to understand how urban service uses, which require low land values, can be facilitated or maintained as part of any redevelopment.
	Asks that Council continue to implement the Greener places strategy as outlined by the Government Architect NSW	Noted
	Encourages the use of walls and roofs for green plantings	Noted
	Residents in new apartment developments should not have access to on street parking spaces	Noted. This request has been received on various occasions and is currently with Council's traffic and transport team for further investigation.
5. Property Council of Australia	Council should encourage the development of a pedestrian connection between Spring Street to the rail interchange and ensure that development controls for affected land are aligned to achieve this objective	Noted
	Believes [incorrectly] that Council is preparing a PP to rezone B4 Mixed Use land to B3 Commercial Core [Council is not preparing a PP to rezone any B4 zoned land to B3]. It may be too late to try and encourage further expansion of the office development in this area due to the number of predominantly strata titled residential apartments developed in the last 10 years.	Noted
	Believes the recommendation to resolve issues between LEP heights and floor to ceiling heights in the DCP may be irrelevant as the LEP height will always prevail over the DCP. Suggests that floor to ceiling heights should be determined by the National Construction Code	Noted

	Council should have regard to DPIE's April 2020 Practice Note when considering applications with a VPA.	Noted
	Council should be aware that VPAs should not be used as a means of revenue raising or overcoming revenue shortfalls. Value capture should not be the primary purpose of a VPA and public benefits must be wholly related to the proposed development	Noted
	Encourages Council to review the decision to maintain the LEP controls in edge areas. Believes these areas are strategically positioned for additional housing and employment opportunities	Noted
	Encourages Council to review the LEP maximum FSR and height controls to ensure consistency between the two	Noted

Council staff also made several changes to further explain and clarify the intent of the recommendations made in the BJUDR. The table below outlines these changes.

Table 2. Staff changes.

Section in BJUDR report	Page number	Current text	Proposed Text
1.0 Introduction	10-11	Development in Bondi Junction table	See amended development table with additions of FSR percentage and VPA contribution amounts.
2.8 Prevent midwinter lunchtime overshadowing of Clementson Park by amending the WLEP 2012 height and FSR alongside the northern side of Ebley Street	16	<p>Findings Analysis</p> <p>Whilst the height and FSR along the northern side of Ebley Street was not changed, Clementson Park is protected from overshadowing due to the provisions of Clause 6.7 <i>Solar access to public spaces in Bondi Junction</i>. As discussed in the previous recommendation, Clause 6.7 provides protection to Clementson Park as it outlines that any development that causes additional overshadowing impact to Clementson Park must not be granted development consent.</p> <p>Recommendations</p> <p>Whilst this specific recommendation has not been actioned, the intent of the outcome has been actioned. No further action is required for this recommendation.</p>	<p>Findings & Analysis</p> <p>The original findings of the BJUDR outlined that the height of buildings on the Ebley Street sites should be reduced from 32m to 28m. This height limit was decided to allow for sunlight to reach Clementson at 12 noon on 21st June (Winter Solstice).</p> <p>Clause 6.7 <i>Solar access to public spaces in Bondi Junction</i> was applied incorrectly and as it is currently written does not allow any increase on those sites above the height of the existing building. This was not the intention of the original recommendation of the Urban Design Review; the intention was to allow redevelopment of those sites up to a proposed reduced maximum height limit of 28m.</p> <p>Recommendations</p>

			This clause should be reviewed to ensure an appropriate balance between daylight access to the park and the ability of the sites on Ebley Street to achieve their LEP height restrictions.
4.1.1 Develop a framework for VPA and (now) S7.11 contributions particularly for sites that might be the subject of Development Applications significantly over the existing controls	22	Findings and Analysis Since its creation in 2014 the VPA policy has been used to secure \$16.75million for the purposes of community benefits.	Findings and Analysis Since its creation in 2014 the VPA policy has been used to secure \$16.75million for the purposes of community benefits, approximately \$2.3million of which has been secured for the purposes of affordable housing.
5.1.0 Waverley DCP Podium Controls	26	Findings and Analysis There are currently four remaining sites in the Bondi Junction commercial centre that have redevelopment potential, they are listed below: 47-53 Spring St 376-382 Oxford St 6-8 Denison St 10 Denison St	Findings and Analysis There are currently four sites in Bondi Junction that have yet to redevelop in recent years and are likely to redevelop in the future. They are listed below: 47-53 Spring St 376-382 Oxford St 6-8 Denison St 10 Denison St
7.1.1 & 7.1.2 Treatment of controls in edge areas - West Oxford Street	33	Recommendations Maintain the current LEP controls and do not allow for increased development standards in order to respect the existing low-scale built-form and amenity of area	Findings and Analysis Add diagram on West Oxford Street PP – see below Recommendations Remain consistent with the LSPS direction of maintaining the character and neighbourhood feel of West Oxford Street by maintaining the current LEP controls and do not allow for increased development standards in order to respect the existing low-scale built-form and amenity of area.
8.3.2 Bondi Junction Town Square Recommendations - Proposed building heights	40	Recommendations Investigate the viability of the stepped building heights in Oxford Street Mall and make recommendations pertaining to changing or leaving the controls as is as part of the Comprehensive LEP Review.	Recommendations Investigate ways to facilitate office floor space development in this area.

5. Financial impact statement/Time frame/Consultation**Financial Impact Statement**

Adopting the Bondi Junction Urban Design Review Update will have no financial impact on Council.

Time frame

Adopting the Bondi Junction Urban Design Review Update will be the final step in this process.

Consultation

The public exhibition period ran from 26 May to 28 June 2020. During this period a total of five submissions were received. The recommendations of these submissions were noted for further investigation as part of future Council plans such as the Comprehensive LEP Review 2021. No further consultation will be required as part of this process.

6. Conclusion

Once adopted the Bondi Junction Urban Design Review Update will form an important evidence base as part of the strategic planning framework, along with the suite of other completed and draft environmental studies, to inform decisions in the face of continued development pressure, such as proponent-led planning proposals.

7. Attachments

1. Bondi Junction Urban Design Review Update - Post exhibition version (under separate cover) [⇒](#)
2. Bondi Junction Urban Design Review Update - Exhibition version (under separate cover) [⇒](#)

REPORT
PD/5.4/20.09

Subject: 40 km/h Speed Limit Changes - Treatments

TRIM No: A18/0579

Author: Amanda Tipping, Project Manager, Major Projects

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the Councillor feedback received on the original six traffic calming treatments following the Councillor workshop held on 28 July 2020.
2. Approves the installation of traffic calming treatments, as detailed in this report, at the following five locations:
 - (a) Bourke Street, Queens Park.
 - (b) Botany Street at Allens Parade, Bondi Junction.
 - (c) Park Parade, Bondi.
 - (d) Bennett Street, Bondi.
 - (e) Ruthven Street, Bondi Junction.

1. Executive Summary

The purpose of this report is to address a resolution passed at the Council meeting on 16 June 2020. The resolution asked Council officers to present six traffic calming treatments, which were recommended for approval at Waverley Traffic Committee on the 28 May 2020, to a Councillor workshop, followed by a report submitted to Council.

2. Introduction/Background

In an effort to achieve Vision Zero, with zero road fatalities and minimal serious injuries, Transport for NSW (TfNSW) and Council are aiming to reduce speeds across the local government area (LGA) by introducing a contiguous 40 km/h speed limit. This speed limit aims to increase road safety and to improve the road environment for other road users.

In NSW, TfNSW is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Guidelines.

Speed limits in NSW, as in other parts of Australia, are determined by a number of factors including the road geometry, surrounding conditions, road usage, adjacent development, vehicle types and volumes, crash history and the number of access points along the route.

Local Traffic Areas that are primarily self-contained, residential precincts with networks of local streets used mainly for local access may be suitable for 40 km/h speed limits. Typically, these areas have physical devices or treatments to create a self-enforcing 40 km/h speed environment.

While there are some existing locations within Waverley that already exhibit self-enforcing 40 km/h speed environments, other locations require additional treatments for TfNSW to support lowering the existing speed limit. Transport for NSW aims to provide consistent speed limits for motorists on NSW roads, which accurately reflect the road and surrounding environment.

TfNSW have advised Council that they are unable to support the introduction of a new speed limit with no physical interventions at certain locations as it is inconsistent with the NSW Speed Zoning Guidelines.

To determine the requirements for a speed limit change and locate where traffic calming devices would be required, relevant guidelines, crash data, speed data, traffic volume data, spatial mapping and site visits were reviewed. Officers are working toward balancing the needs of the community, mitigating adverse impacts of traffic calming devices, and attempting to achieve no net loss of parking.

The traffic report, including treatment rationale and analysis, was attached and noted at the Strategic Planning and Development Committee on 5 November 2019, along with the concept designs.

Community consultation took place from November 2019 to January 2020. A range of engagement methods were used to maximise the opportunity for community participation. The engagement methods are shown in Table 1 below.

Table 1. Consultation methods.

Consultation Nov 2019 – Jan 2020	
Social media	7 & 18 Nov
Media release	12 Nov
Mayor's column	13 Nov
Advertising – The Beast & Wentworth Courier	15 Nov
Internal & external email	18-21 Nov
Flyer - Stage 1 area	20 – 23 Nov (11,000 delivered)
Have Your Say page & mapping tool	Nov – Jan (Over 800 people visited the HYS site and 300 people looked at the map)
Waverley Weekly newsletter	Nov & Dec
Engagement letters	Nov & Dec
Have your say days	Bondi Markets 30 Nov Bondi Junction Markets 5 Dec Bronte 12 Dec Hunter Ward 15 Dec
Combined Precincts meeting	5 Dec
Door knocking	13 & 17 Dec (108 Residences)

A Councillor workshop was held on 11 February 2020 to present the community consultation outcome. In March 2020 Council received and noted community feedback, endorsed the recommended treatments and approved to proceed to detailed design.

Council officers altered the design of the speed humps to address the community feedback. The speed humps now have lower, longer ramps and asphalt infill to reduce noise impacts and improve the aesthetics. An example of an existing road hump is shown in Figure 1. An example of the proposed redesigned road hump to reduce noise impacts is shown in Figure 2.



Figure 1. Example of existing road hump.



Figure 2. Example of the proposed redesigned road hump.

The first six traffic calming treatment detailed designs were presented at Waverley Traffic Committee in May 2020 and recommended for approval by Council. At the Council meeting on 16 June 2020, Council requested further justification of proposed treatments that were previously endorsed.

On 28 July 2020, a further Councillor workshop was held. Council officers explained that traffic engineers and specialised technical consultants had carried out a traffic study, treatment analysis and rationale and advised on the optimal traffic calming treatments and optimal locations where devices are required to achieve a self-enforcing 40 km/h zone.

The workshop included all the traffic calming treatments (30 treatments and line marking) for discussion for the entire 40km/h project and gave the opportunity for Councillors to give feedback on every treatment and location.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 16 June 2020	CM/5.2.1/18.06(2)	That: 1. Council defers this item to a Councillor workshop for further consideration of the location and type of traffic calming devices in the locations of: (a) Bourke Street, Queens Park. (b) Botany Street Bondi Junction.

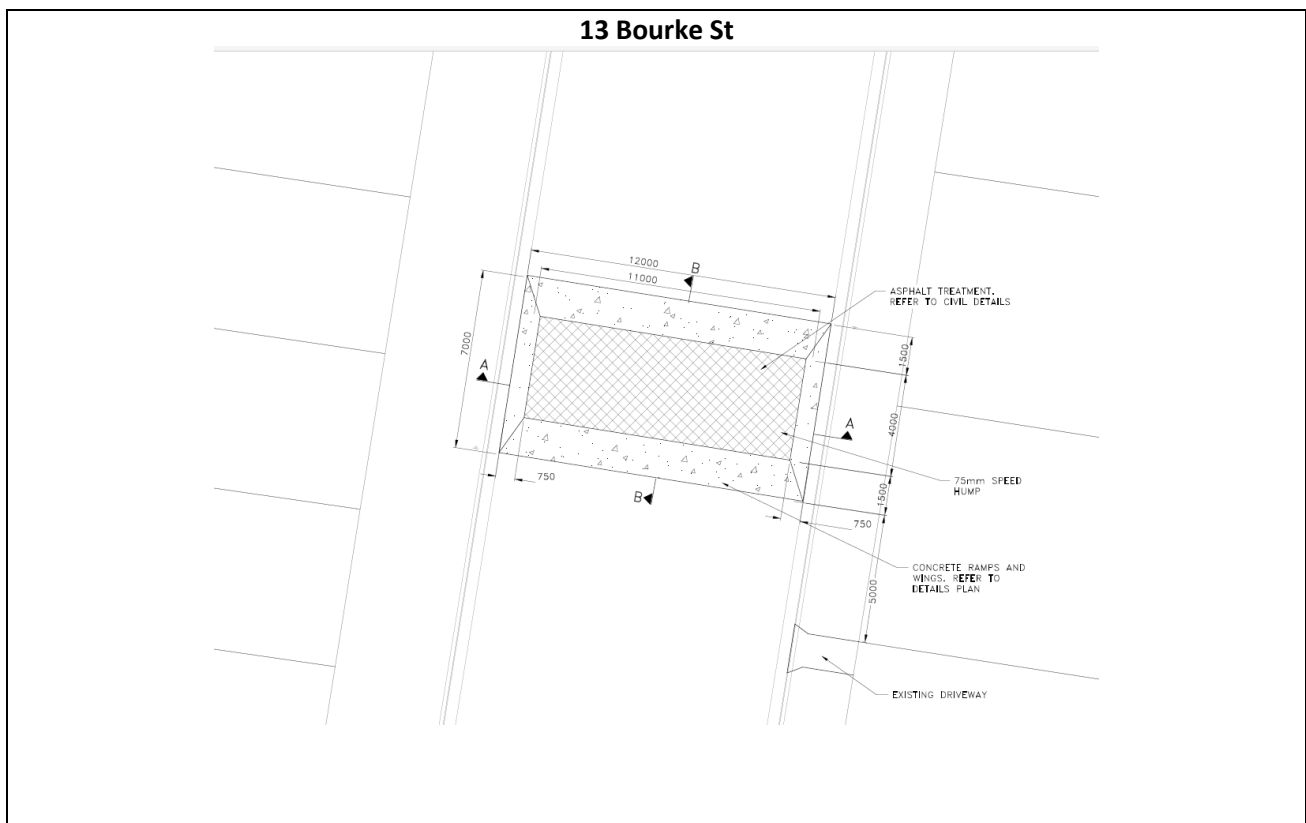
		<p>(c) Park Parade, Bondi.</p> <p>(d) Bennett Street, Bondi.</p> <p>(e) Ruthven Street, Bondi Junction.</p> <p>2. A report comes back to Council.</p>
Council 17 March 2020	CM/8.1/20.03	<p><i>The motion below was lost</i></p> <p>That resolution PD/5.3/20.03 – 40 km/h Speed Limit Changes – Consultation Outcomes, passed at the Strategic Planning and Development Committee meeting on 3 March 2020, be rescinded.</p>
Strategic Planning and Development Committee 3 March 2020	PD/5.3/20.03	<p>That Council, in relation to the 40 km/h speed limit change project:</p> <ol style="list-style-type: none"> 1. Receives and notes the summary of community feedback attached to this report (Attachment 1). 2. Endorses the recommended traffic calming measures identified in Attachment 2 to this report. 3. Proceeds to detailed design of the recommended traffic calming measures, with a report to be considered by the Traffic Committee before proceeding to procurement for the construction phase.
Strategic Planning and Development Committee 5 November 2019	PD/5.3/19.11	<p>That Council:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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.

		<p>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.</p> <p>5. Notes that Bondi Road, Council Street and Carrington Road are excluded from the scope of the Speed Review Study.</p> <p>6. Notes the proposed signage treatment is excluded from the public exhibition, being a technical matter for Waverley Traffic Committee consideration.</p> <p>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.</p>
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4. Discussion

The following six treatments were discussed during the Councillor workshop on 28 July 2020, and tables below provide the technical detail, submissions, reviews and council officer recommendations for each location. An opportunity was provided for further Councillor input following the workshop. One Councillor submission was received addressing the specific locations detailed in this report.

Table 2. 13 Bourke Street.

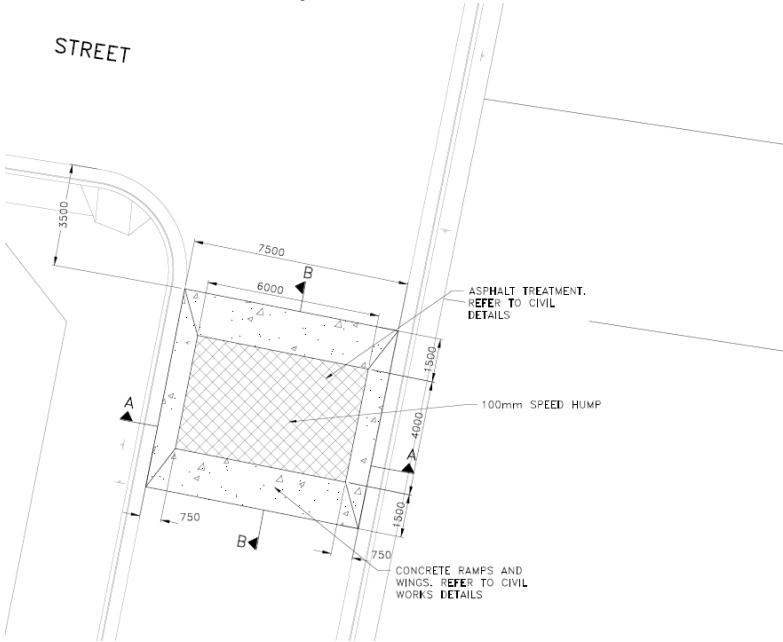


Council officer recommendation:	Install redesigned speed hump at this location Justification: Separate cycle lanes and a median splitter island were reviewed as options at this location, both of these options would require removing five to six parking spaces. Council officers advise that Bourke St has a high occupancy parking rate and do not want to reduce parking spaces where possible.
Reason for recommended type of treatment:	<ul style="list-style-type: none"> • Most effective at reducing vehicle speeds in this location • No impact to parking • Relatively low cost to maintain • Minimal impact to movements from driveways • Consistent with existing treatments on Bourke St
Reason for this exact Location on Bourke St:	<ul style="list-style-type: none"> • Located to optimise spacing between existing treatment (60m north) and roundabout (100m south) • No driveway conflict and more room for treatment • Driveway conflicts at ideal location (No. 14 and 16) • Near existing streetlight • Favourable grade
85th Speed:	49 km/h <i>*all roads recorded at 43 km/h and above were reviewed for treatment requirements</i>
Submissions during community consultation Nov 2019 – Jan 2020:	Door Knocking: 1) low ones ok, not objective 2) Fully supports – has kids and dogs and wants it safer
Submissions submitted at June 2020 Council Meeting:	Nil
Councillor submissions post Councillor workshop July 2020:	This location is close to the existing road hump at the Birrell St end and should be removed - Rationale - The existing speed is 50km/hr due to this being a bus route when the rest of Queens Park is 40km/hr so when the speed limit is reduced it's likely that there will be no problem with reducing speed in this short section. This is a very short distance between speed humps compared to Botany Street (above) where the speed humps are much farther apart. We are also proposing to put a speed hump on the Queens Park Road end of Botany Street (ID 4) so this road will be sufficiently covered.

Table 3. Botany Street at Allens Parade.

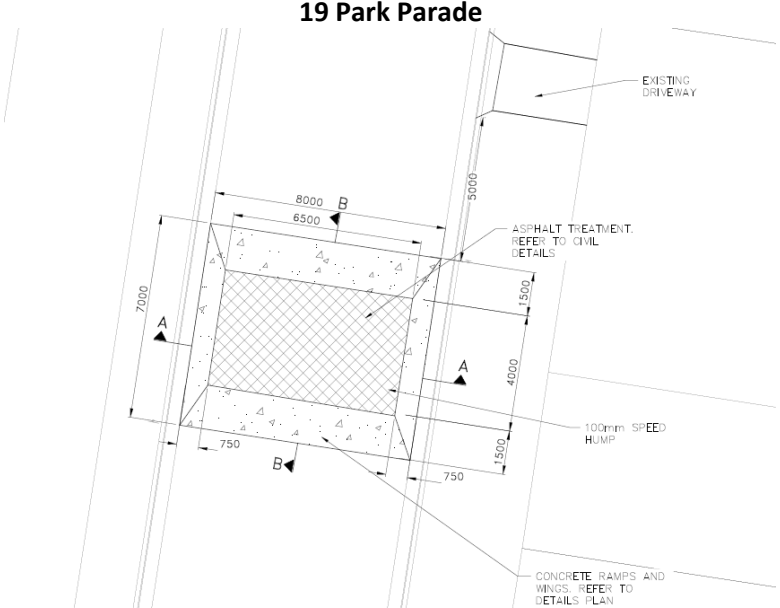
<p style="text-align: center;">Botany St at Allens Parade</p>	
Council officer recommendation:	<p>Install redesigned speed hump at this location</p> <p>Justification:</p> <p>Speed cushions and kerb blisters were reviewed as options at this location, however speed cushions can typically have a larger noise impact and kerb blisters were deemed less effective at slowing vehicles down at this location.</p>
Reason for recommended type of treatment:	<ul style="list-style-type: none"> • Most effective treatment at reducing vehicle speeds in this location • relatively low cost to install and maintain
Reason for exact location on Botany St:	<ul style="list-style-type: none"> • Located to optimise spacing along Botany Street • No impacts to parking • Does not encourage pedestrians to use it as a crossing • Not located on property frontages • Set back from intersection - minimise impact on turning vehicles
85th Speed	48 km/h
Submissions during community consultation Nov 2019 – Jan 2020:	Have Your Say (HYS) day - 1 x support – ‘Need road humps to prevent speeding on Botany St’
Submissions submitted at June 2020 Council Meeting:	Nil
Councillor submissions post Councillor workshop July 2020:	Nil

Table 4. Botany Street at Llandaff Street.

<p style="text-align: center;">Botany St At Llandaff Street</p> 	
<p>Council officer recommendation:</p>	<p>Delete proposed speed hump at the corner of Llandaff St and Botany St.</p> <p>Officers will review implementing a traffic calming treatment at Botany St/ Waverley St intersection independently to the 40km/h project.</p> <p>Justification</p> <p>Consideration was given to Councillor feedback and it was agreed that the proposed treatment at Botany St, Allens Pde and current speed data may result in a self enforcing speed limit.</p>
<p>Reason for recommended type of treatment:</p>	<p>NA</p>
<p>Reason for Location:</p>	<p>NA</p>
<p>85th% Speed:</p>	<p>48 km/h</p>
<p>Submissions during community consultation Nov 2019 – Jan 2020:</p>	<p>HYS map – 1) Dangerous to turn right from Llandaff onto Botany. Ensure the hump sits North of Llandaff on Botany to give a bit of a safety buffer. HYS day – 1) support - Need road humps to prevent speeding on Botany St</p>
<p>Submissions submitted at June 2020 Council Meeting:</p>	<p>Botany Street (1) submission</p> <ul style="list-style-type: none"> • Pollution impact • No accidents or speeding • Affects residents trying to cross the road • No consultation

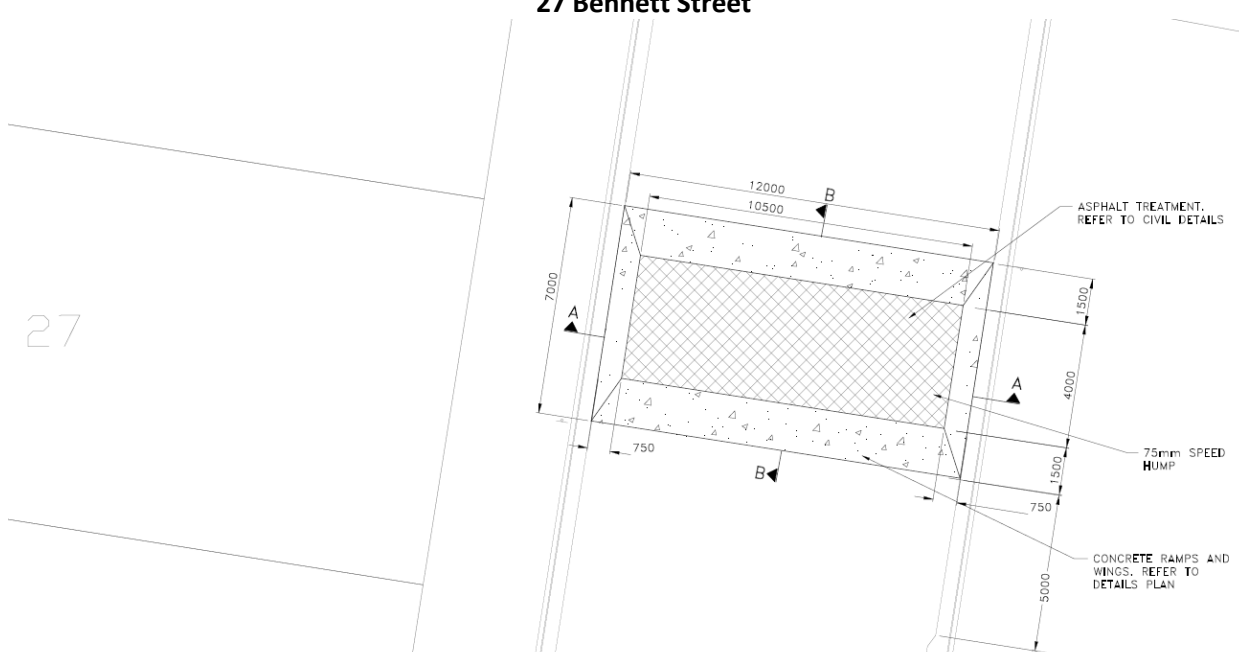
Councillor submissions post Councillor workshop July 2020:	<p>'This would be much better if it were a kerb blister with low plantings - Rationale - this is not a high-speed area so we do not need to bring the speed down very much to achieve 40km. The residents at this location do not support a road hump but the kerb blister would provide added safety for drivers exiting Llandaff St. Suggest that it has a path through the centre as this is a high pedestrian through link.'</p>
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Table 5. 19 Park Parade.

<p style="text-align: center;">19 Park Parade</p> 	
Council officer recommendation:	<p>Install redesigned speed hump at this location</p> <p>Justification</p> <p>Speed cushions and kerb blisters were reviewed as options at this location, however speed cushions can typically have a larger noise impact and kerb blisters were deemed less effective at slowing vehicles down at this location.</p>
Reason for recommended type of treatment:	<ul style="list-style-type: none"> • Most effective at reducing vehicle speeds in this location • No impact to parking • Relatively low cost to maintain • Minimise impact to movements from driveways
Reason for this exact location on Park Pde:	<ul style="list-style-type: none"> • Located to optimise spacing between treatments and intersections on Park Parade - approximately halfway • Near existing streetlight • No obvious pedestrian desire line (does not encourage pedestrians to use it as a crossing)

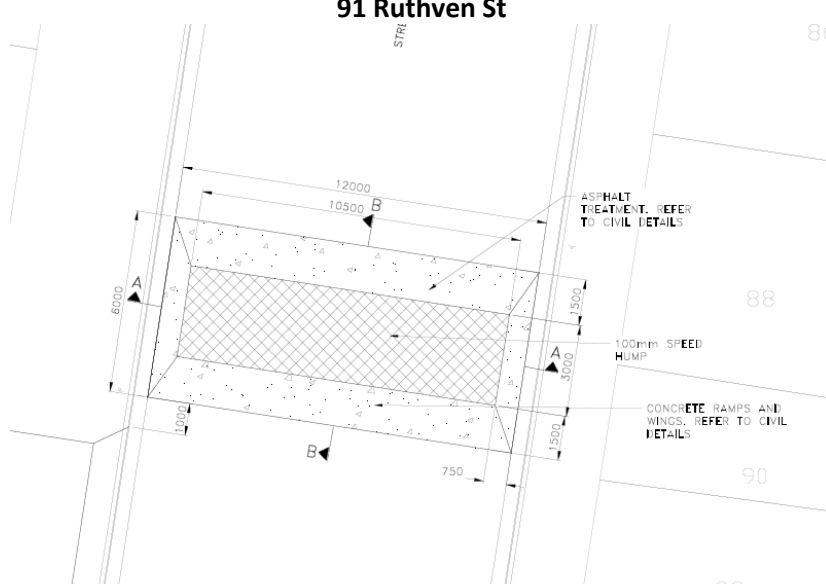
85th% Speed:	51 km/h
Submissions during community consultation Nov 2019 – Jan 2020:	Direct Email & Call : 1) Not supportive of treatment outside 19/ 20 Park Parade due to noise concerns. Did say cars speed down road and said police should enforce speed limits more
Submissions submitted at June 2020 Council Meeting:	Park Parade (4) submissions <ul style="list-style-type: none"> • Lack of justification • Proposed location • Lack of consultation • No design information • Structural damage to property • No accidents on park parade • Lack of parking spaces
Councillor submissions post Councillor workshop July 2020:	Nil

Table 6. 27 Bennett Street.

<p style="text-align: center;">27 Bennett Street</p> 	
Council officer recommendation:	<p>Install redesigned speed hump at this location</p> <p>Justification</p> <p>Speed cushions and median with pedestrian refuge were reviewed as options at this location, however speed cushions can typically have a larger noise impact and the median with pedestrian refuge would remove up to eight parking spaces.</p> <p>Council officers advise that Bennett St has a high occupancy parking rate and do not want to reduce</p>

	parking spaces where possible.
Reason for recommended type of treatment:	<ul style="list-style-type: none"> • Most effective at reducing vehicle speeds in this location • No impact to parking • Relatively low cost to maintain • Minimise impact to movements from driveways
Reason for this exact Location on Bennett St:	<ul style="list-style-type: none"> • Located to optimise spacing between intersections along Bennett Street, approximately halfway • Adjacent to existing street light • Sufficiently set back from Stephen Street Reserve, less likely to be mistaken for pedestrian crossing • Tree conflicts north of Stephen Street
85th Speed:	51 km/h
Submissions during community consultation Nov 2019 – Jan 2020:	Nil
Submissions submitted at June 2020 Council Meeting:	Nil
Councillor submissions post Councillor workshop July 2020:	Nil

Table 7. 91 Ruthven Street.

	
Council officer recommendation:	<p>Install redesigned speed hump at this location</p> <p>Justification</p> <p>Council officers advise that Ruthven St has a high occupancy parking rate and do not want to reduce parking spaces where possible.</p>

	<p>Traffic engineers and specialised technical consultants advise that splitting the road hump is deemed dangerous and unsafe in this location due to existing road environment and driver behaviour.</p> <p>If a median island is preferred at this location, by Council, up to four parking spaces will be removed. Lateral deflection is unfavourable on downhill sections of road, it may limit access and turning movements from adjacent driveways and is relatively expensive to install.</p>
Reason for recommended type of treatment:	<ul style="list-style-type: none"> • No impact to parking • Most effective at reducing vehicle speeds in this location • Relatively low cost to maintain • Designed to minimise impact to movements from driveways
Reason for Location:	<ul style="list-style-type: none"> • Located to optimise spacing along Ruthven Street and address vehicle speeds • Near existing streetlight • Located between existing driveways • Least steep section of Ruthven Street • Good sight distances and legibility
85th% Speed:	55 km/h
Submissions during community consultation Nov 2019 – Jan 2020:	<p>Door knocking – 1) Supportive - fast road, difficult getting in and out of driveway due to traffic speed. Driving behaviour needs improving</p> <p>2) Lived there for 43 years - not supportive - no issue, very little speeding cars. Not supportive of treatment - ugly</p> <p>HYS day – 1) Road hump not required on Ruthven street - speeding not an issue</p>
Submissions submitted at June 2020 Council Meeting:	<p>Ruthven Street (3) submissions</p> <ul style="list-style-type: none"> • Treatments are ugly • Quiet street with no speeding • Noise concerns • No benefit • Impact property value • Prefer alternative option
Councillor submissions post Councillor workshop July 2020:	<p>‘Suggest that we consult the community on the best solution for this street as the affected residents are not happy with the road hump and any changes will mean loss of parking spaces. An option that split or lengthened the hump so that it spread the load across more properties may be an option here.’</p>

Remaining treatments

The 40 km/zone project (Stage 1) comprises 30 treatments. This report proposes next steps for six of these treatments. At the Councillor workshop, opportunity was provided for Councillors to ask questions or seek clarification around the remaining treatments. Two Councillor submissions were received following the workshop. These submissions will be considered in the designs and included in the report being prepared for consideration by Waverley Traffic Committee.

Comment on intersection thresholds

Council officers will review and address all Councillor feedback, taking into consideration that consultation has already been carried out on the optimal treatment and location advised by traffic engineers and specialised technical consultants.

The cost of intersection thresholds is significantly more than the proposed speed humps. This expenditure may be warranted at certain locations, e.g. village centres.

5. Financial impact statement/Time frame/Consultation**Financial impact statement**

Council has received a commitment of \$1 million for construction from the RMS NSW Safe Speeds in High Pedestrian Activity and Local Area program. The \$1 million is required to be spent or committed by 30 June 2021.

Time frame

- Traffic Committee: 2020 (for the remainder of the traffic calming treatments).
- Procurement for construction: 2020/2021.
- Construction: 2020/2021.

Consultation

Community and stakeholder consultation took place between November 2019 and January 2020. Community and stakeholders were informed of the outcome of the consultation in June 2020. The community and stakeholders will be informed prior to any construction works.

6. Conclusion

It is recommended that Council endorses the Council officer's recommended traffic calming treatments to allow the project to progress to procurement and construction.

7. Attachments

Nil.

REPORT
PD/5.5/20.09

Subject: 194-214 Oxford Street, 2 Nelson Street and Osmund Lane,
Bondi Junction - Site Specific DCP - Post-exhibition

TRIM No: PP-1/2015

Author: Patrick Connor, Strategic Planner

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Notes the matters raised in submissions made to the 194–214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction Site Specific Development Control Plan (DCP).
2. Endorses the changes made to the 194–214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction Site Specific DCP, as attached to this report.
3. Notes the ideas supported by the community on how to spend the \$4.7 million monetary contribution, which will help inform the content of the Voluntary Planning Agreement when negotiated.
4. Notifies those people who made a submission, including the Save West Bondi Junction group, of Council's decision.
5. Notes that the Design Excellence Competition is underway and the Site Specific DCP will provide guidance to inform the Design Competition.

1. Executive Summary

The 194 Oxford Street Planning Proposal (PP) was approved by the Department of Planning, Industry and Environment and gazetted on the 20 September 2019, despite consistent and extensive objections from Waverley Council. The sites included in the Planning Proposal were 194–214 Oxford Street and 2 Nelson Street, Bondi Junction. The gazettal of the PP increased the height of buildings on the sites from 15 m to 36 m, the FSR from 1.5:1 to 3.5:1, removed the heritage listing from four terrace houses and required both a design excellence competition and a Site Specific Development Control Plan (SSDCP) to be prepared.

Any development that is to occur on these sites must go through a design excellence competition process as per clause 6.10 of the Waverley LEP. Clause 6.11 of the Waverley LEP requires Council to make a Site Specific DCP for these sites to help inform the design excellence competition. The SSDCP was drafted with objectives and controls pertaining to built form, design excellence, public domain and waste. The SSDCP was placed on public exhibition from 5 February to 10 April 2020.

As part of the Planning Proposal negotiations, the applicant offered to enter into a Voluntary Planning Agreement (VPA) with Council. In June 2019, Council received confirmation in writing of the applicant's VPA offer totalling \$7.45 million, of which \$4.7 million was a monetary contribution and the remainder being the dedication of land and provision of a public plaza. Various ideas of how to spend the \$4.7 m

contribution were put to the community as part of the public exhibition period. While these ideas will not impact the SSDCP, they will be considered when the VPA for the site is negotiated. The most supported ideas on how to spend this money were for mature street tree plantings, improvements being made to surrounding residential streetscapes and creating a new public recreational space in Bondi Junction.

The SSDCP was prepared by Council staff in line with clause 6.11 of the Waverley LEP 2012. This report also notes that a VPA amount has been agreed and a draft instrument will be prepared for exhibition and subsequent endorsement for Council. The VPA is an important tool in dealing with the additional pressure on infrastructure and the public domain, and other externalities caused by the level of development allowed for under the approved Planning Proposal.

The public exhibition period that ran from the 5 February to 10 April 2020 received a total of 24 submissions from the community. Two submissions fully supported the exhibited SSDCP, while 22 submissions made recommendations for changes. The SSDCP was then sent to the Design Excellence Advisory Panel on 15 July 2020. The DEAP made 13 recommendations, seven of which were added to the DCP, five were recommended to be added to the design brief and one was noted for investigation at a later date. The changes that have been made to the SSDCP as a result of the recommendations made during the exhibition period and DEAP meeting are listed in section four of this report.

2. Introduction/Background

Council received this Planning Proposal in March 2015. The Planning Proposal was not supported by Council but was given Gateway Determination through a then Pre-Gateway Review (now called a Rezoning Review) in December 2016. Following public exhibition and despite a community consultation period that saw 396 submissions opposing the development and only 10 supporting it, and Council's unanimous opposition to the proposal, the Department of Planning, Industry and Environment decided to support the Planning Proposal following a recommendation for support from the Independent Planning Commission in February 2019. The plan was gazetted in September 2019.

As part of the Planning Proposal negotiations, the applicant offered the ability to enter into a Voluntary Planning Agreement (VPA) with Council. In June 2019, the applicant provided a VPA offer totalling \$7.45 million of which \$4.7 million is a monetary contribution and the remainder being the dedication of land and provision of a public plaza. As part of the resolutions of the Strategic Planning Development Committee on 3 December 2019, Council asked for community input on how to spend the \$4.7 million. Along with exhibiting the SSDCP, Council placed six ideas on exhibition for the community to comment on and provided the opportunity for the community to suggest their own ideas for how the money could be spent.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Strategic Planning and Development Committee Meeting 3 December 2019	PD/5.7/19.12	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

Meeting and date	Minute No.	Decision
		<p>the Planning Proposal and that it will present an unacceptable built form scale, particularly to Oxford Street.</p> <p>(d) The majority of community feedback opposes the Planning Proposal.</p> <p>(e) The Planning Proposal is inconsistent with the recommendations of the Government Architect's Office on the West Oxford Street Precinct Plan.</p> <p>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.</p> <p>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.</p> <p>4. Publicly exhibits the proposed VPA for a minimum period of 28 days from December 2019 to all of February 2020.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i> and clause 18 of the <i>Environmental Planning and Assessment Regulation 2000</i>, subject to:</p> <p>(a) The draft DCP being amended to require that Council has representation in the Design Excellence Jury.</p> <p>(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.</p> <p>(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</p>

Meeting and date	Minute No.	Decision
		<p>development.</p> <ol style="list-style-type: none"> 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.
Strategic Planning and Development Committee 2 April 2019	PD/6.1/19.04	<p>That the Mayor urgently write to the new Minister for Planning and Public Spaces, the Hon Robert Stokes MP, requesting:</p> <ol style="list-style-type: none"> 1. That the Minister take back his delegation from the Department of Planning and Environment with respect to the planning proposal for 194–214 Oxford Street and 2 Nelson Street, Bondi Junction. 2. The Minister's refusal of the planning proposal for 194–214 Oxford Street and 2 Nelson Street, Bondi Junction. 3. An urgent meeting with the Minister to present Council's objections to this proposed development.
Council 18 July 2017	CM/7.1/17.07	<p>That Council:</p> <ol style="list-style-type: none"> 1. Not supports the planning proposal at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, for the following reasons: <ol style="list-style-type: none"> (a) The proposed height and floor space ratio will result in an overdevelopment of the site and will

Meeting and date	Minute No.	Decision
		<p>present an unacceptable built form scale, particularly to Oxford Street.</p> <p>(b) The proposal has not sufficiently addressed the impacts of bulk and scale, and is not sympathetic to and does not provide an acceptable transition to the heritage items on the subject site (Norfolk Island Pine), in the surrounding area (Nelson Hotel) and Centennial Park.</p> <p>(c) The majority of community feedback received opposes the proposal, with 69% of objections relating to increased traffic congestion, lack of parking and pedestrian safety.</p> <p>(d) The value of the public benefits offered as part of the planning proposal are not aligned with the expected value uplift of the proposal and does not comply with the Council's Planning Agreement Policy 2014. No planning agreement has therefore been entered into as part of this planning proposal.</p> <p>(e) The proposal does not provide affordable rental housing in accordance with the benchmarks stated in the draft District Plans, and is not consistent with Council's methodology for valuing uplift.</p> <p>(f) The proposal is inconsistent with the recommendations of the Government Architect's Office Final Report on the West Oxford Street Precinct Plan.</p> <p>(g) Inconsistency with the following directions under Waverley Together 3:</p> <p>(i) L5a – Ensure planning controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected.</p> <p>(ii) L5b – Protect and maintain heritage significant buildings while ensuring they are fit for use.</p> <p>(iii) L5c – Consider the use of planning controls and agreements to provide improvements to built infrastructure.</p> <p>(h) The 2013 Traffic Study (prepared by GTA Consultants) is inadequate as follows:</p>

Meeting and date	Minute No.	Decision
		<ul style="list-style-type: none"> (i) The modelling is not acceptable due to the length of time since the survey was carried out. (ii) The intersection modelling, whilst acknowledging the existing congestion at the Oxford Street/Nelson Street intersections, does not provide any solutions. (iii) The intersection models need to be modelled as a network rather than individual intersections. (iv) The report fails to consider the impact of the proposed development on surrounding roads and local amenity. (v) The report does not address the issue of vehicles exiting the Osmund Lane shared lane into Nelson Street <ol style="list-style-type: none"> 2. Agrees to forward this report and any other relevant information to the Department of Planning and Environment (DPE), acting as a delegate of the Greater Sydney Commission, to make a final decision regarding the planning proposal. 3. Publishes an information sheet on Council's website explaining what actions developers have in regard to planning proposals.
Council 15 December 2015	CM/7.1/15.12	<p>That Council does not support the planning proposal at 194-204 Oxford Street and 2 Nelson Street, Bondi Junction for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed height will result in the overdevelopment of the site and present an unacceptable built form scale, particularly to Oxford Street, in an area that borders the Mill Hill Conservation area. 2. The proposal will result in unacceptable overshadowing of the public domain and Centennial Park. 3. The proposal may set a precedent for adjoining sites seeking additional height and floor space. 4. The proposal is not in the public interest of the West Oxford Street Precinct. 5. The proposal is in excess of the current LEP height limit of 15m and the FSR of 1.5:1

Meeting and date	Minute No.	Decision
Operations Committee 31 March 2015	OC/5.1/15.03(2)	<p>EXTRACTS</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that the West Oxford Street Design Charrette produced ideas for the future of West Oxford Street. The ideas were publicly exhibited and tested in a statistically valid survey. 2. Notes the 'West Oxford Street Design Charrette Summary Report and Recommendations' prepared by the Government Architect's Office. ... 4. Agrees with the following approach that has been recommended based on the assessment of the submissions received from the public exhibition, the Government Architects Report and the ideas from the design charrette teams that for the Waverley LEP 2012 (WLEP) floor space ratio and height of buildings controls: <p>...</p> <p>b) That any decision on whether changes to the WLEP 2012 are warranted relating to blocks 1, 2 and 3a as identified on Map 2 [provided below] be deferred until the assessment of the Planning Proposal received for 194–214 Oxford Street and 2 Nelson Street has taken place. Understand that the assessment and investigations will consider use, heritage, overshadowing, wind effects, impact on the skyline, views and vistas of Centennial Park, design excellence and traffic impacts.</p> 5. Sends an information sheet on the Planning Proposal received for 194–214 Oxford Street and 2 Nelson Street to the residents in the surrounding area up to Denison Street, Birrell Street and Syd Einfeld Drive and send a copy to Woollahra Council. ...

4. Discussion

Consultation

During the exhibition period, the Planning Proposal received 24 submissions. Two of the submissions fully supported the exhibited SSDCP and the other 22 made recommendations for changes to the DCP. These proposed changes (below) were common recommendations made between each of the 22 submissions proposing amendments. The table below outlines the changes recommended as part of the submissions and whether they were added into the SSDCP.

Table 1. Submissions.

Recommendation proposed in submission	Recommendation added to SSDCP?	Justification
Add in a 6m setback from the road to allow for street tree plantings	Yes	The PP resulted in a land dedication of 3.5m along Oxford Street. This was originally planned for road widening purposes. The road widening associated with the PP will instead be used for streetscape beautification purposes allowing for mature street tree plantings and landscaping. Both footpath widening and road widening were both considered for this purpose. It was considered that road widening was unnecessary given that there are already two lanes on this side of Oxford Street and a future potential bike path is now being considered on the southern side of Oxford Street. It is considered that footpath widening is unnecessary as the footpath does not link to other pedestrian connections and wouldn't be heavily trafficked. A control outlining that the space will be used for landscaping and mature street tree planting has been added into the SSDCP.
Add in a 6m setback at podium level for the towers	Yes	It was decided that providing a 6m setback from Oxford Street at the podium level would help to minimise the visual impact of the towers on the Oxford Street streetscape. This will ensure that the tower is less visually dominant from Oxford Street creating a good human scale, built form and improved public domain at ground level. As such, a control was added requiring a 6m setback from the podium fronting Oxford Street. However, the DCP also notes that a lesser setback may be considered if it can be demonstrated that it achieves the objectives of the DCP.
Add controls to retain the façade of the terrace housing	No	The Independent Planning Commission noted the importance of articulating the podium to reflect a terrace-like subdivision pattern. The existing control relating to this was strengthened by adding that the terrace like subdivision must be consistent with the existing terrace subdivision pattern along West Oxford Street. The potential for retention of the existing facades is best determined as a result of the design excellence competition.
Add controls to make the site a 'Green Gateway' and ensure mature tree planting	Yes	This was the most requested recommendation in submissions. Mature tree planting on this site will mitigate the visual impact of the proposed towers on the amenity and heritage significance of both Centennial Park and surrounding low rise heritage conservation areas. A requirement to have substantial mature tree plantings fronting Syd Einfeld Dr, York Rd and Oxford St has been added to the SSDCP to help facilitate the transition from Centennial Park to Bondi Junction.
Add controls to create a green podium	Yes	A control relating to podium landscaping has been added to the DCP. It is considered that the podium should reflect a terrace like subdivision and that the remainder of the podium

Recommendation proposed in submission	Recommendation added to SSDCP?	Justification
		design should be decided by the design excellence competition. It is also considered that creating the 'Green Gateway' site can be done through the substantial mature tree plantings and landscaping requirements listed in the SSDCP.
Don't allow for any road widening and preference widening footpaths	Yes	The road widening associated with the PP will instead be used for streetscape beautification purposes allowing for mature street tree plantings and landscaping. Both footpath widening and road widening were both considered for this purpose. It was considered that road widening was unnecessary given that there is already two lanes on this side of Oxford Street. It is considered that footpath widening was unnecessary as the footpath does not link to other pedestrian connections and isn't heavily trafficked. A control outlining that the space will be used for purposes other than road widening has been added to the DCP.
Add controls to ensure the development has no on street parking and does not increase pressure on the existing parking	Yes	There is merit in reducing reliance on private vehicles in this location, given its proximity to the train station and bus interchange. Council's Traffic and Transport team has recommended adding a control stating that resident parking for this development will not be included within area 22 of the Waverley Resident Planning Parking Scheme (RPPS) and that resident parking should be provided on site.
Access to the site is to be via Grafton Street	No	<p>Access via Grafton Street is not required. Council's traffic and transport team has advised that Osmond Lane can accommodate the likely traffic movements and waste servicing requirements.</p> <p>Access via Grafton Street would require relocation or total removal of the pedestrian bridge over Syd Einfeld Drive, which is not considered feasible or desirable. Removal of the pedestrian bridge is not in the community interest.</p>
A new traffic study is to be required for any development application lodged	Yes	As the traffic study is several years old it is agreed that any development application lodged for the site should have an updated traffic study to reflect the changes to the surrounding area that have occurred between now and the time of the original report. A control has been added to reflect this.
Outline the pedestrian and cycleway connections between Oxford Street and Osmund Lane	Yes	The submissions correctly pointed out that the LEP requires the DCP to provide the <i>layout</i> of the pedestrian and cycleway connections between Oxford Street and Osmund Lane. The layout of the pedestrian and cycleway connections has been provided in the DCP.
Add a control pertaining to ongoing management of the	Yes	The submissions reference the Independent Planning Commission's comment that Council should consider the ongoing management of any public plaza offered. As residents

Recommendation proposed in submission	Recommendation added to SSDCP?	Justification
public space so that the responsibility lies with the developer or body corporate		of the towers will also benefit from this plaza, it is considered appropriate that the responsibility for ongoing management should lie with the body corporate.
The public space provided cannot include space for garbage trucks or space that is required to meet heritage protection compliance – it must be genuine public space	Yes	It was agreed that any offering of public space had to be used for genuine public use. This will improve the quality of life for the residents of the towers and ensure that the benefits of a public space can be realised. A control to this effect has been added to the SSDCP.
Replace the current design excellence provisions in the DCP with the design excellence provisions in Clause 6.10 of the LEP	Yes	This change was made to ensure consistency and transparency with the LEP.
Add a provision to the new Waverley LEP ensuring that sites that have just recently received an uplift in height or FSR cannot further increase their height or FSR.	N/A	This has been added for investigation in the Waverley LEP Comprehensive Review. The SSDCP does contain a non-statutory reference that any increase in FSR or height beyond the LEP control would not be supported. It is noted that such a Clause cannot override the LEP discretionary provisions but does provide a clear statement of Council's intent.
Osmond Lane is to be retained as a 7.0 metre local access lane with 'No Parking' restrictions on both sides (current width property-property including kerb is around 5.8 metres).	Yes	This recommendation was made by Council's Traffic and Transport team. It is supported so that access may be maintained to the rear of the existing properties fronting Oxford Street.
The 3.5m road widening dedication along Oxford Street is not required for traffic related uses. This dedication can be removed and allocated for other purposes.	Yes	This recommendation was made by Council's Traffic and Transport team. Capacity constraints for traffic within the Bondi Junction Town centre remove the need for additional capacity on Oxford Street via road widening at this location. This is due to the revitalisation and re-allocation of road space within the Bondi Junction Precinct for access by pedestrians and cyclists and the established road network within Bondi Junction does not require the 3.5 metre dedication for road related purposes.
Access to and from	Yes	This recommendation was made by Council's Traffic and

Recommendation proposed in submission	Recommendation added to SSDCP?	Justification
Osmond Lane at Nelson Street is to be left-in left-out with enforcement by signs or a central raised Median on Newland Street.		Transport team. This is required to address queuing of traffic in Nelson Street back from Oxford Street extending past Osmond Lane. This will improve safety at the intersection while minimising impacts on other traffic movements.

In addition to the detailed controls, the SSDCP includes a set of planning principles to be met to ensure that any non-conforming design arising from the design competition could be assessed against these outcomes. The planning principles listed are outlined below:

- Create an acceptable human scale at the podium height.
- Create slender towers to mitigate visual amenity impacts.
- Create good public amenity on the site.
- Create significant landscaping on site including deep soil planting and substantial mature tree planting.

The SSDCP was then sent to the Design Excellence Advisory Panel (DEAP) on 15 July for their recommendations. The DEAP is a panel of professional architects who provide their insight and recommendations on DAs and DCPs. The following table outlines the recommendations they made and whether they were inserted into the SSDCP, added to the design competition brief or noted for action at a later date.

Table 2. DEAP recommendations.

Recommendation proposed by DEAP	Action for recommendation	Justification
Assuming it is owned by Council, the Council should consider opportunities to sell the lot currently at the far end of Osmund Lane, which is currently used as a turning circle as part of the redevelopment.	Noted for future action	This recommendation was deemed to be too large a task for this SSDCP process and would halt the process and the Design Excellence Competition process. This recommendation was noted for further investigation at a later date.
Basement/carpark access is to be considered in terms of impacting access to the public domain.	Add to design brief	This was added to the design brief as an outcome to be achieved so that entrants can be mindful of it in their designs. A control achieving a similar outcome to this was added as a response to the submissions received. The control reads as follows: 'Any land dedicated for public use must only be used for public use and cannot be used for vehicle access, garbage truck access or space required for the operation or maintenance of the towers.'
The visibility of the	Add to design	This recommendation was added to the design brief.

Recommendation proposed by DEAP	Action for recommendation	Justification
existing rear properties that are not part of the development site but have frontage to Osmund Lane, needs to be considered in terms of future public domain impact.	brief	Entrants will consider this requirement as part of their design.
Allocation of public domain written as a quantum as public space and location subject to competition process (inclusive of the 3.5m setback to Oxford Street).	Add to DCP	Council officers agreed with this recommendation to allow the entrants into the Design Excellence Competition to exercise creative freedom whilst designing their developments. Council believes that this will result in three separate and unique designs
The Council to consider and discuss with Woollahra Council the potential opportunity of enhancing the pedestrian bridge that runs over Syd Einfield Drive and achieves DDA compliance AS 1428.1.	Add to design brief with amendment	Entries into the Design Excellence Competition are to consider the relationship between the development and the footbridge. Rather than imposing a DCP control it was decided that a better outcome would be to let the architects explore their own avenues of creating a positive relationship between the development and the footbridge.
Council to request a complete review of existing trees located on and adjacent to the site carried out by an independent arborist. The report is to include trees that can be retained based on AS 4970 – Protection of trees on development sites, prior to commencement of the competition and be made available to all participants.	Add to DCP	Council officers believe the protection of existing trees on site is an important outcome and supports the recommendation made by the DEAP. This is also in line with the submissions that called for a substantial mature tree planting on the site. Council officers have discussed this with the applicant and as such, an arborist report is currently being prepared.
Reconsider the definition of terrace house like podium, in favour of scale and fine grain that integrates into the Oxford Street	Add to DCP	The control has been amended to include fine grain but still recommends the terrace like subdivision pattern as this was raised in various submissions as well as the Independent Planning Commission's advice.

Recommendation proposed by DEAP	Action for recommendation	Justification
streetscape.		
The overshadowing to Centennial Park is an important issue and the Panel recommends that each of the design entries are measured in a consistent way to provide accurate measurement of their shadow impact.	Add to design brief	<p>Council officers support this recommendation and, as such, suggest that the following be added to the design brief:</p> <p>Overshadowing diagrams are to show the shadowing impacts of the development between 9 am–3 pm on 21 June with half hourly intervals modelled between 11 am and 2 pm.</p> <p>Council officers have also taken this approach in assessing the visual impact of the developments and as such a map with six separate locations from which to view the developments was created and incorporated into the design brief. Each of the entrants will have to provide images of their modelling taken from each of these view points so the panel can better determine the visual impact of each design.</p>
Well considered, landscaped roof tops and podiums must be incorporated to provide height and residential amenity.	Add to DCP	Council officers support this recommendation as it will improve the amenity for future residents of the development. Tower developments in Bondi Junction are more regularly providing landscaped communal rooftop spaces. Landscaping the podium level will also help the development present to the street well and provide a more aesthetic space for users of the towers.
Given the heavy traffic on all roads around the site the panel recommends that acoustic reports are provided to explain how noise to both the podium and towers will be controlled.	Add to DCP	Council officers support this recommendation. An amelioration report will help to ensure any noise impacts from the road will not adversely impact future residents of the towers.
Communal and private open space should try to exceed the requirements of the ADG.	Add to design brief	Council officers support this recommendation as it will improve the amenity of these spaces for the users of these spaces. Adding this to the brief rather than the DCP provides the entrants with the direction to achieve this outcome by whatever means they can think of, as opposed to a specific control in the DCP.
Materiality – The materials should be naturally finished, low maintenance, contextually appropriate and painted surfaces are	Add to DCP	Council officers support this recommendation. This will help the visual aesthetic of the building facing the public realm.

Recommendation proposed by DEAP	Action for recommendation	Justification
discouraged. These materials should be durable and weather well over time.		
Air conditioners not on balconies.	Add to DCP	Council supports this recommendation. This will help the visual aesthetic of the building facing the public realm.

The SSDCP with these amendments made is attached to this report (Attachment 1). A version showing the changes is also attached (Attachment 2).

The following table outlines the ideas raised during the exhibition period on how to spend the \$4.7m monetary contributions received from the PP. The ideas were voted on by the community.

Table 3. VPA ideas.

VPA Idea	Votes
Surrounding residential streetscape improvements	9
St James Park upgrades	7
Public art upgrades	5
Mature tree street plantings	10
Affordable housing trust fund allocations	7
New urban public recreation space, Bondi Junction	9
Green gateway and new park	3
New local school with large play area	3
Contemporary gallery / performance space	1
Upgrade under Syd Einfeld Drive for recreational space and increased shade cover in Bondi Junction	1

These ideas will influence the public purpose when the VPA is being drafted. Residents will again have an opportunity to influence the draft VPA prior to exhibition and during the exhibition phase.

5. Financial impact statement/Timeframe/Consultation

Financial impact statement

The finalisation of the DCP and noting of the VPA ideas will be undertaken by Council. This will be within the existing budget. The submission of a VPA contribution will enable Council to undertake improvements to the locality as suggested by the community.

Time frame

Supporting the recommendations in this report will finalise and adopt the Site Specific DCP for these sites.

Consultation

This SSDCP was exhibited between the 5 February and 10 April 2020. During this time, 24 submissions were received. The SSDCP was then sent to the Design Excellence Advisory Panel on 15 July 2020. The DEAP made 13 recommendations, seven of which were added to the DCP, five were recommended to be added to the design brief and one was noted for investigation at a later date.

If the recommendations of this report are supported there will be no further consultation required for the SSDCP.

6. Attachments

1. Site Specific DCP - Post-exhibition version [↓](#)
2. Site Specific DCP - Post-exhibition version (marked-up) [↓](#)

E5 - 194-214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction

The following objectives and controls apply to 194-214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction described as Lots 10, 11, 12 and 13 DP 260116, Lot 16 DP 68010, Lot 1 DP 79947, Lot 1 DP 708295 and SP 34942 (refer to Figure 1).

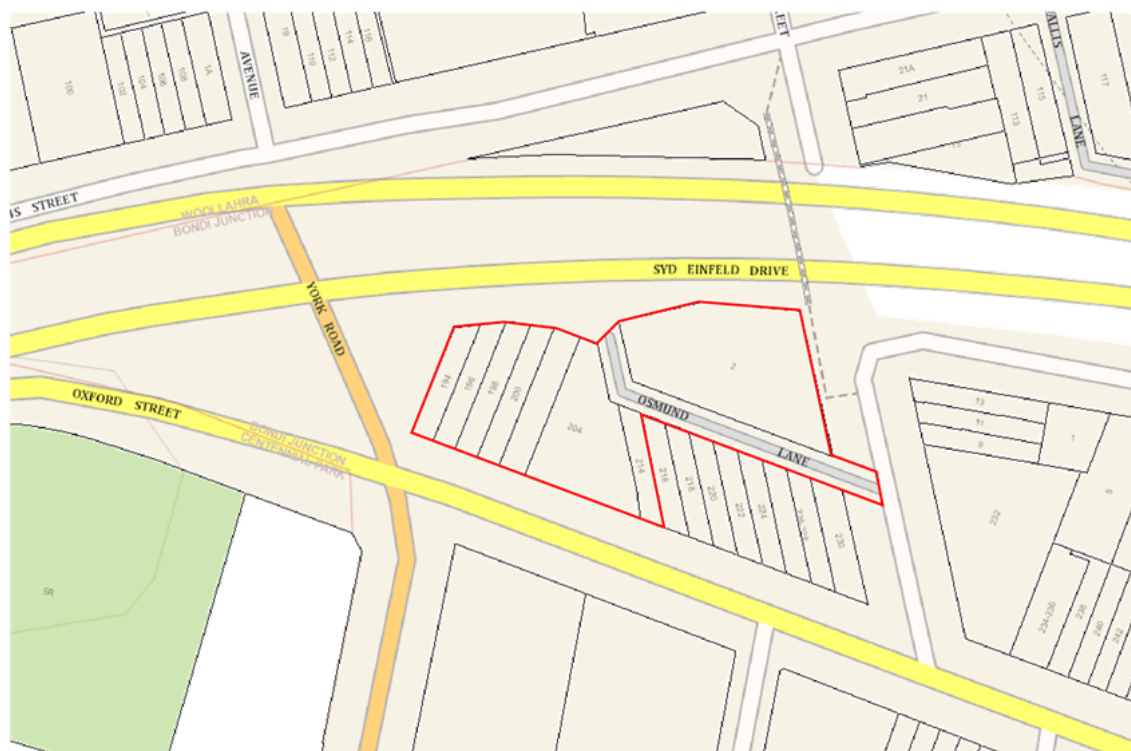


Figure 1 – Subject sites outlined in red

Where there are discrepancies between the controls of the DCP and others within this site specific DCP, these controls take precedence.

The intention of this site specific DCP is to encourage and facilitate innovative design that reflects the landmark significance of this site. The controls in this DCP are not intended to be prescriptive if it can be demonstrated that the design has achieved the objectives of this DCP through minor discrepancies from the DCP. This DCP has been created with regard to the following Planning Principles for the site:

- An acceptable human scale at the podium height
- Slender towers to mitigate visual amenity impacts
- Good public amenity on the site
- Significant landscaping on site including deep soil planting and substantial mature tree planting

Built Form

Objectives

- (a) To deliver the highest standard of architectural, urban and landscape design.
- (b) To establish building envelopes that minimise overshadowing on Centennial Park and surrounding low scale residential areas.
- (c) To ensure buildings are environmentally innovative particularly with regard to water and energy conservation.
- (d) To ensure development does not adversely impact on the significance of the neighbouring heritage buildings, landscape and conservation areas.

Controls

- (a) A two/three storey podium is to be provided fronting Oxford Street.
- (b) Architectural form is to be articulated to address the corner of Oxford Street, York Road and Syd Einfeld Drive.
- (c) The articulation of the podium level is to reflect a fine grain, terrace-like subdivision pattern consistent with the existing terrace subdivision pattern along West Oxford Street.
- (d) The towers are to be set back six metres from the edge of the podium fronting Oxford Street. A lesser setback may be considered if it can be demonstrated that it achieves the objectives of this DCP.
- (e) The tower location must minimise overshadowing of Centennial Park and the surrounding low scale residential areas.
- (f) No additional height or floorspace ratio above the LEP controls will be considered for these sites.
- (g) Floor space in podium levels must be used for commercial and retail uses. Any storage space, servicing areas, car parking or other areas that are not defined as calculable floor space under Waverley LEP must be located below ground.

Design Excellence

Objectives

- (a) To deliver the highest standard of architectural, urban and landscape design.
- (b) To maximise the overall environmental performance of new buildings.

Controls

- (a) The tower location must minimise overshadowing of Centennial Park and the surrounding low scale residential areas.
- (b) The development must minimise any impacts on heritage items in the vicinity of the site.
- (c) The development must minimise any visual impact of the buildings when viewed from Centennial Park and the Public Domain.
- (d) The development must incorporate Ecologically Sustainable Development Principles to minimise carbon emissions, potable water use, energy use and waste.
- (e) The internal planning and façade design of the buildings are to address and ameliorate the significant road noise.
- (f) All materials must be naturally finished, low maintenance, contextually appropriate and painted surfaces are discouraged. Materials used shall be durable and weather well over time.
- (g) Air conditioners are not to be located on balconies.

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Public Domain

Objectives

- (a) To provide a high quality and safe public domain with high pedestrian amenity that benefits the wider community.
- (b) To facilitate pedestrian movement and priority throughout the entire site.
- (c) To ensure the highest standard of architectural, urban and landscape design.
- (d) To provide public art in prominent and publicly accessible locations.
- (e) To facilitate substantial planting to mitigate any visual impacts the towers may have from Centennial Park and surrounding areas.

Controls

- (a) As agreed in the Voluntary Planning Agreement, a public plaza totalling a minimum of 311m², a pedestrian/cycleway through site link from Oxford Street to Osmund Lane totalling 136m² and approximately 208m² of footpath widening is to be provided.
- (b) The public plaza must receive 3 hours solar access to a minimum of 50% of its area on 21 June.
- (c) The area within the drip line of the heritage listed Norfolk Island pine tree must incorporate permeable materials.
- (d) A through-site link is to be provided between Oxford Street and Osmund Lane uncovered by any structure (except for the building awning) and must be publicly accessible between the hours of 7am-10pm Monday to Sunday.
- (e) Active frontages are to be provided to all public places at street level.
- (f) Street furniture and public art is to be provided within any public plaza in accordance with Council's Public Domain Improvement Plan and Public Domain Technical Manual.
- (g) Awnings and footpaths are to be provided on all active frontages.
- (h) The 3.5m of land dedicated along Oxford Street will be used for mature street tree plantings and landscaping purposes.
- (i) Stormwater drainage locations and landscaping are to be detailed in any plans submitted as part of a design excellence competition.
- (j) Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians (refer to relevant Australian Standards). Lighting should be recessed into the soffit of the awning.
- (k) Landscaping and design of the public domain is to be high quality and incorporate features such as indigenous tree species and landmark sculptural elements.
- (l) A Landscape Plan for the proposed public plaza and public realm surrounding the development is required to be submitted in accordance with the *Waverley Development Application Guide* and include:
 - i. Substantial planting of mature trees fronting Oxford Street, Syd Einfeld Drive and York Road; and
 - ii. A schedule of the common name and scientific name of species to be planted, the size and number; and
 - iii. A plan showing the location of the plants in the schedule and all deep soil planting.
- (m) An independent arborist report must be submitted to Council prior to the commencement of any design excellence competition. The report will detail all existing trees on and adjacent to the site and outline all trees that can be retained based on AS 4970 – Protection of trees on development sites.
- (n) A communal rooftop space landscaped with drought tolerant Australian native plants must be provided for resident access and use on both towers.
- (o) Podiums are to be landscaped with drought tolerant Australian native plants.
- (p) A Public Art Plan is to be prepared and submitted that outlines public art for the proposed

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public plaza and public realm surrounding the development.

- (q) The ongoing management of any public domain or plazetta provided is to be the responsibility of the body corporate.
- (r) Any land dedicated for public use must only be used for public use and cannot be used for vehicle access, garbage truck access or space required for the operation or maintenance of the towers.

Waste

Objectives

- (a) To ensure new developments and changes to existing developments are designed to minimise waste generation and maximise resource recovery.
- (b) To encourage waste storage facilities that are designed to enable source separation for recovery.
- (c) To ensure waste and recycling systems are easy to use and complement Council's waste and recycling services.
- (d) To promote safe practices for storage, handling and collection of waste and recycling.
- (e) To prevent stormwater pollution that may result from poor waste and recycling storage and management practices.
- (f) To minimise amenity impacts during the storage, use and collection of waste and recyclables.
- (g) To prevent impacts to the environment that may result from litter, excess waste and illegal dumping.
- (h) To minimise interference of waste collection on pedestrian access, safety and amenity.
- (i) To minimise interference of waste collection on local traffic.

Controls

1. General:

- (a) The Site Waste & Recycling Management Plan (SWRMP) is to be submitted in accordance with the Waverley Development Application Guide.
- (b) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate.

2. Amenity:

- (a) Waste and recycling storage areas must be visually and physically integrated into the design of the space.
- (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.
- (c) All public place waste and recycling receptacles must align with council's Public Domain Technical Manual.

3. Access and Collection:

- (a) On-site waste collection is to be accommodated within a basement or at grade within the buildings from a dedicated collection point or loading bay that does not impede pedestrian or vehicle movement within the development.
- (b) The on-site waste collection point is to be of a sufficient size to store all bins to be collected without interruption to the functioning of the development.

4. Ongoing management:

- (a) Ongoing management of the area is to be in accordance with the approved site waste and recycling management plan (SWRMP) of each development in the area to ensure that

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appropriate waste and recycling services are provided.

- (b) The SWRMP must be re-evaluated every 5 years and amended with relevant information.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for each building's use.

Access and Parking

Objectives

- a) To minimise the impacts of vehicles on pedestrian amenity and public spaces.
- b) To encourage a safe and practical space for all transport modes.
- c) To minimise any additional pressure on the existing parking in West Bondi Junction.

Controls

- a) Osmond Lane is to be retained as a 7.0 metre local access lane with "No Parking" restrictions on both sides.
- b) Access to and from Osmond Lane at Nelson Street is to be left-in left-out with enforcement by signs or a central raised median on Newland Street.
- c) The pedestrian bridge over Syd Einfeld Drive and ramps/stairs is to be retained. The bridge should be easily accessible from the site and the pedestrian and cycleway through site links.
- d) Resident parking should be provided on site
- e) The 3.5m road widening dedication along Oxford Street is not required for traffic related uses and as such can be allocated for other purposes.
- f) Resident parking for this development will not be included within area 22 of the Waverley Resident Planning Parking Scheme (RPPS).

Pedestrian and Cycleway Connections

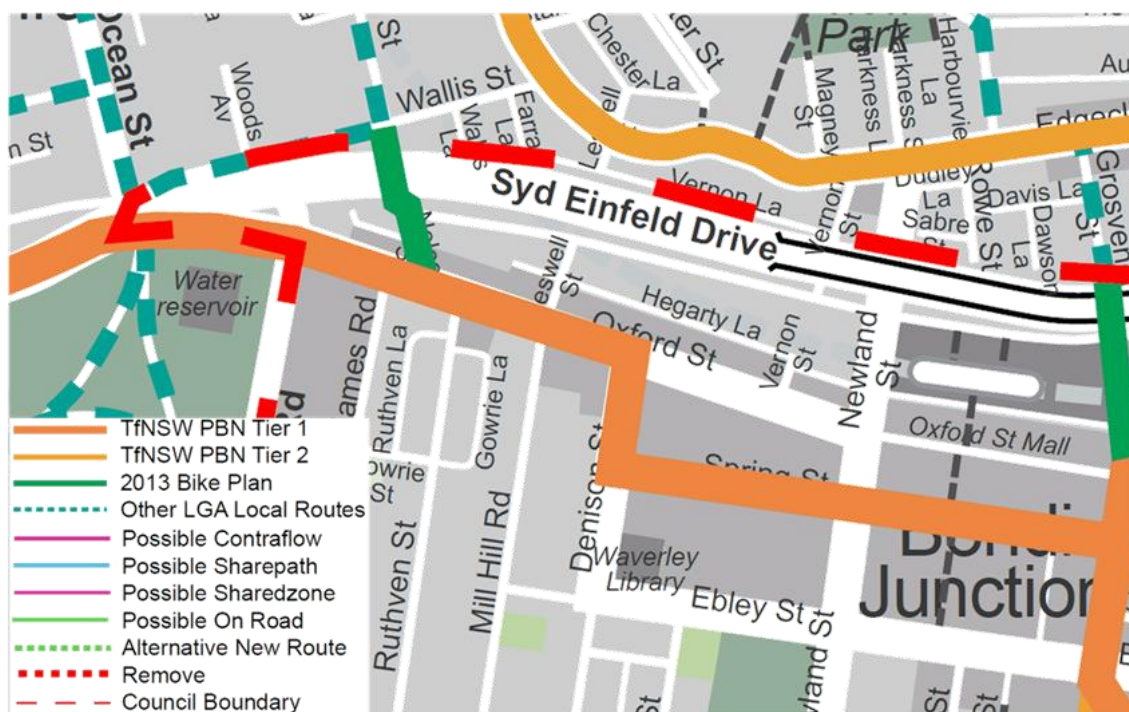


Figure 2: Cycleway connection route*

*Note: The Waverley 2013 Bike Plan designates the cycleway on this site for mixed traffic.

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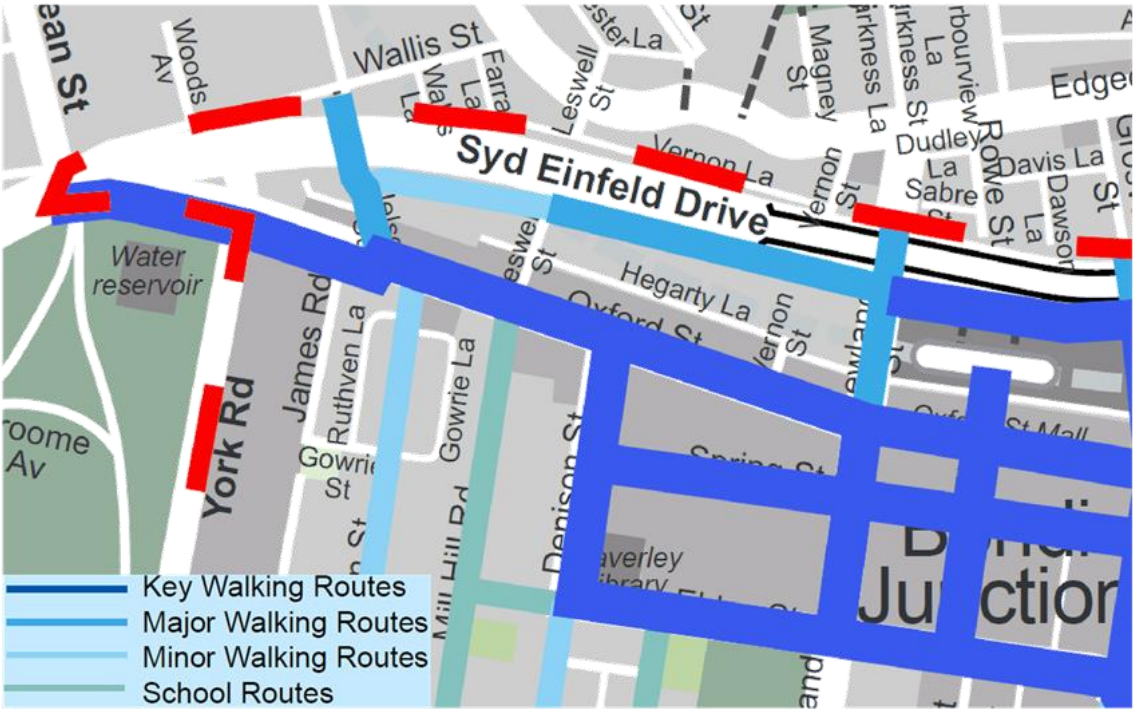


Figure 3: Pedestrian connection route

E5 - 194-214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction

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The following objectives and controls apply to 194-214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction described as Lots 10, 11, 12 and 13 DP 260116, Lot 16 DP 68010, Lot 1 DP 79947, Lot 1 DP 708295 and SP 34942 (refer to Figure 1).



Figure 1 – Subject sites outlined in red

Where there are discrepancies between the controls of the DCP and others within this site specific DCP, these controls take precedence.

The intention of this site specific DCP is to encourage and facilitate innovative design that reflects the landmark significance of this site. The controls in this DCP are not intended to be prescriptive if it can be demonstrated that the design has achieved the objectives of this DCP through minor discrepancies from the DCP. This DCP has been created with regard to the following Planning Principles for the site:

- An acceptable human scale at the podium height
- Slender towers to mitigate visual amenity impacts
- Good public amenity on the site
- Significant landscaping on site including deep soil planting and substantial mature tree planting

Built Form

Objectives

- (a) To provide high quality built form that addresses deliver the corner highest standard of Syd Einfield Drive, York Road architectural, urban and Oxford Street, Bondi Junction landscape design.
- (b) To establish building envelopes that are compatible with the existing character of Oxford Street.
- (c)(b) To create high quality urban spaces that minimises minimise overshadowing on Centennial Park and surrounding low scale residential areas.
- (d)(c) To ensure buildings are environmentally innovative particularly with regard to water and energy conservation.
- (e)(d) To ensure development responds respectfully to does not adversely impact on the significance of the neighbouring heritage buildings, landscape and conservation areas.

Controls

- (a) A two/three storey podium is to be provided fronting Oxford Street.
- (b) Architectural form is to be articulated to address the corner of Oxford Street, York Street Road and Syd Einfield Drive.
- (c) The articulation of the podium level is to reflect a fine grain, terrace-like subdivision pattern, consistent with the existing terrace subdivision pattern along West Oxford Street.
- (d) The towers are to be set back six metres from the edge of the podium fronting Oxford Street. A lesser setback may be considered if it can be demonstrated that it achieves the objectives of this DCP.
- (d)(e) The tower location must reduce minimise overshadowing of Centennial Park and the surrounding low scale residential areas, the southern footpath of Oxford Street and Centennial Park.
- (e)(f) No additional height or floorspace ratio above the LEP controls will be considered for these sites.
- (g) Floor space in podium levels must be used for commercial and retail uses. Any storage space, servicing areas, car parking or other areas that are not defined as calculable floor space under Waverley LEP must be located below ground.

Design Excellence

Objectives

- (a) To facilitate high quality architecture and urban design that addresses the corner of Oxford Street, York Street and Syd Einfield Drive, Bondi Junction.
- (a) To deliver the highest standard of architectural, urban and landscape design.
- (b) To maximise the overall environmental performance of new buildings.

Controls

- (a) A design competition must be carried out in accordance with the Draft Government Architect NSW Design Excellence Competition Guidelines, 2018.
- (a) A nominee of Council's choosing is to be on the Design Excellence Competition Jury as per section 3.4 of the Draft Government Architect NSW Design Excellence Competition Guidelines, 2018. The tower location must minimise overshadowing of Centennial Park and the surrounding low scale residential areas.
- (b) The development must minimise any impacts on heritage items in the vicinity of the site.
- (c) The development must minimise any visual impact of the buildings when viewed from Centennial Park and the Public Domain.
- (d) The development must incorporate Ecologically Sustainable Development Principles to Draft Waverley Development Control Plan 2012

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- minimise carbon emissions, potable water use, energy use and waste.
- (e) The internal planning and façade design of the buildings are to address and ameliorate the significant road noise.
- (f) All materials must be naturally finished, low maintenance, contextually appropriate and painted surfaces are discouraged. Materials used shall be durable and weather well over time.
- (g) Air conditioners are not to be located on balconies.

(b)

Public Domain

Objectives

- (a) To provide a high quality and safe public domain with high pedestrian amenity that benefits the wider community.
- (b) To facilitate pedestrian movement and priority throughout the entire site.
- (c) To encourage high quality ensure the highest standard of architectural, urban and landscape design and deep soil landscaping.
- (d) To provide public art in prominent and publicly accessible locations.
- (e) To facilitate substantial planting to mitigate any visual impacts the towers may have from Centennial Park and surrounding areas.

Controls

- (a) ~~A public plaza is to be provided which fronts Nelson Street and incorporates the heritage listed Norfolk Island pine tree.~~
- (a) Buildings adjoining the As agreed in the Voluntary Planning Agreement, a public plaza totalling a minimum of 311m², a pedestrian/cycleway through site link from Oxford Street to Osmund Lane totalling 136m² and approximately 208m² of footpath widening is to be provided.
- (b) The public plaza must allow a minimum of receive 3 hours solar access to a minimum of 50% of its area on 21 June.
- (c) The area within the drip line of the heritage listed Norfolk Island pine tree must incorporate permeable materials.
- (d) A through-site link is to be provided between Oxford Street and Osmund Lane uncovered by any structure (except for the building awning) and must be publicly accessible at all times of the day between the hours of 7am-10pm Monday to Sunday.
- (e) Active frontages are to be provided to all public places at street level.
- (f) Street furniture and public art is to be provided within any public plaza in accordance with Council's Public Domain Improvement Plan and Public Domain Technical Manual.
- (g) Awnings and footpaths are to be provided on all active frontages.
- (h) The 3.5m of land dedicated along Oxford Street will be used for mature street tree plantings and landscaping purposes.
- (b)(i) Stormwater drainage locations and landscaping are to be detailed in any plans submitted as part of a design excellence competition.
- (i)(j) Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians (refer to relevant Australian Standards). Lighting should be recessed into the soffit of the awning.
- (k) Landscaping and design of the public domain is to be high quality and incorporate features such as indigenous tree species and landmark sculptural elements.
- (i)(l) A Landscape Plan for the proposed public plaza and public realm surrounding the development is required to be submitted in accordance with the *Waverley Development Application Guide* and include:

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- i. Substantial planting of mature trees fronting Oxford Street, Syd Einfeld Drive and York Road; and
- ii. A schedule of the common name and scientific name of species to be planted, the size and number; and
- iii. A plan showing the location of the plants in the schedule and all deep soil zones planting.
- (m) An independent arborist report must be submitted to Council prior to the commencement of any design excellence competition. The report will detail all existing trees on and adjacent to the site and outline all trees that can be retained based on AS 4970 – Protection of trees on development sites.
- (n) A communal rooftop space landscaped with drought tolerant Australian native plants must be provided for resident access and use on both towers.
- (o) Podiums are to be landscaped with drought tolerant Australian native plants.
- (p) A Public Art Plan is to be prepared and submitted that outlines public art for the proposed public plaza and public realm surrounding the development.
- (q) The ongoing management of any public domain or plazetta provided is to be the responsibility of the body corporate.
- (r) Any land dedicated for public use must only be used for public use and cannot be used for vehicle access, garbage truck access or space required for the operation or maintenance of the towers.

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Waste

Objectives

- (a) To ensure new developments and changes to existing developments are designed to minimize waste generation and maximize resource recovery.
- (b) To encourage waste storage facilities that are designed to enable source separation for recovery.
- (c) To ensure waste and recycling systems are easy to use and complement Council's waste and recycling services.
- (d) To promote safe practices for storage, handling and collection of waste and recycling.
- (e) To prevent stormwater pollution that may result from poor waste and recycling storage and management practices.
- (f) To minimise amenity impacts during the storage, use and collection of waste and recyclables.
- (g) To prevent impacts to the environment that may result from litter, excess waste and illegal dumping.
- (h) To minimise interference of waste collection on pedestrian access, safety and amenity.
- (i) To minimise interference of waste collection on local traffic.

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Controls

- 1. General:
 - (a) The Site Waste & Recycling Management Plan (SWRMP) is to be submitted in accordance with the Waverley Development Application Guide.
 - (b) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate.
- 2. Amenity:
 - (a) Waste and recycling storage areas must be visually and physically integrated into the design of the space.
 - (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on

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the amenity of adjoining sites including noise, odour and visual impacts.

- (c) All public place waste and recycling receptacles must align with council's Public Domain Technical Manual.

3. Access and Collection:

- (a) On-site waste collection is to be accommodated within a basement or at grade within the buildings from a dedicated collection point or loading bay that does not impede pedestrian or vehicle movement within the development.
- (b) The on-site waste collection point is to be of a sufficient size to store all bins to be collected without interruption to the functioning of the development.

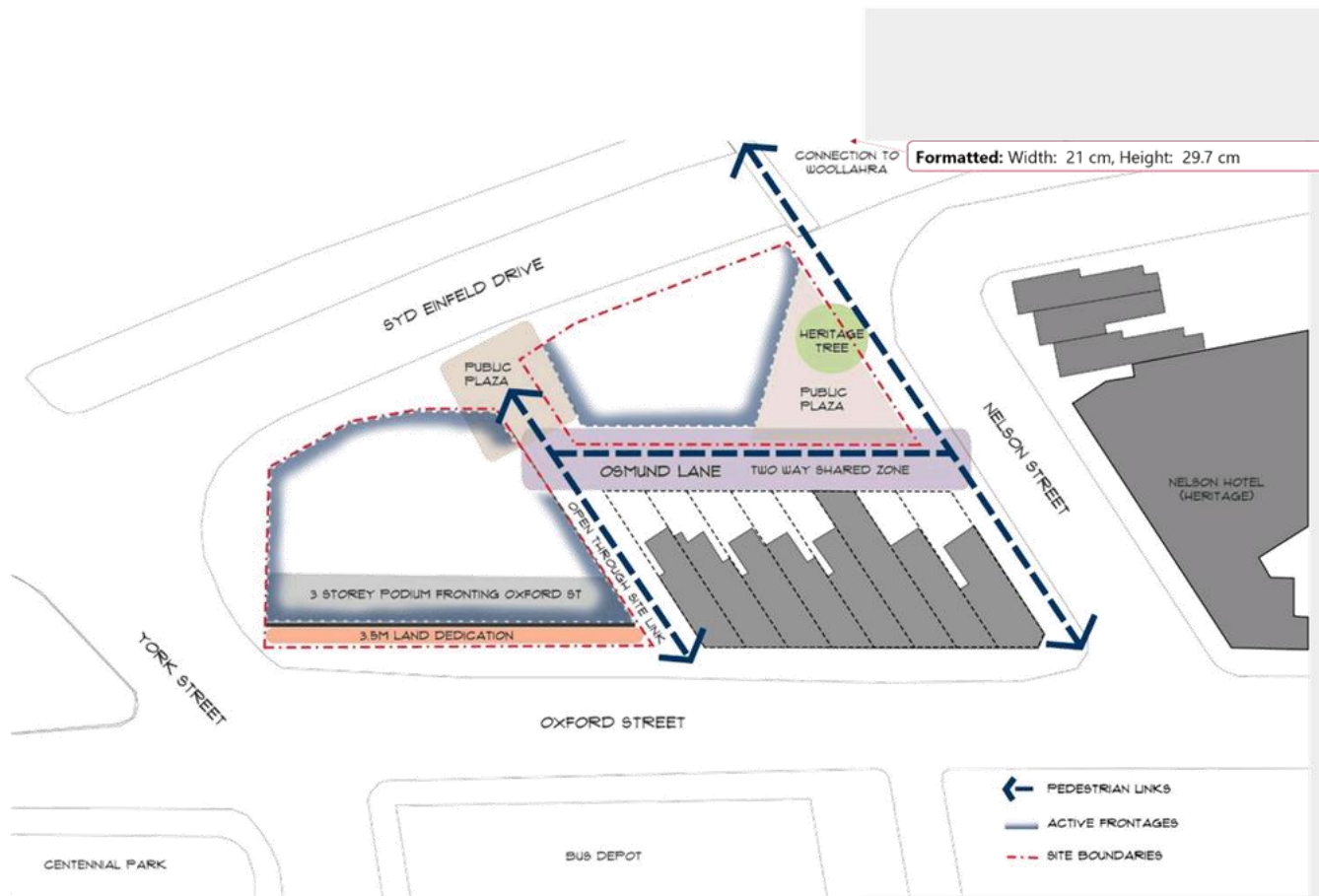
4. Ongoing management:

- (a) Ongoing management of the area is to be in accordance with the approved site waste and recycling management plan (SWRMP) of each development in the area to ensure that appropriate waste and recycling services are provided.
- (b) The SWRMP must be re-evaluated every 5 years and amended with relevant information.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for each building's use.

Note.

~~These sites have undergone a LEP amendment significantly intensifying their development standards and as such no VPA or request for uplift will be considered on these sites.~~

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Access and Parking

Objectives

- a) To minimise the impacts of vehicles on pedestrian amenity and public spaces.
- b) To encourage a safe and practical space for all transport modes.
- c) To minimise any additional pressure on the existing parking in West Bondi Junction.

Controls

- a) Osmond Lane is to be retained as a 7.0 metre local access lane with “No Parking” restrictions on both sides.
- b) Access to and from Osmond Lane at Nelson Street is to be left-in left-out with enforcement by signs or a central raised median on Newland Street.
- c) The pedestrian bridge over Syd Einfield Drive and ramps/stairs is to be retained. The bridge should be easily accessible from the site and the pedestrian and cycleway through site links.
- d) Resident parking should be provided on site
- e) The 3.5m road widening dedication along Oxford Street is not required for traffic related uses and as such can be allocated for other purposes.
- f) Resident parking for this development will not be included within area 22 of the Waverley Resident Planning Parking Scheme (RPPS).

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Pedestrian and Cycleway Connections



Figure 2: Possible concept plan for subject sitesCycleway connection route*
*Note: The Waverley 2013 Bike Plan designates the cycleway on this site for mixed traffic.

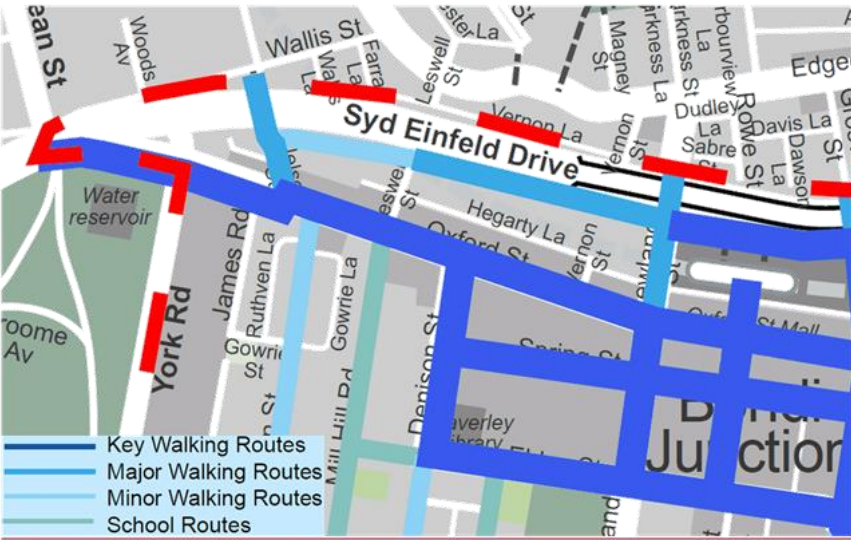


Figure 3: Pedestrian connection route

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REPORT
PD/5.6/20.09

Subject: Planning Proposal - 201-209 Old South Head Road, Bondi Junction - Post-exhibition

TRIM No: PP-4/2019

Author: Patrick Connor, Strategic Planner

Director: Mitchell Reid, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Notes the matters raised in the submissions made on the planning proposal at 201–209 Old South Head Road, Bondi Junction.
2. Supports the planning proposal lodged by Julie Stern to amend the Waverley Local Environment Plan 2012 (WLEP) in respect of 201-209 Old South Head Road, Bondi Junction.
3. Amends the WLEP 2012 in accordance with the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.

1. Executive Summary

The Planning Proposal prepared by LK Planning on 11 September 2019 and submitted by Julie Stern on 12 September 2019 aims to amend the Waverley LEP by adding an additional permitted use of the 'recreation facility (indoor)' land use on 201–209 Old South Head Road, Bondi Junction. The intention of this additional permitted use is to give effect to a boutique gym, which has been operating on site since 2015. The site is strata subdivided into 13 small lots and, as such, the risk of having a large use, high-impact, indoor recreational facility is quite minimal.

The gym has received only one complaint in its time operating and noise minimising refurbishments were made to the gym to minimise this impact as a response to the complaint. The additional permitted use is considered a simpler means to achieve this outcome than rezoning the lot to B1 Neighbourhood Centre and, as such, the Planning Proposal is supported. Council officers will review the permissibility of the 'recreation facility (indoor)' land use within the B1 Neighbourhood Centre zoning as part of the LEP Review.

The Planning Proposal received Gateway Determination on 6 May 2020. The PP was placed on public exhibition from 22 May to 22 June 2020. During the exhibition period the PP received a total of 39 submissions. All the submissions were in full support of the PP and noted the importance of the gym to the surrounding community. There were no submissions in objection.

Given the overwhelming support for the PP and lack of objection, it is recommended that Council support the PP to be gazetted by Council under delegation from the Department of Planning, Industry and Environment.

2. Introduction/Background

The planning proposal is located on 201–209 Old South Head Road, Bondi Junction (SP 30764). Figure 1 below identifies the lots involved in the PP and their respective Lot and DPs.



Figure 1. Site of the planning proposal – 201–209 Old South Head Road, Bondi Junction.

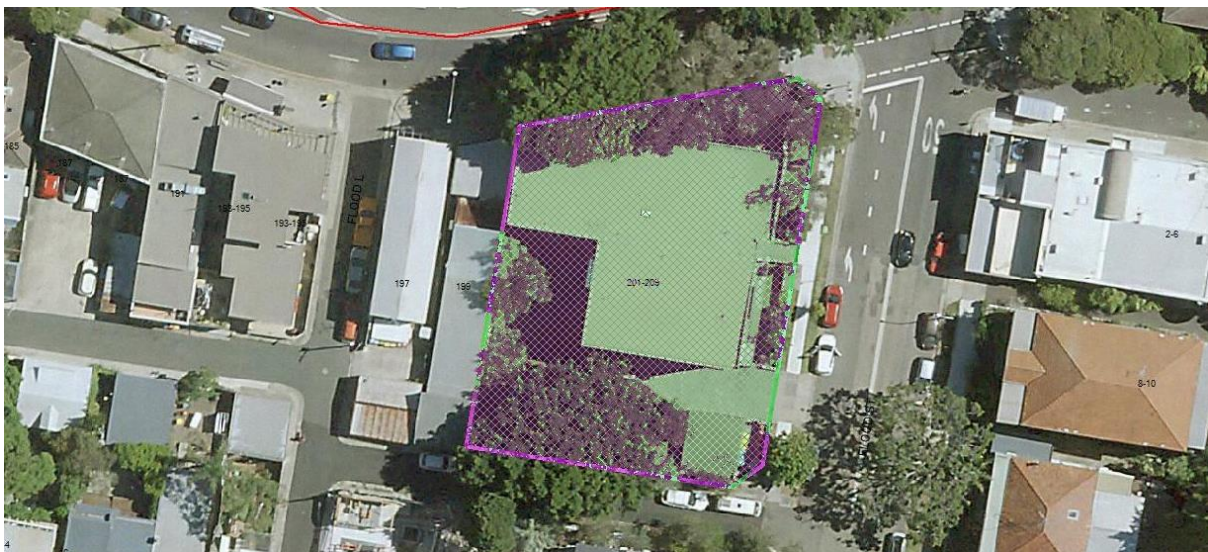


Figure 2. Aerial photograph of the site of the planning proposal.

The lot size of the subject site is 1,192 sqm, but the floorspace of the gym is approximately 65 sqm, as seen in Figure 3.



Figure 3. Location of gym within strata development.

Development on the site comprises a four-storey mixed development with a ground floor commercial tenancy fronting Old South Head Road and residential apartments above street level. The site is located approximately 565 m from Bondi Junction CBD. The site is surrounded by a residential flat building to the north; a continuation of the residential flats to the east; a furnishings showroom to the west; and dwellings to the south. The locality is characterised by a diverse mix of uses including small scale commercial uses, residential flat buildings, shop top housing and detached dwellings.

The PP received Council's support to proceed to Gateway Determination on 5 November 2019. The PP received Gateway Determination on 6 May 2020 and was placed on public exhibition from 22 May to 22 June.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Strategic Planning and Development Committee Meeting – 5 November 2019	PD/5.6/19.11	<p>That Council:</p> <p>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.</p> <p>2. Supports the planning proposal being forwarded to the Department of Planning, Industry and Environment for Gateway Determination.</p> <p>3. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued</p>

		<p>by the Department of Planning, Industry and Environment.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.</p> <p>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.</p>
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4. Discussion

The PP received a total of 39 submissions during the period of exhibition. The submissions received were from patrons of the gym and all were in support of the Planning Proposal. The submissions outlined the importance of the gym to the broader community and to the diverse range of people that used the gym.

Given the support for the Planning Proposal Council Officers recommend that the PP be gazetted.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

There will be no additional financial impact as a result of this process.

Time Frame

The expected completion time of this is as follows:

- Post-exhibition report to Council 1 September 2020
- Make the plan September 2020

Consultation

Consultation occurred between 22 May and 22 June 2020. Thirty-nine submissions were received, all in support of the PP.

6. Conclusion

As the feedback for the PP is entirely supportive, it is recommended that the planning proposal be supported for gazettal using the delegation received by the Department of Planning, Industry and Environment.

7. Attachments

Nil.