



WAVERLEY
COUNCIL

**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE/AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD,
BONDI JUNCTION ON TUESDAY, 3 NOVEMBER 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 Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	Acting General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Projects

At the commencement of proceedings at 7.53 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Acting General Manager read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr O'Neill.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Betts declared a significant non-pecuniary interest in item PD/5.3/20.11 – Margaret Whitlam Recreation Centre – Indoor Cricket Nets Training Facility and informed the meeting that she is on the board of Easts Cricket Club and will leave the meeting for the consideration and vote on this item.

3. Addresses by Members of the Public

- 3.1 P Wolanski AM (Managing Director, Denwol Group) – PD/5.1/20.11 – Our Liveable Places Centres Strategy.
- 3.2 G Shiels (Managing Director, GSA Planning, on behalf of Denwol Group) – PD/5.1/20.11 – Our Liveable Places Centres Strategy.
- 3.3 G Karavanas (Director, GSA Planning, on behalf of A Voulgarakis, N Voulgarakis and J Alexander-Hatziplis) – PD/5.1/20.11 – Our Liveable Places Centres Strategy.
- 3.4 L Fabiano (on behalf of South Bondi/Tamarama Precinct) – PD/5.1/20.11 – Our Liveable Places Centres Strategy.
- 3.5 A Ciano (Head of Property Development, Uniting) – PD/5.5/20.11 – Planning Proposal – 99-117 Birrell Street, Waverley.

4. Confirmation of Minutes

PD/4.1/20.11 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 1 September 2020 (SF20/44)

MOTION /DECISION

Mover: Cr Lewis
Seconder: Cr Masselos

That the minutes of the Strategic Planning and Development Committee Meeting held on 1 September 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/20.11 Our Liveable Places Centres Strategy - Adoption (SF20/4425)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Adopts the Our Liveable Places Centres Strategy attached to the report (Attachment 1) subject to the following amendments:
 - (a) Page 5 – Amend ‘Changes to the LEP and DCP’ text box to replace the text ‘This document does not propose any increase in height or FSR controls across the LGA’ with the following text: ‘This document does not recommend any increase in height or FSR controls to the current LEP.’
 - (b) Page 52 – Update the map under section 2.6.3 to remove the incorrect ‘1’ notations.
 - (c) Page 53 – Delete recommendation 3, ‘Bike Lanes’, as the location and configuration of the north-south bike lane is being addressed by the separate study ‘Bondi Junction to Randwick Cycle Route Options’ reported to Council on 21 July 2020.
 - (d) Page 132 – Change wording of recommendation 6 under 14.6.3 to replace ‘Align’ with ‘Investigate’.
2. Prepares an Engagement Summary Report to be placed on the Have Your Say page for the project.
3. Notes the Strategy recommendation for additional investigation in the following areas:
 - (a) An appropriate planning mechanism to support the retention of essential urban services throughout the local government area, including automobile services (mechanics, petrol stations, etc) as well as some larger format retailers (storage, hardware, etc).
 - (b) A maximum floor space for supermarkets across all centres to ensure such a development would be compatible with the role and function of the centre and its place in the retail hierarchy.
 - (c) The appropriate quantum of car parking for the success of centres.
 - (d) A mechanism to encourage diversity of goods and service offerings in centres identified as

Resilience Network Centres (RNC).

- (e) A scheme for historic façade upgrades in centres such as Bondi Road and Charing Cross.
- (f) Prepare a design manual for shopfronts, materials and signage in identified centres to be included in the Waverley Development Control Plan.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(e) AS FOLLOWS:

‘Pages 53, 61, 89, 101, 111, 133, 145, 151, 157 – Sustainability and Environment – Decentralised Power – Amend “Incentivise the uptake of rooftop solar” to “Investigate incentivising...”’

AMENDMENT

Mover: Cr Burrill

Seconder: Cr Betts

That the following clause 1(f) be added to the Motion:

‘Page 144 – Public Realm – Delete 2. Hall Street Upgrades.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF NEW CLAUSES 1(f)–(m).

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Adopts the Our Liveable Places Centres Strategy attached to the report (Attachment 1) subject to the following amendments:
 - (a) Page 5 – Amend ‘Changes to the LEP and DCP’ text box to replace the text ‘This document does not propose any increase in height or FSR controls across the LGA’ with the following text: ‘This document does not recommend any increase in height or FSR controls to the current LEP.’
 - (b) Page 52 – Update the map under section 2.6.3 to remove the incorrect ‘1’ notations.
 - (c) Page 53 – Delete recommendation 3, ‘Bike Lanes’, as the location and configuration of the north-south bike lane is being addressed by the separate study ‘Bondi Junction to Randwick Cycle Route Options’ reported to Council on 21 July 2020.
 - (d) Page 132 – Change wording of recommendation 6 under 14.6.3 to replace ‘Align’ with ‘Investigate’.
 - (e) Pages 53, 61, 89, 101, 111, 133, 145, 151, 157 – Sustainability and Environment – Decentralised Power – Amend ‘Incentivise the uptake of rooftop solar’ to ‘Investigate incentivising...’
 - (f) Page 144 – Public Realm – 5. Gould Street – Add new sentence at the beginning: ‘To increase

the sense of safety and amenity investigate a shared zone between Roscoe Mall and Curlewis Street, improve pedestrian accessibility...'

- (g) Page 163 – Transport and Accessibility – Add new clause: '2. Rearrange Parking – Investigate angled parking in Wairoa Avenue to increase parking provision within the centre.'
 - (h) Page 14 – Table 1 – Capitalise 'aboriginal'.
 - (i) Page 18 – Fourth paragraph, first sentence – Change 'The history, of course, begins with indigenous people of Sydney's east coast' to 'Prior to 1770, the history, of course, begins with the custodianship of Sydney's east coast.'
 - (j) Page 18 – Fourth paragraph, second sentence – Change 'Aboriginal people lived....' to 'Aboriginal people have lived...'
 - (k) Page 18 – Fourth paragraph, after the second sentence, add: 'They extensively manufactured from Bondi's volcanic extrusions the industrialised famous "Bondi Points", a particular design of stone blade found as far away as Western Australia.'
 - (l) Page 18 – Fourth paragraph, current third sentence – Change 'on which may of' to 'on which many of'.
 - (m) Page 18 – Fourth paragraph, last sentence – Change 'representing an indigenous heritage that is now globally recognised' to 'representing a First Nations heritage that is now maintained by current descendants and globally recognised as the world's oldest living culture.'
2. Prepares an Engagement Summary Report to be placed on the Have Your Say page for the project.
3. Notes the Strategy recommendation for additional investigation in the following areas:
- (a) An appropriate planning mechanism to support the retention of essential urban services throughout the local government area, including automobile services (mechanics, petrol stations, etc) as well as some larger format retailers (storage, hardware, etc).
 - (b) A maximum floor space for supermarkets across all centres to ensure such a development would be compatible with the role and function of the centre and its place in the retail hierarchy.
 - (c) The appropriate quantum of car parking for the success of centres.
 - (d) A mechanism to encourage diversity of goods and service offerings in centres identified as Resilience Network Centres (RNC).
 - (e) A scheme for historic façade upgrades in centres such as Bondi Road and Charing Cross.
 - (f) Prepare a design manual for shopfronts, materials and signage in identified centres to be included in the Waverley Development Control Plan.

Crs Burrill and Nemesh were not present for the vote on this item.

P Wolanski AM (Managing Director, Denwol Group), G Shiels (Managing Director, GSA Planning, on behalf of Denwol Group), G Karavanas (Director, GSA Planning, on behalf of A Voulgarakis, N Voulgarakis and J Alexander-Hatziplis) and L Fabiano (on behalf of South Bondi/Tamarama Precinct) addressed the meeting.

**PD/5.2/20.11 Jessie Street Reserve - Native Garden and Indigenous Learning Centre
(A19/0171)****MOTION**

Mover: Cr Masselos
Seconder: Cr Copeland

That Council:

1. Notes that an indigenous plant and native food garden has been recently installed outside Bronte Public School.
2. Considers the inclusion of a budget allocation in the 2021–22 budget to enable the installation of a small local native plant garden at Jessie Street Reserve that includes species from the critically endangered Eastern Suburbs Banksia Scrub vegetation community, together with interpretative signage.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 AND THE ADDITION OF NEW CLAUSES 2–4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes that an indigenous plant and native food garden has been recently installed outside Bronte Public School in Hewlett Street.
2. Does not support Jessie Street Reserve as an Indigenous Learning Centre generally due to the small size of the Reserve, its location beside a busy road with much of the Reserve sloping towards the road, and it therefore being an unsuitable site for groups of children, but instead investigate options for the alternative location of an Indigenous Learning Centre.
3. Officers prepare a Jessie Street Reserve concept plan for community consultation that includes a small integrated herb and bird-attracting, drought tolerant, low-maintenance, native plant garden, species from the critically endangered Eastern Suburbs Banksia Scrub vegetation community, interpretive signage and a bench seat, with funding allocation to be provided from the 2021–22 budget.
4. Officers, when developing the concept plan, be informed by the landscape plan developed in March 1989 in preparation for the official opening of the Reserve by Mayor of Waverley Barbara Armitage, Mrs Phillipa Fingelson (Jessie Street’s daughter), and Ms Jessie Street-Fingleton (Jessie Street’s great grand-daughter) as a memory to Jessie Street.

PD/5.3/20.11 Margaret Whitlam Recreation Centre – Indoor Cricket Nets Training Facility (A19/0459)

Cr Betts declared a significant non-pecuniary interest in this item and informed the meeting that she is on the board of Easts Cricket Club. Cr Betts was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Receives and notes the Concept Design Report for the Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility project attached to the report.
2. Endorses Option B as the preferred option for inclusion in the development of the new draft Waverley Park Plan of Management.
3. Notes that community consultation on the proposed Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility will be undertaken as part of the Waverley Park Plan of Management (PoM) process.

FORESHADOWED MOTION

Mover: Cr Kay

That Council:

1. Receives and notes the Concept Design Report for the Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility project attached to the report.
2. Notes that Option B of the three considered options A, B and C is currently the preferred option of the joint Council and Eastern Suburbs Cricket Club (ESCC) Project Control Group.
3. Notes that the location and provision of amenities within the Margaret Whitlam Recreation Centre (MWRC), the layout and location of the commercial café, the interface of the building within the Park, and the exterior landscaping will be considered as part of the Waverley Park Plan of Management.
4. Notes that the intention of the proposed MWRC Indoor Cricket Facility is for recreation purposes only, to better meet the needs identified in the draft Waverley Open Space and Recreation Strategy currently on exhibition.
5. Officers consider, but not be limited by, the following issues as part of updating the Option B concept design for Councillor consideration following Council endorsement of the Waverley Park Plan of Management:
 - (a) Confirm that the design 'sits lightly in its environment' and views from the park (to the west of the subject site) are generally maintained through provision of further plans, elevations, photo montages and view analysis, as necessary.
 - (b) Confirm the design's environmental credibility (acoustic and thermal) and weather protection, including energy use, natural cross flow ventilation, sound (attenuation, echoing and vibration), summer heat and humidity, rain, wind and winter cold.
 - (c) Remove the viewing deck/terrace so that all existing tiered public seating is retained.

- (d) Assess impacts on residential parking in surrounding streets.
 - (e) Other conceptual matters that are raised in the course of preparing and exhibiting the draft Waverley Park Plan of Management.
6. Endorses the preparation of a community consultation program for a new draft Waverley Park Plan of Management, which will include consideration of the proposed Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility in a future Masterplan for the site.
 7. In conjunction with project partner ESCC, submits a grant application to the Greater Sydney Sports Facility Fund and seeks other grant funding opportunities.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF CLAUSES 2–7 OF THE FORESHADOWED MOTION.

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

UNANIMOUS DECISION:

That Council:

1. Receives and notes the Concept Design Report for the Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility project attached to the report.
2. Notes that Option B of the three considered options A, B and C is currently the preferred option of the joint Council and Eastern Suburbs Cricket Club (ESCC) Project Control Group.
3. Notes that the location and provision of amenities within the Margaret Whitlam Recreation Centre (MWRC), the layout and location of the commercial café, the interface of the building within the Park, and the exterior landscaping will be considered as part of the Waverley Park Plan of Management.
4. Notes that the intention of the proposed MWRC Indoor Cricket Facility is generally for recreation purposes, to better meet the needs identified in the draft Waverley Open Space and Recreation Strategy currently on exhibition.
5. Officers consider, but not be limited by, the following issues as part of updating the Option B concept design for Councillor consideration following Council endorsement of the Waverley Park Plan of Management:
 - (a) Confirm that the design ‘sits lightly in its environment’ and views from the park (to the west of the subject site) are generally maintained through provision of further plans, elevations, photo montages and view analysis, as necessary.
 - (b) Confirm the design’s environmental credibility (acoustic and thermal) and weather protection, including energy use, natural cross flow ventilation, sound (attenuation, echoing and vibration), summer heat and humidity, rain, wind and winter cold.
 - (c) Removing the viewing deck/terrace so that all existing tiered public seating is retained.
 - (d) Assess impacts on residential parking in surrounding streets.
 - (e) Other conceptual matters that are raised in the course of preparing and exhibiting the draft

Waverley Park Plan of Management.

6. Endorses the preparation of a community consultation program for a new draft Waverley Park Plan of Management, which will include consideration of the proposed Margaret Whitlam Recreation Centre Indoor Cricket Nets Training Facility in a future Masterplan for the site.
7. In conjunction with project partner ESCC, submits a grant application to the Greater Sydney Sports Facility Fund and seeks other grant funding opportunities.

PD/5.4/20.11 Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition (PP-3/2019)

Subsequent to the meeting, before 10 am the next day, a notice of motion to rescind this resolution was lodged with the General Manager. The rescission motion will be considered at the Council meeting on 17 November 2020.

MOTION

Mover: Cr Lewis
Seconder: Cr Masselos

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a dwelling.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provisions of the Additional Local Provision.

FORESHADOWED MOTION

Mover: Cr Betts

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Defers the matter to the February 2021 meeting of the Strategic Planning and Development Committee to enable officers to investigate what planning mechanisms are available to compensate

or to provide incentives for those building owners who will lose their existing use rights and development potential as a result of this planning proposal as evidenced in the public submissions received on the proposal. Such incentives could include floor space bonuses or variations to the Planning Agreement Policy, among others.

3. Updates the information in the current report by February 2021 with any additional information on the long-term implications on office demand in Bondi Junction to better understand market adjustment and emerging trends.
4. Notifies those people who made a submission of Council's decision.
5. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a dwelling.
6. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provisions of the Additional Local Provision.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a dwelling.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provisions of the Additional Local Provision.

Division

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

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

PD/5.5/20.11 Planning Proposal – 99-117 Birrell Street, Waverley (SF20/5475)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the submission of a planning proposal prepared by Ethos Urban on behalf of Uniting Care on 18 August 2020 to increase the maximum height of buildings and the maximum floor space ratio of the sites 99–117 Birrell Street, Waverley, under the Waverley Local Environmental Plan 2012.
2. Notes that the proposed increase in height and FSR is consistent with the Gateway Determination received for the adjacent War Memorial Hospital Campus site, and will enable improved conservation of the significant heritage fabric of the site and increase the amount of usable, public open space available on the site.
3. Authorises officers to forward the planning proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
4. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE.
5. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include provisions for scale and interface with the surrounding land uses, heritage buildings and gardens within the site, pedestrian access and through-site links and provision of landscaped open space.
6. Requests the role of local plan-making authority from the DPIE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.

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

A Ciano (Head of Property Development, Uniting) addressed the meeting.

6 Urgent Business

There were no items of urgent business.

7. Meeting Closure**THE MEETING CLOSED AT 10.04 PM.**

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SIGNED AND CONFIRMED
CHAIR
1 DECEMBER 2020