



W A V E R L E Y
C O U N C I L

COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 15 MARCH 2022

A handwritten signature in black ink, appearing to read 'Emily Scott'.

Emily Scott
General Manager

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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 General Manager will read the following Opening Prayer:

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.

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

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The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

CM/11.1/22.03	CONFIDENTIAL REPORT - Rowe Street Project - Update
CM/11.2/22.03	CONFIDENTIAL REPORT - Shop 1A, Bondi Pavilion Fit-out - Procurement Exemption
CM/11.3/22.03	CONFIDENTIAL REPORT - 14-26 Ebley Street, Bondi Junction - Lease to Officeworks Ltd
CM/11.4/22.03	CONFIDENTIAL REPORT - Eastgate Car Park Ground Floor, Bondi Junction - Licence to Odessa Enterprises Pty Ltd
CM/11.5/22.03	CONFIDENTIAL REPORT - 65 Ebley Street, Bondi Junction - Lease to Ebley Street Holdings Pty Ltd (Metro Storage)
CM/11.6/22.03	CONFIDENTIAL REPORT - Tender Evaluation - Safety By Design in Public Places - Bondi Junction

12. Resuming in Open Session307

13. Meeting Closure

OBITUARIES CM/3/22.03

Subject: Obituaries
Author: Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

Council will rise for a minute's silence for the souls of people generally who have died in our Local Government Area.

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/22.03



Subject: Confirmation of Minutes - Council Meeting - 15 February 2022

TRIM No: SF21/6063

Author: Al Johnston, Governance Officer

RECOMMENDATION:

That the minutes of the Council meeting held on 15 February 2022 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 Council meetings must be confirmed at a subsequent meeting of Council, in accordance with section 375 of the *Local Government Act 1993*.

Attachments

1. Council Meeting Minutes - 15 February 2022 .



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 15 FEBRUARY 2022**

Present:

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
George Bramis	Acting Director, Planning Environment and Regulatory
Sharon Cassidy	Acting Director, Community, Assets and Operations
Meredith Graham	Acting Director, Customer Service and Organisation Improvement
Richard Sheridan	Interim Director, Finance and Governance

At the commencement of proceedings at 7.03 pm, those present were as listed above.

At 7.20 pm, during the obituaries, the meeting adjourned for a break due to technical issues with the audio link. At 8.13 pm, the meeting resumed.

Following the vote on item CM/8.1/22.02, a procedural motion to extend the meeting by five minutes to deal with item CM/8.6/22.02, moved by Cr Lewis and seconded by Cr Murray, was put and declared carried.

At 11.35 pm, following the vote on item CM/8.6/22.02, a motion to adjourn the meeting due to the lateness of the hour, moved by Cr Masselos, was put and declared carried on the casting vote of the Chair.

When the meeting reconvened at 6.31 pm on 22 February 2022, those present were as listed above, with the exception of Cr Keenan.

WELCOME TO COUNTRY

Aunty Barb Simms Keeley gave the Welcome to Country.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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.

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Kay declared a pecuniary interest in item CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/V.08/22.01 – 107 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property at 101 Ramsgate Avenue, and that he will leave the meeting for the consideration and vote on this item.

3. Obituaries

Uncle Max Dulumunmun

David Gulpilil

Aunty Rosalie Kunoth-Monks

Luana Perina Pitt

The victims of COVID-19

Jim Kelly

Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.

4. Addresses by Members of the Public

- 4.1 Transport for NSW – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/C.01/22.01 Waverley Bus Depot – Access Improvements.
- 4.2 J Kwan and L Sinn – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/C.04/22.01 – Bronte Bowling Club, 16 Wallace Street Waverley – Loading Zone.
- 4.3 D Blankfield and A Kutner – CM/5.3/22.02 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 January 2022 – TC/V.01/22.01 – 42 Murrivier Road North Bondi – Bus Zone.
- 4.4 G Vaughan – CM/6.2/22.02 – War Memorial Hospital - Heritage Conservation Area.
- 4.5 A Douglas (on behalf of Bronte Precinct) – CM/7.20/22.02 – Bronte Park – Barbeque Location.
- 4.6 R Galt – CM/8.3/22.02 – 20 Illawong Avenue, Tamarama – Rectangular-shaped Parcel of Land Adjoining Tamarama Street.
- 4.7 P Paech – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.
- 4.7 A Findlay – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.
- 4.8 M Merten (on behalf of Bondi Beach Precinct) – CM/8.6/22.02 – Tree at 15 Consett Avenue, Bondi Beach.

ITEMS BY EXCEPTION

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the recommendations for the following items be adopted as recommended in the business paper:

- CM/5.1/22.02 Confirmation of Minutes – Council Meeting – 23 November 2021.
- CM/5.2/22.02 Confirmation of Minutes – Council (Mayoral Election) Meeting – 10 January 2022.
- CM/7.3/22.02 Acting General Manager.
- CM/7.5/22.02 Investment Portfolio Report – November 2021, December 2021 and January 2022.
- CM/7.6/22.02 Councillor Expenses and Facilities – Six-monthly Report
- CM/7.7/22.02 Delivery Program 2018-22 – Six-monthly Progress Report.
- CM/7.8/22.02 State of our City Report 2017-2021.

- CM/7.9/22.02 Community Strategic Plan – Community Engagement Plan.
- CM/7.12/22.02 Draft Waverley Development Control Plan 2012 (Amendment No. 10) – Exhibition.
- CM/7.13/22.02 Draft Planning Agreement Policy 2014 (Amendment No. 4) – Exhibition.
- CM/7.14/22.02 Electric Vehicle Transportation Policy.
- CM/7.15/22.02 Infrastructure Contributions Reforms – Submission.
- CM/7.16/22.02 BASIX Higher Standards – Submission.
- CM/7.21/22.02 Tender Evaluation – Glenayr Avenue Streetscape Upgrade – Construction Phase Services.
- CM/11.1/22.02 CONFIDENTIAL REPORT – Commercial Waste – Fees and Charges 2022-23.

5. Confirmation and Adoption of Minutes

CM/5.1/22.02 Confirmation of Minutes - Council Meeting - 23 November 2021 (SF21/279)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council meeting held on 23 November 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.2/22.02 Confirmation of Minutes - Council (Mayoral Election) Meeting - 10 January 2022 (SF21/6063)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That the minutes of the Council (Mayoral Election) meeting held on 10 January 2022 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/5.3/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 (SF21/6066)

Cr Kay declared a pecuniary interest in item TC/V.08/22.01 – 107 Ramsgate Avenue, North Bondi – Construction Zone and informed the meeting that his mother-in-law owns property at 101 Ramsgate Avenue. Cr Kay was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 27 January 2022 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.01/22.01 – Waverley Bus Depot – Access Improvements.
2. TC/C.04/22.01 – Bronte Bowling Club, 16 Wallace Street, Waverley – Loading Zone.
3. TC/V.01/22.01 – Murrivier Road, North Bondi – Bus Zone Modification.

And that these items be dealt with separately below.

**CM/5.3.1/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 -
TC/C.01/22.01 - Waverley Bus Depot - Access Improvements (A20/0114)**

This item was saved and excepted by Cr Lewis.

MOTION

Mover: Cr Lewis
Seconder: Cr Murray

That Council adopts the Traffic Committee's recommendation subject to the addition of a new clause 10 such that the recommendation now reads as follows:

That Council:

1. Supports the closure of the Waverley Bus Depot access to Oxford Street and the signalisation of the York Road/Waverley Bus Depot intersection.
2. Supports 'No Stopping' restrictions on York Road across the Bus Depot intersection and 20 metres on either side in accordance with Transport for NSW (TfNSW) Technical Direction 2002/12c (Stopping and Parking Restrictions at Intersections and Crossings).
3. Extends the 20 metre 'No Stopping' restrictions on the western side of York Road north of the intersection by 30 metres on a six-month trial basis.
4. Requests TfNSW to fund the renewal of the road surface and the installation of compliant street lighting on multi-function poles between the new signals and Oxford Street.
5. Requests TfNSW to investigate options to reduce the length of the 20 metre 'No Stopping' restrictions on the approaches/departures to the York Road/Waverly Bus Depot intersection.
6. Investigates the existing parking restrictions on both sides of York Road to the north of the York Road bus depot bus access for conversion to unrestricted parking outside peak times, with a report to the Traffic Committee six months after the project's implementation.
7. Requests TfNSW to provide more detailed analysis of the effects on the Oxford Street/York Road and Syd Einfeld Drive/Ocean Street intersections.
8. Requests TfNSW to consult NSW Police and Woollahra Council.
9. Requests TfNSW to consult Mill Hill Bondi Junction Precinct, Queens Park Precinct, Moriah College and local residents prior to commencing the project.

10. TfNSW informs residents in Oxford Street, York Road and surrounding streets about TfNSW plans for the closure of the Oxford Street entrance to the bus depot, and the construction of a new signalised entrance in York Road.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 10.

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

UNANIMOUS DECISION

That Council:

1. Supports the closure of the Waverley Bus Depot access to Oxford Street and the signalisation of the York Road/Waverley Bus Depot intersection, subject to no consideration being given to any widening of York Road into the nature strip on the Centennial Park side.
2. Supports 'No Stopping' restrictions on York Road across the Bus Depot intersection and 20 metres on either side in accordance with Transport for NSW (TfNSW) Technical Direction 2002/12c (Stopping and Parking Restrictions at Intersections and Crossings).
3. Extends the 20 metre 'No Stopping' restrictions on the western side of York Road north of the intersection by 30 metres on a six-month trial basis.
4. Requests TfNSW to fund the renewal of the road surface and the installation of compliant street lighting on multi-function poles between the new signals and Oxford Street.
5. Requests TfNSW to investigate options to reduce the length of the 20 metre 'No Stopping' restrictions on the approaches/departures to the York Road/Waverly Bus Depot intersection.
6. Investigates the existing parking restrictions on both sides of York Road to the north of the York Road bus depot bus access for conversion to unrestricted parking outside peak times, with a report to the Traffic Committee six months after the project's implementation.
7. Requests TfNSW to provide more detailed analysis of the effects on the Oxford Street/York Road and Syd Einfeld Drive/Ocean Street intersections.
8. Requests TfNSW to consult NSW Police and Woollahra Council.
9. Requests TfNSW to consult Mill Hill Bondi Junction Precinct, Queens Park Precinct, Moriah College and local residents prior to commencing the project.
10. Requests TfNSW to inform residents in Oxford Street, York Road and surrounding streets about TfNSW plans for the closure of the Oxford Street entrance to the bus depot and the construction of a new signalised entrance in York Road.

Transport for NSW addressed the meeting.

CM/5.3.2/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 - TC/C.04/22.01 - Bronte Bowling Club, 16 Wallace Street, Waverley - Loading Zone (A14/0145)

This item was saved and excepted by Cr Burrill.

MOTION

Mover: Cr Burrill

Seconder: Cr Kay

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 1 and the addition of a new clause 3 such that the recommendation now reads as follows:

That Council:

1. Installs a 12 metre 'Loading Zone, 12 pm–4 pm, Tuesday, Thursday' on the eastern side of Wallace Street, Waverley, in front of Bronte Bowling Club on a six-month trial basis, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of the loading zone, as necessary.
3. Investigates measures to reduce the long-term storage of boats and other vehicles in the section of Wallace Street from the Bronte Bowling Club to Varna Street on the eastern side and refers a report to the Traffic Committee for consideration.

AT THIS STAGE IN THE PROCEEDINGS, THE CHAIR RULED THAT CLAUSE 3 WAS OUT OF ORDER BECAUSE IT WAS NOT RELEVANT TO THE SUBJECT MATTER. THE MOVER OF THE MOTION THEN WITHDREW CLAUSE 3.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council adopts the Traffic Committee's recommendation subject to an amendment to clause 1 such that the recommendation now reads as follows:

1. Installs a 12 metre 'Loading Zone, 12 pm–4 pm, Tuesday, Thursday' on the eastern side of Wallace Street, Waverley, in front of Bronte Bowling Club on a six-month trial basis, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of the loading zone, as necessary.

J Kwan and L Sinn addressed the meeting.

**CM/5.3.3/22.02 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 January 2022 -
TC/V.01/22.01 - Murriverie Road, North Bondi - Bus Zone Modification
(A20/0076)**

This item was saved and excepted by Cr Betts.

MOTION / UNANIMOUS DECISION

Mover: Cr Betts

Seconder: Cr Nemesh

That Council defers this item for an on-site meeting between Council officers, the residents of 38, 40 and 42 Murriverie Road and other interested parties, including Councillors.

D Blankfield and A Kutner addressed the meeting.

6. Mayoral Minutes

CM/6.1/22.02 Bondi Pavilion Amphitheatre (A15/0272)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Notes:

- (a) Resolution CM/8.3/20.10, which called for an investigation into the feasibility of modifications to the landscape plan for the Bondi Pavilion courtyard, including, among other things, the incorporation of a heritage-sympathetic amphitheatre landscape feature within the courtyard.
- (b) Resolution CM/7.11/21.04, which deferred the decision on a landscaped amphitheatre within the courtyard of the Bondi Pavilion until after the completion of the restoration of the Bondi Pavilion.
- (c) That the Bondi Pavilion is near completion and should be handed back to Council from Buildcorp in May this year.

- 2. Undertakes an initial consultation with key stakeholders, including industry experts, the Arts and Culture Advisory Committee and local practitioners, to determine a process for the investigation that will help identify best practice principles and background for the progression of the amphitheatre project.

- 3. Officers prepare a report to Council detailing the outcomes of the initial consultation and an investigation plan to address the following:

- (a) Suitable location within the Bondi Pavilion courtyard for a new amphitheatre, including a sunken item, that is below the west-east view corridor to Bondi Beach.
- (b) Heritage considerations.
- (c) Business casing the opportunity provided by an amphitheatre, including how it may supplement the arts and community program and revenue stream.
- (d) A community consultation program.

- (e) Design, estimated costs and potential timeline.
- (f) Identification of potential funding sources for the design and construction of the amphitheatre.

Background

Council held a meeting with the key Friends of Bondi Pavilion about progressing the design and build of an amphitheatre while the Bondi Pavilion was being restored. It was agreed that the restoration of the Pavilion was the key priority and that consideration of the construction of a new amphitheatre would be reconsidered once the Pavilion had been restored.

Resolution CM/7.11/21.04 deferred a decision on a landscaped amphitheatre within the courtyard until after completion of the restoration of the Bondi Pavilion. It noted the option of additional soft landscaping in the northern courtyard to replace hard paving.

As Buildcorp will be handing the restored building back to Council in May, now is the time to reinitiate this investigation.

CM/6.2/22.02 War Memorial Hospital - Heritage Conservation Area (A20/0261)

MOTION

Mover: Cr Masselos

That Council:

1. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the *Waverley Local Environmental Plan 2012*.
2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.
3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.

Background

The papers for the Council meeting on 5 May 2020 (CM/7.5/20.05(1), p. 87) included the following recommendation from Fleur Mellor (Manager, Urban Design and Heritage):

It is proposed to list the entire site bounded by Birrell Street, Bronte Road, Church Street and Carrington Road, or what was the original Edina Estate, as the State Heritage Register curtilage. It is also proposed that this extended curtilage be applied to the Schedule 5 listing and the associated heritage map.

At this meeting, Council decided to nominate the War Memorial Hospital site, inclusive of its extended heritage curtilage, for inclusion on the State Heritage Register. It was an oversight that the second part of the recommendation was ignored: that the site be included in schedule 5.

The new State Environmental Planning Policy (Housing SEPP) 2021 (Housing SEPP) does not preclude the application of the SEPP from heritage conservation areas. However, the Housing SEPP carries forward a protection of Heritage Conservation Areas from the seniors housing provisions included in the previous Seniors SEPP until 1 July 2022 for councils to adapt to how the new provisions of the Housing SEPP are

applied. Council may argue for an extension beyond that date; however, justification will be required. For the purposes of the Seniors SEPP moratorium, 'heritage conservation area' is defined as follows:

- (a) land identified in another environmental planning instrument as a heritage conservation area and includes buildings, works, trees, archaeological sites, Aboriginal objects or places situated on or within that land, or*
- (b) a place of architectural significance identified in another environmental planning instrument, or*
- (c) a place of Aboriginal heritage significance identified in another environmental planning instrument.*

The moratorium would exclude bonus provisions, which provide additional height (3.8 m increase) and floor space ratio for seniors housing. A draft planning proposal for 99–117 Birrell Street, a part of this site, is currently being considered by Council.

In the War Memorial Hospital Campus Site planning proposal (125 Birrell Street), Council sought to exclude these bonuses on the basis that the proposed heights already reflected significant incentives. The Department of Planning and Environment did not accept that the exclusion of the bonuses was adequately justified. A minor component of the campus site (10.6%) is zoned R3 where these bonuses may apply, so that was of less consequence. However, all of the 99–117 Birrell Street planning proposal is zoned R3 and therefore exposed to these bonuses. The planning proposal for 99–117 Birrell Street, recently on exhibition, included heights of 15 m and 21 m compared to the *Waverley Local Environmental Plan 2012* height for R3 of 9.5 m. The application of the Housing SEPP, if not protected by heritage, would increase these by an additional 3.8 m.

Council officers have recently had discussions with Heritage NSW regarding the redevelopment of the War Memorial Hospital site. Officers raised the issue that Heritage NSW had on two occasions noted that while the site was deemed to have State Heritage significance and worthy of inclusion on the register, it was not a matter of priority. Given the nature of the proposed redevelopment, Council should write to Heritage NSW to follow up on the status of the State Heritage Listing, and request that this be expedited.

FORESHADOWED MOTION (LAPSED)

Mover: Cr Nemesh

That Council defers this item to the next Council meeting to allow for further consideration.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the *Waverley Local Environmental Plan 2012*, as recommended in the 5 May 2020 Council report CM/7.5/20.05(1).
2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.
3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.

CM/6.3/22.02 Lived Experience of Overdevelopment (A22/0063)**MOTION**

Mover: Cr Masselos

That:

1. Council recognises that there is a significant and growing community concern about the extent of overdevelopment in the Waverley local government area and that this overdevelopment continues unabated.
2. Council notes that the Community Strategic Plan engagement has identified overdevelopment, traffic congestion and heritage conservation as priority issues for the Waverley community.
3. Council notes:
 - (a) That overdevelopment is changing the nature of our built environment and destroying much of the heritage values that makes Waverley unique.
 - (b) That a number of development sites have caused damage to surrounding buildings.
 - (c) The reports from schools in the area that classes are at capacity and are unable to accept new students, roads are congested and parking is increasingly difficult.
 - (d) The ongoing and unabated numbers of planning proposals and development applications (DAs) associated with large high-rise buildings being submitted to Council.
 - (e) That there has been a subsequent increase in organised resident groups objecting to these applications.
 - (f) That residents are increasingly turning to Council for assistance in understanding the planning process.
4. Council recognises that there is a cumulative impact of ongoing overdevelopment upon residents and their amenity, the public domain and the community more broadly.
5. Council officers investigate and report back to Council on the establishment of a community planning advocate within the organisation that:
 - (a) Is independent of the Planning, Environment and Regulatory directorate.
 - (b) Will not be an additional position within the organisation, but rather the duties be assigned to an existing role within the organisation.
 - (c) Will undertake awareness and education programs for residents about planning matters, such as the NSW planning system, our Local Environmental Plan and Development Control Plan, the approval process, how to read plans, developing information sheets about DAs and planning proposals that relate to large developments, and developing and implementing an accessible webinar series about planning matters in Waverley.
 - (d) Will undertake a six-monthly community planning survey about the cumulative impacts of overdevelopment and which will be fed into the social impact assessment statements.
6. The community planning survey will:

- (a) Collect metrics and lived experience of residents, businesses and the community more broadly.
- (b) Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and overdevelopment.
- (c) Provide quantitative and qualitative data to assist the officers when assessing DAs and planning proposals or when advocating at the Land and Environment Court, Waverley Local Planning Panel or the Sydney Eastern City Planning Panel.
- (d) Provide quantitative and qualitative data to assist the community when drafting their submissions on DAs and planning proposals and other relevant strategies. This information could ultimately inform the various planning bodies, such as the Waverley Local Planning Panel, the Sydney Eastern City Planning Panel, the Independent Planning Commission and the Land and Environment Court.
- (e) Consider a range of themes and issues such as, but not limited to:
 - (i) Infrastructure – Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion.
 - (ii) Environment – Reduction of tree canopy, excessive demand on limited public open space.
 - (iii) Socio-psychological and resilience impacts – How these developments contribute to alienation, loneliness, isolation, wellbeing, lack of social contacts, community resilience eroded.
 - (iv) Facilities – Loss of services and businesses, homogenisation of neighbourhoods.
 - (v) Lived experience – What are the cumulative experiences and impacts upon people and their amenity, aggressive behaviour by developers towards residents.
 - (vi) Compliance – Especially noise and unauthorised works/use, complaints, complying development certificates, private certifiers.
- (f) Be reported to Council, Council officers and to the community on a regular basis.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 5(c) AND 6 AND THE ADDITION OF A NEW CLAUSE 7.

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

UNANIMOUS DECISION

That Council:

1. Recognises that there is a significant and growing community concern about the extent of overdevelopment in the Waverley local government area and that this overdevelopment continues unabated.
2. Notes that the Community Strategic Plan engagement has identified overdevelopment, traffic congestion and heritage conservation as priority issues for the Waverley community.
3. Notes:

- (a) That overdevelopment is changing the nature of our built environment and destroying much of the heritage values that makes Waverley unique.
 - (b) That a number of development sites have caused damage to surrounding buildings.
 - (c) The reports from schools in the area that classes are at capacity and are unable to accept new students, roads are congested and parking is increasingly difficult.
 - (d) The ongoing and unabated numbers of planning proposals and development applications (DAs) associated with large high-rise buildings being submitted to Council.
 - (e) That there has been a subsequent increase in organised resident groups objecting to these applications.
 - (f) That residents are increasingly turning to Council for assistance in understanding the planning process.
4. Recognises that there is a cumulative impact of ongoing overdevelopment upon residents and their amenity, the public domain and the community more broadly.
5. Officers investigate and report back to Council on the establishment of a community planning advocate within the organisation that:
- (a) Is independent of the Planning, Environment and Regulatory directorate.
 - (b) Will not be an additional position within the organisation, but rather the duties be assigned to an existing role within the organisation.
 - (c) Will undertake awareness and education programs for residents about planning matters, such as the NSW planning system, our Local Environmental Plan and Development Control Plan, the approval process, how to read plans, developing information sheets about DAs, voluntary planning agreements and planning proposals that relate to large developments, and developing and implementing an accessible webinar series about planning matters in Waverley.
 - (d) Will undertake a six-monthly community planning survey about the cumulative impacts of overdevelopment and which will be fed into the social impact assessment statements.
6. Notes that the community planning survey will:
- (a) Collect metrics and lived experience of residents, businesses and the community more broadly.
 - (b) Assist in developing a comprehensive picture of the cumulative impact of development, large-scale developments and overdevelopment.
 - (c) Provide quantitative and qualitative data to assist the officers when assessing DAs and planning proposals or when advocating at the Land and Environment Court, Waverley Local Planning Panel or the Sydney Eastern City Planning Panel.
 - (d) Provide quantitative and qualitative data to assist the community when drafting their submissions on DAs and planning proposals and other relevant strategies. This information could ultimately inform the various planning bodies, such as the Waverley Local Planning Panel, the Sydney Eastern City Planning Panel, the Independent Planning Commission and the

Land and Environment Court.

- (e) Consider a range of themes and issues such as, but not limited to:
- (i) Infrastructure – Impacts upon parking, schools, loss of solar amenity, overshadowing, wind tunnel effects, traffic congestion.
 - (ii) Environment – Reduction of tree canopy, excessive demand on limited public open space.
 - (iii) Socio-psychological and resilience impacts – How these developments contribute to alienation, loneliness, isolation, wellbeing, lack of social contacts, community resilience eroded.
 - (iv) Facilities – Loss of services and businesses, homogenisation of neighbourhoods.
 - (v) Lived experience – What are the cumulative experiences and impacts upon people and their amenity, aggressive behaviour by developers towards residents.
 - (vi) Compliance – Especially noise and unauthorised works/use, complaints, complying development certificates, private certifiers.
- (f) Be reported to Council, Council officers and to the community on a regular basis.

7. Communicates this resolution to all Precincts.

G Vaughan addressed the meeting.

7. Reports

CM/7.1/22.02 Appointment of Councillors to Committees (SF22/1)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Changes the name of the Operations and Community Services Committee to the Finance, Operations and Community Services Committee.
2. Officers prepare a report to the March Council meeting on the delegations, terms of reference, order of business and meeting schedule for the Finance, Operations and Community Services Committee.
3. Appoints Councillors/delegates to the following committees/organisations until the next mayoral election on 19 September 2023:

STANDING COMMITTEES

Committee name:

Finance, Operations and Community Services Committee

No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Membership:	Crs Wy Kanak (Chair), Murray (Deputy Chair) and all other Councillors.

Committee name: **Strategic Planning and Development Committee**

No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Membership:	Crs Lewis (Chair), Fabiano (Deputy Chair) and all other Councillors.

TECHNICAL COMMITTEES

Committee name:	<u>Traffic Committee</u>
No. of Councillors to be appointed:	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
Chair of Committee:	The Chair of the Committee is Council's voting representative.
Membership:	Crs Masselos (Chair), Fabiano and Kay (Deputy Chairs).

ADVISORY AND OTHER COMMITTEES

Committee name:	<u>Access and Inclusion Advisory Panel</u>
No. of Councillors to be appointed:	Mayor and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Keenan (Chair), Gray (Deputy Chair), Fabiano and Kay.
Committee name:	<u>Arts and Culture Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor and up to three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and Kay.
Committee name:	<u>Audit, Risk and Improvement Committee</u>
No. of Councillors to be appointed:	One and an alternate. The Mayor cannot be a member of this Committee.
Chair of Committee:	An Independent Member (non-Councillor).
Membership:	Cr Wy Kanak (alternates: Crs Murray and Betts).
Committee name:	<u>Cycling Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and two Councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Lewis (Chair), Keenan (Deputy Chair) and Goltsman.
Committee name:	<u>Environmental Sustainability Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and three Councillors.
Chair of Committee:	A Councillor appointed by Council.
Membership:	Crs Keenan (Chair), Masselos (Deputy Chair), Fabiano and Nemesh.
Committee name:	<u>Housing Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor (or the Mayor's nominee) and three councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and Betts.
Committee name:	<u>Multicultural Advisory Committee</u>
No. of Councillors to be appointed:	The Mayor (or the Mayor's nominee).
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Membership:	Crs Masselos (Chair) and Fabiano (Deputy Chair).

Committee name: **Public Art Committee**

No. of Councillors to be appointed: Maximum of three.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

Committee name: **Reconciliation Action Plan Advisory Committee**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and three councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Masselos (Chair), Wy Kanak (Co-Chair) and Gray.

Committee name: **Surf Life Saving Club Committee**

No. of Councillors to be appointed: Mayor (or Mayor's nominee) and two Councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Membership: Crs Murray (Chair), Wy Kanak (Deputy Chair), Masselos and Goltzman.

Committee name: **Waverley Business Forum**

No. of Councillors to be appointed: The Mayor, and an alternate, the Deputy Mayor.

Chair of Forum: The Mayor, or in the absence of the Mayor, the Deputy Mayor, is Chair of the Forum.

Membership: Cr Masselos (alternate: Cr Keenan).

**APPOINTMENT OF COUNCILLORS AS DELEGATES
TO VARIOUS ORGANISATIONS**

Name: **NSW Public Libraries Association**

No. of Councillors to be appointed: One.

Membership: Cr Lewis.

Name: **Southern Sydney Regional Organisation of Councils – Board**

No. of Councillors to be appointed:	A maximum of two delegates and two alternates (one delegate to be the Mayor).
Membership:	Crs Masselos (Mayor) and Keenan (Deputy Mayor) (alternates: Crs Fabiano and Murray).
Name:	<u>Southern Sydney Regional Organisation of Councils – Program Delivery Committee</u>
Description:	Deals with asset management, public works, procurement, waste management and SSROC financial reports.
No. of Councillors to be appointed:	One.
Membership:	Cr Masselos (Mayor) (alternate: Cr Wy Kanak).
Name:	<u>Southern Sydney Regional Organisation of Councils – Sustainability Program Committee</u>
Description:	Deals with regional planning, environmental management, transport planning and management, and community development.
No. of Councillors to be appointed:	One.
Membership:	Cr Fabiano (alternate: Cr Murray).
Name:	<u>Sydney Coastal Council Group</u>
Membership:	Crs Masselos and Wy Kanak (alternates: Crs Murray, Fabiano and Goltsman).

CM/7.2/22.02 Local Government NSW Annual Conference 2021 - Voting Delegates for Special Conference (A13/0314)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. In respect of the Local Government NSW Special Conference to be held in person at the Hyatt Regency Sydney from Monday, 28 February, to Wednesday, 2 March 2022:
 - (a) Nominates the Mayor, Deputy Mayor and Crs Murray, Lewis and Wy Kanak as voting delegates for motions.
 - (b) Nominates Crs Fabiano and Gray as substitute voting delegates for motions.
 - (c) Nominates Cr Goltsman to attend the Special Conference as an observer.

- (d) Approves the attendance of the General Manager or nominee at the Special Conference.
2. Cancels its Standing Committee meetings scheduled for Tuesday, 1 March 2022.

CM/7.3/22.02 Acting General Manager (SF21/9)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that at its extraordinary meeting on 1 June 2021, Council delegated/sub-delegated to the General Manager, Emily Scott, the functions in accordance with the instrument of delegation to the General Manager also dated 1 June 2021.
2. Appoints Richard Sheridan to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
3. Notes that when acting as General Manager pursuant to this resolution, Richard Sheridan has all the functions, delegations and sub-delegations given to the General Manager by Council.

CM/7.4/22.02 Quarterly Budget Review (Q2) - December 2021 (A03/0346)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2021–22 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.

CM/7.5/22.02 Investment Portfolio Report - November 2021, December 2021 and January 2022 (A03/2211)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the Investment Summary Report for November 2021, December 2021 and January 2022 attached to the report.
2. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer,

advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.6/22.02 Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2021 to 3 December 2021 attached to the report.

CM/7.7/22.02 Delivery Program 2018-22 - Six-monthly Progress Report (A21/0034)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council receives and notes the progress report on the Delivery Program 2018–22 attached to the report.

CM/7.8/22.02 State of our City Report 2017-2021 (A21/0032)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council endorses the State of our City Report 2017–2021 attached to the report.

CM/7.9/22.02 Community Strategic Plan - Community Engagement Plan (A21/0032)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the Community Strategic Plan Community Engagement Plan attached to the report.

CM/7.10/22.02 Bondi Pavilion Community Radio Studio - Licence - Exhibition (A21/0521)

MOTION

Mover: Cr Masselos
Seconder: Cr Goltsman

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of up to five years for a community radio studio in the dedicated community radio space at Bondi Pavilion, with the notification and exhibition

commencing no earlier than 16 February 2022.

2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions be received.
3. Subject to no submissions being received, approves the granting of the licence.
4. Expands expression of interest criterion 4 to include experience in running a community broadcasting station and experience in developing engaging programming.
5. Notes that a report will be prepared for Council to grant the licence following the end of the expression of interest process.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION AND THE ADDITION OF A NEW CLAUSE.

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

UNANIMOUS DECISION

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of three years with an option for a further two years for a community radio studio in the dedicated community radio space at Bondi Pavilion, with the notification and exhibition commencing no earlier than 16 February 2022.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the process for granting a licence, having considered any submissions made.
4. Notes that if no submissions are received, a selection process will be undertaken by Council officers for granting the licence.
5. Expands selection criterion 4 to include experience in running a community broadcasting station and experience in developing engaging programming.
6. Further notes that a report will be prepared for Council to grant the licence following the end of the selection process.

Cr Burrill was not present for the vote on this item.

CM/7.11/22.02 Bondi Pavilion Pottery Studio - Licence - Exhibition (A15/0272)**MOTION**

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of up to five years for the operation of the Bondi Pavilion Pottery Studio by a community-based organisation.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions be received.
3. Subject to no submissions being received, approves the granting of the licence in-principle to a community-based organisation.
4. Officers ensure that the expression of interest criteria for the selection of an operator clearly state that the operator must be a community-based organisation that can demonstrate it is able to run the Bondi Pavilion Pottery Studio for the benefit of the community.
5. Undertakes a select request for quotation process to appoint a preferred operator of the Pottery Studio.
6. Notes that a report will be prepared for Council to grant the licence following the end of the quotation process.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION, THE DELETION OF CLAUSE 5 AND THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's proposal to grant a licence of three years with an option for a further two years for the operation of the Bondi Pavilion Pottery Studio by a community-based organisation.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the process for granting a licence, having considered any submissions made.
4. Notes that if no submissions are received, a selection process will be undertaken by Council officers for granting the licence in-principle to a community-based organisation.
5. Officers ensure that the selection criteria for the selection of an operator clearly state that the operator must be a community-based organisation that can demonstrate it is able to run the Bondi Pavilion Pottery Studio for the benefit of the community.

6. Further notes that a report will be prepared for Council to grant the licence following the end of the selection process.

Cr Burrill was not present for the vote on this item.

CM/7.12/22.02 Draft Waverley Development Control Plan 2012 (Amendment No. 10) - Exhibition (SF21/4935)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes that a Councillor workshop on the draft Waverley Development Control Plan 2012 (Amendment No. 10) was held on 19 October 2021.
2. Publicly exhibits the draft Waverley Development Control Plan 2012 (Amendment No. 10) attached to the report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the *Environmental Planning and Assessment Act 1979*.
3. Officers prepare a report to Council following the exhibition period.

CM/7.13/22.02 Draft Planning Agreement Policy 2014 (Amendment No. 4) - Exhibition (SF21/4528)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Planning Agreement Policy 2014 (Amendment No. 4) and the draft Public Benefit Register attached to the report for a minimum period of 28 days.
2. Officers prepare a report to Council following the exhibition period.
3. Notes that the policy includes updated benchmark rates, housekeeping amendments and the introduction of a Public Benefit Register.

CM/7.14/22.02 Electric Vehicle Transportation Policy (A11/0853)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the Electric Vehicle Transportation Policy attached to the report.

CM/7.15/22.02 Infrastructure Contributions Reforms - Submission (SF21/5628)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the infrastructure contributions reforms.

CM/7.16/22.02 BASIX Higher Standards - Submission (SF22/164)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the BASIX Higher Standards.

CM/7.17/22.02 Curlewis Street/Old South Head Road - Strategic Planning and Urban Design Review (A21/0547)**MOTION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Progresses a strategic investigation of the Curlewis Street West centre and Old South Head Road that:
 - (a) Investigates the urban design implications of increased density in the Curlewis Street West centre and along Old South Head Road.
 - (b) Explores different height and density options and their implications.
 - (c) Engages the community and landowners to undertake a co-design exercise.
 - (d) Considers a coordinated approach to ensure any up-zoning creates community benefits and is in keeping with the strategic vision of Waverley.
2. Notes that the study will commence immediately and will be funded within existing allocations in the Planning, Environment and Regulatory operational budget for 2021–22 and 2022–23.
3. Officers report the findings to a Councillor workshop before a final report is submitted to the April Council meeting.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1(c) AND 3 AND THE ADDITION OF A NEW CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Progresses a strategic investigation of the Curlewis Street West centre and Old South Head Road that:
 - (a) Investigates the urban design implications of increased density in the Curlewis Street West centre and along Old South Head Road.
 - (b) Explores different height and density options and their implications.
 - (c) Engages the relevant Precinct committees, community and landowners to undertake a co-design exercise.
 - (d) Considers a coordinated approach to ensure any up-zoning creates community benefits and is in keeping with the strategic vision of Waverley.
2. Notes that the study will commence immediately and will be funded within existing allocations in the Planning, Environment and Regulatory operational budget for 2021–22 and 2022–23.
3. Officers report the findings to a Councillor workshop before a final report is submitted to Council as soon as possible but by the end of June.
4. Takes into consideration that this site is in the middle of the worst floodplain in Waverley.

Cr Burrill was not present for the vote on this item.

CM/7.18/22.02 Voluntary Planning Agreement - 16A and 16B Llandaff Street, Bondi Junction (SF21/5338)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Murray

That Council:

1. Endorses the draft planning agreement attached to this report applying to land at 16A and 16B Llandaff Street, Bondi Junction, offering a total monetary contribution of \$727,168, with \$181,792 (25%) to be allocated to the Waverley Affordable Housing Program and \$545,376 (75%) to be allocated to Waverley Street Mall upgrades and creative interventions, including repaving, creative lighting and outdoor media installations pursuant to the Creative Lighting Strategy, the Arts and Culture Plan and Strategic Asset Management 5, in accordance with Council's planning agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

For the Motion: Crs Betts, Goltsman, Gray, Kay, Lewis, Masselos, Murray and Nemesh.

Against the Motion: Crs Fabiano, Keenan and Wy Kanak.

Cr Burrill was not present for the vote on this item.

CM/7.19/22.02 Mill Hill Cafe, 31-33 Spring Street, Bondi Junction - Lease - Exhibition (A21/0147)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of up to five years in relation to the Mill Hill Café at the Mill Hill Community Centre, 31–33 Spring Street, Bondi Junction.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period should any submissions to the proposal be received.
3. Subject to no submissions being received, approves the granting of the lease.
4. Notes that a tender process will be undertaken to appoint a tenant for the Mill Hill Café in coming weeks, with a report to be brought back to Council seeking endorsement to award the lease to the preferred tenderer.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION AND THE ADDITION OF A NEW CLAUSE.

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

UNANIMOUS DECISION

That Council:

1. In accordance with section 47A of the *Local Government Act 1993*, publicly notifies and exhibits for a minimum of 28 days Council's intent to grant a lease of three years with an option for a further two years in relation to the Mill Hill Café at the Mill Hill Community Centre, 31–33 Spring Street, Bondi Junction.
2. Notes that, in accordance with section 47A of the *Local Government Act 1993*, a report will be prepared for Council at the end of the exhibition and notification period for Council to consider any submissions made.
3. Notes that the report will contain recommendations on the tender process for the lease, having considered any submissions made.
4. Notes that if no submissions are received, a tender process will be undertaken.
5. Further notes that a report will be prepared for Council seeking endorsement to award the lease to the preferred tenderer and thereby appoint a tenant for the Mill Hill Café following the end of the tender process.

Cr Burrill was not present for the vote on this item.

CM/7.20/22.02 Bronte Park - Barbecue Location (A16/0168)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Kay

That Council:

1. Undertakes a comprehensive community consultation on the location of the new barbecues in Bronte Park.
2. Consults residents, users of the park, the swim clubs based in the South Bronte Amenities building, and the Bronte Beach and Bronte Precincts.
3. In planning the location of the barbecues, considers the park usage patterns by various groups, such as the Bronte Surf Life Saving Club and the swim clubs, and proximity to facilities, such as the playground and picnic huts.

Cr Burrill was not present for the vote on this item.

A Douglas (on behalf of Bronte Precinct) addressed the meeting.

CM/7.21/22.02 Tender Evaluation - Glenayr Avenue Streetscape Upgrade - Construction Phase Services (A21/0504)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Treats the tender evaluation attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The tender evaluation contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Declines to accept any of the tenders for construction phase services for the Glenayr Avenue Streetscape Upgrade, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3) (b)-(d) of the *Local Government (General) Regulations 2021*.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager to enter into negotiations with the top three ranked tenderers, as shown in the tender evaluation attached to the report, to agree contract terms.
5. Authorises the General Manager, or delegated representative, to finalise and agree terms, entering into a contract on behalf of Council with the preferred tenderer following negotiations.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2021*.

8. Notices of Motions**CM/8.1/22.02 Solar on Residential Strata Buildings (A20/0448)****MOTION**

Mover: Cr Murray

Seconder: Cr Gray

That Council:

1. Liaises and meets with industry experts, Councillors and local sustainability experts to assist design and recommend best practice options for Council to enable the uptake of solar in residential strata buildings in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that outlines the costs, timelines and requirements of this project, including any procurement issues.
4. Implements the program into the next Environmental Action Plan

AMENDMENT 1

Mover: Cr Kay

Seconder: Cr Betts

That the following clause be added to the motion:

‘Notes that the Our Liveable Places Centres Strategy already includes an investigation into incentivising the uptake of rooftop solar with battery storage to enhance energy security in more than nine village centres within Waverley.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1, 3 AND 4 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Liaises with industry and local sustainability experts to recommend best practice options for Council to enable the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that includes an outline of the feasibility, options, costs, timelines and requirements of this program, including any procurement issues.
4. Assuming its feasibility, integrates the program into the next draft Environmental Action Plan.

AMENDMENT 2

Mover: Cr Kay

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Liaises with industry and local sustainability experts to recommend best practice options for Council to incentivise the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

UNANIMOUS DECISION

That Council:

1. Liaises with industry and local sustainability experts to recommend best practice options for Council to enable the uptake of rooftop solar and battery storage (where feasible) in residential flat buildings and other buildings with residential use (e.g. mixed use development, shop top housing development, dual occupancy, boarding houses) in the Waverley local government area.
2. Identifies any eligible grants from bodies such as the Australian Renewable Energy Agency (ARENA) that may be able to support the implementation of the project.
3. Officers prepare a report to Council that includes an outline of the feasibility, options, costs, timelines and requirements of this program, including any procurement issues.
4. Assuming its feasibility, integrates the program into the next draft Environmental Action Plan.

Cr Burrill was not present for the votes on this item.

CM/8.2/22.02 Liquor Licence Application for 19 Lamrock Avenue, Bondi Beach (The Village Backpackers Hostel) (A20/0043)

MOTION

Mover: Cr Gray
Seconder: Cr Lewis

That Council:

1. In principle opposes the granting of liquor licences to backpacker hostels and accommodation.
2. Strongly opposes the granting of a liquor licence to The Village Backpackers Hostel at 19 Lamrock Avenue, Bondi Beach.
3. Notes that Council has made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.
4. Requests that the Mayor write to the ILGA:
 - (a) To advise it of Council’s in-principle opposition to the granting of liquor licences to backpacker hostels and accommodation.
 - (b) Reiterating Council’s opposition to the granting of a liquor licence to The Village Backpackers Hostel.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 SUCH THAT IT NOW READS AS FOLLOWS:

‘Notes that Council and the NSW Police have made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.’

AMENDMENT

Mover: Cr Kay
Seconder: Cr Burrill

That clauses 1 and 4(a) be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 5.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. In principle opposes the granting of liquor licences to backpacker hostels and accommodation.
2. Strongly opposes the granting of a liquor licence to The Village Backpackers Hostel at 19 Lamrock Avenue, Bondi Beach.
3. Notes that Council and the NSW Police have made a submission to the NSW Independent Liquor and Gaming Authority (ILGA) opposing the granting of a liquor licence to The Village Backpackers Hostel.
4. Requests that the Mayor write to the ILGA:
 - (a) To advise it of Council’s in-principle opposition to the granting of liquor licences to backpacker hostels and accommodation.
 - (b) Reiterating Council’s opposition to the granting of a liquor licence to The Village Backpackers Hostel.
5. Distributes a copy of the Council officer’s submission and the Mayor’s letter to the Precincts as soon as possible.

Crs Keenan and Nemesh were not present for the votes on this item.

CM/8.3/22.02 20 Illawong Avenue, Tamarama - Rectangular-shaped Parcel of Land Adjoining Tamarama Street (A22/0032)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Notes that the 368 sqm rectangular-shaped parcel of land currently part of 20 Illawong Avenue,

Tamarama, identified informally and interchangeably as 7B and 5 Tamarama Street (legal description being Strata Plan 1737) with its western boundary being Tamarama Street, referenced by this motion as the 'subject lot', has been advertised for sale.

2. Notes that a town planning report prepared in December 2020 by Creative Planning Solutions is available from Sotheby's, the agent for the proposed sale, as part of sale documentation provided to potential buyers.
3. Notes that the town planning report indicates the site is approved for subdivision to create the subject lot, but that this subdivision is yet to be registered and the land still forms part of 20 Illawong Avenue.
4. Notes that the subject lot has different Waverley Local Environment Plan (WLEP) characteristics to all other properties in Tamarama Street, including that the zoning is R3 rather than R2, maximum height is 9.5 m rather than 8.5 m and maximum floor space ratio is 0.6:1 rather than 0.5:1.
5. With some urgency, investigates matters for the subject lot, including:
 - (a) The status of the subdivision referred to in the Creative Planning Solutions town planning report.
 - (b) To what extent the floor space ratio (FSR) of the subject lot has been used in the development of 20 Illawong Avenue.
 - (c) An avenue by which to prevent 'double-dipping' of any FSR of the subject lot that was found to be utilised in the development of 20 Illawong Avenue.
 - (d) Confirmation, or otherwise, that a Torrens title subdivision has been approved for the subject lot.
 - (e) Advice on whether Council should initiate a planning proposal for the subject lot if the subdivision is ratified.
6. Receives a report on the above matters as soon as possible, with an interim report to the March 2022 Council meeting with any progress achieved.

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

R Galt addressed the meeting.

CM/8.4/22.02 Draft Waverley Local Environmental Plan 2022 - Community Consultation Extension (A18/0594)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council:

1. Extends the consultation period for the draft Waverley Local Environmental Plan (WLEP 2022) until April 2022.
2. During the extended consultation period, implements an expanded program of consultation with and

involving the Waverley community, including information sessions, public workshops, and feedback sessions, precinct presentations, community pop-ups, demographically representative and other valid surveys.

3. Officers present the draft WLEP 2022 to the May 2022 Council meeting for the attention of the newly elected Council, alongside analysed responses to the consultative process.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Fabiano and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Goltsman, Gray, Kay, Lewis, Masselos, Murray and Nemesh.

Cr Keenan was not present for the vote on this item.

CM/8.5/22.02 100% Renewable Energy (A02/0131)

MOTION / UNANIMOUS DECISION

Mover: Cr Fabiano

Seconder: Cr Wy Kanak

That Council:

1. Prioritises actions and programs that support the community to achieve net zero emissions.
2. Incorporates innovative activities that enable the community to generate, use, store, own and operate or purchase 100% renewable energy into the next Environmental Action Plan (EAP).
3. Identifies how recent amendments to NSW legislation (Energy Legislation Amendment Bill 2021) allowing Councils to host public and community battery storage for renewable energy can assist community energy initiatives.
4. Ensures that actions and programs identify Council, incorporated organisations and co-operatives, such as clubs, aged care homes, for ownership and distribution of any small-scale battery storage within Waverley.
5. Officers prepare a report to Council by June 2022, or as early as possible thereafter, outlining the scope of this very significant project, including interim targets, and how it is to be delivered over the next eight years.
6. Outlines its own operational, infrastructure and construction emissions reductions to date in the EAP to demonstrate community leadership towards net zero by 2030.

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

CM/8.6/22.02 Tree at 15 Consett Avenue, Bondi Beach (DA-552/2021)**MOTION / DECISION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Calls for nominations of the Mediterranean Holm Oak, located on private property at 15 Consett Avenue, to be added to the Waverley Council Significant Tree Register. The tree can clearly be seen from Hall Steet, Consett Avenue and Jacques Avenue, as well as homes along Francis and Edward Streets.
2. Notes that Council's Tree Management staff already refer to the tree as significant.
3. Notes that the tree is covered by a Tree Preservation Order (TPO-487/2009).
4. Notes that the Significant Tree Register has not been updated since January 2012.

P Paech, A Findlay and M Merten (on behalf of Bondi Beach Precinct) addressed the meeting.

CM/8.7/22.02 Bondi Surf Lifesaving Club - Parking Spaces (A06/0248)**MOTION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Notes that, as a result of this motion, Council and Buildcorp have finally agreed to return three parking spots outside the Bondi Surf Life Saving Club (SLSC) to the Club with immediate effect by relocating the last jersey kerb.
2. Considers liaising with Buildcorp to allow Bondi SLSC to have access to the remaining parking spots from Friday nights to Monday mornings.
3. Clearly identifies the Bondi SLSC temporary spots with a sign that states 'No Parking Mon-Fri – Bondi Surf SLSC Parking Only' that is clearly visible to other vehicles looking for parking spaces if the additional spots can be returned to the Club for the weekends, or Monday to Sunday if not.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that Council and Buildcorp have finally agreed to return three parking spots outside the Bondi Surf Life Saving Club (SLSC) to them with immediate effect by relocating the last jersey kerb.
2. Considers liaising with Buildcorp to allow Bondi SLSC to have access to the remaining parking spots from Friday nights to Monday mornings.

- Clearly identifies the Bondi SLSC temporary spots with a sign that states 'No Parking Mon-Fri – Bondi Surf SLSC Parking Only' that is clearly visible to other vehicles looking for parking spaces if the additional spots can be returned to the Club for the weekends, or Monday to Sunday if not.

Cr Keenan was not present for the vote on this item.

CM/8.8/22.02 Liquor Licences (A17/0067)

MOTION / DECISION

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That:

- Council officers prepare a report on the statistics of liquor licences and liquor applications in Waverley, particularly Bondi, as part of a report on Council's capacity to assist the community in the process of making more informed public submissions on liquor applications related to the consent authority, the NSW Independent Liquor and Gaming Authority (ILGA).
- The report is to outline how Council officers can engage with, and help the community engage with, the National Drug and Alcohol Research Centre's resources in informing public and Council submissions to NSW ILGA liquor applications and related actions to ameliorate anti-social behaviour and violence associated with unregulated alcohol consumption.

Cr Keenan was not present for the vote on this item.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There were no items of urgent business.

11. Closed Session

**CM/11.1/22.02 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2022-23
(A02/0162)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

- Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*,

as it relates to a matter specified in section 10A(2)(d)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.

2. Adopts the fees and charges for commercial waste services as set out in Table 1 of the report for the period 1 July 2022 to the 30 June 2023.

13. Meeting Closure

THE MEETING CLOSED AT 7.38 PM.

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SIGNED AND CONFIRMED
MAYOR
15 MARCH 2022

CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/22.03



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 24 February 2022

TRIM No: SF21/6066

Author: Richard Coelho, Executive Manager, Governance and Risk

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 February 2022 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

The Waverley Traffic Committee (WTC) is not a committee of Council. The WTC operates under delegation from Transport for NSW (TfNSW), an agency of the NSW Government. It is advisory-only and has no decision-making powers.

The purpose of the WTC is to make recommendations and provide advice to Council on the technical aspects of proposals to regulate traffic on local roads in Waverley. The recommendations of the WTC must be adopted by Council before they can be implemented.

Part 1 of the minutes of WTC meetings must be submitted to Council for adoption in accordance with clause 18 of the Waverley Traffic Committee Charter.

Council has the opportunity to 'save and except' any of the recommendations listed in Part 1 of the minutes for further consideration in accordance with clause 18.1 of the Charter.

Attachments

1. Waverley Traffic Committee Minutes - 24 February 2022 .

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE
MEETING HELD BY VIDEO CONFERENCE ON
THURSDAY, 24 FEBRUARY 2022**



Voting Members Present:

Cr P Masselos	Waverley Council – Chair
Snr Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr P Pearce	Representing Marjorie O’Neill, MP, Member for Coogee
Mr R Sritharan	Transport for NSW – Network and Safety Officer
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vacluse

Also Present:

Mr B Gidiess	State Transit – Traffic and Services Manager (Eastern Region)
Mr D Joannides	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr C Yabuka	Waverley Council – Manager, Strategic Transport
Mr N Zervos	Waverley Council – Manager, Asset Systems and Planning
Mr M Almuhanha	Waverley Council – Senior Traffic Engineer
Mr P Cai	Waverley Council – Traffic Engineer
Ms B Wang	Waverley Council – Professional Engineer, Traffic and Development
Cr L Fabiano	Waverley Council
Cr T Kay	Waverley Council

At the commencement of proceedings at 10.01 am, those present were as listed above.

At 10.17 am, Mr P Pearce left the meeting and did not return.

Apologies

There were no apologies.

Declarations of Pecuniary and Non-Pecuniary Interests

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

Adoption of Previous Minutes by Council - 27 January 2022

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 27 January 2022 were adopted by Council at its meeting on 15 February 2022 with the following changes:

1. TC/C.01/22.01 – Waverley Bus Depot – Access Improvements.

Council adopted the recommendation of the Traffic Committee subject to an amendment to clause 1 and the addition of a new clause 10 such that the recommendation now reads as follows:

That Council:

1. Supports the closure of the Waverley Bus Depot access to Oxford Street and the signalisation of the York Road/Waverley Bus Depot intersection, subject to no consideration being given to any widening of York Road into the nature strip on the Centennial Park side.
2. Supports 'No Stopping' restrictions on York Road across the Bus Depot intersection and 20 metres on either side in accordance with Transport for NSW (TfNSW) Technical Direction 2002/12c (Stopping and Parking Restrictions at Intersections and Crossings).
3. Extends the 20 metre 'No Stopping' restrictions on the western side of York Road north of the intersection by 30 metres on a six-month trial basis.
4. Requests TfNSW to fund the renewal of the road surface and the installation of compliant street lighting on multi-function poles between the new signals and Oxford Street.
5. Requests TfNSW to investigate options to reduce the length of the 20 metre 'No Stopping' restrictions on the approaches/departures to the York Road/Waverly Bus Depot intersection.
6. Investigates the existing parking restrictions on both sides of York Road to the north of the York Road bus depot bus access for conversion to unrestricted parking outside peak times, with a report to the Traffic Committee six months after the project's implementation.
7. Requests TfNSW to provide more detailed analysis of the effects on the Oxford Street/York Road and Syd Einfeld Drive/Ocean Street intersections.
8. Requests TfNSW to consult NSW Police and Woollahra Council.
9. Requests TfNSW to consult Mill Hill Bondi Junction Precinct, Queens Park Precinct, Moriah College and local residents prior to commencing the project.
10. Requests TfNSW to inform residents in Oxford Street, York Road and surrounding streets about TfNSW plans for the closure of the Oxford Street entrance to the bus depot and the construction of a new signalised entrance in York Road.

2. TC/C.04/22.01 – Bronte Bowling Club, 16 Wallace Street, Waverley – Loading Zone.

Council adopted the recommendation of the Traffic Committee subject to an amendment to clause 1 such that the recommendation now reads as follows:

That Council:

1. Installs a 12 metre 'Loading Zone, 12 pm–4 pm, Tuesday, Thursday' on the eastern side of Wallace Street, Waverley, in front of Bronte Bowling Club on a six-month trial basis, as shown in Figure 1 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of the loading zone, as necessary.
3. TC/V.01/22.01 – Murriverie Road, North Bondi – Bus Zone Modification.

Council did not adopt the recommendation of the Traffic Committee and made the following decision:

That Council defers the matter for an on-site meeting between Council officers, the residents of 38, 40 and 42 Murriverie Road and other interested parties, including Councillors.

ITEMS BY EXCEPTION

The following items on the agenda were dealt with together and the Council Officer's Proposal for each item was unanimously supported by the Committee:

- TC/C.03/22.02 Ebley Street, Bondi Junction – Driving Test Parking Restrictions.
- TC/C.04/22.02 Alfred Street and Belgrave Lane Intersection, Bronte – 'No Stopping' Signs.
- TC/V.02/22.02 Clarke Street and Jensen Avenue, Dover Heights – 'No Stopping' Zone.
- TC/V.03/22.02 25 Ramsgate Avenue, Bondi Beach – 'P Disability Only' Zone – Extension.

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

NOTE: The matters listed under this part of the agenda propose that Council either does or does not exercise the traffic related functions delegated to it by TfNSW. The recommendations made by the Committee under this part of the agenda will be submitted to Council for adoption.

TC/C STATE ELECTORATE OF COOGEE

- TC/C.01/22.02 Bronte Road and Pacific Street, Bronte - Footpath and Kerb Extensions (SF22/475)

COUNCIL OFFICER'S PROPOSAL:

That Council:

1. Installs a new footpath on the western side of Bronte Road, Bronte, between Pacific Street and the Bronte Beach shops, and kerb extensions and a blister at the intersection of Bronte Road and Pacific Street, as shown in Attachment 1 of the report.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/C.02/22.02 Macpherson Street/St Thomas Street, Bronte - Intersection Upgrade (SF21/3069)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses Option 2 for the additional upgrade works at the intersection of Macpherson Street and St Thomas Street, Bronte, as set out in the report.
2. Delegates authority to Executive Manager Infrastructure Services to modify the designs should on-site circumstances warrant changes.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/C.03/22.02 Ebley Street, Bondi Junction - Driving Test Parking Restrictions (A21/0105)**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Changes the parking restrictions along the 29 metre zone on the northern side of Ebley Street outside 19–23 Hollywood Avenue, Bondi Junction, to:
 - (a) 'No Parking Vehicles with Applicants for Service NSW Driving Tests Excepted 8 am–5 pm Mon–Fri, 8 am–3 pm Sat.'
 - (b) '2P Meter Registration 5 pm–9 pm Mon–Fri, 3 pm–9 pm Sat, 8 am–9 pm Sun, Permit Holders Excepted Area 22.'
2. Changes the parking restrictions along the 22 metre zone on the northern side of Gray Street, Bondi Junction, to '1/2P Meter Registration 8 am–6 pm' and '3P 6 pm–9 pm.'

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/C.04/22.02 Alfred Street and Belgrave Lane Intersection, Bronte - 'No Stopping' Signs (A14/0145)

COUNCIL OFFICER'S PROPOSAL:

That Council installs 'No Stopping' signs for the existing 'No Stopping' zones at the intersection of Alfred Street and Belgrave Lane, Bronte.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/V STATE ELECTORATE OF VAUCLUSE

TC/V.01/22.02 Chaleyer Street, Rose Bay - Passing Bays (A20/0069)

COUNCIL OFFICER'S PROPOSAL:

That Council installs 'No Parking' zones across the driveways of the following addresses along Chaleyer Street, Rose Bay, as shown in Figure 4 of the report:

1. 117 and 119.
2. 91 and 95.
3. 56 and 58.
4. 28 and 30.
5. 23.
6. 6 and 8.
7. 1 and 457 Old South Head Road.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to the addition of a new clause such that the recommendation now reads as follows:

That Council:

1. Installs 'No Parking' zones across the driveways of the following addresses along Chaleyer Street, Rose Bay, as shown in Figure 4 of the report:
 - (a) 117 and 119.
 - (b) 91 and 95.

- (c) 56 and 58.
 - (d) 28 and 30.
 - (e) 23.
 - (f) 6 and 8.
 - (g) 1 and 457 Old South Head Road.
2. Officers investigate the addition and/or extension of 'No Stopping' zones at each end of Chaleyer Street, with a report to be prepared for the Traffic Committee.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

C Cleminson and B Levido addressed the meeting.

TC/V.02/22.02 Clarke Street and Jensen Avenue, Dover Heights - 'No Stopping' Zone (A14/0145)

COUNCIL OFFICER'S PROPOSAL:

That Council replaces the 'No Stopping 6 am–9 am Mondays' zone at the corner of Clarke Street and Jensen Avenue, Dover Heights with a 'No Stopping' zone.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/V.03/22.02 25 Ramsgate Avenue, Bondi Beach - 'P Disability Only' Zone - Extension (A20/0534)

COUNCIL OFFICER'S PROPOSAL:

That Council lengthens the 5.6 metre 'P Disability Only' zone in front of 25 Ramsgate Avenue, Bondi Beach, by 2 metres to include the existing pedestrian kerb ramp on the western side of the existing zone.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE

Nil.

THE MEETING CLOSED AT 10.31 AM.

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SIGNED AND CONFIRMED
MAYOR
15 MARCH 2022

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MAYORAL MINUTES CM/6/22.03

Subject: Mayoral Minutes

Author: Mayor of Waverley, Cr Paula Masselos



Mayoral minutes are permissible at Waverley Council meetings under the Waverley Code of Meeting Practice. Clauses 9.7–9.11 of the Code state:

Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

REPORT CM/7.1/22.03



Subject: Councillor Superannuation

TRIM No: SF20/1538

Author: Richard Coelho, Executive Manager, Governance and Risk

Director: Richard Sheridan, Interim Director, Finance and Governance

RECOMMENDATION:

That Council makes superannuation contribution payments to Councillors from 1 July 2022 in accordance with section 254B of the *Local Government Act 1993*.

1. Executive Summary

Following an amendment to the *Local Government Act 1993*, councils can now choose to make superannuation contribution payments to councillors from 1 July 2022. This requires a resolution of Council. This report recommends that Council resolves accordingly.

2. Introduction/Background

In accordance with the *Local Government Act*, Councillors are paid an annual fee. The fee is fixed annually and must take into consideration the determination of the Local Government Remuneration Tribunal. Council is further required to pay the Mayor an annual fee, which is in addition to the fee paid to Councillors. At Waverley, the Deputy Mayor is also paid an additional fee, funded from the fees paid to the Mayor.

Councillors are elected to a civic office and are not—and cannot be—employees of Council. The *Commonwealth Superannuation Guarantee (Administration) Act 1993*, which requires employers to make superannuation contribution payments to their employees, therefore does not apply to Councillors' fees.

In March 2020, the Office of Local Government released a discussion paper to seek the views of councils and the community on whether councillors should receive superannuation payments. The paper was prompted by concerns raised in the local government sector that the ineligibility of councillors to receive superannuation payments was inequitable and a deterrent to women and younger people becoming councillors.

The discussion paper considered four options:

1. Maintaining the status quo: mayors and councillors could continue to enter into arrangements with councils to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice on a pre-tax basis.
2. Mandating the current voluntary situation: amending the *Local Government Act 1993* to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

3. Amending the *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors *in addition* to the payment of the mayor's and councillors' fees.
4. Amending the *Local Government Act 1993* to give councils the option to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees.

Council made a submission in May 2020 supporting Option 4.

The *Local Government Amendment Act 2021 (Amendment Act)* was passed on 13 May 2021. Among other changes, it inserted a new section (s 254B) giving effect to Option 4; namely, that councils can now choose to make superannuation contribution payments to councillors, in addition to their fees, from 1 July 2022 onwards.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 April 2020	CM/7.2/20.04	<p>That:</p> <ol style="list-style-type: none"> 1. Council makes a submission to the Office of Local Government's on its 'Councillor Superannuation Discussion Paper 2020' supporting Option 4, which proposes amending the <i>Local Government Act 1993</i> to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees. 2. Includes in the submission that, should a Councillor superannuation scheme be adopted by the government, and given the current COVID-19 climate and budgetary impact, that this scheme commence in the 2022–23 financial year.

4. Discussion

Section 254B(1) of the *Local Government Act 1993* states that councils may make 'a superannuation contribution payment as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.' This requires a resolution of Council passed at an open meeting: s 254B(4)(a). Consistent with Council's previous submission on this matter, it is recommended that Council resolves accordingly. This is a one-off resolution; it is not required every year.

The amount payable 'is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council': s 254B(2). This means that the Mayor, Deputy Mayor and Councillors will receive superannuation payments in addition to their fees and at the same rate as Council employees. The payment will be made monthly and at the same time as the annual fee is paid: s 254B(3).

Council is not permitted to make a superannuation contribution payment:

- If Council does not pass a resolution make supernation payments to Councillors.

- If a Councillor does not nominate a superannuation account.
- To the extent that a Councillor has agreed in writing to forgo or reduce the payment.
- If a Councillor is suspended from civic office.
- In other circumstances in which annual fees may be withheld.

Section 254 also states that:

- 'A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment': s 254(6).
- 'A superannuation contribution payment does not constitute salary for the purposes of any Act': s 254(7).

5. Financial impact statement/Time frame/Consultation

Financial impact statement

The super guarantee percentage for the 2022–23 financial year is 10.5%. Councillors' fees for the next financial year will be fixed by Council by 30 June 2022. Assuming the fees increase by 2.5%, the financial impact of the superannuation payments for 2022–23 will be approximately \$31,185. Officers have budgeted for the superannuation contribution payments, as well as Councillors' fees increasing by 2.5%, in the draft 2022–23 budget.

Time frame

Councillors will be paid superannuation contribution payments from 1 July 2022 onwards.

Consultation

Councillors were consulted as part of the submission process in 2020. Officers will contact Councillors to obtain their nominated superannuation accounts or to confirm if payments are not required.

6. Conclusion

Council can now resolve to make superannuation contribution payments to Councillors from 1 July 2022. This report recommends that Council makes such payments to Councillors on an ongoing basis.

7. Attachments

Nil.

REPORT
CM/7.2/22.03

Subject: Finance, Operations and Community Services Committee

TRIM No: A17/0515

Author: Richard Coelho, Executive Manager, Governance and Risk

Director: Richard Sheridan, Interim Director, Finance and Governance

RECOMMENDATION:

That Council:

1. Makes no changes to the membership, delegations, order of business and meeting schedule of the Finance, Operations and Community Services Committee.
2. Notes that the Finance, Operations and Community Services Committee will consider additional finance matters within its delegations, including but not limited to:
 - (a) Financial sustainability.
 - (b) Strategic financial reviews.
 - (c) Financial performance.
 - (d) Progress updates on operational and capital projects and spend against budget.
 - (e) External audit.
 - (f) Policy and changes to Office of Local Government codes.

1. Executive Summary

This report recommends no changes to the membership, delegations, order of business and meeting schedule of the recently renamed Finance, Operations and Community Services Committee. However, it proposes that the Committee considers additional finance matters on a regular basis.

2. Introduction/Background

Council has two Standing Committees: the Operations and Community Services Committee and the Strategic Planning and Development Committee. These committees have broad delegations, adopt their own minutes and have all Councillors as members. They therefore function similarly to Council meetings.

At its meeting on 15 February 2022, Council resolved to change the name of the Operations and Community Services Committee to the Finance, Operations and Community Services Committee. Council also requested officers to prepare a report to the March Council meeting on the delegations, terms of reference, order of business and meeting schedule of the renamed Committee.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/7.1/22.02	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> Changes the name of the Operations and Community Services Committee to the Finance, Operations and Community Services Committee. Officers prepare a report to the March Council meeting on the delegations, terms of reference, order of business and meeting schedule for the Finance, Operations and Community Services Committee. Appoints Councillors/delegates to the following committees/organisations until the next mayoral election on 19 September 2023:
Council 10 October 2017	CM/7.2/17.10	<p>That Council:</p> <ol style="list-style-type: none"> Revokes all previous delegations to the Operations Committee. Delegates to the Operations and Community Services Committee the functions listed in Attachment 1 to this report. Delegates to the Strategic Planning and Development Committee the functions listed in Attachment 2 to this report. Authorises the Mayor to execute the instruments of delegation for each committee. Holds the Operations and Community Services Committee on the first Tuesday of each month (except January) at 7.00 pm and the Strategic Planning and Development Committee on the first Tuesday of each month (except January) at 7.30 pm. Amends the starting time for Council meetings to 7.00 pm. Adopts the Order of Business for the Operations and Community Services Committee and the Strategic Planning and Development Committee as set out in Attachment 3 to this report.

4. Discussion

Membership

At its meeting on 15 February 2022, Council appointed all Councillors to the Finance, Operations and Community Services Committee until the next mayoral election on 19 September 2023, with Cr Wy Kanak as the Chair and Cr Murray as the Deputy Chair. It is recommended that Council makes no changes in this regard.

Delegations

In October 2017, Council delegated to the Operations and Community Services Committee the authority to determine all functions of Council under the *Local Government Act 1993* or any other Act other than the following:

1. Those activities designated under s 377(1) of the *Local Government Act 1993*, 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. 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*.

It is recommended that Council makes no change to these delegations. Broad delegations enable full decision-making (with some exceptions) and are suitable where all Councillors are committee members. The Committee will therefore continue to consider a variety of reports across all Council directorates.

Regarding finance matters, the Finance, Operations and Community Services Committee is constrained by s 377 of the *Local Government Act 1993* above. For example, it cannot:

- Make a rate.
- Make charges or fix fees.
- Borrow money.
- Vote money for expenditure on Council's works, services or operations.
- Adopt a financial statement included in an annual financial report.
- Contribute money or otherwise grant financial assistance to persons under s 356 of the *Local Government Act 1993*.

It also cannot consider the monthly report on Council's investments; see cl 212 of the *Local Government (General) Regulation 2021*.

Additional finance matters

The intention behind renaming the Operations and Community Services Committee is for the Committee to consider finance matters that were not previously reported to it.

Despite having limited financial delegations, the Finance, Operations and Community Services Committee can consider a range of finance matters that fall within its delegations. It is recommended that the Committee receives reports on additional finance matters, including but not limited to:

- Financial sustainability.
- Strategic financial reviews.
- Financial performance.
- Progress updates on operational and capital projects and spend against budget.
- External audit.
- Policy and changes to Office of Local Government codes.

Order of business

The Operations and Community Services Committee has the following order of business:

1. Apologies/Leaves of Absence.
2. Declarations of Pecuniary and Non-Pecuniary Interests.
3. Addresses by Members of the Public.
4. Confirmation of Minutes.
5. Reports.
6. Urgent Business.
7. Meeting Closure.

It is recommended that Council makes no change to the order of business of the Finance, Operations and Community Services Committee.

Meeting schedule

Operations and Community Services Committee meetings commence at 7.00 pm on the first Tuesday of each month, with the exception of January. Council adopted its schedule of meeting dates for Council and its Standing Committees for 2022 in November 2021.

It is recommended that Council makes no change to the meeting schedule of the Finance, Operations and Community Services Committee.

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

There is no unbudgeted cost to Council in holding the Finance, Operations and Community Services Committee.

Time frame

The first meeting of the renamed Finance, Operations and Community Services Committee will be held on 5 April 2022.

Consultation

The Executive Manager, Finance, was consulted on the additional matters that the Committee could consider. The Committee was also discussed at the Council meeting on 15 February 2022.

6. Conclusion

It is recommended that Council makes no changes to the membership, delegations, order of business and meeting schedule of the renamed Finance, Operations and Community Services Committee. However, this report also proposes that Council expands the Committee's terms of reference to consider additional finance matters on a regular basis.

7. Attachments

Nil.

REPORT
CM/7.3/22.03

Subject: Rejected Agenda Business

TRIM No: A09/1010

Author: Emily Scott, General Manager

Director: Emily Scott, General Manager

RECOMMENDATION:

That Council notes that the General Manager excluded a notice of motion from Cr Wy Kanak from the February Council meeting agenda, in accordance with clause 3.22 of the Code of Meeting Practice.

1. Executive Summary

Cr Wy Kanak lodged a notice of motion for the February Council meeting that was, in the General Manager's opinion, unlawful. The notice of motion was therefore not included in the agenda. In accordance with the Code of Meeting Practice, the General Manager is required to report to the next Council meeting on any business she has excluded from the previous month's agenda on the grounds of it being unlawful.

2. Introduction/Background

Clause 3.22 of the Code of Meeting Practice states that:

'The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.'

The General Manager did not include a notice of motion from Cr Wy Kanak in the February Council meeting agenda because it was, in her opinion, unlawful.

3. Relevant Council Resolutions

Nil.

4. Discussion

Cr Wy Kanak lodged a notice of motion for the February Council meeting requesting that Council take certain action in relation to a development application. The General Manager did not include the motion in the agenda because it was, in her opinion, unlawful. This view was supported by internal and external advice.

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

Not applicable.

Time frame

The General Manager is required to report on items excluded from an agenda at the next Council meeting.

Consultation

The General Manager consulted the General Counsel; the Executive Manager, Governance and Risk; and the Executive Manager, Development Assessment. Verbal legal advice was also sought, which confirmed the internal advice.

6. Conclusion

The General Manager is required to report to Council where she has excluded business from a Council meeting agenda. This report satisfies this requirement.

7. Attachments

Nil.

REPORT
CM/7.4/22.03

Subject: Audit, Risk and Improvement Committee Meeting - 23 September 2021 - Minutes

TRIM No: SF21/529

Author: Al Johnston, Governance Officer

Director: Richard Sheridan, Interim Director, Finance and Governance

RECOMMENDATION:

That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 23 September 2021 attached to the report.

1. Executive Summary

Council established the Audit, Risk and Improvement Committee ('the Committee') in February 2019. The Committee meets five times per year. In accordance with the Committee's Charter, once the minutes of a meeting have been confirmed by the Committee, they are reported to Council for noting.

The minutes of the meeting held on 23 September 2021 were confirmed by the Committee at its meeting on 25 November 2021 and are attached to this report for Council's information.

2. Introduction/Background

The Audit, Risk and Improvement Committee provides independent assistance to Council by monitoring, reviewing and providing advice on governance processes, risk management and control frameworks, and external accountability obligations.

The Committee is supported by an internal audit function and together they are one mechanism Council uses to ensure its internal controls and management approaches are effective for the management of risk across the organisation.

In accordance with section 9.6 of the Committee's Charter, after the minutes of each meeting have been confirmed by the Committee, they are reported to Council for noting.

3. Relevant Council Resolutions

Nil.

4. Discussion

Nil.

5. Financial impact statement/Time frame/Consultation

Nil.

6. Conclusion

The minutes of the ARIC meeting held on 23 September 2021 were confirmed by the Committee at its meeting in November 2021 and are attached to this report for Council's noting.

7. Attachments

1. ARIC Minutes - 23 September 2021 [↓](#) .



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON THURSDAY, 23 SEPTEMBER 2021**

Voting Members Present:

Elizabeth Gavey (Chair)	Independent Member
John Gordon	Independent Member
Kath Roach	Independent Member
George Copeland	Councillor Member

In Attendance:

Emily Scott	General Manager
Evan Hutchings	Director, Finance and Governance
Karen Mobbs	General Counsel
Jarrod Lean	Internal Auditor (Engagement Partner, Grant Thornton Australia)
Brett Hanger	External Auditor (Nexia Australia)
Teena Su	Executive Manager, Finance
Al Johnston	Committee Secretary
Sophie Benbow	Committee Secretary

At the commencement of proceedings at 9.01 am those present were as listed above.

ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair read the following Acknowledgement of Indigenous Heritage:

The Waverley Audit Risk and Improvement Committee respectfully acknowledges the Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms the Waverley Local Government Area.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Caroline Karakatsanis (Audit Office of NSW).

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Confirmation of Minutes

ARIC/3.1/21.09 Confirmation of Minutes - Audit, Risk and Improvement Committee Meeting - 29 July 2021 (SF21/284)

MOTION / DECISION

Mover: Kath Roach
Seconder: John Gordon

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 29 July 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

4. Actions from Previous Meetings

ARIC/4.1/21.09 Actions from Previous Meetings (SF21/531)

MOTION / DECISION

Mover: Kath Roach
Seconder: John Gordon

That the Committee receives and notes the status of the actions from previous meetings as at 23 September 2021.

5. Reports

ARIC/5.1/21.09 Draft Financial Statements 2020-21 (A21/0024)

MOTION / DECISION

Mover: John Gordon
Seconder: Kath Roach

That the Committee:

1. Notes the Draft Financial Statements 2020-21 were presented to the Council Meeting of 17 August 2021 at which Council resolved that they be referred to audit.
2. Notes the year-end audit of the draft Financial Statements attached to the report is currently in progress.
3. Requests management gives consideration to the suggestions made by the Committee at this meeting when finalising the audit.
4. Requests a summary of the changes to the statements be provided to members when the audit is finalised.
5. Members be advised in mid-October if Council intends to apply for an extension to the 30 October deadline to complete the audit.

DISCUSSION

The Executive Manager, Finance and the External Auditor advised the Committee that the audit is behind schedule due to the Covid-19 restrictions and that the final figures regarding doubtful debts, parking fines, fair valuation of sea walls and year end creditors are not yet finalised. However, the Executive Manager and External Auditor were confident the 30 October deadline will be met, but this will be reviewed in mid-October.

The Committee requested that it be advised if Council intends to apply for an extension to the deadline.

The Committee discussed the following key points:

- The Executive Summary is a good initiative and Council is to be commended for including it.
- Regarding the Executive Summary, the figures should be reviewed because they appear to be slightly different from those in the covering paper, the heading 'Materials' should be replaced by the heading used in the Accounts which is 'Materials and Services' and the table and narrative on the cost of Covid-19 could be clearer and contain more detail.
- Council's car park valuation has decreased for the second year running down by \$3.5 million. The valuation is based on the capitalisation of income.
- The method of valuing Council buildings including sea walls and the issues that may arise from relying on an internal assessments for these valuations.
- Receipt of Development Application fees and recognising the income when it is received.
- Council's approval of the strategy of using reserves to fund spending when current year income is insufficient.
- Assessment of 'useful lives' and a comparison with other councils.
- An error on page 61 regarding the year the method of valuing investment properties changed.
- Responsible Accounting Officer on page 81 needs to be updated.
- Employee benefits provision – noting that the FTE has been reduced by twenty over the whole financial year.
- Reference to Water Services in the Special Schedules page 114 should be removed as it is copied from the template.
- Regarding the Property and Waste Business in the Special Schedules, the rate of return and subsidy are not noted.
- The revenue increase in cemetery operations as a result of the Cemetery Business Plan endorsed by Council.
- The very small infrastructure backlog.
- Council's setting of asset service levels and the definition of 'satisfactory' and consistency in level descriptions.

ARIC/5.2/21.09 Operating Risk Status Review (A17/0541)**MOTION / DECISION**

Mover: Cr Copeland

Seconder: Kath Roach

That the Committee notes the discussions on operating risks identified as a result of recent changes to the composition of Council's Executive Leadership Team.

DISCUSSION

The General Manager updated the Committee on the impact of the recent changes in senior staff at the organisation.

The Committee discussed the recruitment program and its expected completion by May 2022.

ARIC/5.3/21.09 Risk Management and Internal Audit for Local Councils in NSW – Draft Guidelines (A17/0541)**MOTION / DECISION**

Mover: Kath Roach

Seconder: John Gordon

That the Committee:

1. Notes the matters discussed in relation to the Office of Local Government's draft guidelines document titled *Risk Management and Internal Audit for local councils in NSW*.
2. Requests a copy of Council's final submission to the Office of Local Government on the draft guidelines.
3. Requests that Council investigates whether ARIC members:
 - (a) Are covered by Council's professional indemnity insurance.
 - (b) Should receive superannuation contributions from Council.

DISCUSSION

The Committee's discussion focussed on the increased functions and responsibilities of the ARIC as suggested in the draft guidelines and whether an ARIC in its current form would be able to meet those expectations. The key points raised were:

- The suggestions in the guidelines would dramatically increase the ARIC workload and may require the ARIC to meet more often through the year.
- The financial responsibilities of the ARIC alone would require monthly meetings.
- Councils will be up for significant costs and additional resourcing if the ARIC is to cover all that is suggested.
- The functions and responsibilities assigned to the ARIC should be balanced and realistic within the constraints of the current ARIC set up.
- Uncertainty as to how an ARIC can provide a level of assurance in some of the areas of suggested responsibility such as the IP&R documents and the Community Strategic Plan for example, which are based on the community's view.
- How much authority should the ARIC have, for example where it is suggested that the ARIC determines a council's internal audit program and does not have to accept the council's advice? This will alter the relationship between the ARIC, management and the elected council.
- The suggestion that the elected Council endorses the ARIC's work plan needs more certainty

around the process for making changes and what happens if the council does not endorse the work plan. Concern this will slow things down and add an unnecessary layer of bureaucracy.

- The ARIC must remain independent and some of the suggested areas of responsibility and oversight of the ARIC could tend to be more of a management function.
- The role of a councillor member on the ARIC appears to be watered down.
- The Committee suggested the General Manager contact Woollahra to review their submission as it raises some very good points.

The Committee also raised the question of whether independent members are covered by Council's professional indemnity insurance and whether members should receive superannuation contributions from Council as indicated by the draft guidelines.

6 Other Business

ARIC/6.1/21.09 – ARIC Meeting Dates

The Committee noted the next meeting is at 2.00pm on the 25th November 2021.

ARIC/6.2/21.09 – Annual Self Assessment

Mr Gordon advised the Committee that he had recently been involved in an independent review of the internal audit function at another Council and the review was extended upon request to the operations of the ARIC. Mr Gordon offered to provide feedback on the outcome of the review to the Committee.

The Chair welcomed the offer and said it would be useful for the preparation of the annual self assessment of this Committee.

7. Meeting Closure

THE MEETING CLOSED AT 11.16AM.

.....
SIGNED AND CONFIRMED
CHAIR
25 NOVEMBER 2021

REPORT CM/7.5/22.03



Subject: Investment Portfolio Report - February 2022

TRIM No: A03/2211

Author: Sid Ali, Revenue Co-ordinator
Teena Su, Executive Manager, Finance

Director: Richard Sheridan, Interim Director, Finance and Governance

RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for February 2022 attached to the report.
2. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

1. Executive Summary

For the month of February 2022, Council's investment portfolio generated \$49,821 in interest.

The interest on investment budget for the 2021–22 financial year was adopted by Council at its meeting on 22 June 2021 and was set at \$858,678.

The interest income for year to date achieved 63.76% (\$547,505) of the current approved budget forecast of \$858,678.

2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation 2021* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

The table below illustrates the monthly interest income received by Council and performance against the budget.

Table 1. Monthly interest income received by Council.

Month	2021/22 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)
July	858,687	89,930	89,930	10.47%
August	858,687	74,739	164,669	19.18%
September	858,687	76,282	240,951	28.06%

Month	2021/22 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Budget (%)
October	858,687	63,632	304,584	35.47%
November	858,687	52,572	357,156	41.59%
December	858,687	77,035	434,191	50.56%
January	858,687	63,493	497,684	57.96%
February	858,687	49,821	547,505	63.76%

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/7.5/22.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the Investment Summary Report for November 2021, December 2021 and January 2022 attached to the report. 2. Notes that the Interim Director, Finance and Governance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the Local Government Act 1993 and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

4. Discussion

As at 28 February 2022, Council's cash investment portfolio for the financial year, generated interest earnings of \$547,505 representing 63.76% of the current approved budget of \$858,687.

Council's investment portfolio posted a marked-to-market decline of -2.28% pa for the month of February against the bank bill index benchmark return of 0.07% pa.

Without marked-to-market influences, Council's investment portfolio yielded 0.63% pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 0.93% pa (0.96% vs 0.03% pa).

During February, Council's investment portfolio had a \$2.5m 12 month term deposit paying 0.41% mature and a \$3m 3 year term deposit paying 3.05%pa mature. Council invested \$8m across a series of 12, 24 and 36-month Westpac Green TD paying 0.88%, 1.58% and 2.02% respectively.

The performance of the NSW TCorpIM Long Term Growth Fund was impacted by the rising interest rate environment, along with volatility in the global share markets, returning -3.07%. Many of the world's share markets recorded losses for the second month in a row as inflation fears and the Ukrainian crisis caused further sell offs.

As at 28 February 2022, Council's investment portfolio has a current market value of \$150,103,137 which represents a gain of \$118,869 on the \$149,984,448 face value of the portfolio. The table below provides a summary by investment (asset) type.

Table 2. Portfolio value – Summary by investment (asset) type.

Asset Group	Face Value	Current value
Cash	\$19,356,425	\$19,356,425
Floating Rate Note	\$33,250,000	\$33,155,822
Floating Rate Term Deposits	\$2,500,000	\$2,501,049
Managed Funds	\$15,878,023	\$15,878,023
Term Deposit	\$79,000,000	\$79,211,998
Total	\$149,984,448	\$150,103,317

Analysis

Attached to this report are the summaries of the investment portfolio for the month of February. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

For the past 12 months, the investment portfolio has returned 0.96% pa, exceeding the bank bill index benchmark's 0.03% pa by 0.93% pa as shown in the table below:

Table 3. Portfolio return.

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Mar-21	2.52	0.02	2.50
Apr-21	2.81	0.04	2.77
May-21	1.96	0.05	1.91
Jun-21	2.94	0.03	2.91
Jul-21	2.63	0.04	2.59
Aug-21	2.43	0.02	2.41
Sep-21	-2.00	0.01	-2.01
Oct-21	-1.01	-0.01	-1.00
Nov-21	1.72	0.07	1.65
Dec-21	1.79	0.04	1.75
Jan-22	-1.50	0.06	-1.56
Feb-22	-2.87	0.07	-2.94
Average % return Over the last 12 months	0.96	0.03	0.93

Council has a well-diversified portfolio invested among a range of term deposits, floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorp Long Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short- and long-term holdings.

Investments in ethically, socially and environmentally beneficial alternatives

As at the end of February 2022, 74.8% of Council's portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs (including the daily operation fund) accounted for 14.6% of the portfolio. The remaining 10.6% is invested with TCorp.

Over the period of 45 months, from June 2018 to February 2022, Council has reduced its investment in fossil-fuel-lending ADIs from 59% to 14.6%, as displayed in Figure 1 below.

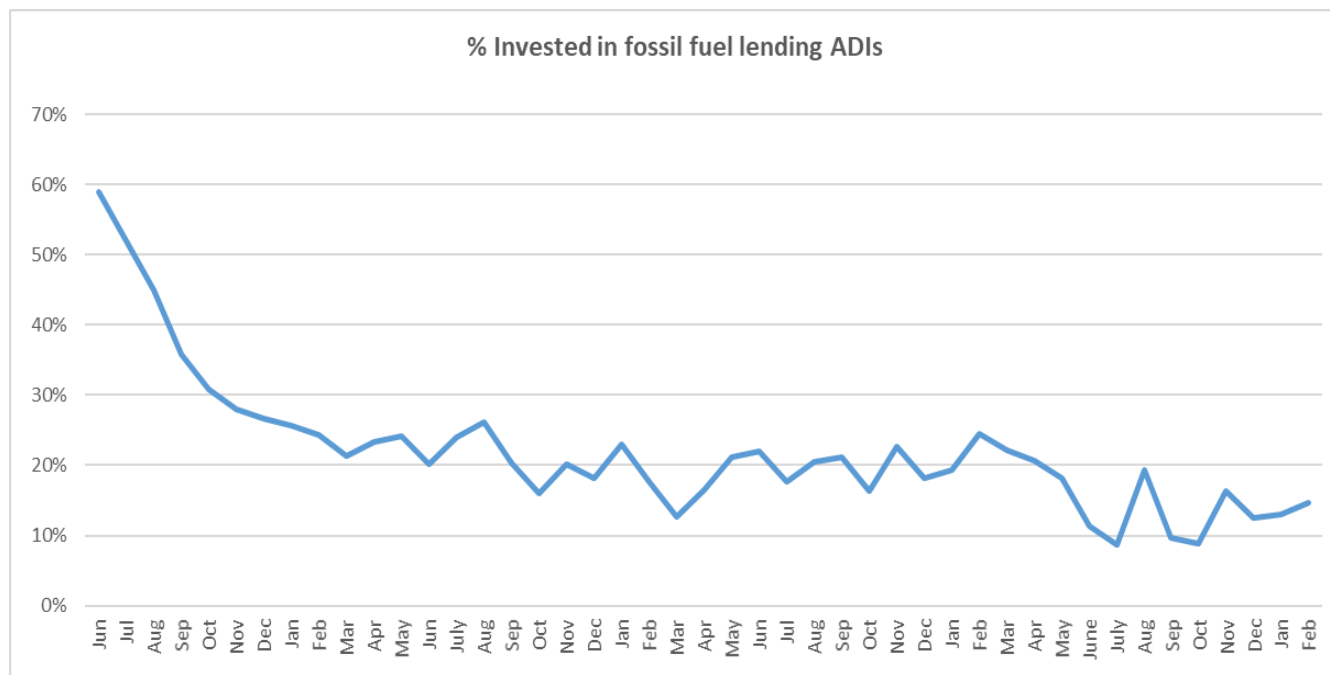


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 85.93% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 1.91% of the portfolio. The remaining 12.16% is invested with TCorp as displayed in Figure 2 below.

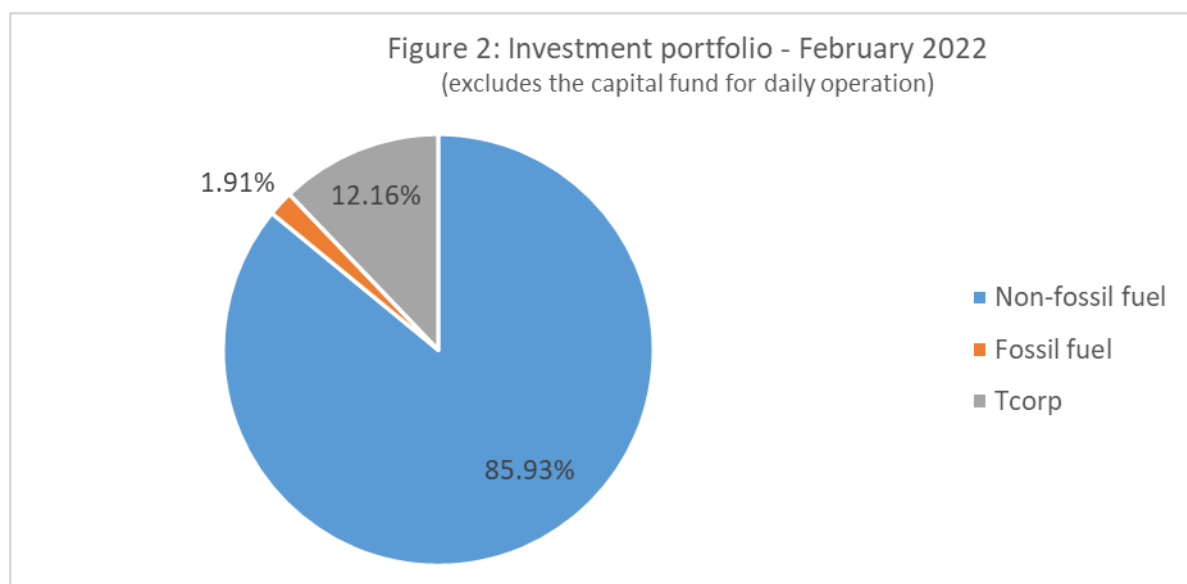


Figure 2. Investment portfolio – February 2022.

5. Financial impact statement/Time frame/Consultation

This report has been prepared in consultation with Council's independent financial advisor, Prudential Investment Services Corp.

6. Conclusion

Council's investment portfolio has achieved interest earning of \$547,505 for the year to date, representing 63.76% of the current approved budget forecast of \$858,678.

7. Attachments

1. Investment Summary Report - February 2022 [↓](#) .



Investment Summary Report February 2022

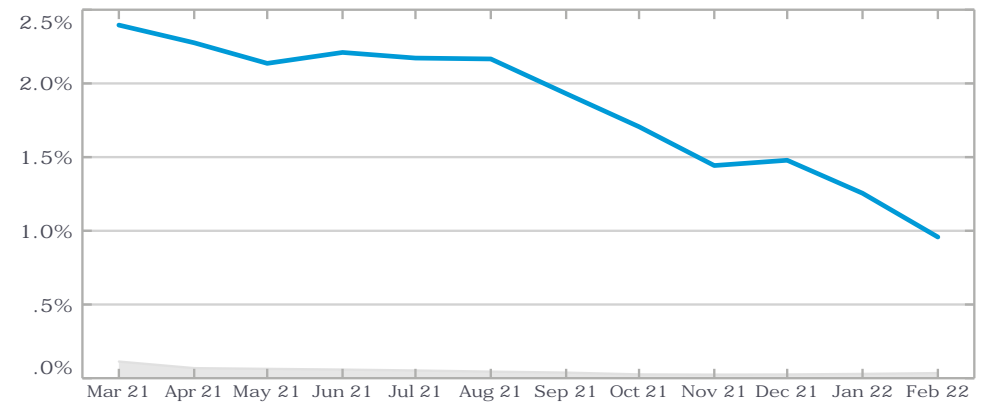
Waverley Council Executive Summary - February 2022



Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	19,356,424.52	19,356,424.52
Floating Rate Note	33,250,000.00	33,155,822.39
Floating Rate Term Deposits	2,500,000.00	2,501,049.26
Managed Funds	15,878,023.08	15,878,023.08
Term Deposit	79,000,000.00	79,211,997.81
	149,984,447.60	150,103,317.06

Investment Performance

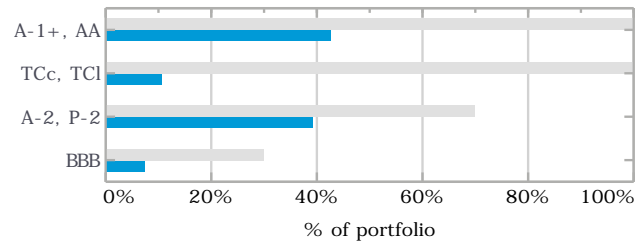


Portfolio Rolling 12 month return

AusBond BB Index Rolling 12 month Return

Investment Policy Compliance

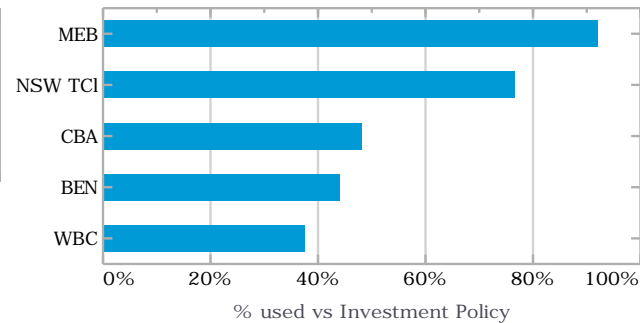
Total Credit Exposure



Portfolio Exposure

Investment Policy Limit

Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	122,184,448	81% 100%
Between 1 and 3 Years	5,500,000	4% 50%
Between 3 and 10 Years	22,300,000	15% 30%
	149,984,448	

Waverley Council

Investment Holdings Report - February 2022



Cash Accounts

Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
13,624,551.11	0.2000%	Commonwealth Bank of Australia	A-1+	13,624,551.11	120789	24hr Call
4,535,654.28	0.0000%	Commonwealth Bank of Australia	A-1+	4,535,654.28	120794	General Funds
173,874.21	0.0000%	Commonwealth Bank of Australia	A-1+	173,874.21	120795	Trust Funds
14,869.98	0.0000%	Commonwealth Bank of Australia	A-1+	14,869.98	120796	Cemetery Funds
453,172.13	0.0000%	Commonwealth Bank of Australia	A-1+	453,172.13	120797	Depositor Funds
496,349.84	0.0000%	Commonwealth Bank of Australia	A-1+	496,349.84	120799	Library CP
8,819.40	0.0000%	Commonwealth Bank of Australia	A-1+	8,819.40	120800	Eastgate CP
11,559.22	0.0000%	Commonwealth Bank of Australia	A-1+	11,559.22	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+	37,574.35	370151	Library Gift
19,356,424.52	0.1408%			19,356,424.52		

Managed Funds

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,190,610.29	-0.0255%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,190,610.29	411310	Builder Deposits
2,211,866.45	0.0175%	NSW T-Corp (Cash)	TCc	Cash Fund	2,211,866.45	505262	
11,475,546.34	-3.0692%	NSW T-Corp (LT)	TCl	Long Term Growth Fund	11,475,546.34	538089	
15,878,023.08					15,878,023.08		

Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
8-Mar-22	2,000,000.00	1.7000%	Auswide Bank	P-2	2,000,000.00	5-Mar-20	2,033,627.40	539531	33,627.40	Annually	
15-Mar-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	12-Mar-21	3,014,547.95	541161	14,547.95	At Maturity	
15-Mar-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	16-Mar-21	3,014,383.56	541203	14,383.56	At Maturity	
29-Mar-22	4,000,000.00	0.5000%	ME Bank	A-2	4,000,000.00	30-Mar-21	4,018,410.96	541231	18,410.96	At Maturity	
19-Apr-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	16-Aug-21	3,008,095.89	541746	8,095.89	At Maturity	
3-May-22	2,500,000.00	0.5000%	ME Bank	A-2	2,500,000.00	28-Apr-21	2,510,513.70	541290	10,513.70	At Maturity	

Waverley Council

Investment Holdings Report - February 2022



Term Deposits											
Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
10-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,505,897.26	541347	5,897.26	At Maturity	
24-May-22	1,500,000.00	0.5000%	ME Bank	A-2	1,500,000.00	18-May-21	1,505,897.26	541348	5,897.26	At Maturity	
7-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,502,132.88	541886	2,132.88	At Maturity	
14-Jun-22	4,000,000.00	0.5500%	ME Bank	A-2	4,000,000.00	16-Jun-21	4,015,550.68	541541	15,550.68	At Maturity	
21-Jun-22	1,500,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	1,500,000.00	9-Sep-21	1,502,132.88	541887	2,132.88	At Maturity	
28-Jun-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	7-Sep-21	3,004,315.07	541865	4,315.07	At Maturity	
12-Jul-22	3,000,000.00	0.3000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	13-Sep-21	3,004,167.12	541896	4,167.12	At Maturity	
19-Jul-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	20-Jul-21	3,009,205.48	541669	9,205.48	At Maturity	
2-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,008,342.47	541733	8,342.47	At Maturity	
9-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,008,342.47	541734	8,342.47	At Maturity	
16-Aug-22	3,000,000.00	0.5000%	ME Bank	A-2	3,000,000.00	10-Aug-21	3,008,342.47	541735	8,342.47	At Maturity	
23-Aug-22	2,500,000.00	0.3000%	Commonwealth Bank of Australia	A-1+	2,500,000.00	24-Aug-21	2,503,883.56	541770	3,883.56	At Maturity	Green
26-Aug-22	5,000,000.00	0.3500%	Suncorp Bank	A-1+	5,000,000.00	26-Aug-21	5,008,965.75	541782	8,965.75	At Maturity	
2-Sep-22	2,000,000.00	0.3100%	Commonwealth Bank of Australia	A-1+	2,000,000.00	3-Sep-21	2,003,040.55	541834	3,040.55	At Maturity	Green
13-Sep-22	2,000,000.00	0.3800%	Great Southern Bank	A-2	2,000,000.00	14-Sep-21	2,003,498.08	541899	3,498.08	At Maturity	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	P-2	2,000,000.00	3-Nov-20	2,005,172.60	540548	5,172.60	Annually	
15-Nov-22	3,000,000.00	0.5400%	Westpac Group	A-1+	3,000,000.00	18-Nov-21	3,000,488.22	542104	488.22	Quarterly	Green
22-Nov-22	3,000,000.00	0.5600%	Westpac Group	A-1+	3,000,000.00	22-Nov-21	3,000,322.19	542108	322.19	Quarterly	Green
13-Dec-22	3,000,000.00	0.6900%	Westpac Group	A-1+	3,000,000.00	17-Dec-21	3,004,196.71	542207	4,196.71	Quarterly	Green
10-Jan-23	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	17-Jan-22	3,002,650.68	542247	2,650.68	Quarterly	Green
7-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,000,964.38	542326	964.38	Quarterly	Green
14-Feb-23	2,000,000.00	0.8800%	Westpac Group	A-1+	2,000,000.00	9-Feb-22	2,000,964.38	542327	964.38	Quarterly	Green
20-Feb-24	2,000,000.00	1.5800%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,001,731.51	542328	1,731.51	Quarterly	Green
4-Mar-25	2,000,000.00	2.0200%	Westpac Group	AA-	2,000,000.00	9-Feb-22	2,002,213.70	542329	2,213.70	Quarterly	Green
79,000,000.00		0.5996%			79,000,000.00		79,211,997.81		211,997.81		

Waverley Council

Investment Holdings Report - February 2022



Floating Rate Term Deposits

Maturity Date	Face Value (\$)	Rate (% pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference Date
16-May-22	2,500,000.00	1.1784%	Westpac Group 3moBBSW+ 1.10%	AA-	2,500,000.00	16-May-17	2,501,049.26	535241	1,049.26	16-May-22	
	2,500,000.00	1.1784%			2,500,000.00		2,501,049.26		1,049.26		

Floating Rate Notes

Maturity Date	Face Value (\$)	Rate (% pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference Date
28-Oct-22	2,400,000.00	0.9750%	TMB Snr FRN (Oct22) BBSW+0.90%	A-2	2,400,000.00	28-Oct-19	2,410,691.51	538616	2,051.51	28-Apr-22	
2-Dec-22	3,000,000.00	0.9585%	BOZ 'SRI' Snr FRN (Dec22) BBSW+0.90%	A-2	3,000,000.00	2-Dec-19	3,019,041.49	538825	7,011.49	2-Mar-22	
25-Jan-23	1,250,000.00	1.1150%	BEN Snr FRN (Jan23) BBSW+1.05%	A-2	1,250,000.00	25-Jan-18	1,259,623.97	536145	1,336.47	26-Apr-22	
6-Feb-23	1,100,000.00	1.4700%	NPBS Snr FRN (Feb23) BBSW+1.40%	A-2	1,100,000.00	6-Feb-18	1,110,995.63	536174	974.63	6-May-22	
21-Feb-23	1,700,000.00	0.9750%	GSB Snr FRN (Feb23) BBSW+0.90%	A-2	1,700,000.00	21-Feb-20	1,709,321.13	539454	363.29	23-May-22	
30-Jul-24	2,500,000.00	0.8550%	SUN Snr FRN (Jul24) BBSW+0.78%	AA-	2,500,000.00	30-Jul-19	2,517,873.29	538331	1,698.29	29-Apr-22	
24-Oct-24	1,000,000.00	1.1850%	GSB Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,014,258.77	538604	1,168.77	26-Apr-22	
2-Dec-25	2,250,000.00	0.5785%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,235,691.33	540603	3,173.83	2-Mar-22	
24-Feb-26	1,300,000.00	0.5250%	SUN Snr FRN (Feb26) BBSW+0.45%	AA-	1,300,000.00	24-Feb-21	1,287,418.49	540958	93.49	24-May-22	
4-Mar-26	4,000,000.00	0.6850%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	4,000,000.00	4-Mar-21	3,975,020.82	540983	6,380.82	4-Mar-22	
18-Jun-26	4,000,000.00	0.7150%	BEN Snr FRN (Jun26) BBSW+0.65%	BBB+	4,000,000.00	11-Jun-21	3,972,043.29	541523	5,563.29	18-Mar-22	
15-Sep-26	3,750,000.00	0.5421%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	3,750,000.00	9-Sep-21	3,707,695.34	541877	4,232.84	15-Mar-22	
23-Dec-26	5,000,000.00	0.4721%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,936,147.33	541916	4,397.33	23-Mar-22	
	33,250,000.00	0.7574%			33,250,000.00		33,155,822.39		38,446.05		

Waverley Council

Accrued Interest Report - February 2022



Accrued Interest Report

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<u>Floating Rate Note</u>									
TMB Snr FRN (Oct22) BBSW+ 0.90%	538616			28-Oct-19	28-Oct-22	0.00	28	1,795.07	.98%
BOz 'SRI' Snr FRN (Dec22) BBSW+ 0.90%	538825			02-Dec-19	02-Dec-22	0.00	28	2,205.86	.96%
BEN Snr FRN (Jan23) BBSW+ 1.05%	536145			25-Jan-18	25-Jan-23	0.00	28	1,069.18	1.12%
NPBS Snr FRN (Feb23) BBSW+ 1.40%	536174			06-Feb-18	06-Feb-23	3,962.86	28	1,235.91	1.46%
GSB Snr FRN (Feb23) BBSW+ 0.90%	539454			21-Feb-20	21-Feb-23	4,014.57	28	1,245.61	.96%
SUN Snr FRN (Jul24) BBSW+ 0.78%	538331			30-Jul-19	30-Jul-24	0.00	28	1,639.73	.86%
GSB Snr FRN (Oct24) BBSW+ 1.12%	538604			24-Oct-19	24-Oct-24	0.00	28	909.04	1.18%
BEN Snr FRN (Dec25) BBSW+ 0.52%	540603			02-Dec-20	02-Dec-25	0.00	28	998.51	.58%
SUN Snr FRN (Feb26) BBSW+ 0.45%	540958			24-Feb-21	24-Feb-26	1,621.97	28	498.98	.50%
NPBS Snr FRN (Mar26) BBSW+ 0.63%	540983			04-Mar-21	04-Mar-26	0.00	28	2,101.92	.69%
BEN Snr FRN (Jun26) BBSW+ 0.65%	541523			18-Jun-21	18-Jun-26	0.00	28	2,193.97	.71%
SUN Snr FRN (Sep26) BBSW+ 0.48%	541877			15-Sep-21	15-Sep-26	0.00	28	1,559.47	.54%
CBA Green Snr FRN (Dec26) BBSW+ 0.41%	541916			23-Sep-21	23-Dec-26	0.00	28	1,810.66	.47%
Floating Rate Note Total						9,599.40		19,263.91	.76%
<u>Floating Rate Term Deposits</u>									
Westpac Group	535241			16-May-17	16-May-22	7,214.44	28	2,225.53	1.16%
Floating Rate Term Deposits Total						7,214.44		2,225.53	1.16%
<u>Managed Funds</u>									
Short Term Income Fund	411310	Builder Deposits		01-Dec-15		0.00	28	-558.09	-.33%
Cash Fund	505262			30-Jul-15		0.00	28	386.72	.23%
Managed Funds Total						0.00		-171.37	-.05%
<u>Term Deposit</u>									

Waverley Council

Accrued Interest Report - February 2022



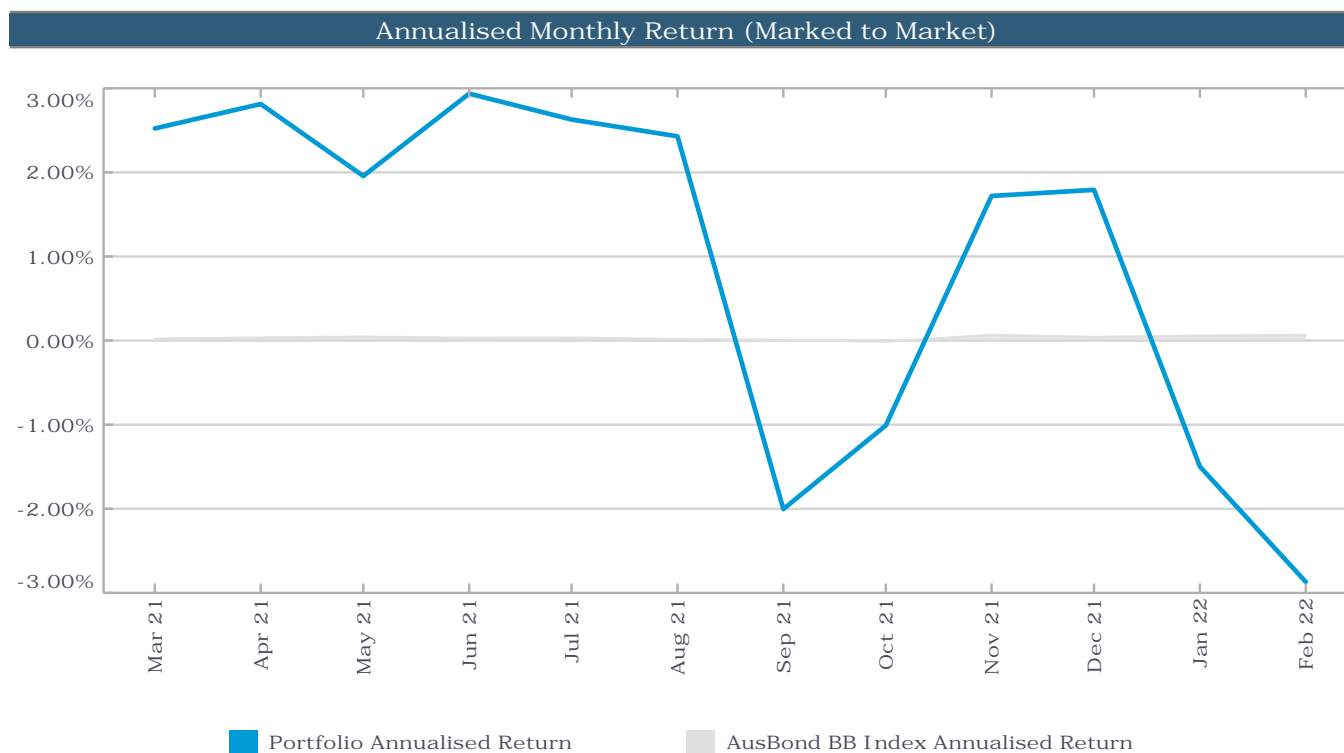
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Commonwealth Bank of Australia	540937	Green		10-Feb-21	01-Feb-22	9,997.26	0	0.00	
Newcastle Permanent Building Society	537553			19-Feb-19	08-Feb-22	88,742.47	7	1,754.80	3.05%
Auswide Bank	539531			05-Mar-20	08-Mar-22	0.00	28	2,608.22	1.70%
ME Bank	541161			12-Mar-21	15-Mar-22	0.00	28	1,150.69	.50%
ME Bank	541203			16-Mar-21	15-Mar-22	0.00	28	1,150.68	.50%
ME Bank	541231			30-Mar-21	29-Mar-22	0.00	28	1,534.25	.50%
ME Bank	541746			16-Aug-21	19-Apr-22	0.00	28	1,150.68	.50%
ME Bank	541290			28-Apr-21	03-May-22	0.00	28	958.91	.50%
ME Bank	541347			18-May-21	10-May-22	0.00	28	575.34	.50%
ME Bank	541348			18-May-21	24-May-22	0.00	28	575.34	.50%
Bendigo and Adelaide Bank	541886			09-Sep-21	07-Jun-22	0.00	28	345.21	.30%
ME Bank	541541			16-Jun-21	14-Jun-22	0.00	28	1,687.67	.55%
Bendigo and Adelaide Bank	541887			09-Sep-21	21-Jun-22	0.00	28	345.21	.30%
Bendigo and Adelaide Bank	541865			07-Sep-21	28-Jun-22	0.00	28	690.41	.30%
Bendigo and Adelaide Bank	541896			13-Sep-21	12-Jul-22	0.00	28	690.41	.30%
ME Bank	541669			20-Jul-21	19-Jul-22	0.00	28	1,150.69	.50%
ME Bank	541733			10-Aug-21	02-Aug-22	0.00	28	1,150.69	.50%
ME Bank	541734			10-Aug-21	09-Aug-22	0.00	28	1,150.69	.50%
ME Bank	541735			10-Aug-21	16-Aug-22	0.00	28	1,150.69	.50%
Commonwealth Bank of Australia	541770	Green		24-Aug-21	23-Aug-22	0.00	28	575.34	.30%
Suncorp Bank	541782			26-Aug-21	26-Aug-22	0.00	28	1,342.46	.35%
Commonwealth Bank of Australia	541834	Green		03-Sep-21	02-Sep-22	0.00	28	475.62	.31%
Great Southern Bank	541899			14-Sep-21	13-Sep-22	0.00	28	583.01	.38%
Auswide Bank	540548			03-Nov-20	08-Nov-22	0.00	28	1,227.39	.80%

Waverley Council
Accrued Interest Report - February 2022



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Westpac Group	542104	Green		18-Nov-21	15-Nov-22	4,083.29	28	1,242.74	.54%
Westpac Group	542108	Green		22-Nov-21	22-Nov-22	4,234.52	28	1,288.76	.56%
Westpac Group	542207	Green		17-Dec-21	13-Dec-22	0.00	28	1,587.94	.69%
Westpac Group	542247	Green		17-Jan-22	10-Jan-23	0.00	28	1,726.02	.75%
Westpac Group	542326	Green		09-Feb-22	07-Feb-23	0.00	20	964.38	.88%
Westpac Group	542327	Green		09-Feb-22	14-Feb-23	0.00	20	964.38	.88%
Westpac Group	542328	Green		09-Feb-22	20-Feb-24	0.00	20	1,731.51	1.58%
Westpac Group	542329	Green		09-Feb-22	04-Mar-25	0.00	20	2,213.70	2.02%
Term Deposit Total						107,057.54		35,743.83	.60%
						123,871.38		57,061.90	<u>.63%</u>

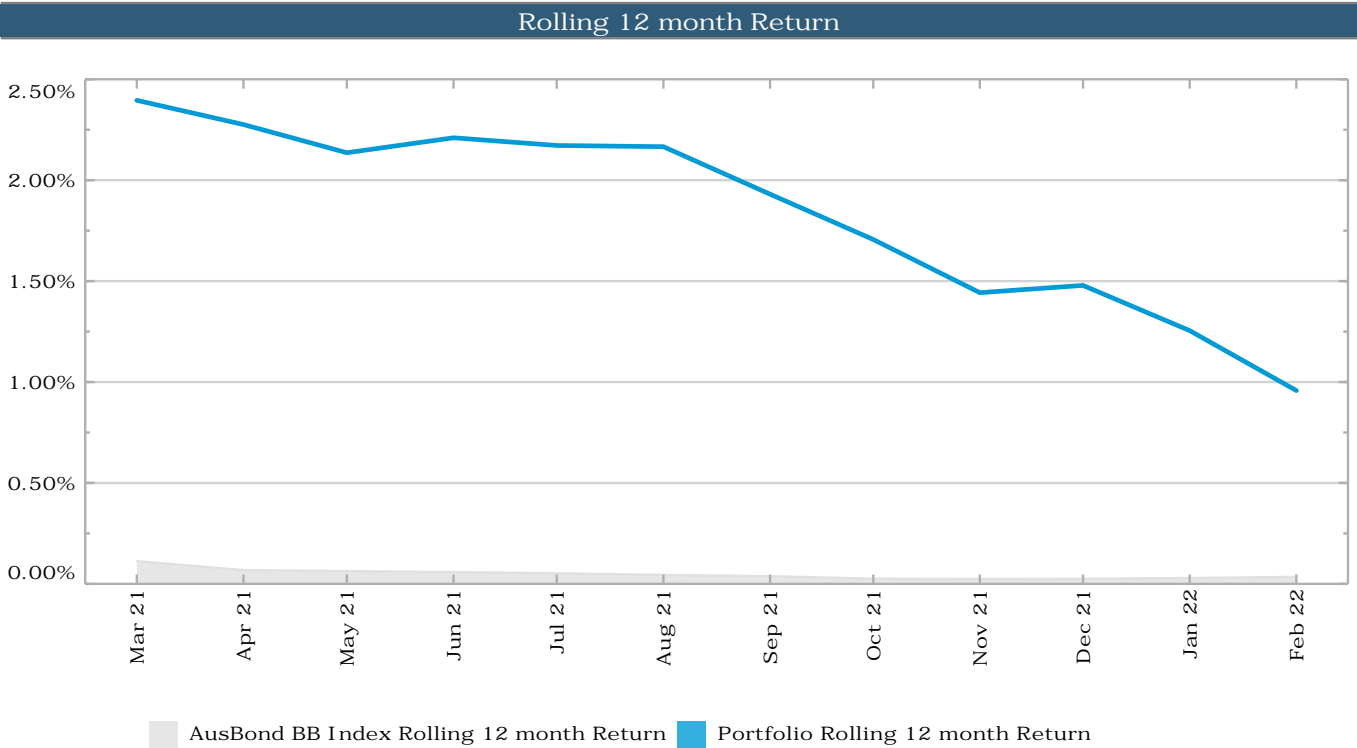
Waverley Council
Investment Performance Report - February 2022



Historical Performance Summary

	Portfolio	AusBond BB Index	Outperformance
Feb 2022	-2.87%	0.07%	-2.94%
Last 3 Months	-0.81%	0.06%	-0.87%
Last 6 Months	-0.63%	0.04%	-0.67%
Financial Year to Date	0.17%	0.03%	0.14%
Last 12 months	0.96%	0.03%	0.93%

Waverley Council
Investment Performance Report - February 2022



Historical Performance Summary (actual)			
	Portfolio	AusBond BB Index	Outperformance
Feb 2022	-0.22%	0.01%	-0.23%
Last 3 Months	-0.20%	0.01%	-0.21%
Last 6 Months	-0.31%	0.02%	-0.33%
Financial Year to Date	0.11%	0.02%	0.09%
Last 12 months	0.96%	0.03%	0.93%

Waverley Council Environmental Commitments Report - February 2022

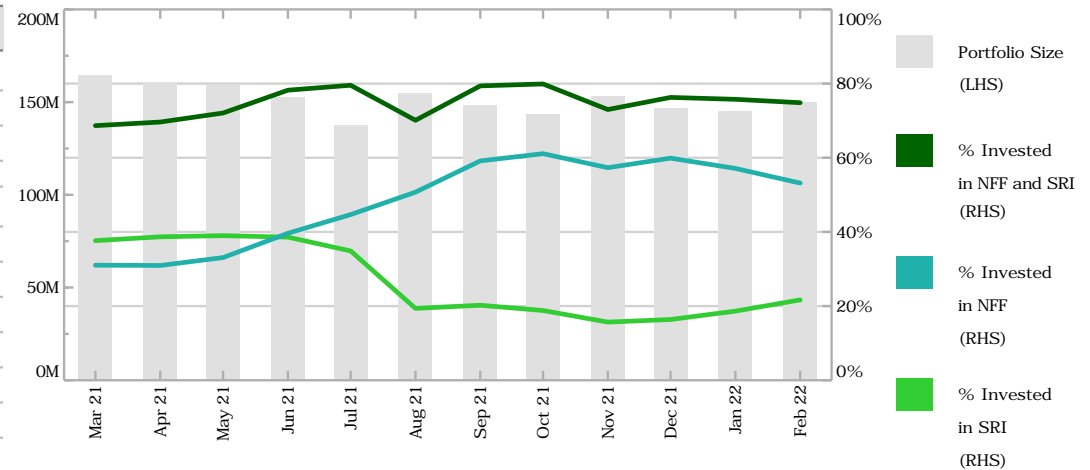


Current Breakdown

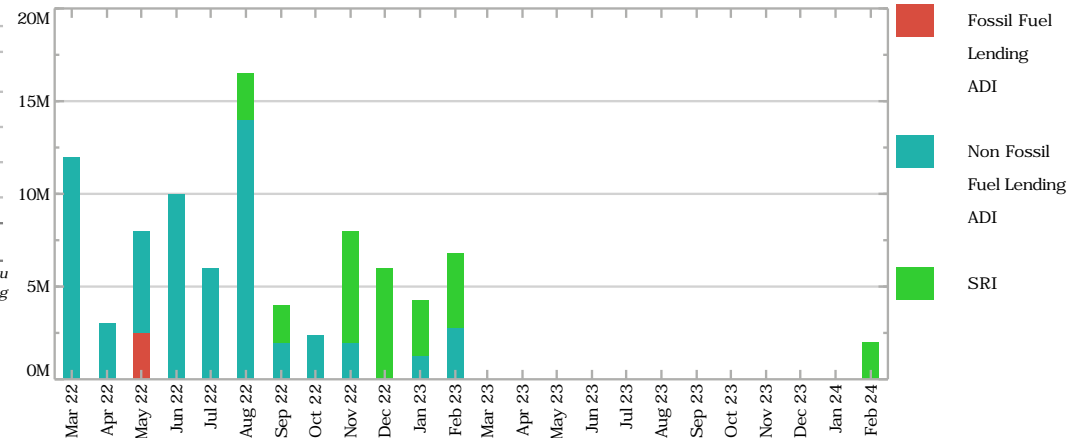
ADI Lending Status *	Current Month (\$)	Previous Month (\$)
Fossil Fuel Lending ADIs		
Commonwealth Bank of Australia	19,356,425	16,379,628
Westpac Group	2,500,000	2,500,000
	21,856,425 14.6%	18,879,628 13.0%
Non Fossil Fuel Lending ADIs		
Auswide Bank	4,000,000	4,000,000
Bendigo and Adelaide Bank	16,500,000	16,500,000
Great Southern Bank	4,700,000	4,700,000
Members Equity Bank	34,500,000	34,500,000
Newcastle Permanent Building Society	5,100,000	8,100,000
Suncorp Bank	12,550,000	12,550,000
Teachers Mutual Bank	2,400,000	2,400,000
	79,750,000 53.2%	82,750,000 57.1%
Other		
NSW T-Corp (Cash)	4,402,477	4,402,648
NSW T-Corp (LT)	11,475,546	11,838,907
	15,878,023 10.6%	16,241,555 11.2%
Socially Responsible Investment		
Bank Australia (Sustainability)	3,000,000	3,000,000
CBA (Green)	9,500,000	12,000,000
Westpac Group (Green TD)	20,000,000	12,000,000
	32,500,000 21.7%	27,000,000 18.6%
	149,984,448	144,871,183

* source: <http://www.marketforces.org.au>
Percentages may not add up to 100% due to rounding

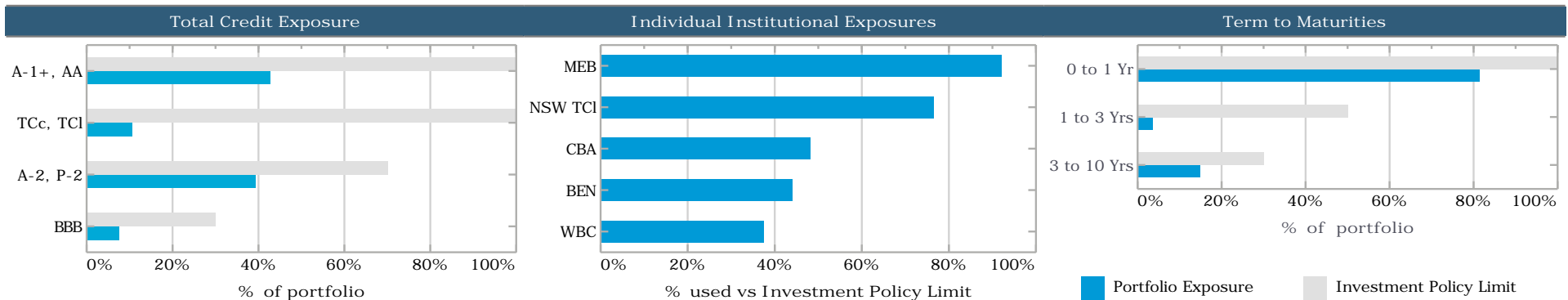
Historical Portfolio Exposure to NFF Lending ADIs and SRIs



Upcoming maturities



Waverley Council Investment Policy Report - February 2022



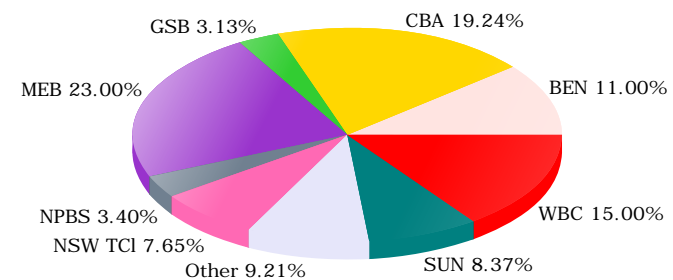
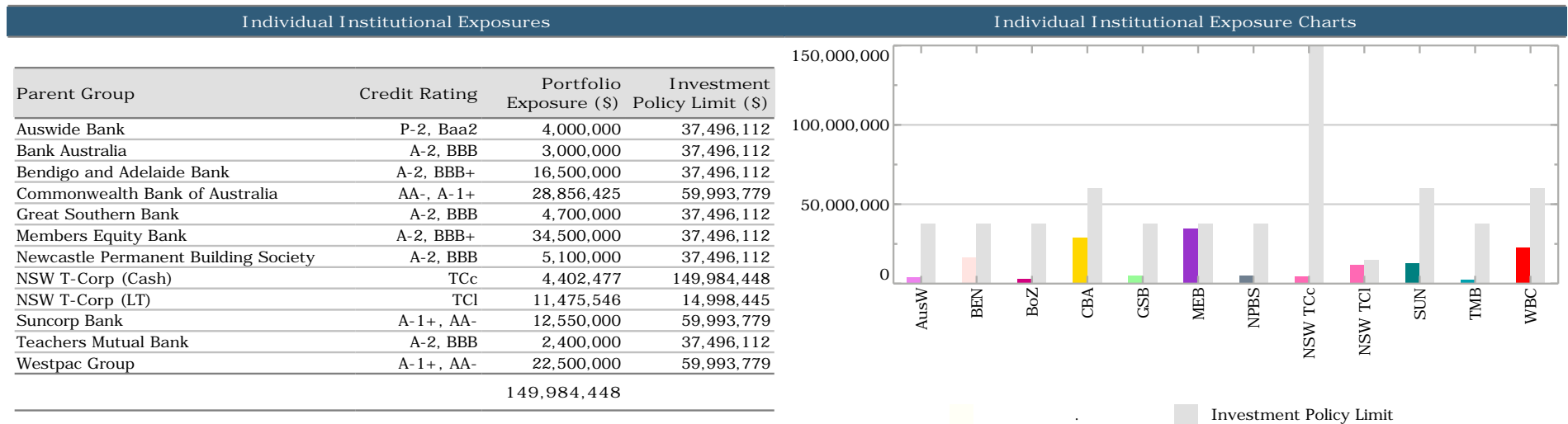
	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1+	47,356,425	
Long Term	AA	16,550,000	
		63,906,425	43% 100% a
Short Term	TCc	4,402,477	
Short Term	TCI	11,475,546	
		15,878,023	11% 100% a
Short Term	A-2	54,950,000	
Short Term	P-2	4,000,000	
		58,950,000	39% 70% a
Long Term	BBB	11,250,000	
		11,250,000	8% 30% a
		149,984,448	100%

a = compliant
r = non-compliant

	% used vs Investment Policy Limit
Members Equity Bank (A-2, BBB+)	92% a
NSW T-Corp (LT) (TCI)	77% a
Commonwealth Bank of Australia (A-1+, AA-)	48% a
Bendigo and Adelaide Bank (A-2, BBB+)	44% a
Westpac Group (A-1+, AA-)	38% a
Suncorp Bank (A-1+, AA-)	21% a
Newcastle Permanent Building Society (A-2, BBB)	14% a
Great Southern Bank (A-2, BBB)	13% a
Auswide Bank (P-2, Baa2)	11% a
Bank Australia (A-2, BBB)	8% a
Teachers Mutual Bank (A-2, BBB)	6% a
NSW T-Corp (Cash) (TCc)	3% a

	Face Value (\$)	Policy Max
Between 0 and 1 Year	122,184,448	81% 100% a
Between 1 and 3 Years	5,500,000	4% 50% a
Between 3 and 10 Years	22,300,000	15% 30% a
	149,984,448	
Detailed Maturity Profile		Face Value (\$)
00. Cash + Managed Funds	35,234,448	23%
01. Less Than 30 Days	12,000,000	8%
02. Between 30 Days and 60 Days	3,000,000	2%
03. Between 60 Days and 90 Days	8,000,000	5%
04. Between 90 Days and 180 Days	32,500,000	22%
05. Between 180 Days and 365 Days	31,450,000	21%
06. Between 365 Days and 3 Years	5,500,000	4%
07. Between 3 Years and 5 Years	22,300,000	15%
	149,984,448	

Waverley Council Individual Institutional Exposures Report - February 2022



Waverley Council
Cashflows Report - February 2022



Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
1-Feb-22	540937	Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	2,500,000.00
		Commonwealth Bank of Australia	Term Deposits	Interest - Received	9,997.26
				<u>Deal Total</u>	<u>2,509,997.26</u>
				Day Total	2,509,997.26
7-Feb-22	536174	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	3,962.86
				<u>Deal Total</u>	<u>3,962.86</u>
				Day Total	3,962.86
8-Feb-22	537553	Newcastle Permanent Building Society	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Newcastle Permanent Building Society	Term Deposits	Interest - Received	88,742.47
				<u>Deal Total</u>	<u>3,088,742.47</u>
				Day Total	3,088,742.47
9-Feb-22	542326	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	542327	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	542328	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	542329	Westpac Group	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
				Day Total	-8,000,000.00
16-Feb-22	535241	Westpac Group	Floating Rate Term Deposits	Interest - Received	7,214.44
				<u>Deal Total</u>	<u>7,214.44</u>
				Day Total	7,214.44
18-Feb-22	542104	Westpac Group	Term Deposits	Interest - Received	4,083.29
				<u>Deal Total</u>	<u>4,083.29</u>
				Day Total	4,083.29
21-Feb-22	539454	Great Southern Bank	Floating Rate Note	Coupon - Received	4,014.57
				<u>Deal Total</u>	<u>4,014.57</u>
				Day Total	4,014.57
22-Feb-22	542108	Westpac Group	Term Deposits	Interest - Received	4,234.52
				<u>Deal Total</u>	<u>4,234.52</u>

Waverley Council
Cashflows Report - February 2022



Current Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
Day Total					4,234.52
24-Feb-22	540958	Suncorp Bank	Floating Rate Note	Coupon - Received	1,621.97
Deal Total					1,621.97
Day Total					1,621.97
Net Cash Movement for Period					-2,376,128.62

Next Month Cashflows

Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
2-Mar-22	538825	Bank Australia	Floating Rate Note	Coupon - Received	7,090.27
Deal Total					7,090.27
	540603	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,209.49
Deal Total					3,209.49
Day Total					10,299.76
4-Mar-22	540983	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	6,606.03
Deal Total					6,606.03
Day Total					6,606.03
7-Mar-22	539531	Auswide Bank	Term Deposit	Interest - Received	34,186.30
Deal Total					34,186.30
Day Total					34,186.30
8-Mar-22	539531	Auswide Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
		Auswide Bank	Term Deposit	Interest - Received	93.15
Deal Total					2,000,093.15
Day Total					2,000,093.15
15-Mar-22	541161	ME Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposit	Interest - Received	15,123.29
Deal Total					3,015,123.29
	541203	ME Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposit	Interest - Received	14,958.90
Deal Total					3,014,958.90
	541877	Suncorp Bank	Floating Rate Note	Coupon - Received	5,012.57
Deal Total					5,012.57
Day Total					6,035,094.76
17-Mar-22	542207	Westpac Group	Term Deposit	Interest - Received	5,104.11
Deal Total					5,104.11

Waverley Council
Cashflows Report - February 2022



Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
Day Total					5,104.11
18-Mar-22	541523	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	6,895.34
Deal Total					6,895.34
Day Total					6,895.34
23-Mar-22	541916	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	5,820.00
Deal Total					5,820.00
Day Total					5,820.00
29-Mar-22	541231	ME Bank	Term Deposit	Maturity Face Value - Received	4,000,000.00
		ME Bank	Term Deposit	Interest - Received	19,945.21
Deal Total					4,019,945.21
Day Total					4,019,945.21
Net Cash Movement for Period					12,124,044.66

REPORT CM/7.6/22.03



Subject: Planning Proposal - Draft Waverley Local Environmental Plan 2022

TRIM No: A18/0594

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Supports the planning proposal attached to the report to repeal the *Waverley Local Environmental Plan 2012* and establish the *Waverley Local Environmental Plan 2022*.
2. Notes the matters raised in the submissions made on the public exhibition of the draft *Waverley Local Environmental Plan 2022* planning proposal.
3. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.
4. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the new Local Environmental Plan.
5. Notifies property owners of Council's decision.

1. Executive Summary

The *Local Strategic Planning Statement Implementation* planning proposal (the Proposal) seeks to establish the new Waverley Local Environmental Plan 2022. The Proposal culminates Phases 1 (Health Check), Phase 2 (Local Strategic Planning Statement) and Phase 3 (Supporting Environmental Strategies) of the Planning in Waverley project and begins the implementation into Phase 4 by establishing two new plans: the Waverley Local Environmental Plan 2021 (WLEP) (this Proposal) and a supporting Waverley Development Control Plan 2021 (WDCP) to be prepared in 2022.

The new WLEP is required under section 3.8(3) of the *Environmental Planning and Assessment Act* (EP&A Act) to give effect to the Eastern City District Plan (District Plan), by way of implementing the Planning Priorities and Actions of the *Waverley Local Strategic Planning Statement* (LSPS). The Proposal aims to implement the housing targets as identified in the LSPS and *Waverley Local Housing Strategy* (LHS), as well as key recommendations from the *Bondi Junction Urban Design Review Update 2020* (BJUDR Update) and the *Our Liveable Place Centres Strategy* (OLP).

In addition, other recently completed research and studies are implemented to improve environmental amenity and increase community resilience, such as the *Waverley LGA Flood Study 2020* and the *Future Proofing Residential Development to Climate Change* study.

The proposal also provides updated aims and zone objectives to ensure that development that occurs in the Waverley area is proposed and assessed in accordance with the strategic intent of the LSPS and provides greater certainty and clarity for the community.

The planning proposal has been placed on public exhibition as outlined in this report and is required to be forwarded to DPE for a post-Gateway determination. It is recommended that Council support the planning proposal subject to changes made in response to feedback received during the public exhibition period.

The time frame for the completion of the planning proposal is 10 months from the date of the Gateway determination, including a requirement to report the planning proposal to Council for a final recommendation no later than seven months from the date of the Gateway determination. As Gateway determination was granted on 19 August 2021, the planning proposal is expected to meet these deadlines.

Whilst Council requested the role of local plan-making authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the EP&A Act in relation to the making of the amendment, DPE did not grant this to Council.

2. Introduction/Background

The proposal seeks to repeal the *Waverley Local Environmental Plan (WLEP) 2012* and create the *Waverley Local Environmental Plan 2022*. It commences the implementation of the LSPS, meeting obligations under sections 3.8(3) and 3.33 of EP&A Act and giving effect to the District Plan. Council intends to implement the LSPS as a series of planning proposals, this being the first.

The proposed WLEP amendments relate to:

- Implementation of new aims to facilitate the planning priorities of the LSPS.
- Implementation of partial elements of the *Waverley Local Housing Strategy* (LHS).
- Implementation of recommendations of the *Our Liveable Places Centres Strategy* (OLP).
- Implementation of the *Bondi Junction Urban Design Review Update 2020* (BJUDR).
- Implementation of a recommendation of the *Future Proofing Residential Development to Climate Change* (Future Proof Study).

The planning proposal has been prepared in accordance with section 55 of the EP&A Act, and addresses the requirements of section 3.8(3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with relevant Department of Planning and Environment Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing planning proposals*. Since the preparation of the planning proposal, the Department of Planning & Environment (DPE) has released the updated *LEP Making Guidelines*. The planning proposal is generally consistent with the new guidelines.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 13 April 2021	PD/5.1/21.04	That Council: 1. Supports the Local Strategic Statement Implementation planning proposal attached to the report to proceed to Gateway Determination. 2. Notes that the matters of 'double dipping' at the Boot Factory and implementing a minimum lot size for secondary dwellings in Queens Park have been considered and are not included in

		<p>this planning proposal.</p> <ol style="list-style-type: none"> Publicly exhibits the planning proposal for a minimum of 28 days in accordance with any conditions of the Gateway Determination that may be issued by the Department of Planning, Industry and Environment (DPIE). 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 <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.
Council 16 March 2021	CM/8.3/21.03	<p>That Council:</p> <ol style="list-style-type: none"> Notes the repeated problems of building collapses in the Waverley local government area following excavation on adjacent sites and includes enhanced provisions in the next Local Environmental Plan (LEP) that consider the structural integrity of adjoining buildings. Notes the inappropriate shoring practices that featured in the recent 21 Curlewis Street, Bondi, sand slide related to the building collapse at 19 Curlewis Street, Bondi. Reviews section 6.2(3) of the LEP to strengthen the development consent for earthworks relating to excavation that prohibit Bondi-Rose Bay sand body excavation deeper than the currently allowed state complying development certificate 3 m depth. Reviews the WLEP and DCP to produce standard conditions of consent that are consistent with the introduction of the Design and Building Practitioners Regulation from July 1, 2021.
Council 19 June 2018	CM/8.9/18.06	<p>That Council investigates rezoning the suburb of Diamond Bay (Diamond Bay Road, Craig Avenue and Isabel Avenue) from R3 Medium Density Residential to R2 Low Density Residential when amending the next Waverley Local Environmental Plan.</p>

4. Discussion

Housing targets

The objective of the planning proposal is to repeal the WLEP 2012 and create the WLEP 2022 to give effect to the District Plan; to commence the process of implementing Council's LSPS; and to make various housekeeping amendments.

This planning proposal responds to the requirement to implement housing and employment targets within the WLEP.

Housing and employment targets

Council undertook extensive community consultation to understand housing needs, as well as ABS Census data, Profile ID, DPE projections and housing supply data and supporting academic research to establish the evidence base for the LHS. The LHS was prepared in line with DPE Local Housing Strategy guidelines and was based on evidence. The LHS identifies a projected demand for 2500 dwellings to the year 2036, and that the latent capacity under the existing controls would provide for 3400 dwellings. Accordingly, no changes are proposed to facilitate additional capacity in the local government area (LGA), but rather an approach of incremental infill across the LGA.

It is also noted that increases in infrastructure capacity, such as public transport and schools, may be required to support additional growth. As part of the ongoing discussion with the DPE, Council is committed to working together with State Agencies to ensure the increased provision of these essential infrastructure services for the community.

This Proposal seeks to support the actions in the LHS that would require changes to the WLEP, including:

- Zone objectives in the LEP to encourage seniors housing and that it is consistent with desired future character.
- Updated zone objectives to encourage the provision of affordable housing.

Further changes to the LEP will be proposed in a subsequent planning proposal, taking into consideration feedback from DPE on the LHS.

There is a rising trend in the Waverley LGA whereby residential flat buildings and shop top housing in R3 Medium Density Residential zones are being demolished or heavily altered, and replaced with luxury dwelling houses, dual occupancies or residential flat buildings with significantly less units than the existing structure, resulting in a net loss of dwellings in generally well connected and serviced areas which can handle existing and future growth under the current development standards. An additional R3 zone objective to encourage new development in these areas to maintain or increase residential dwelling density is expected to assist to prevent this loss of dwellings.

Employment targets

To ensure that the WLEP is able to provide employment opportunities more broadly across the LGA, this Proposal seeks to implement changes that relate to employment targets to grow and protect Local and Neighbourhood centres across the LGA to provide local employment opportunities as well as local retail amenities and services.

Key proposed changes

Key proposed changes include:

- Include new aims, objectives and provisions within the WLEP that implement the planning priorities of the *Waverley Local Strategic Planning Statement* and facilitate the achievement of housing and employment targets.
- Maintain and protect local and neighbourhood centres to provide equitable access to essential goods and services by providing specialised zoning to support local businesses and character.
- Ensure boarding houses and seniors housing developments are consistent with local character and provide adequate amenity.
- Ensure operational Telstra sites are appropriately zoned to support key urban infrastructure.
- Ensure the ongoing role of Bondi Junction as a strategic centre and prioritise employment generating uses.

- Promote urban resilience through improved waste management, ensuring future ready development, and enabling urban agriculture.
- Implement the findings of the Waverley LGA Flood Study 2020 and improve the quality of stormwater.
- Implement the Council resolution to strengthen clause 6.2 Earthworks to prevent structural damage as a result of excavation.
- Identify sites for long-term acquisition to be able to deliver new bike paths parallel to Bondi Road.
- Enable uses in local and neighbourhood centres to better serve the local community and changing technologies.

Waverley LGA Flood Study 2020

The current WLEP Flood Planning Maps are proposed to be repealed under this planning proposal, as per the instruction of the NSW DPE. The Flood Planning Maps will be moved to the Waverley Development Control Plan 2012 instead, wherein any considerations from the Waverley LGA Flood Study which was adopted by Council in April 2021 will be implemented.

Post-exhibition changes

In light of feedback received during public exhibition from the community, agencies and internal departments, the following amendments to the planning proposal are suggested by Council officers:

Table 1. Post-exhibition changes.

Proposed amendment	Reason
Remove the proposed changes to the Land Reservation Acquisition Map.	Further investigation is required regarding changes to the Land Reservation Acquisition Map. Given the need for this, and the community feedback received during exhibition the changes to the Land Reservation Acquisition Map are to be withdrawn from the planning proposal.
Add the following additional land use zone objective to the R3 Medium Density Residential zone: To maintain or increase residential dwelling density.	There is a rising trend in the Waverley LGA whereby residential flat buildings and shop top housing in R3 Medium Density Residential zones are being demolished or heavily altered, and replaced with luxury dwelling houses, dual occupancies or residential flat buildings with significantly less units than the existing structure, resulting in a net loss of dwellings in generally well connected and serviced areas which can handle existing and future growing capacity under the current development standards. An additional R3 zone objective encouraging new development in these areas to maintain or increase residential dwelling density is expected to assist to prevent this loss of dwellings and degradation of the R3 Medium Density zone.
Add 'goods repair and reuse premises' as a permitted with consent to the B1, B2, B3 and B4 land use zones.	NSW Environment Protection Authority suggested that consideration be given to including a 'goods repair and reuse premises' in all business zones to facilitate circular

Proposed amendment	Reason
	<p>economy activities.</p> <p>All business zones are considered appropriate for this land use because the expected scale and nature of operation is minimal.</p>
<p>Add the following additional points under subclause (3) of the proposed Stormwater Management additional local provision:</p> <p><i>d) protects, maintains or restores waterway health, and</i> <i>e) includes an integrated approach to drinking water, wastewater and stormwater services, and</i> <i>f) fosters the relationship between water, landscapes and urban living, to enhance wellbeing and promote community co-design and governance in urban water strategies.</i></p>	<p>In line with advice from NSW Environment Protection Authority, the three principles are proposed for addition to strengthen the clause.</p>
<p>Retain the R3 Medium Density zone for properties bound by Beach Road, Simpson Street, Blair Street and Wellington Street, North Bondi.</p>	<p>These properties were proposed to be rezoned to B2 Local Centre, however, numerous landowners have raised questions regarding the applicable development standards for these sites. As such, further investigation is required as part of the Curlewis Street West urban design study.</p>
<p>Remove the addition of 'horticulture' as a land use permitted with consent in R2, R3 and R4 zones.</p>	<p>The inclusion of such a use is not considered to meet the existing R2, R3 and R4 WLEP zone objective 'To enable other land uses that provide facilities or services to meet the day to day needs of residents' and is therefore best suited as a new addition to the business zones only.</p>
<p>Add the following definition under the relevant Clause of the WLEP: 'In this clause "community resilience" refers to the capacity of the community to thrive in a changing environmental, social and economic climate'.</p>	<p>Additional clarity regarding the meaning of this term is required.</p>
<p>Add the following definition under the relevant Clause of the WLEP, or in the Dictionary: 'In this clause "public value" refers to benefit experienced by the broader community rather than individuals'.</p>	<p>Additional clarity regarding the meaning of this term is required.</p>
<p>The proposed new seniors housing objective should be simplified and replaced with the following:</p> <p>'To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time.'</p>	<p>The original clause was considered ambiguous, and most appropriate in the R2 Low Density Residential zone alone, as some R3 and R4 areas are considered to be transitional which the word 'maintain' conflicts with.</p>

Proposed amendment	Reason
Furthermore, it is suggested that this objective only be applied to R2 Low Density Residential zone.	
Add 'attached dwellings' as permitted with consent in the R2 Low Density Zone.	To rationalise the existence of many existing attached dwellings which technically differ from 'dwelling houses' by definition but typically not by scale.
Remove previously proposed subclause (e) under Clause 4.3.	Current subclause (a) already achieves the underlying meaning of the newly proposed (e).
Remove the words 'limits on the overall' in existing subclause 1(a) of Clause 4.3 so that it reads: '(1)(a) to establish height of development that preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views'.	This revised objective is more robust to defend, and clarify the focus of the objective on preserving amenity rather than setting limits.
Should the new subclause (a) of 6.3 Urban Resilience be gazetted, then an extensive education and promotion program is proposed to be executed to inform the public and answer any questions. It is also requested that the Environmental Sustainability team receive additional resources to review each DA checked as a formal referral to ensure compliance with this statutory clause.	The introduction of this Clause would have impacts on Council's customers and will likely cause delays in DA assessment times if the public aren't informed of this requirement.

Waverley Local Planning Panel

The Waverley Local Planning Panel (the Panel) discussed the subject Proposal and provided advice on it on 24 March 2021 under schedule 2, part 5, item 26 of the *Environmental Planning and Assessment Act 1979*. The Panel advised Council that the planning proposal should proceed to a Gateway Determination.

Gateway determination changes

The Gateway determination was granted for this planning proposal on 19 August 2021. A condition was applied by DPE which required changes to the planning proposal as follows which were actioned prior to exhibition:

- i. include an advisory upfront in the 'Discussion of Proposed Changes' document that the draft clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation;
- ii. include an advisory note referencing the Department's Employment Zones Reform work and note that based on the exhibition package, the B2 Local Centre zone would likely align with the exhibited 'E1 Local Centre' zone, and the B4 Mixed Use zone with the 'MU1 Mixed Use' zone;

- iii. *include an advisory note referencing the Department's draft State Environmental Planning Policy (Housing) 2021 and consider any changes to the proposed R2 Low Density Residential Zone objective regarding boarding houses;*
- iv. *revise the draft local character objective clauses for the R3 Medium Density Residential and R4 High Density Residential zones to delete the proposed changes to the mandated Standard Instrument LEP zone objectives. New objectives should be separate and underneath mandated objectives;*
- v. *include an advisory note referencing the Department's Explanation of Intended Effect (EIE), 'Varying Development Standards: A Case for Change', and acknowledge the proposal's inconsistency with part of the exhibited EIE that states councils will no longer be able to exclude provisions from the operation of clause 4.6;*
- vi. *provide further justification for the proposed amendment to extend Active Street Frontages to streets in B1 Neighbourhood Centre zoned land;*
- vii. *remove the proposed amendment to extend clause 6.12 Development on certain land in Bondi Junction to the B3 Commercial Core zone;*
- viii. *amend the proposed waste minimisation and recycling local provision to reframe it as an overarching clause setting out aims and objectives and remove the detailed design requirements;*
- ix. *provide additional information around the types of development the proposed future ready development clause is intended to apply to and amend to explain the relationship with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- x. *confirm whether clauses 5.1 and 5.1A of the LEP are proposed to be amended to reflect the updated Land Reservation Acquisition Map;*
- xi. *remove the proposed amendments to the Flood Planning Maps;*
- xii. *remove the proposed zone and development standards changes to the Diamond Bay, Vaucluse precinct;*
- xiii. *remove the incorrect reference to proposed changes to a Design Excellence Map; and*
- xiv. *update the project timeline to reflect the timeframe allowed to complete the LEP.*

Future planning proposals

Separate future planning proposals will follow as amendments to this Proposal and will assist to implement additional Planning Priorities of the District Plan.

Consultation

Public exhibition of the planning proposal took place over 10 weeks from 12 November 2021 to 23 January 2022.

Notification of the public exhibition occurred through the following means:

- Letter notification to every landowner of each property in the whole LGA.
- Notice in the Wentworth Courier
- Notice on Waverley's Have Your Say website
- Notice on the NSW Planning Portal website
- Notification in Council's 'Waverley Weekly' and 'Have Your Say' e-newsletters.
- Notification of Council's Precinct Committees.

Properties affected by proposed new Land Reservation Acquisition (LRA) Map markings were further consulted via the following means:

- Letter notification to every landowner of each property shown as a new marking on the LRA map
- Information session held on 13th December 2021 via video conference

As part of the Gateway Determination, notification of the following agencies also occurred:

- Department of Primary Industries (Agriculture).
- Environment, Energy and Science (EES) Group of the Department.
- Environment Protection Authority.
- Sydney Water Corporation.
- Transport for NSW.
- Randwick City Council.
- Woollahra Municipal Council.

Pursuant to division 3.4 of the Act and in accordance with the requirements of the Gateway determination, the planning proposal must be placed on public exhibition for a minimum of 28 days excluding the holiday new year 'shut down' period. The subject planning proposal complies with this requirement, as public notification ran between 12 November 2021 to 23 January 2022, a total of 50 days excluding the 'shut down' period.

A total of 71 submissions were received, and the Have Your Say page was viewed 1,900 times, with materials being downloaded 576 times.

Agency and internal submissions

Submissions were received by four out of the seven agencies notified. For the purposes of satisfying the Gateway condition, the DPE has advised that only notification of these agencies has to occur, and a response does not necessarily have to be received. Table 2 details the feedback from the agencies and the Council officer response. Attachment 1 outlines the agency submissions in full.

Table 3. Agency feedback

Key Agency Feedback	Officer Response
Provision to include horticulture as a permitted with consent use in certain zones	
Department of Primary Industries (Agriculture): <i>'DPI Agriculture supports the proposal to permit horticulture with consent in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre, and B4 Mixed Use zones in order to facilitate urban agriculture.'</i>	Noted. The proposal to permit horticulture in business zones is recommended for retention by officers.
NSW Environment Protection Authority: While urban agriculture is a sustainable solution that provides local sourced food, <u>issues</u> with permitting horticulture on land in an urban setting include: <ul style="list-style-type: none"> • Food grown on land (such as vegetables) where there is contamination can take up legacy contaminants into food products leading potential public health issues. SEPP 55 should be considered in relation to this. Council may also wish to seek the services of an NSW Accredited Site Auditor to provide increased certainty on whether the nature and extent of contamination has been determined and whether a site is suitable for a specific use especially where food is being produced for local and commercial purposes. • Application of pesticides associated with horticulture can contaminate land. Planning Certificates should show 	The issues raised are noted. Land-use specific controls are proposed to be prepared to assist to mitigate the issues raised and will be considered within the upcoming draft Waverley Development Control Plan 2022, scheduled to go to Council and on public exhibition in 2022. Furthermore, removal of 'horticulture' as a permissible use in residential zones is expected to mitigate the risk of any incompatible operations. Further investigation may be conducted to

<p>whether a site has been subject to pesticide application.</p> <ul style="list-style-type: none"> • Odour and noise associated with horticulture may disturb neighbours. • Water pollution may occur. <p>Council may wish to consult with NSW Health and NSW Department of Primary Industries and seek advice in relation to placing agricultural activities in residential land use settings to help guide any control settings.</p>	<p>consider this use in the R2, R3 and R4.</p>
Key Agency Feedback	Officer Response
Provision to address fill quality under earthworks	
<p>NSW Environment Protection Authority: <i>'It is important that the quality of the fill is fit for its intended use and not contaminated with waste. To help clarify an expectation for the fill material and for Councils to be satisfied in relation to its quality, the following additional provision is recommended:</i></p> <p><i>Any fill that is imported to a site should only be Virgin Excavated Natural Materials (VENM) or Excavated Natural Material (ENM) or other soils permitted under a specific resource recovery order and exemption. Any fill received for this purpose must be validated by a suitably qualified independent person to demonstrate that it is VENM, ENM or meets the requirements of the relevant resource recovery order/exemption and is fit for its intended purpose.'</i></p>	<p>The requirement for fill to be VENM, ENM or other soils permitted under a specific resource recovery order and exemption is going to be considered within the upcoming draft Waverley Development Control Plan 2022, with an option to apply this as a condition of consent to development explored.</p> <p>The benefit in a requirement for a suitably qualified independent person to demonstrate that a Development Application satisfies this is acknowledged by officers, however, the financial and time burden for applicants is considered to outweigh the benefit.</p>
Key Agency Feedback	Officer Response
Provision to improve waste minimisation and recycling management	
<p>NSW Environment Protection Authority: <i>'The proposed new Waste Minimisation and Recycling Management provision in relation to new residential flat buildings, shop-top housing, and mixed-use developments is <u>supported</u>. To help support this new provision Council may also wish to update the supporting DCP with contemporary waste information to help guide key design elements for built form and public domain.'</i></p> <p>Council may also wish to consider:</p> <ul style="list-style-type: none"> • Aligning changes with the directions released under the NSW Waste and Sustainable Materials Strategy 2041 which provides the roadmap for NSW to help transition to a circular economy over the next 20 years. • Facilitating circular economy activities with the inclusion of Goods Repair and Reuse Premises to be made permissible in a range of land use settings. This inclusion will help enable circular economy 	<p>A comprehensive review of the Waverley Development Control Plan is underway and scheduled to be put to Council in 2022. Additional waste minimisation and recycling management provisions will be considered.</p> <p>The 'goods repair and reuse premises' is recommended to be added to all business land use zones under this planning proposal to facilitate circular economy activities.</p> <p><i>Note: 'goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods,</i></p>

approaches where people can reuse, share, repair and recycle their materials close to where they live and work.	<i>including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.'</i>
Key Agency Feedback	Officer Response
Provision to improve stormwater management	
NSW Environment Protection Authority: <i>'To help support the above directions [health of catchments and waterways in accordance with the Eastern City District Plan] Council may wish to consider strengthening the proposed Stormwater Management provision with the following guiding planning principles:</i> <ul style="list-style-type: none"> <i>incorporate development that protects, maintains or restores waterway health and the community's environmental values and uses of waterways through a risk-based approach to managing the cumulative impacts of development,</i> <i>ensures an integrated approach to drinking water, wastewater and stormwater services is considered to drive more sustainable water management outcomes,</i> <i>incorporate development that fosters the relationship between water, landscapes and urban living, to enhance human and social wellbeing and promote community co-design and governance in urban water strategies.'</i> 	A recommendation to add the following points under (3) of the new stormwater management clause under this planning proposal is made in response to this feedback: <ul style="list-style-type: none"> protects, maintains or restores waterway health, and includes an integrated approach to drinking water, wastewater and stormwater services, and fosters the relationship between water, landscapes and urban living, to enhance human and social wellbeing and promote community co-design and governance in urban water strategies.
Environment, Energy and Science Group (EES): EES supports the objectives regarding the consideration of stormwater on adjacent and downstream receivers, in particular native bushland, receiving waters and the downstream stormwater systems.	Noted.
Key Agency Feedback	Officer Response
Provision to provide tree canopy	
Environment, Energy and Science Group (EES): EES supports this intention, noting the role that creating and maintaining an urban canopy plays both in improving public amenity and urban biodiversity outcomes. EES considers that there would be additional benefit for this aim to include a preference for native, preferable local, canopy species, as appropriate and feasible, to be used.	This point will be considered within a future Sustainability planning proposal, and during the comprehensive Waverley DCP 2022, both scheduled for 2022.
Key Agency Feedback	Officer Response
Provision to future proofing development	
Environment, Energy and Science Group (EES): EES considers that the new addition for 'Future proofing Development' sub-clause in the LEP is a positive addition to allow energy and emissions performance. Paired with the design excellence clause this is likely to set a good base for net zero related criteria within the future development control plan (DCP).	This will be considered during the preparation of the comprehensive Waverley DCP 2022.

<p>EES suggests that provisions in the future DCP more clearly align with some of the regional district planning priorities such as:</p> <ul style="list-style-type: none"> o Eastern City District Plan: E19 - Reduce carbon emissions and managing energy, water and waste efficiently o Greater Sydney Regional Plan: Objective 33. A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change. 	
Key Agency Feedback	Officer Response
General	
<p>Transport for NSW:</p> <p>The potential changes to the LEP in the subject area, should take into account the rail tunnel and associated easement below ground. Any future development proposed on site/s near or above the rail tunnel must demonstrate that there will be no negative impact on rail infrastructure (including below ground tunnels) or rail operations. In this regard, loading impacts on below ground tunnels for works during and post construction must be adequately considered and addressed.</p>	<p>This feedback is noted. Transport for NSW will be consulted where practical on future Development Applications within the vicinity of the rail tunnel and associated infrastructure.</p>

Feedback was also received from Waverley's Development Assessment team. Table 4 details the feedback and Strategic Town Planning's response.

Table 4. Internal feedback from Development Assessment team.

Key Internal Feedback	Strategic Planning Officer Response
<p>New Aim - Resilience and Climate Change</p> <p>'To ensure public value for the community as provided by environmental, social and economic sustainability'.</p> <p>Comment: It is suggested that the term 'community resilience' be defined in the document to provide clarity as it is used frequently.</p> <p>It is unclear what 'public value' means in this aim and context and policies or development controls this relates to. This should be defined in the document.</p>	<p>Officers agree that adding a definition to clarify 'community resilience' and 'public value' is helpful.</p> <p>The suggested definitions are as follows:</p> <p>'In this clause 'community resilience' refers to the ability for the community to thrive in a changing environmental, social and economic climate'.</p> <p>'In this clause 'public value' refers to benefit experienced by the broader community rather than individuals.'</p>
<p>Part 2 – Land Use Table</p> <p>Horticulture is proposed to be introduced as a permitted use in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood</p>	<p>Officers agree that the inclusion of such a use may not necessarily be considered to meet the existing R2, R3 and R4 WLEP zone objective 'To enable other land uses that</p>

<p>Centre, B2 Local Centre, B3 Commercial Centre, and B4 Mixed Use zones to help to facilitate urban agriculture.</p> <p>According to the Dictionary in the LEP: Horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture. Note—Horticulture is a type of intensive plant agriculture</p> <p>It is considered that introducing Horticulture as a permitted use to any of the Residential zones is inappropriate in the context of the Waverley LGA. One of the aims all 3 of the residential zones (R2, R3 and R4) is to;</p> <p>‘enable other land uses that provide facilities or services to meet the day to day needs of residents’.</p> <p>Horticulture fits within the definition of intensive plant agriculture and as an intensive commercial use (as described in the definition) is considered to contravene one of the key aims of each of the Waverley residential zones.</p> <p>The Waverley LGA is one of the most densely populated areas in the state, with a large housing stock of semi-detached dwellings and residential flat buildings where impacts of competing uses such as horticulture and residential living would be highly sensitive.</p> <p>Uses such as home business and home industries are permitted within the residential zones as they are clearly defined and controlled through statutory controls to have minimal impacts on the core residential intended use of the land.</p> <p>It is argued that an intensive use such as horticulture will be by its nature a wholesaling commercial operation which will not service the daily needs of residents in the immediate area and have adverse impacts on the character of the zone.</p> <p>Objection is raised to horticulture being a permitted use in <i>any</i> of the Waverley Residential zones.</p>	<p>provide facilities or services to meet the day to day needs of residents’ and is therefore best suited as a new addition to the business zones only.</p>
<p>Affordable Housing Clause</p> <p>Consideration should be given to introducing a clause which addresses the issue of a residential flat building being converted to a singular dwelling house, as this reduces the housing availability and affordability in the area. Under current controls, this is permissible, subject to environmental impacts being acceptable.</p>	<p>Officers agree. An additional R3 zone objective requiring new development in these areas to maintain or increase residential dwelling density is expected to assist to prevent this loss of dwellings.</p>
<p>Seniors Housing Objective</p>	<p>Officers agree and suggest that the new clause be simplified and</p>

<p>Proposed new clause: 'To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impacts of co-housing or seniors living.'</p> <p>Comment: This intent of this new clause is ambiguous leading to various interpretations. The reference to 'dwelling' character is too specific when considering the different forms of residential accommodation which can be built in each of the zones.</p> <p>The use of the word 'maintained' may not be appropriate for areas which are transitioning to meet the future desired character of the area (ie. if a building is proposed which meets the development standards for the zone) and may discourage forms of new affordable housing. This would be contrary to the new aim which seeks to encourages the provision of affordable housing.</p> <p>It is unclear how cumulative impacts can be measured in this context of this clause. Is the intent that an applicant must assess the impacts (social, economic and environmental) of any existing boarding house or seniors housing within the vicinity with their application, as well as the impacts from the proposed development? What form would this come in, social or economic impact statements?</p> <p>Overall, it is recommended that the intent of this objective be clarified and if necessary, provide simple clear language to communicate how it supports the zone. Ultimately Clause 4.15 of the EPA Act 1979 requires assessment against the social, economic and environmental impacts of a development, therefore this new aim may be superfluous.</p>	<p>replaced with the following:</p> <p>'To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time.'</p> <p>Furthermore, it is suggested that this objective only be applied to R2 Low Density Residential zones, as some R3 and R4 areas are considered to be transitional which the word 'maintain' conflicts with.</p>
<p>B2 Local Centre</p> <p>It is understood that the new B2 zones are replacing the existing B4 zones which were located out of the Bondi Junction Centre to create a hierarchy of centres. Provided that the permitted and prohibited uses remain the same between the two zones (accepting those uses which have been added as permissible), there are no issues raised.</p>	<p>Noted. The change in B4 zones (except for Bondi Junction) to B2 is recommended to progress.</p>
<p>Clause 4.3 Height of buildings</p> <p>The new objective (e) quoted below;</p> <p>(e) to protect the amenity of the public domain by providing public views of the city, harbour, ocean and surrounding areas.</p> <p>Comment: It is not clear what aspect of the public domain is trying to be protected in this clause. For example, a footpath</p>	<p>Officers agree and suggest removing the previously proposed subclause (e) under Clause 4.3.</p>

<p>in front of a dwelling house is the 'public domain', however a height compliant replacement building (ie. a single storey dwelling replaced by a 2 storey dwelling) could potentially affect a prominent view from a 'public place'. This type of development would be arguably appropriate if complying with all other statutory and non-statutory controls.</p> <p>If the intent is to protect the amenity of the area, including views, then objective (a) quoted below already achieves this by 'preserving' the amenity of public spaces and 'if appropriate' the sharing of views.</p> <p>(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,</p> <p>It is recommended that the new proposed clause (e) be deleted, as it is sufficiently addressed in objective (a) and further supported by the DCP requirement to assess views using the planning principle of Tenacity Consulting Vs Warringah Council (2004) which is a substantiated assessment tool supported by the Land and Environment Court.</p>	
<p>6.3 New Clause - Urban Resilience</p> <p>It is understood that the new proposed Clause 6.3 (a) requires that any development that BASIX applies to but be designed to meet BASIX thermal targets higher than the current SEPP BASIX requires. New clause quoted below;</p> <p>Future Ready Development</p> <p>(a) The development is designed to meet the BASIX Thermal Comfort targets by using the CSIRO Climate File for 2050 for Climate Zone 56 in the NatHERS simulation method to respond to the unique climate of the Waverley area.</p> <p>It is noted that the Department of Planning and Environment have recently exhibited higher standards for BASIX requirements.</p> <p>Aside from that, from a practical perspective, should this amendment be gazetted, then Council's stakeholders should be contacted, and an extensive education and promotion program be executed to inform the public that the statutory BASIX requirements for the Waverley Local Government Area are based on a different data set than stipulated by the SEPP, BASIX. The introduction of this Clause would have impacts on Council's customers and will likely cause delays in DA assessment times if the public aren't informed of this requirement.</p>	<p>Should the clause be gazetted, an education campaign on the changes, and a savings provision is proposed.</p> <p>It is not anticipated that this will lead to a greater need for resources in the sustainability team if the education program is undertaken well.</p>

It is also requested that the Environmental Sustainability team have additional resources to have each DA checked as a formal referral to ensure compliance with this statutory clause	
<p>Gross Floor Area definition</p> <p>It is suggested that the gross floor area definition in the LEP be made clearer to define;</p> <ul style="list-style-type: none"> • what constitutes a habitable room • vertical circulation 	Officers will consider this first at the Development Control Plan level, as the definition is set out in the standard instrument.
<p>Land Use Table – Zone R2 – Low Density Residential</p> <p>In the R2 zone Land Use table, attached dwellings houses should be added to uses that are ‘permitted with consent. All other types of residential accommodation have been listed as a permitted uses, but attached dwelling houses is omitted, but are a type of residential accommodation which form the predominant character of R2 zones in the Waverley LGA.</p>	Officers agree. It is recommended that ‘attached dwellings’ be added as a permitted with consent use in R2.
<p>Part 4 – Height development standard</p> <p>It is recommended that a clause be added which addresses the height of dwellings houses (and other forms of low density residential accommodation) which are proposed in areas which have a height development standard of 9.5m or higher (ie. R3, R4 and B4 zones)</p> <p>For example, a dwelling house (attached house, dual occupancy et.al) which is proposed in the R3 zone which permits a height of 9.5m – 12.5m, should be restricted to a height of a dwelling house, akin with a R2 Low Density Zone (ie. 8.5m). With this scenario in the current development standards, as dwelling house can be built to the same height as a residential flat building.</p> <p>Introducing a clause similar to Clause 4.4A which has specific controls for low density residential housing is recommended.</p>	Officers will consider this as a future investigation, as more research into the impact and figures is required.

Community submissions

A total of 66 submissions were received from community members and organisations. Table 5 summarises at a high level the feedback, with Attachment 2 providing the submissions in the form of relevant verbatim extracts alongside a Council officer response.

Table 5. Summarised community feedback.

Proposed Item	Summarised community feedback
New aims in Part 1	No feedback.

Changes to Land Use Tables	Concern for horticulture in R2 zone.
New properties added to Active Street Frontages Map	1 submission opposed.
New properties added to Land Reservation Acquisition Map	12/14 submissions were opposed. 2/14 submissions in support.
Changes to Land Zoning Map	General support for B2 zone. Requests to downzone residential areas, and requests to upzone residential areas.
New aims in Clause 4.3 Height of Buildings	No feedback.
Changes to Clause 4.6 Exceptions to development standards	No feedback.
Changes to Clause 6.2 Earthworks	Support. Request to ban high impact construction and demolition techniques.
Changes to Clause 6.9 Design Excellence	Clause could be strengthened.
New Clause Future Proofing Development	Clause could be strengthened.
New Clause Waste Minimisation and Recycling	No feedback.
New Clause Stormwater Management	No feedback.

5. Financial Impact/Timeframe/Consultation

Financial impact

The Proposal seeks to better identify and protect the role of centres, while ensuring local amenity and character is preserved. The proposed changes are intended to support the community and are unlikely to result in any adverse social or economic effects.

Council has applied for funding under the Public Spaces Legacy Program for a total amount of \$4.75 million. The Program Agreement requires Council to meet the following four key requirements:

1. Substantially accelerate planning assessments between 1 September 2020 and 30 June 2021.
2. Commit to completing regionally significant development applications that have been under assessment for more than 180 days by 31 December 2020.
3. Further commit to delivering on housing and jobs growth, exhibiting updated local environmental plans to incorporate housing or employment supply for at least 6-10 years, by 30 June 2021.
4. Commit to delivering rezonings that have been under assessment for more than 4 years, by 30 June 2021.

It is noted that Council has received funding up to Milestone 3 and received an extension to the program for requirement (3) to 31 December 2022. The remaining funding for this agreement is dependent on the delivery of the subject Proposal to this report.

Time frame

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by May 2022.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Table 2. Tasks and time frames.

Tasks	Timeframe
Submit planning proposal to Council for endorsement	April 2021

Gateway Determination	August 2021
Public Authority Consultation	November 2021 - January 2022
Community Consultation	November 2021 – January 2022
Post Exhibition Review	February 2022
Update planning proposal / Report to Council	March 2022
DPE review of final planning proposal	March 2022
Parliamentary Counsel drafting of LEP	April 2022
DPE to finalise LEP	May 2022

6. Conclusion

The *Local Strategic Planning Statement Implementation planning proposal* (the Proposal) is considered to successfully give effect to the District Plan, by way of implementing a number of the Planning Priorities and Actions of the *Waverley Local Strategic Planning Statement* (LSPS), and to meet Council's obligations under requirement (3) of the terms of the Public Spaces Legacy Program. The Proposal also provides updated aims and zone objectives to ensure that development that occurs in the Waverley area is proposed and assessed in accordance with the strategic intent of the LSPS and provides greater certainty and clarity for the community.

Council officers have considered the feedback received from the community, agencies and internal departments and recommend that Council supports the planning proposal to repeal the Waverley Local Environmental Plan 2012 and establish the Waverley Local Environmental Plan 2022, as set out in the attached planning proposal.

7. Attachments

1. Agency Responses (under separate cover)
2. Community Submissions (under separate cover)
3. Discussion of Proposed Changes (under separate cover)
4. Planning Proposal (under separate cover)
5. Proposed Mapping (under separate cover) .

REPORT
CM/7.7/22.03

Subject: Planning Proposal - Charing Square - Post-Exhibition

TRIM No: PP-1/2020

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Does not support the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 203–231 Bronte Road and 94–98 Carrington Road, Waverley for the following reasons:
 - (a) Primarily the proposal lacks strategic merit:
 - (i) It does not align with the Council endorsed Our Liveable Places Centres Strategy, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
 - (ii) The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
 - (b) The proposal also lacks site-specific merit regarding the following matters, which are considered to be secondary issues:
 - (i) Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage Conservation Area.
 - (ii) Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.
 - (iii) Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
 - (iv) Staging issues: other landowners affected by the proposal are strongly against the proposal. As such, it is unlikely that the redevelopment of all sites would occur and that the proposed public benefits of a large and functional public square and through site link would be delivered.
 - (c) Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway Determination process, there was little to no co-operation on

these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.

2. Notes the submissions received during public exhibition from the community and agencies.
3. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* and decide not to make the proposed local environmental plan.

1. Executive Summary

The 'Charing Square' planning proposal seeks to amend the Waverley Local Environmental Plan 2012. The changes include an incentivised maximum (increased) permissible floor space ratio (FSR) and the maximum permissible height of buildings (HOB) on each of the six sites. This would allow for a greater yield of commercial and residential floor space, as per Table 1 in the Discussion section of this report.

The 'incentivised' HOB and FSR would only be granted if the following conditions are satisfied:

- The buildings on site are delivered as high-performance buildings.
- A publicly accessible through site link connecting Bronte Road and Carrington Road is provided.
- A square accessible to the public is provided.
- The ground floor of development is to be used for non-residential premises only, except for any service and loading area or access to upper levels (such as a lobby area).
- Sufficient fabric of the façade (including return walls) and associated heritage significance detailing of 223–227 Bronte Road (contributory items in the heritage conservation area) are retained.

No changes to the land use zone are sought as part of this planning proposal.

Waverley Council was authorised as the Local Plan-Making Authority. This means that Council makes the final decision to support or not support the FSR and HOB amendments sought.

Council officers recommend that Council do not support the planning proposal for the following reasons:

- Primarily the proposal lacks strategic merit:
 - It does not align with the Council endorsed *Our Liveable Places Centres Strategy*, which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross centre.
 - The site is too small to warrant strategic merit—only one landowner (the proponent) supports this planning proposal, with the other three landowners not supportive, meaning this planning proposal effectively only applies to the Whitten Family land. This was a key reason the State Planning Panel refused the original planning proposal and the Department of Planning and Environment (DPE) and the community have also raised this matter.
- The proposal also lacks site-specific merit regarding the following which are considered to be secondary issues:
 - Heritage disruption: the general scale is inappropriate for the Charing Cross Heritage Conservation Area.
 - Waste, parking and traffic Issues: the management of these issues is significantly affected by the lack of a single, coordinated development across all sites subject to this planning proposal.
 - Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
 - Staging Issues: other landowners affected by the Proposal are strongly against the Proposal. As such it is unlikely that the redevelopment of all sites would occur and that the

proposed public benefits of a large and functional public square and through site link would be delivered.

- Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway Determination process, there was little to no co-operation on these issues and no amendments made to the scheme. Any deferral or further extension of time will not resolve the strategic merit issue and is also unlikely to resolve site-specific merit issues.

The lack of strategic merit is the primary concern, as there is no way to ensure that the intent of the planning proposal will be achieved. Without passing the strategic merit test, the resolution of site-specific issues cannot be further considered.

2. Introduction/Background

The proponent originally lodged a PP with a proposed height of 24 m and an FSR of 2.65:1 in June 2018. On 22 March 2019, the applicant lodged a Rezoning Review to be considered by the State Planning Panel. The PP was refused by Council on 7 May 2019. The Rezoning Review was then held on 15 November 2019. At the Rezoning Review it was determined that the PP should not be sent to Gateway as it was not found to have site-specific or strategic merit. The State Planning Panel indicated a height of 13m (or thereabouts) would be better suited for this site to ensure that it does not visually overpower the Charing Cross centre. The State Planning Panel also indicated that the Eastern Suburbs Legion Club and other surrounding sites be included in the planning proposal to improve the strategic merit of the proposal. A new planning proposal incorporating the State Planning Panel's advice was lodged with Council on 24 April 2020; however, no mechanism to guarantee the consolidated delivery of redevelopment and associated public benefits on all sites was proposed.

Table 1. Timeline of the proposal.

Time	Event
2016	Proponent discussed ideas for site with Council.
June 2018	First PP was lodged with a proposed height of 24m and a floor space ratio (FSR) of 2.85:1.
December 2018	Council officers met with the proponent to discuss the initial assessment.
February 2019	Proponent made revisions and submitted an amended PP reducing the proposed height from 24m to 18m and reducing the FSR from 2.85:1 to 2.65:1.
March 2019	The applicant formally lodged a Rezoning Review to be considered by the State Planning Panel.
November 2019	The rezoning review was held and determined that the PP should not be sent to Gateway as it did not have site-specific or strategic merit. To ensure the proposal did not visually overpower the Charing Cross centre, the State Planning Panel indicated a height of around 13m would be better suited to the site. The State Planning Panel also indicated that the Legion Club and other appropriate land be included in the planning proposal to improve the strategic merit of the proposal.
April 2020	The current PP was lodged in line with the comments of the State Planning Panel Charing Square planning proposal has finished this stage The PP was lodged with heights ranging from 10m-13.5m. The proposal now includes both the Eastern Suburbs Legion Club and the Reece Plumbing sites.
May 2021	DPIE granted Gateway Determination.
May – December 2021	Council officers met with proponents on several occasions to raise the following unresolved matters: <ul style="list-style-type: none"> - clarification on overshadowing to adjacent properties - clarification on waste storage and collection issues for properties facing Bronte Road - clarification on public benefit and public benefit valuation process

	<ul style="list-style-type: none"> - clarification on access to parking being unevenly distributed across sites - clarification on how staging process would deliver proposed outcomes <p>Resolution was provided on outstanding overshadowing issues, however no resolution was provided on other matters raised.</p>
December 2021 – February 2022	Public exhibition.
February 2022	Council officers reviewed community feedback and prepared a recommendation to Council.
March 2022	Council decision to support or not support the proposed changes.

The 'Charing Square' planning proposal seeks to amend the Waverley Local Environmental Plan 2012. The changes include an incentivised maximum (increased) permissible floor space ratio (FSR) and the maximum permissible height of buildings (HOB) on each of the six sites. This would allow for a greater yield of commercial and residential floor space, as per Table 2.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 July 2020	CM/7.8/20.07	<p>That Council:</p> <ol style="list-style-type: none"> Notes the submission of a planning proposal prepared by Knight Frank and lodged by Dan Whitten on 21 April 2020 to increase the maximum height of buildings and the maximum floor space ratio and add an additional local provision to the sites 203–231 Bronte Road and 94–98 Carrington Road, Waverley, under the Waverley Local Environmental Plan 2012. Authorises officers to send the planning proposal, as outlined in the attached Charing Square planning proposal Assessment Report, to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. Notes that a Gateway Determination would allow a formal opportunity for community feedback, including with the Charing Cross Precinct, before reporting back to Council. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include the following: <ol style="list-style-type: none"> The maximum height of 231 Bronte Road and 98 Carrington Road is 10 m and the remainder of the precinct is 13.5 m.

		<p>(b) Regardless of the above, the maximum street frontage height, with upper levels set back above the parapet for a depth of 3 m, shall be as follows at the Bronte Road frontage:</p> <p>(i) 211–213 Bronte Road (Legion Club) is to maintain the existing building height.</p> <p>(ii) 223–227 Bronte Road (Stamatiko Flats) is to maintain the existing parapet height.</p> <p>(iii) 229–231 Bronte Road (Reece showroom) is to maintain the parapet height of 223–227 Bronte Road.</p> <p>(c) The upper floor of 203–209 Bronte Road (bottle shop) and 94 Carrington Road (garage) shall be set back 3 m from the street wall.</p> <p>(d) Development on 98 Carrington Road (Reece Plumbing) shall be set back 3 m from the boundary to 100 Carrington Road (SP 21794).</p> <p>(e) The built form shall be broken into separate buildings through the provision of laneway connections and an internal publicly accessible open space. This open space shall be of sufficient size (spanning 94 and 98 Carrington Road), have adequate solar access, retail connections and public art to provide appropriate public amenity.</p> <p>(f) 223–227 Bronte Road are contributory items in the heritage conservation area and sufficient fabric of the façade (including return walls) shall be retained to ensure that they are still interpreted as buildings that contribute to the streetscape and heritage conservation area.</p> <p>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.</p>
Strategic Planning and Development Committee 7 May 2019	PD/5.4/19.05	That Council does not support the planning proposal for 203–209 Bronte Road and 94 Carrington Road (also known as 223–227 Bronte Road) proceeding to gateway.
Strategic Planning and Development Committee 9 October 2018	PD/5.1/18.10	<p>EXTRACT</p> <p>That Council:</p> <p>...</p>

		2. Officers undertake a preliminary heritage assessment of 94 Carrington Road (also 223–227 Bronte Road, Charing Cross) prior to submitting the subject planning proposal to Gateway. If the heritage assessment determines that the property at 94 Carrington Road (223–227 Bronte Road) has sufficient merit to warrant inclusion as a heritage item, then that property be included as an additional amendment to schedule 5.
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4. Discussion

The 'Charing Square' Proposal seeks to increase the maximum permissible FSR and maximum permissible height as identified in Table 2.

Table 2. Existing and proposed maximum building height and floor space ratios.

Site	Development Standard - Existing	Incentivised Development Standard - Proposed
203-209 Bronte Road (RH Hotel)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13.5m
211-213 Bronte Road (Legions)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13m
223-227 Bronte Road & 94 Carrington Road (Bottle-O & Flats)	FSR: 1:1 HOB: 9m	FSR: 2.25:1 HOB: 13.5m
229 Bronte Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 10m (next to QE Foods) & 13.5m (lot next to 94 Carrington)
231 Bronte Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 10m
98 Carrington Road (Reece Site)	FSR: 1:1 HOB: 9m	FSR: 2:1 HOB: 11m

The proposal also includes a number of additional local provisions including:

- The buildings on site are delivered as high-performance (energy, water, heating and cooling) buildings.
- A publicly accessible through site link connecting Bronte Road and Carrington Road is provided.
- A square accessible to the public is provided.
- The ground floor of development is to be used for non-residential premises only, except for any service and loading area or access to upper levels (such as a lobby area).
- Sufficient fabric of the façade (including return walls) and associated heritage significance detailing of 223–227 Bronte Road (contributory items in the heritage conservation area) are retained.

The Council resolution from 21 July 2020 required the creation of a Site-Specific Development Control Plan detailing the following:

- (a) Built form, scale and interface to surrounding land uses.

- (b) Retention of sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes at 223–227 Bronte Road (fronting Bronte Road only).
- (c) Pedestrian connections between Bronte Road and Carrington Road, including the layout and size of those connections.
- (d) Landscaping and public open space, such as public square, including the layout and size of these areas.
- (e) Improvements to the public domain, including street paving, street lighting, street furniture and public art.
- (f) Safety and security, accessibility, activation and casual surveillance,
- (g) Amenity of the public square.
- (h) An indicative staging plan for delivery of development on the land identified in this clause,
- (i) Consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy.
- (j) Stormwater drainage.

The proposal provides a mixture of land uses as it proposes to have a mix of commercial, retail and residential land uses. As much of Charing Cross has a commercial mix of shop-top housing, it is considered that the proposed uses on the site are compatible land uses. The site is in an accessible location to various modes of public transport including bus services. The site is accessible to cycle paths as well with Queens Park directly opposite the site.

Whilst Council officers considered the planning proposal to be suitable for progression to Gateway Determination and thereafter public exhibition, post-Gateway Determination assessment which included the consideration of feedback received during exhibition from the community and other landowners has highlighted a variety of serious issues. Each issue was raised with the proponent, but either no response or an inadequate response was received to address these issues.

Therefore, it is recommended that the planning proposal not be supported for the following reasons:

- The proposal lacks site-specific and strategic merit.
- The proposal has not resolved issues relating to the public benefit offer, the protection of heritage and residential amenity for properties within and surrounding the planning proposal sites, and the staging of the development.

Lack of strategic merit

The lack of strategic merit is the primary issue for this proposal. Small, single and isolated sites do not typically warrant strategic merit for uplift outside of a strategic plan-led vision for an area. Secondly, a planning proposal must be able to deliver the intent of the proposal, which in this case includes the public benefit of additional public space which is spread across the sites. Strategic merit is contingent upon the likely redevelopment of all sites within the planning proposal area. In November 2019 the State Planning Panel indicated that the inclusion of the Eastern Suburbs Legion Club and other adjoining sites was required in order for the planning proposal to qualify for any strategic merit – the Whitten Family land alone was not sufficient to warrant strategic merit.

Whilst the Legion Club and other properties to the south have since been added to the planning proposal, consultation with the landowners of properties included in this planning proposal – but not owned by the proponents – has revealed that it is highly unlikely that properties other than 203-209 Bronte Road, 223-227 Bronte Road, and 94 Carrington Road (proponent's land) would redevelop as part of a consolidated and holistic development. Table 5 summarises the concerns raised by the other landowners subject to this planning proposal. Therefore, the planning proposal is not considered to have strategic merit.

During the assessment of the planning proposal, Council officers raised this concern with the proponents and suggested that a potential solution would involve the amalgamation of all sites prior to being eligible for the sought uplift – a common planning solution applied in LEPS. The proponents strongly objected so the issue remains unsolved.

Furthermore, the *Our Liveable Places Centres Strategy 2020 - 2036* identifies that any height and floor space ratio increase is inappropriate for the Charing Cross Centre and that “there are generally strong concerns that Council should be upholding the Heritage Conservation Area by refusing development proposals and planning proposals that seek changes to the character of the area, including changes to the height controls.” The proposal therefore does not align with the overall established strategic vision for the area. This issue alone eliminates the ability for this site to achieve strategic merit.

Lack of site-specific merit

The proposal lacks site specific merit as:

- There are heritage issues. Further analysis of the modelling provided by the applicants post-Gateway Determination has shown that the proposed bulk and scale could unreasonably visually dominate surrounding lower development and detract from the “village” character of the centre which is intrinsically linked with both the Charing Cross Heritage Conservation Area listing and the findings under the *Our Liveable Places Centres Strategy 2020 – 2036*. The feedback received during the public exhibition period found that the community highly value the established character and heritage qualities of the Charing Cross area and state that the proposal will have a negative impact on this.

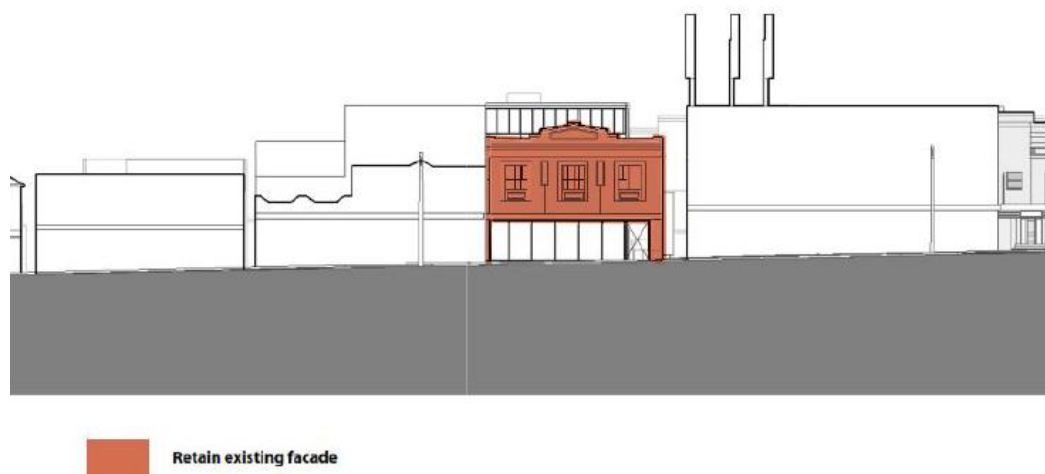


Figure 1. Proponent diagram of extent of façade retention at 223-227 Bronte Road, clearly excluding important ground floor elements from retention. When asked to show the entire façade for retention, the proponents disagreed.

- There are waste, parking and traffic issues. It is unclear how waste storage and disposal, and parking and traffic will be managed effectively if each site is redeveloped individually. If a fragmented development approach were to occur, there is uncertainty around how many driveway crossings and on-site parking spaces should be provided, and what capacity the waste procedures should be designed for. Officers raised these concerns with the proponents, but the proponent chose not to revise the proposal to require a unified development.
- There are amenity concerns. The proposed bulk and scale will result in overshadowing, view loss, visual bulk, noise pollution and overlooking for surrounding residential and commercial neighbours.

It is acknowledged that built form concerns could possibly be overcome with a future Site-Specific Development Control Plan (DCP) chapter, however, detail provided to date from the applicants in the form

of a draft Design Guide (which was exhibited alongside the planning proposal and could be used to inform any future DCP) was not considered to adequately overcome the described matters. Regardless, without passing the strategic merit test, the resolution of site-specific issues cannot be further considered.

Inadequacy of public benefit

The proponents are voluntarily offering the following as part of this planning proposal:

- Construction, maintenance of and access to a through site link and public square between Bronte and Carrington Roads.
- Street tree planting along Carrington Road in line with Council's Public Domain Improvement Plan
- Additional on-street car parking to Carrington Road.
- Retention and repair of façade at 223-227 Bronte Road.
- Monetary contribution to install public art within the site.

Whilst referred to as 'public benefits' in the planning proposal document, Council officers and the community do not agree that these are all public benefits, over and above what the developer would be required to do to comply with controls and would carry out to benefit the development. Officers see merit in the provision of a public square; however, the other items are not supported as public benefits. It is noted that the public square is also not contained within the portion of the land that is owned by the proponent, nor do the proposed controls for the relevant site provide sufficient development incentive on the relevant portion of the site, therefore being unlikely to be delivered.

The offer of street planting off-site is challenging to guarantee delivery of and could conflict with Council's existing plans for Charing Cross street upgrades. Additional on-street car parking is a result of expecting a single driveway entry to the site and therefore reducing the need for other existing driveways that currently stem from Carrington Road. This is not guaranteed either, as the staging challenges may result in numerous sites needing separate driveways. This parking contribution is also not considered to necessarily be an offer, but rather a result of adhering to the existing DCP requirement for development to reduce the number of vehicle crossings as far as practical. Similarly, the repair and retention of the heritage facade along 223-227 Bronte Road may be required in order to adhere to the requirements of protecting heritage value, so would be incidental to complying with applicable planning provisions rather than an extra offer that would not otherwise be provided. It is acknowledged that the proponent did seek to include the retention of the façade in the draft Additional Local Provision, to provide further certainty over the retention of the façade. The installation of public art is also an existing requirement under Part B11 of the Waverley Development Control Plan 2012. Officers raised these concerns with the proponents, but the proponents chose not to revise their offer.

The public benefit offer was informed by a valuation provided by the proponents. Officers engaged a consultant to undertake an independent peer review of the proponent's valuation, wherein a number of issues were raised regarding both the valuation methodology itself and the figures presented. Officers raised these concerns with the proponents, but the proponents chose not to revise their valuation.

Staging concerns

Unless the entire planning proposal area redeveloped at the same time, there is no guarantee that any or all of the described public benefits would be delivered. For example, the public square can only be delivered in full if 203-209 Bronte Road, 223-227 Bronte Road, and 94 Carrington Road (Whitten Family Land) and 231 Bronte Road and 98 Carrington Road were to utilise the sought uplift. As per the below figure, the proposed public square is not limited to the proponent's land.



Figure 2. Proposed location of public square and through site link. The beige portion of the public space lies on land owned by the proponent (outlined in red). The blue portion of the public space lies on the land of 231 Bronte Road & 98 Carrington Road. In addition, a portion of the beige through site link, lies on the land currently occupied by the Legion Club.

The three non-proponent parties who own land affected by the planning proposal have made submissions to the public exhibition that they currently have no intent of utilising the uplift sought and do not agree with the proposal as a whole.

It can therefore be expected that if this planning proposal were to be supported, only the development on the proponent's land (203-209 Bronte Road, 223-227 Bronte Road, and 94 Carrington Road, Waverley) would proceed, and therefore only public benefits associated with their land would be delivered. Officers raised these concerns with the proponent, but the proponent chose not to revise the proposal to require a unified development.

The Department of Planning and Environment (DPE) further highlighted the importance of considering staging in the Gateway Determination issued in May 2021.

Public square merit

Notwithstanding the above issues which make the proposal untenable to support in its current form, the concept of a public square does have some merit, which officers commend. It is supported in principle as it successfully responds to the growing need of public space in the Charing Cross Centre, identified within the *Our Liveable Places Centres Strategy 2020 – 2036*. The concept of a sensitive and responsive redevelopment of the planning proposal area is also supported.

Plan Making Authority

The role of Plan Making Authority was granted to Council in this instance, making Council responsible for undertaking the post-Gateway assessment, determining the proposal, and making the final local environmental plan if supported.

5. Consultation

Public exhibition of this planning proposal took place over nine weeks from 6 December 2021 to 6 February 2022.

Notification of the public exhibition occurred through the following means:

- Letter notification to landowners and tenants of each property included within the planning proposal site.
- Letter notification to landowners and tenants of surrounding properties (see Figure 1).
- Notice in the *Wentworth Courier*.
- Notice on Waverley's Have Your Say website.
- Notice on the NSW Planning Portal website.
- Notification in Council's 'Waverley Weekly' and 'Have Your Say' e-newsletters.
- Notification of Council's Precinct Committees.

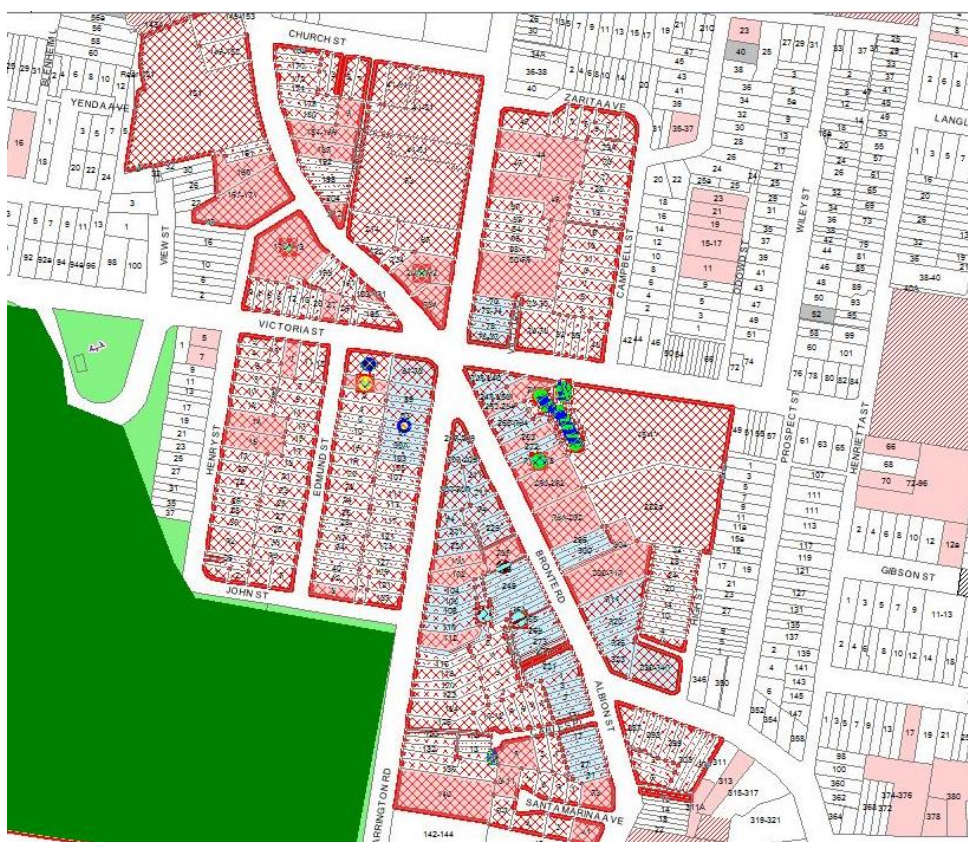


Figure 3. Properties notified by letter.

As part of the Gateway Determination, notification of the following agencies also occurred:

- Heritage NSW.
- Ausgrid.
- Environment Protection Authority.
- Sydney Water.
- Transport for NSW.

NSW Police were also contacted for a referral.

Pursuant to division 3.4 of the Act and in accordance with the requirements of the Gateway determination, the planning proposal must be placed on public exhibition for a minimum of 28 days excluding the holiday new year shut down period. The subject planning proposal complies with this requirement, as public notification ran between 6 December 2021 and 6 February 2022.

Submissions were received by three out of the six agencies notified. For the purposes of satisfying the Gateway condition, the DPE has advised that only notification of these agencies has to occur, and a response does not necessarily have to be received. Table 3 details the feedback from the agencies and the Council officer response. Copies of full submissions can be provided to Councillors upon request.

Table 3. Agency submissions.

Agency comment	Council officer response
<p>NSW Environment Protection Authority: Based on the information provided, the proposal does not appear to require an environment protection licence under the Protection of the Environment Operations Act 1997 (POEO Act). In view of these factors, the EPA has no comments to provide on this project and no follow-up consultation is required.</p>	Noted.
<p>Heritage NSW: <u>State Heritage and Archaeological Considerations under the Heritage Act 1977</u> Based on the information provided, we have reviewed the planning proposal against our records and believe that there are no identified impacts on any items listed on the State Heritage Register.</p> <p>In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the Heritage Act 1977, they should do so.</p> <p><u>Local Heritage Considerations</u> It is noted that the proposal has impacts on the Local heritage item 'Robin Hood Hotel' and the 'Charing Cross Heritage Conservation Area' (HCA) listed under Council's LEP. This item HCA are listed under your LEP, therefore, Council as the consent authority is responsible for the heritage assessment and consideration of any impacts on them.</p>	<p>Noted. The investigation to assessment the likelihood of 'relics' and any subsequent management under the Heritage Act 1977 is a matter at the Development Application stage.</p> <p>Noted. The heritage assessment would be undertaken at Development Application stage.</p>
<p>Sydney Water: We would ask council to ensure that Sydney Water receive all the referrals relating to the properties in this planning proposal via the NSW OCRS Planning portal so that we have sufficient time to assess these in light of potential requirements for amplifications and/or new assets. We would also advise any proponents to contact Sydney Water as early as possible to fully ascertain asset amplifications, adjustments or deviations. Failure to do so may result in extended timescales for servicing or additional servicing reviews.</p>	Noted. This is a consideration for Development Application stage.

A total of 148 submissions were received from members of the community, including the Charing Cross and Queens Park Precincts. Table 4 summarises the feedback received from the general community. A total of 104 submissions were received during the nine week exhibition period, while a total of 44 submissions

were received in the week 7 March, following a meeting with the proponent. Table 5 summarises the feedback received from the other parties who own and rent sites within the planning proposal area. Copies of full submissions can be provided to Councillors upon request.

Table 4. Community submissions

Community comment	Number of Submissions
Should be refused.	102
Supported.	44
Supported, subject to a large public carpark being provided.	1
Supported, subject to the Robin Hood Hotel and its curtilage, and views to and from the site being protected.	1
Community comment	Number of Submissions
Heritage value and special existing character would be negatively impacted by the proposed height and bulk.	60
Charing Cross lacks vibrancy, which the proposal is expected to provide.	44
The proposal is an overdevelopment and will set a negative precedent.	34
Traffic and parking is a current issue, and will be worsened by this proposal.	26
The 'public benefits' proposed are not considered to actually benefit the community, or to be enough to offset the negative impact.	26
A high-rise, high-density precinct like Bondi Junction is not supported for Charing Cross.	22
Existing maximums should be respected and upheld.	21
Amenity (access to views, overshadowing, noise, visual bulk, overlooking) impacts for neighbours are not acceptable.	19
Heritage value is respected by the proposal.	15
The proposal is modest.	15
The lack of support of other landowners creates uncertainty and inconsistency of the proposed development. Staging is not supported.	13
The locking feature of the public square and site link is not supported.	12
The community benefits are supported.	10
Redevelopment is supported under existing controls.	6
Commercial floor space should be prioritised to retain the economic success of the centre.	5
The proposal lacks strategic merit as it does not align with Council's strategic plans/vision	4
Open areas with native trees and plantings to provide food and habitat for local native wildlife should be included.	2
The pedestrian link will benefit the area.	2
The existing flats at 223 Bronte Road and similar buildings should be retained and restored to their original condition.	2
The community need more involvement in this proposal.	1
The proposal will decrease employment opportunity and economic success.	1
Up zoning is not required to meet Waverley's 2035 housing target. Development under current controls can achieve it.	1
Through site link is supported, but the design needs to be wider and better consider safety.	1
The success of the square depends on the tenants of ground floor premises fronting it, and must not detract from business along Bronte Road.	1

Table 5. Landowner and tenant submissions.

Address	Landowner Feedback Summary
229 Bronte Road, Waverley (landowner)	<ul style="list-style-type: none"> - The owners of 229 Bronte Road have 'no intention whatsoever of redeveloping their site in accordance with the PP' - The owners of 229 Bronte Road 'resent the PP proposal to set aside part of their site as open courtyard with public access' and 'have no intention of developing or allowing the open courtyard on their land proposed in the PP. Consequently, the claimed public benefit of the PP cannot be realised'. - The planning proposal should be rejected in full. - The dedicated public spaces are not considered to provide public land for public purposes, rather access during retail hours. - The entire benefit relies on all sites developing, of which is not likely as there is inadequate incentivisation. - Redevelopment under the PP is not viable.
231 Bronte Road and 98 Carrington Road, Waverley (landowner)	<ul style="list-style-type: none"> - There are likely significant costs associated with terminating a lease to a highly informed tenant (Reece). - There is limited development uplift to compensate for the quantum of open space. The public space is not equitably distributed in respect of property holdings. - Urbis 'consider the projected FSR uplift is insufficient to offset the existing investment value of the subject property. The required uplift would need to be substantially larger than the current projection to offset the benefits of the lease covenant, substantial costs of extinguishing the existing arrangement and development certainty'. - 100 Carrington Road will overshadow 98 Carrington Road. - The cost of maintenance, construction and insurance for the public square is substantial. - Staging is an issue.
211-221 Bronte Road, Waverley (landowner)	<ul style="list-style-type: none"> - The proposal is an overdevelopment - The proposal is unlikely to achieve the espoused public benefits as no other affected landowners are supportive. - Parking will be an issue. - Views will be blocked. - Disrespectful to heritage. - Development would visually dominate.
Reece Group (Tenants at 229 Bronte Road and 231 Bronte Road and 98 Carrington Road)	<ul style="list-style-type: none"> - Lack of consideration to neighbouring landowners and/or business operators. - Absence of public benefit. - Absence of strategic merit. - Concern with Additional Local Provisions <p>Each of the existing Reece leases are in place until 2033, and the proponent has not provided any understanding on any existing leases, or the viability and profitability of existing business operations, to determine whether there would be sufficient motivation to alter any of the existing commercial arrangements on neighbouring land. There is a high risk that any development within the affected area (if feasible) could only be carried out in a prolonged piecemeal manner.</p>

6. Conclusion

In summary, it is recommended that the planning proposal is not supported for the following reasons:

- The proposal lacks strategic merit. The Proposal does not align with the *Our Liveable Places Centres Strategy (OLP) 2020–2036* which identifies that any LEP floor space ratio or height increase is inappropriate for the Charing Cross Centre. Furthermore, in 2019 the State Planning Panel advised that the development of all sites is required for the Proposal to have strategic merit as the land owned by the proponents alone is not large enough to achieve this. The Proposal does not provide a mechanism to ensure that all sites are redeveloped, and therefore does not meet the strategic merit test. Feedback received from other landowners during the public exhibition stage indicated that it is highly unlikely that they will develop.
- The proposal lacks site-specific merit regarding the following:
 - Heritage disruption: The general scale is inappropriate for the Charing Cross Heritage Conservation Area.
 - Waste, parking and traffic Issues: It is unclear how these matters will be managed with staged development.
 - Residential amenity Issues: overshadowing, visual bulk, noise, view loss and overlooking are concerns for neighbours.
 - Public benefit Issues: a number of the ‘public benefits’ offered by the applicants would be required to be provided anyway to comply with existing DCP controls so are not considered additional benefits, they are not equally distributed across sites, and they are not enough to offset impacts.
 - Staging issues: the affected landowners are strongly against the proposal, so it is unlikely that the redevelopment of all sites would occur and that all of the public benefits would be delivered.
- Despite highlighting the aforementioned reasons numerous times with the proponent throughout the post-Gateway Determination process, little to no co-operation or improvement was shown.

Council is the Plan Making Authority (PMA) so will make a final determination on the outcome of the planning proposal.

7. Attachments

1. Planning Proposal [↓](#)
2. Additional Local Provision [↓](#)
3. Gateway Determination [↓](#) .



Planning Proposal

Charing Cross Precinct

Sites between Bronte Road and Carrington Road

Amendment to Waverley Local Environmental Plan 2012

Amendments to Building Height and Floor Space Ratio Controls

Submitted to

Waverley Council

Prepared on Behalf of

Barbary Coast Investments Pty Ltd and
Rayda Investments Pty Ltd

September 2021

Revised following Gateway Determination

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Planning Proposal

Date: September 2021 (revised in following gateway Determination)

Client: Rayda Investments Pty Ltd + Barbary Coast Investments Pty Ltd

Reference: 18-048

Knight Frank Town Planning Sydney

Qualifications:

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Appendices

Appendix A	Urban Design Report, prepared by Roberts Day
Appendix B	Architectural Drawings, prepared by H&E Architects
Appendix C	Heritage Assessment Report, Prepared by John Oultram Heritage and Design
Appendix D	Economic Feasibility Assessment + Addendum, prepared by Leyshon Consulting
Appendix E	Communication and Engagement Plan, prepared by KJA
Appendix F	Preliminary Geotechnical Investigation, prepared by JK Geotechnics
Appendix G	Phase 1 Contamination Statement and Cover Letter, prepared by Risk Tech
Appendix H	Transport Impact Assessment, prepared by GTA Consultants
Appendix I	Draft Public Art Strategy, prepared by Knight Frank Town Planning
Appendix J	Structural Assessment Report, prepared by Ashby Doble
Appendix K	Structural Site Inspection Report, prepared by Ashby Doble
Appendix L	Draft LEP Maps, prepared by Knight Frank Town Planning
Appendix M	Public Benefit Assessment, Prepare by Hill PDA (<i>confidential – separate cover</i>)
Appendix N	Preliminary Geotechnical Investigation (2021), prepared by WSP
Appendix O	Draft Site Specific LEP Wording, prepared by Knight Frank Town Planning
Appendix P	Design Guidelines (Draft DCP), prepared by Knight Frank Town Planning

Executive Summary

This Planning Proposal has been prepared on behalf of Rayda Investments Pty Ltd+ Barbary Coast Investments Pty Ltd and is seeking to amend the Waverley Local Environmental Plan 2012 building height and floor space ratio controls of sites in the precinct of Charing Cross between Carrington and Bronte Road, as listed below. The planning proposal does not seek to make any amendments to the planning controls that apply to the heritage listed Robin Hood Hotel, or Charing Cross Heritage Conservation Area.

- 203 - 209 Bronte Road (Robin Hood Hotel)
- 211-213 Bronte Road (Eastern Suburbs Legion Club)
- 223-227 Bronte Road and 94 Carrington Road (Bottle Shop and Flats)
- 229 Bronte Road (Reece Site)
- 231 Bronte Road (Reece Site)
- 98 Carrington Road (Reece Site)

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and includes the requirements as set out in 'A guide to preparing planning proposals' published by the Department of Planning and Environment in October 2016.

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal

Accompanying this report is an Urban Design Report prepared by Roberts Day (**Appendix A**) and indicative Architectural Plans prepared by Humphrey and Edwards Architects (H&E Architects) (**Appendix B**). Other technical reports accompany the planning proposal and are provided as appendices.

Structure of the Planning Proposal Document

The structure of this Planning Proposal is set out below:

- | | |
|-------------------|---|
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1. Introduction

Knight Frank Town Planning Sydney has been engaged by Barbary Coast Investments Pty Ltd and Rayda Investments Pty Ltd, to prepare a planning proposal to accompany a request to Waverley Council to amend the *Waverley Local Environmental Plan (LEP) 2012*.

As shown in Section 2, the planning proposal applies to the precinct of Charing Cross, including six properties between Carrington and Bronte Road and aims to support the revitalisation of north Charing Cross, whilst delivering significant public benefit. The planning proposal does not seek to make any amendments to the planning controls that apply to the heritage listed Robin Hood Hotel.

This revised Planning Proposal has been prepared to address the comments made by the Eastern City Panel (the Panel) and the matters raised by Council at the Rezoning Review meeting (15 November 2019), to a proposal originally lodged in June 2018. The revised proposal applies a precinct approach to the future provisions, activation, open space and public benefits to broader Charing Cross.

The future building heights have been significantly reduced, whilst still maintaining large areas of accessible spaces and permeability throughout the precinct. The proposal is considered to appropriately respond to the character, heritage and scale of the Charing Cross Centre and will act as the catalyst for much needed renewal. The proposal will facilitate the rejuvenation of the precinct that will bring significant public benefit to the community, in line with priorities expressed in Council's draft and finalised strategic documents and community consultation for the Village Centre of Charing Cross.

The planning proposal has been informed and is supported by an Urban Design Report (**Appendix A**) for the site prepared by Roberts Day. An indicative plan (architectural scheme – **Appendix B**) has also been prepared by Humphrey and Edwards (H&E) to demonstrate how future development could be realised within the proposed building height and floor space ratio controls.

The Roberts Day concept plan envisages an infill redevelopment that transforms the western quarter of Charing Cross into a vibrant fine-grained village. The site will provide improved amenity and walkability by a laneway and urban courtyard centred development providing through-connections between Bronte and Carrington Roads. This in turn will link to the broader Charing Cross precinct. The outcome will make a significant and positive contribution to the vitality of Charing Cross. The concept plan demonstrates the strategic merit of the planning proposal.

The redevelopment of the precinct will complement the proposed further investment in the adjoining Robin Hood Hotel. The renewal and redevelopment will comprise a mix of ground floor retail and commercial uses with shop top housing fronting external roadways and internal laneways and an urban courtyard. The aim is to create a 'square' that is vibrant, interesting, safe and attractive. This will make a significant contribution to a much more permeable Charing Cross Village.

The importance of the character of Charing Cross in terms of the village scale, the 'main street' and local heritage are all understood and are key aspects of the concept plan for the precinct. A Heritage Assessment Report (**Appendix C**) prepared by John Oultram Heritage Design, sets out the key heritage matters that have been considered as part of the broader concept plan.

The setting aside of land for the laneway connections and urban courtyard requires a viable scale of redevelopment. This is reflected in the overall proposed density and scale of development as illustrated by the Roberts Day concept plan and confirmed by the Economic assessment prepared by Leyshon Consulting Pty Ltd (**Appendix D**).

The submission of the updated planning proposal follows a pre-lodgement meeting with Waverley Council on 18 December 2019. At this meeting, the recommendations of the Regional Planning Panel were discussed along with the proposed amendments in response. A summary of the updated planning proposal is provided in **Table 1** below.

Table 1 - Existing and proposed LEP controls

	Existing	Proposed
Floor Space Ratio	1:1	Between 2:1 and 2.25:1
Building Height	9m	Between 10m and 13.5m
Zoning	B4 Mixed Use	B4 Mixed Use (no change)
Heritage	Robin Hood Hotel (I453) Charing Cross Conservation Area	Robin Hood Hotel (I453) (no change) Charing Cross Conservation Area (no Change)

The principal objective of this planning proposal is to facilitate the revitalisation and renewal of the Charing Cross Precinct, improving ground floor activation and providing publicly accessible open space for the community.

The proposal seeks an increase in the density (floor space ratio) and scale (height of buildings) within the precinct through a range of carefully considered building heights and floor space, incorporating the advice from Council and Regional Planning Panel. The proposal does not seeking to rezone permissible uses of the precinct and a crucial outcome is the retention of the existing façade of 223-227 Bronte Road, and response to the Charing Cross Heritage Conservation Area.

This planning proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the six parts of *A Guide for preparing planning proposals* (August 2016) prepared by the Department of Planning Industry and Environment (DPIE).

1.1 Background

The Planning Proposal applies to the precinct of land adjacent the intersection of Bronte Road and Carrington Road in Waverley and is referred to as Charing Cross village.

The precinct covers an area of 3,473m² and is currently occupied by existing building fronting Bronte Road and Carrington Road. Vehicle access to the precinct is currently provided from Carrington Road (Robin hood Hotel bottle shop and Reece Plumbing site), with no access from Bronte Road.

A village/precinct approach has been taken to the planning proposal to ensure that:

- the scale of the future development sympathetic to the character of Charing Cross, particularly the heritage streetscape of Bronte Road and Charing Cross Conservation Area;
- the proposed redevelopment outcomes makes a positive contribution to Charing Cross; and
- the planning proposal is justified in terms of its strategic and site-specific merit.

Charing Cross Village

Charing Cross is identified as a small village centre which includes a traditional strip of retail and commercial shops, cafes and 'pubs'. Council's Local Village Centres Public Domain Improvement Plan notes that the centre has a lack of 'structure and definition', which as noted elsewhere in this Planning Proposal, has been reinforced by the community during Council consultation in late 2019 as part of the draft Village Centres Strategy. The planning proposal aims to implement revised controls that will allow the precinct to realise the desired amenity, vitality and walkability of the village, bringing substantial public benefits, in line with the adopted centres strategy.

The planning proposal will also meet the strategic directions of the Waverley Local Village Centres DCP and Public Domain Improvement Plan, which recommends revitalisation of local centres, including Charing Cross village.

Aims of the Proposal

The proposed urban renewal of the precinct is consistent with supporting the role of Charing Cross village and the retention of its character and amenity. The planning proposal aims to:

- Demonstrate that the existing B4 zone is an appropriate zoning and that intensification of the site will make a positive contribution to the village precinct.
- Outline how the proposed development is consistent with Waverley Council's strategic planning policies and plans, including the Local Strategic Planning Statement.
- Outline the public benefit of the amendment to the planning controls.
- Outline the merits of the development as a site-specific amendment to the Waverley LEP 2012, accompanying site-specific DCP.
- Demonstrate that the proposed amendments to development standards (floor space ratio and height of buildings) are supported and justified in terms of both strategic and site-specific merit.
- Seek the endorsement of Waverley Council to amend the Waverley LEP 2012 in the manner described in the planning proposal to facilitate the redevelopment of the site as part of the wider urban renewal of the western quarter of Charing Cross village.

1.2 Chronology

The following section provides a summary of the sequence of events prior to lodgement of the updated Planning Proposal.

1.2.1 Discussions with Council and Preparation of previous Planning Proposal

The previous Planning Proposal was lodged in June 2018. Prior to lodgement, the proponent had meetings and discussions with Council on several occasions over a two-year period as well as undertaking extensive community and stakeholder engagement sessions in the progression of the design concept. The feedback from these meetings, discussions with stakeholder was incorporated into the scheme and was documented in the community consultation report.

The revisions made in line with Council feedback involved a substantial reduction in the proposed building height, reduction to FSR and significant increase to the proportion of non-residential FSR, as well as confirming the retention of the existing heritage façade to Bronte Road. The proposal was revised in February 2019 to a maximum 18m building height and FSR of 2.65:1.

As part of these revisions a 3D survey was undertaken, as well as peer review heritage advice and guidance to the most appropriate built form response to the site and context.

1.2.2 Local Planning Panel Meeting

The previous planning proposal was considered by the Waverley Local Planning Panel (WLPP) on 10 April 2019. Significant concerns were raised by the proponent at this meeting that not all information had been provided to the panel for consideration, and that alternative Council imagery was used.

1.2.3 Rezoning Review Application

A request for a Rezoning Review was lodged to the NSW Department of Planning Industry and Environment (DPIE) on 22 March 2019 on the basis that the application had not been considered by Council for an extended period. Whilst a Rezoning Review was sought, the proponent was committed to continuing to work closely with Council and maintaining ongoing consultation throughout the process.

1.2.4 Waverley Council Committee Meeting

The Planning Proposal was reported to the Waverley Strategic Planning and Development Committee on 7 May 2019, where the Councillors resolved not to support the proposal. Minimal assessment was provided for the proposal, and an alternative scheme for the site and surrounding sites was proposed by Council planning Officers.

Whilst neither the proposal or Council's suggest alternative were endorsed by the Committee, it is understood that Council's alternative scheme was prepared in consultation and discussion with Councillors, including closed briefing held prior to 7 May 2019.

1.2.5 Regional Planning Panel Meeting and Response

On 7 November 2019 the Sydney Eastern Planning Panel considered the Rezoning Review request.

On 15 November 2019, the Panel determined not to support the proposal on the basis that it had not demonstrated suitable strategic merit. Due to the nature of the Rezoning Review procedure, the Panel was unable to consider revisions to the proposal.

The Panel was of the view that the land area of the proposal was too small to have strategic significance and suggested the site be expanded to include the Eastern Suburbs Legion Club and other appropriate land to the south. As part of the decision, commentary was also provided of a more appropriate building

height of 13m (or thereabouts) and encouraged further discussion with Council prior to submitting a revised planning proposal.

1.2.6 Preparation of Revised Planning Proposal

Following receipt of the decision of the Panel, analysis was undertaken by the project team, led by the Urban Designers and Projects Architects. A meeting was arranged with Council's senior planning staff on 18 December 2019 to present the proposed revision in response to the Rezoning Review recommendations, feedback from the Local Planning Panel and Council officers. The key modifications to the Planning Proposal include:

- Expansion of the Planning proposal boundary to consider the Charing Cross precinct
- Reduction in building heights to further improve integration with the streetscape of Charing Cross, with corresponding reduction in floor space ratios
- Expansion of open space and laneways throughout the precinct

At this meeting, Council acknowledged the positive aspects of the proposal, consistent with advice previously provided, as well as the significant reduction in building height and floor space. The precinct approach, in line with the advice of the Planning Panel was also recognised, with agreement on the extent of the boundary. The proposed approach to implementing the technical provision of the development standards were also discussed, to ensure that the outcome of the proposal would provide the appropriate level of certainty to Council to the final development that could be delivered in the precinct.

Given requirements of the State Government, Council advised that they were focussed on ensuring their Local Strategic Planning Statement and Villages Centres Strategy (as part of LSPS) are finalised as a matter of priority. On this basis, Council advised that they were unable to provide any further guidance until the documents had been finalised.

The revised Planning Proposal has been modified in line with feedback received, complimenting existing regional and local strategies. Crucially, the revised Planning Proposal has carefully considered and responded to the priorities and objectives of the LSPS, Villages Centre Strategy, as considered in more detail within this document.

2. Site Description and Locality

2.1 Locality

The site is located in Charing Cross, within the Waverley Council Local Government Area (LGA) and is located approximately 1km south of Bondi Junction commercial centre, 150m from Queens Park and approximately 6km south east of Sydney CBD. A location plan is provided at **Figure 1**, context plan provided at **Figure 2**, and a regional view photograph (looking south west) provided at **Figure 3**.

Charing Cross village comprises of Bronte Road as the main street, 'bookended' at the western end by the Carrington and Bronte Roads five ways intersection. Bronte Road functions as a traditional main street serving the Bronte and Waverley neighbourhoods. The village comprises of a fine-grained set of shops fronts and smaller businesses of principally three storey character, with residences located above the shops. Higher order shopping facilities, such as major supermarkets, are located in Bondi Junction.

The Charing Cross village is an established area, located within close proximity to Queens Park and with good public transport links to the wider residential areas of Bronte and Waverley. Charing Cross precinct is serviced regularly by bus services that travel between Bondi Junction, Coogee and Wollie Creek. Public transport connections to Bondi Junction allows for access to the Sydney train network.

The main commercial centre in the Eastern Suburbs is Bondi Junction. Charing Cross precinct contains localised services and amenities.

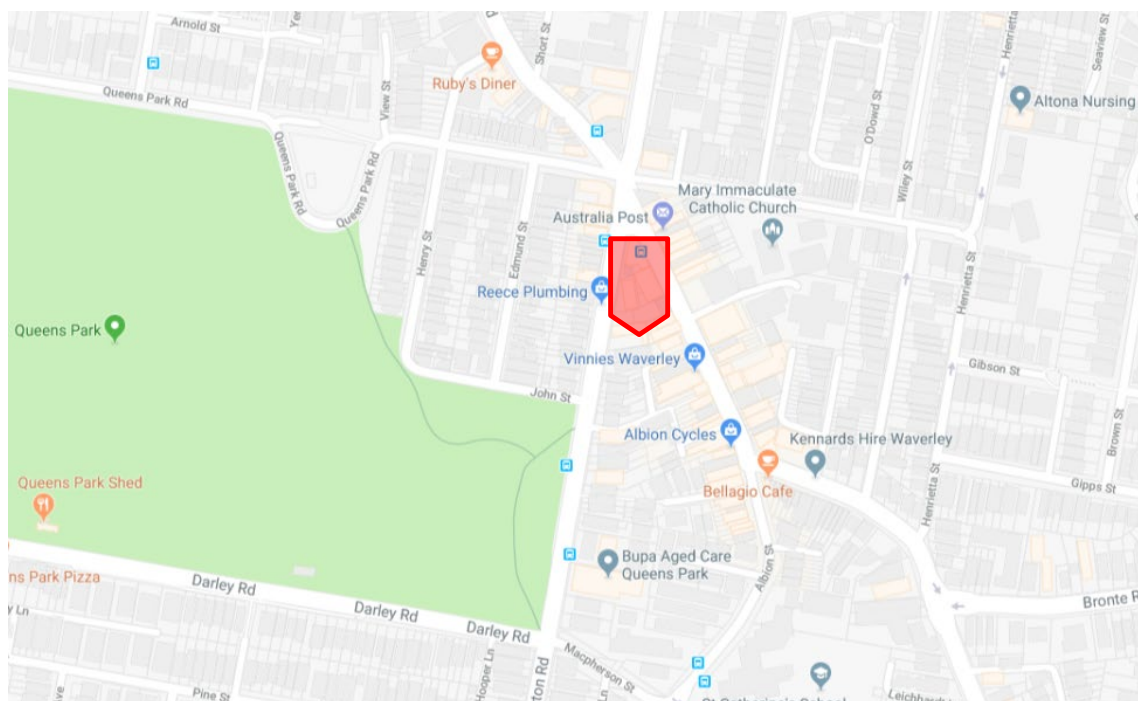


Figure 1 - Location Plan (precinct identified by red marker)

Planning Proposal – Charing Cross Precinct – Carrington and Bronte Roads, Waverley



Figure 2 - Context Plan (prepared by Roberts Day)



Figure 3 - Regional View photograph of precinct - looking south east

Photo Source: Waverley Council

2.2 Site Description

The sites for the purposes of this Planning Proposal is a precinct incorporating a number of lots, with a total area of approximately 3,473m². A summary of these is provided in **Table 2**, and **Figure 4**.

Table 2 - Identification of the site (and description of precincts)

Address	Lot and DP	Approx m ²
Robin Hood Hotel		533m ²
203-209 Bronte Road	Lot 1, DP655918, Lot 1, DP 59526	
Bottle Shop and Flats (Charing Square)		1,229m ²
203-209 Bronte Road (bottle shop)	Lot A, DP 105665	
223-227 Bronte Road (Stamatiko Flats)	Lot A DP 332733	
94 Carrington Road (Garage)	Lot B, DP 332733	
Eastern Suburbs Legion Club		491m ²
211-213 Bronte Road	Lot B +C DP 105665	
Reece Plumbing		1,220m ²
229 Bronte Road	Lot 2 and 3 DP 102988	
231 Bronte Road (Reece showroom)	Lot 1 DP 170941	
98 Carrington Road (Reece Plumbing)	Lot 1 DP 90800 and Lot 1 DP 952482	



Figure 4- Aerial Photograph of the site (shown in red)

2.3 Existing Development

The precinct is currently occupied by the following buildings and improvements:

- Retail premises (shop front) with residential use (shop top housing) above and to the rear at 223-227 Bronte Road, including rear access via Carrington Road. Due to their dilapidated state, the residential apartments are not occupied (**Figure 5, 6 and 7**).
- The Robin Hood Hotel drive-through bottle shop (note that the Hotel itself is located on a separate lot). This building is apart one, part two storey buildings with large awning (**Figure 8**).
- the Eastern Suburbs Legion Club (**Figure 9**), a modern (not Victorian) building with three large levels and large telecommunications antennae, making the building considerably higher than adjoining buildings.
- Robin Hood Hotel, a good example of a two storey, Inter War, Art Deco style hotel (**Figure 10**).
- Reece Plumbing building fronting Bronte Road and 2.5 storey brick commercial/industrial warehouse style building occupied by Reece Plumbing supplies (**Figure 7 and 11**).



Figure 5 - 223-227 Bronte Road (left), adjacent the Eastern Suburbs Legion Club



Figure 6 - 223-227 Bronte Road



Figure 7 - Existing garages located at 94 Carrington Road



Figure 8 - Robin Hood Hotel bottle shop

Planning Proposal – Charing Cross Precinct – Carrington and Bronte Roads, Waverley



Figure 9 - Eastern Suburbs Legion Club located on Bronte Road



Figure 10 – Robin Hood Hotel

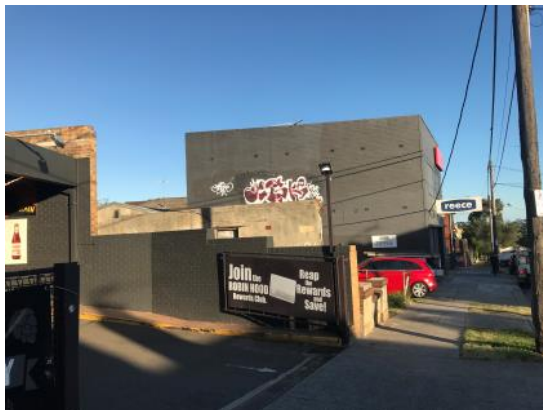


Figure 11 - Existing brick warehouse building (Reece Plumbing) located at the southern end of the precinct



Figure 12 - Eastern elevation of Bronte Road, opposite the site



Figure 13 - Western elevation of Carrington Road, opposite the site



Figure 14 - Charing Cross Hotel, located north west of the precinct

2.4 Surrounding Development

The precinct is located in the commercial/retail centre of Charing Cross at the intersection of Bronte Road and Carrington Road. The surrounding buildings are typically 2-3 storey Victorian buildings with ground floor retail and residential above.

To the east of the precinct, across Bronte Road, are generally two storey commercial/residential buildings with continuous awnings (**Figure 12**). These buildings are occupied by commercial/retail uses at ground floor and commercial/residential uses above.

To the west of the precinct, across Carrington Road, are two storey residential terraced and semi-detached dwellings (**Figure 13**). North west of the precinct, at the corner of Carrington Road and Queens Park Road, are two storey mixed use buildings, similar to Bronte Road, with ground floor retail/commercial and residential above, with the Charing Cross Hotel located on the corner (**Figure 14**).

Charing Cross today is a village centre with a fine-grain character created by narrow lots and buildings. Whilst predominately a two storey village, there is a diversity of heights with the street wall of some buildings reaching 3.5 to 4 storeys, such as the Eastern Suburbs Legion Club. The retail offer and shop vacancies suggest the overall main street traders are under performing.

3. Existing Planning Controls

The Waverley LEP 2012 is the primary Environmental Planning Instrument (EPI) that applies to the site. The existing planning controls that apply to the site are outlined below. **Table 3** provides a summary of the existing controls.

Table 3 - Summary of key LEP Planning Controls

Waverley Local Environmental Plan 2012	
Zoning	B4 Mixed Use
Building Height	9m
Floor Space Ratio	1:1
Heritage	<p>Lot 1, DP 59526 identified as part of local heritage item (I453)</p> <p>Robin Hood Hotel</p> <p>Remainder of the precinct fronting Bronte Road is identified as a Heritage Conservation Area</p>

3.1 Built Form Controls

3.1.1 Land Use Zoning

The precinct zoned B4 – Mixed Use under the Waverley LEP 2012 which permits a range of residential and associated non-residential uses including shop top housing, retail and commercial premises. The sites zoning is shown in **Figure 15**. The Objectives of the zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.

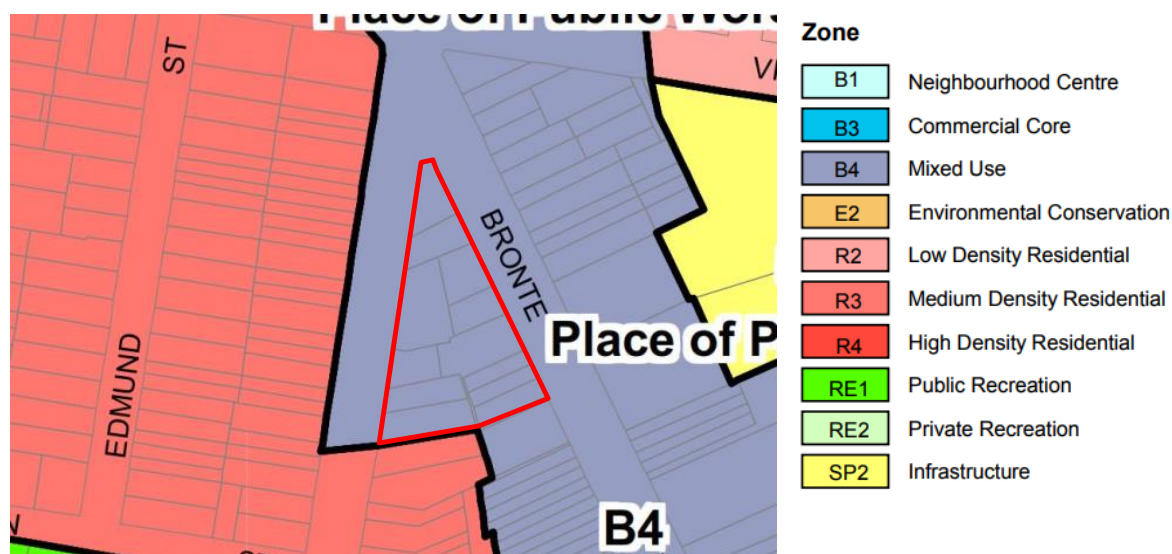


Figure 15- Waverley LEP 2012 – Zoning Map (site shown in red)



3.1.2 Building Height

The existing building height control for the site under Waverley LEP 2012 is 9m as shown in **Figure 16**. It is noted that the existing Robin Hood hotel and Eastern Suburbs Legion Club exceeds the current building height control of 9m.

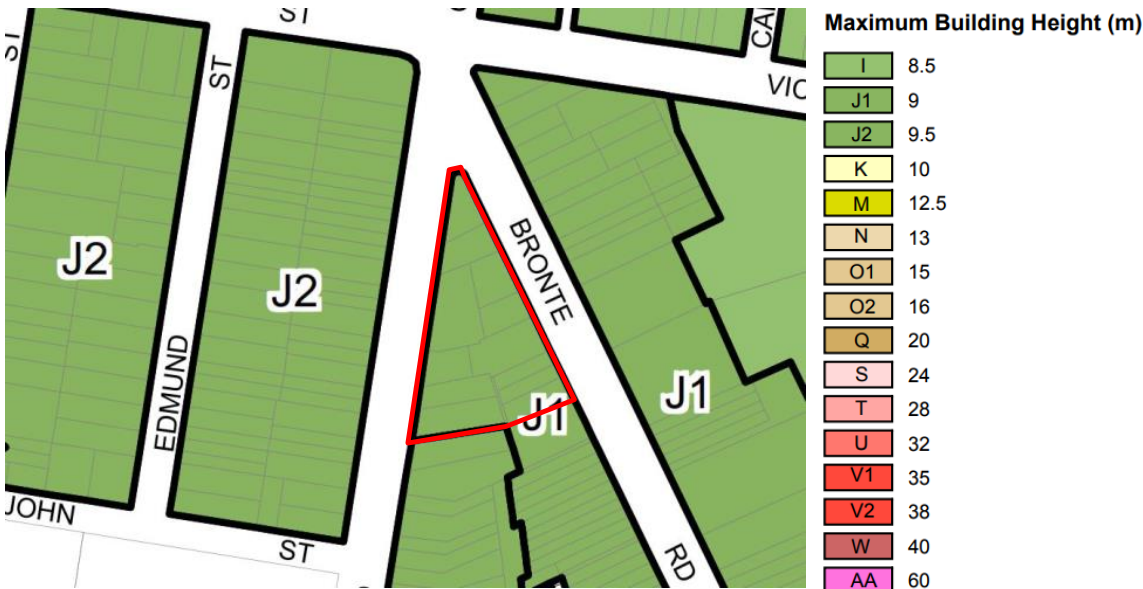


Figure 16- Waverley LEP 2012 – Building Height Map (site shown in red)

3.1.3 Floor Space Ratio

The FSR control that currently applies to the site is 1:1, as shown in **Figure 17**. A number of existing buildings within Charing Cross, including the Robin Hood Hotel and Legion Club, currently exceed the maximum permissible height control and FSR.

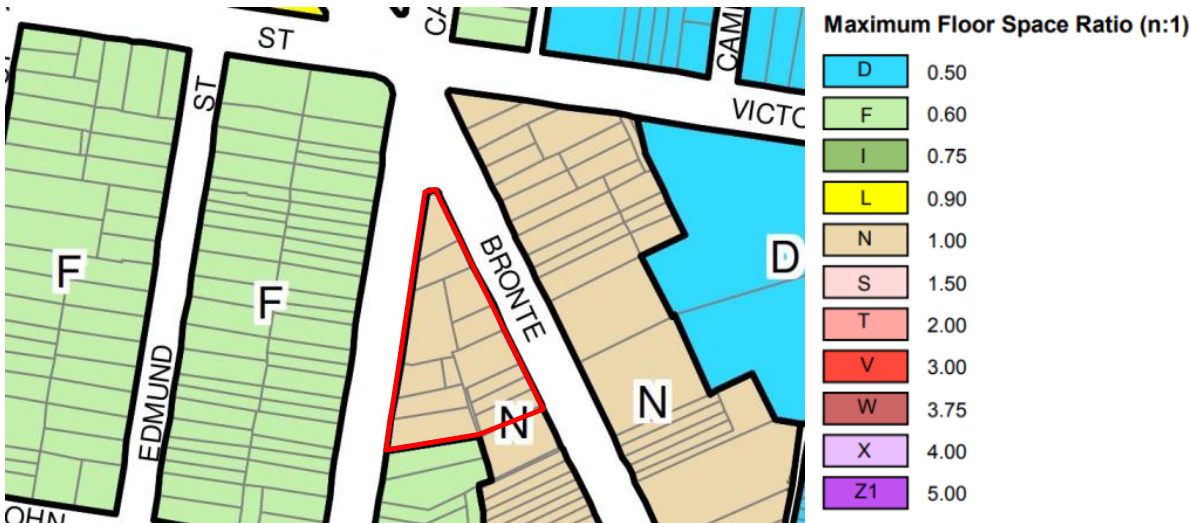


Figure 17- Waverley LEP 2012 – Floor Space Ratio Map (site shown in red)

3.2 Heritage

Part of the site (eastern side) is located within the Charing Cross Heritage Conservation Area (as shown in **Figure 18**). To the north of the site is heritage item I453 – Robin Hood Hotel. As shown in **Figure 4**, the proposal extends onto a small section of this lot, so as to align with the existing building on the south western corner of the Robin Hood Hotel (rather than this becoming un-utilised space locked between two buildings).

A Heritage Impact Statement has been prepared by John Oultram Heritage Design (**Appendix C**) to consider the impact of the proposal on the existing building and Charing Cross streetscape. As a result, the proposed scheme seeks to retain the existing building façade to Bronte Road, and incorporates guiding principles for appropriate design of future development, which have been incorporated as part of the indicative Architectural Scheme (**Appendix B**).

The buildings to Bronte Road themselves are not heritage items and are described with the following heritage significance statement:

1940s style commercial building, Robin Hood Hotel

Excellent example of a modern commercial building in an Ocean Liner/International style, also featuring Art Deco motifs and detailing. Essentially intact and beautifully maintained. Characteristic streamlining makes a powerful streetscape contribution on this prominent corner. Complements "Charing Cross Hotel" on adjoining corner, which has much in common stylistically. Local significance.

The impact to existing heritage items is assessed at **Appendix C** and further discussed in **Section 9.5**.

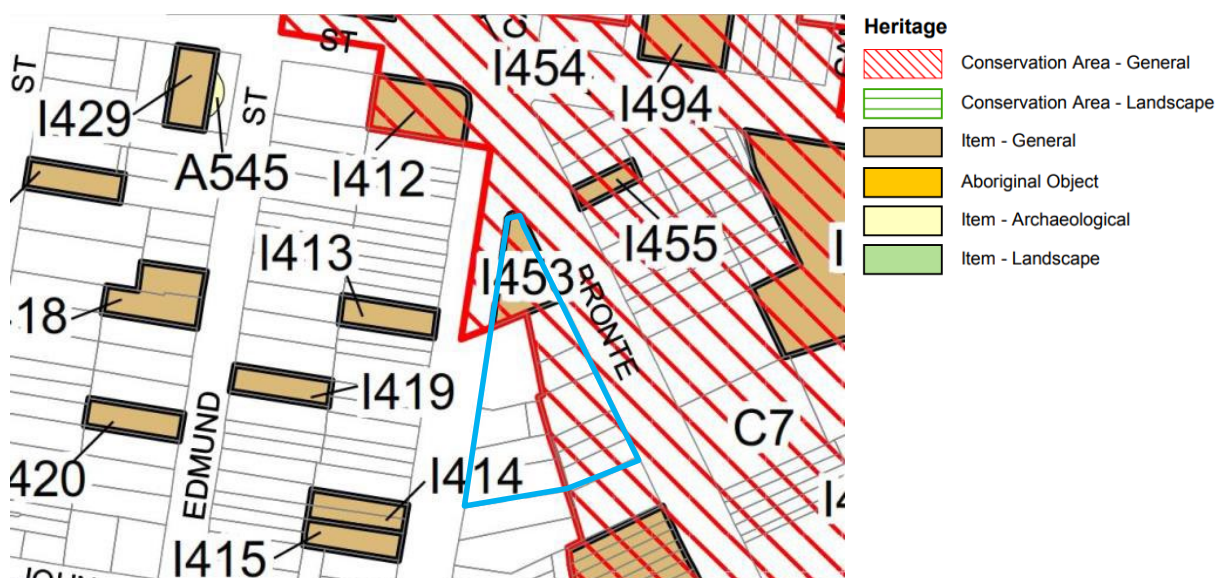


Figure 18- Waverley LEP 2012 – Heritage Map (site shown in blue)

4. Precinct Design Concept

4.1 Description of the Proposed Precinct

The planning proposal seeks to support and facilitate the orderly and effective economic development on land by allowing amendments to the height of buildings and floor space ratio development standards contained in the Waverley LEP 2012.

The proposal is supported by a Concept Masterplan and architectural modelling that centres on large area of activated publicly accessible space and pedestrian link as the catalyst for the renewal of the northern western quarter of Charing Cross village. Montages of the proposed concept plan are provided below in **Figures 19 to 23** and in the Urban Design Report at **Appendix A**.

The Precinct Plan envisages: a publicly accessible courtyard to be known as 'Charing Square' with active retail frontages, together with a new thru-site pedestrian laneway link between Carrington and Bronte Roads.

Architectural Plans have been prepared by H&E Architects (**Appendix B**), which provide the representation of how the site could be developed, including the layout of retail, commercial and residential uses. A proposed development schedule is provided in **Table 4**:

Table 4 – Indicative Potential of Precinct

	Description
Key Figures	
Site area	3,473sqm (2,940 excluding the Robin Hood Hotel)
Total maximum Floor Space	6,977sqm (6,286sqm excluding the Robin Hood Hotel)
FSR across the precinct	2:1 and 2.25:1
Vehicle Access	North western corner on Carrington Road
Storeys	Between 2 and 4 storeys maximum

It is noted that the concept plan/indicative architectural scheme does not include development of the entire site but rather, to set aside a large proportion of the site for a courtyards, open space and publicly accessible link between Bronte Road and Carrington Road (approximately 18% of the precinct).

The laneway aims to be the catalyst for the renewal of the 'western quarter' of Charing Cross and to support the urban renewal of Charing Cross as reflected more generally in Council's own *Waverley Local Village Centres – DCP and Public Domain Improvement Plan*. As a result, there will be a considerable net community benefit arising for Charing Cross in terms of; a better connected village; a greater level of amenity for the village; and, supporting the revitalisation of the village economy.

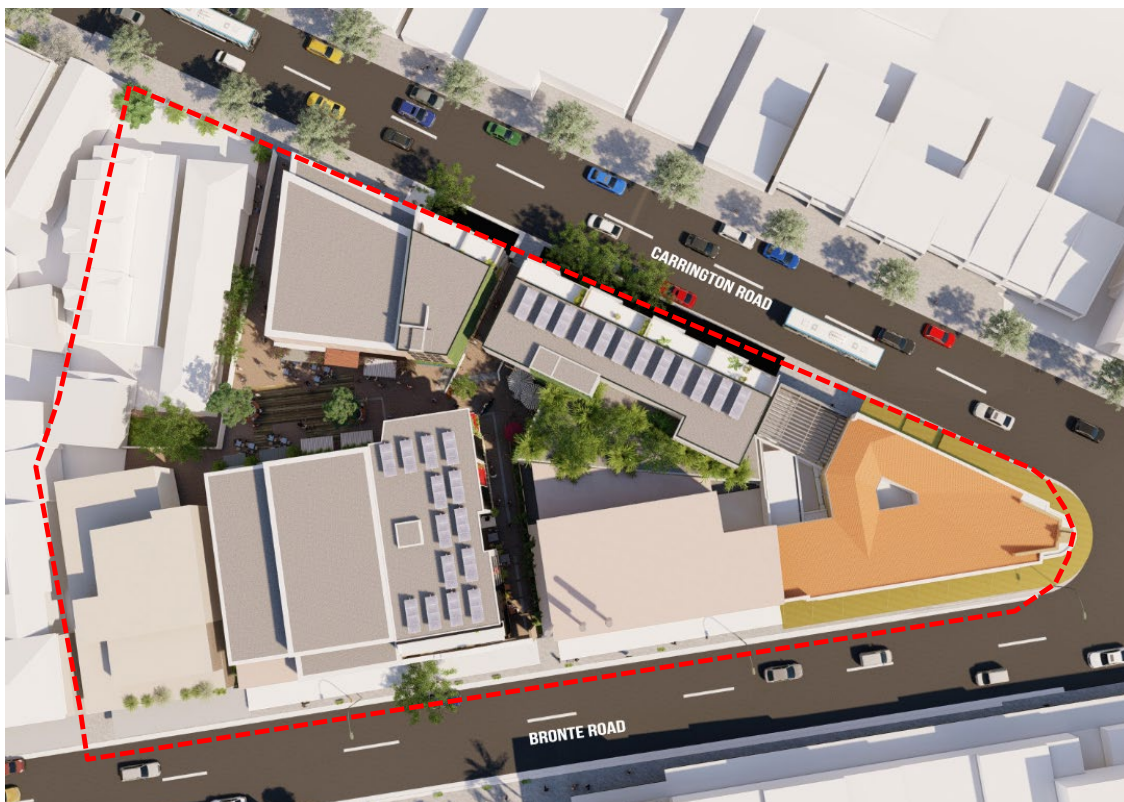
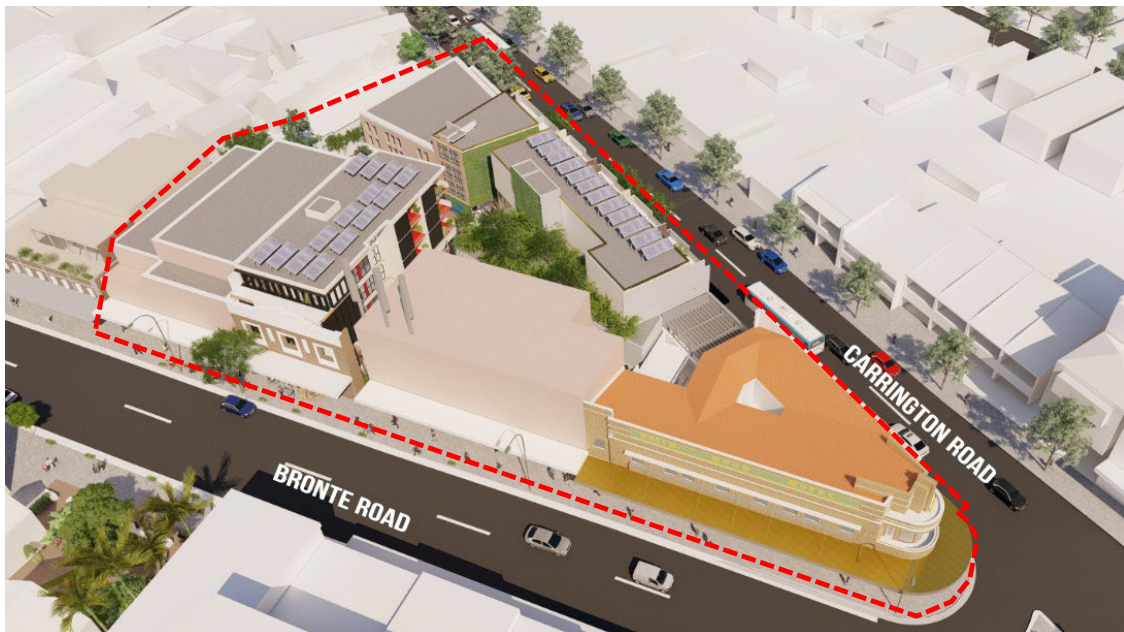


Figure 23- Visualisation of proposed development - aerial massing image.
(Source: Roberts Day)



Figure 19- Montages of the proposed development as seen from Carrington Road (looking north east)
(Source: Roberts Day)



Figure 20- Montage of the proposed development – Carrington Road ground level entry
(Source: Roberts Day)



Figure 21- Montage of the proposed development – looking east from within the site
(Source: Roberts Day)



Figure 22- Montages of the proposed development – view from Bronte Road entry looking west
(Source: Roberts Day)

4.2 Landscaping and Public Realm

As shown on the Architectural Plans and Urban Design Report (**Appendix A** and **B**) and the montage images above, the final proposal (incorporating the design amendments required by Council's resolution) seeks to provide approximately 18% of the site area as publicly accessible through site links and square, to be utilised by residents, workers, and shoppers.

The layout enables direct access of retail and commercial tenancies onto this accessible link, whilst also providing opportunity for landscaping and public art. The final landscape elements will be incorporated as part of the detailed development application and will include ground level and wall planting.

4.3 Public Art

A draft Public Art Strategy (**Appendix I**) has been prepared to accompany the planning proposal. The strategy acknowledges the importance and opportunity of integrating public art into private developments. This is particularly the case given the substantial part of the site will be publicly accessible and a destination to the northern end of Charing Cross.

The draft Public Art Strategy provides core principles to be considered in the consideration and procurement of public art as part of the following steps in the project. The strategy aligns with the objectives and public art plans prepared by Waverley Council. The final strategy will form part of the future Development Control Plan for the site.

Future art will respond to specific locations and consider themes that reflect the nature and history of the precinct. The draft Strategy is intended to provide guiding principles to ensure physical development and public domain design inform locations and opportunities for showcase of art and culture. These principles will ultimately form part of the site-specific Development Control Plan called up by the local clause in the Waverley Local Environmental Plan

5. Planning Proposal

This planning proposal is prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans' and consideration of the Planning Circular "independent review of plan making decisions". The Planning Proposal has strategic and site specific merit for the reasons set in this Proposal.

The Waverley LEP 2012 was gazetted at the end of 2012. The proposal does not seek to amend an LEP less than 5 years old. The proposed amendments to the height of building and floor place planning control are set out in this section.

5.1 PART 1 - Objective of the Proposal and Intended Outcomes

Objectives of the Proposal

The objective of this planning proposal is to seek the amendments to building height, and floor space ratio controls to facilitate a mixed use development commensurate with its location. The detailed Urban Design Report prepared by Roberts Day (**Appendix A**) and accompany architectural massing of the precinct (**Appendix B**).

Intended Outcome

The intended outcome will enable a high-quality development to be achieved on the site, providing increased and significantly improved retail, commercial and residential uses on the site, underpinned by substantial public benefit and improvements.

5.2 PART 2 - Explanation of Proposed Provisions

5.2.1 Purpose

The Planning Proposal seeks to amend the Waverley LEP 2012 to facilitate the rejuvenation of a unique precinct within Charing Cross, providing for substantial open space, enhanced ground floor activation and improved connectivity and permeability.

The amendments are proposed in order to provide for the general massing and scale of the renewal of the land as illustrated by the concept plan prepared by Roberts Day and H&E Architects. Detailed provisions for the precinct, will be provided via a site-specific Development Control Plan enacted by an additional local provision within the LEP applying to the precinct (refer to **Section 5.2.4** for further details). The existing and proposed LEP controls are set out in **Table 5** below.

Table 5 Existing and proposed LEP controls

	Existing	Proposed
Zoning	B4 Mixed Use	B4 Mixed Use (no change)
Floor Space Ratio	1:1	Between 2:1 and 2.25:1
Building Height	9m	Between 10m and maximum 13.5m (with allowance for minor exceedance due to the fall of the site via Additional Local Provisions clause)
Heritage	Robin Hood Hotel (I453) Charing Cross CA	Robin Hood Hotel (I453) (no change) Charing Cross Conservation Area retained

5.2.2 Building Height

It is proposed to increase the maximum building height controls of varying extents across the precinct by amending the Height of Buildings Map as shown at **Appendix L**. The proposed increase to building heights range from 10m to 13.5m. The proposed building heights are shown in **Figure 23** and **24**.

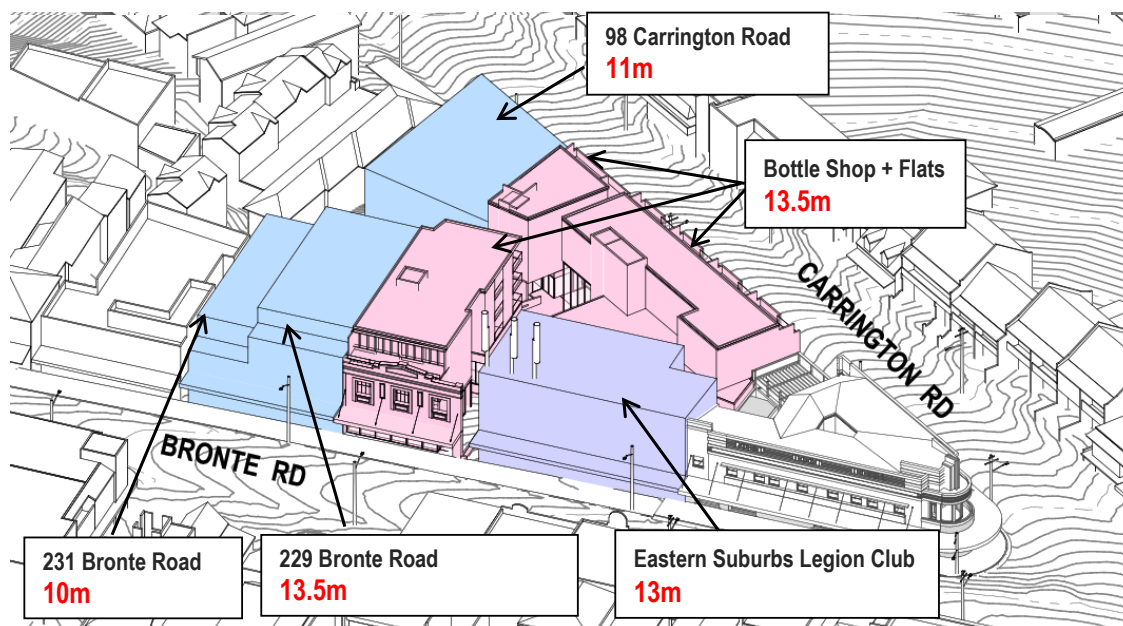


Figure 23- Proposed building height controls for the precinct

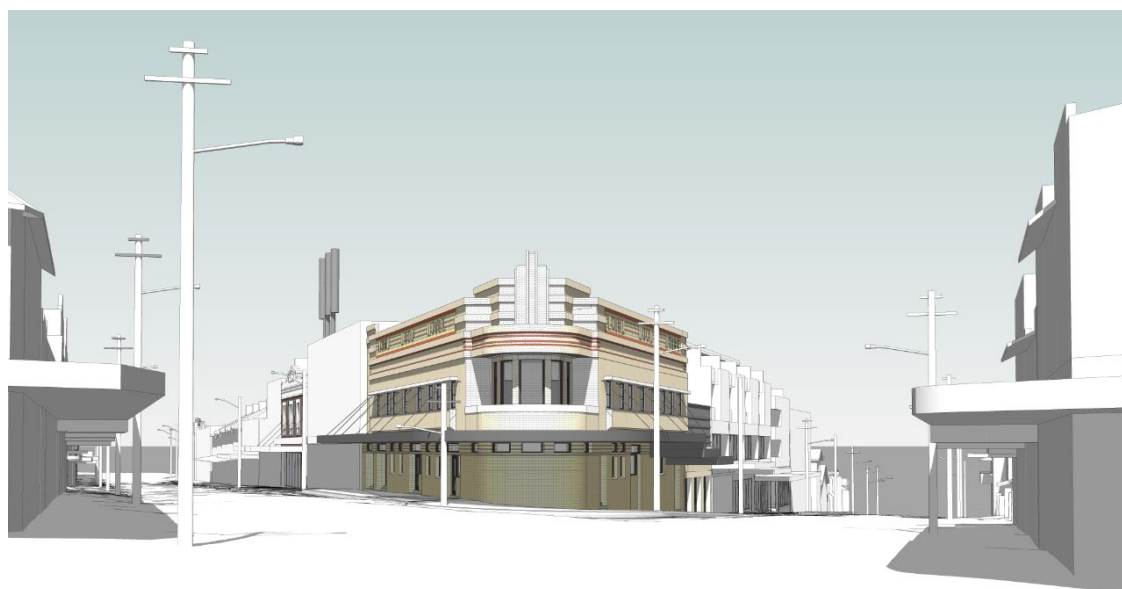


Figure 24- Visualisation of proposed building height controls for the precinct – Charing Cross

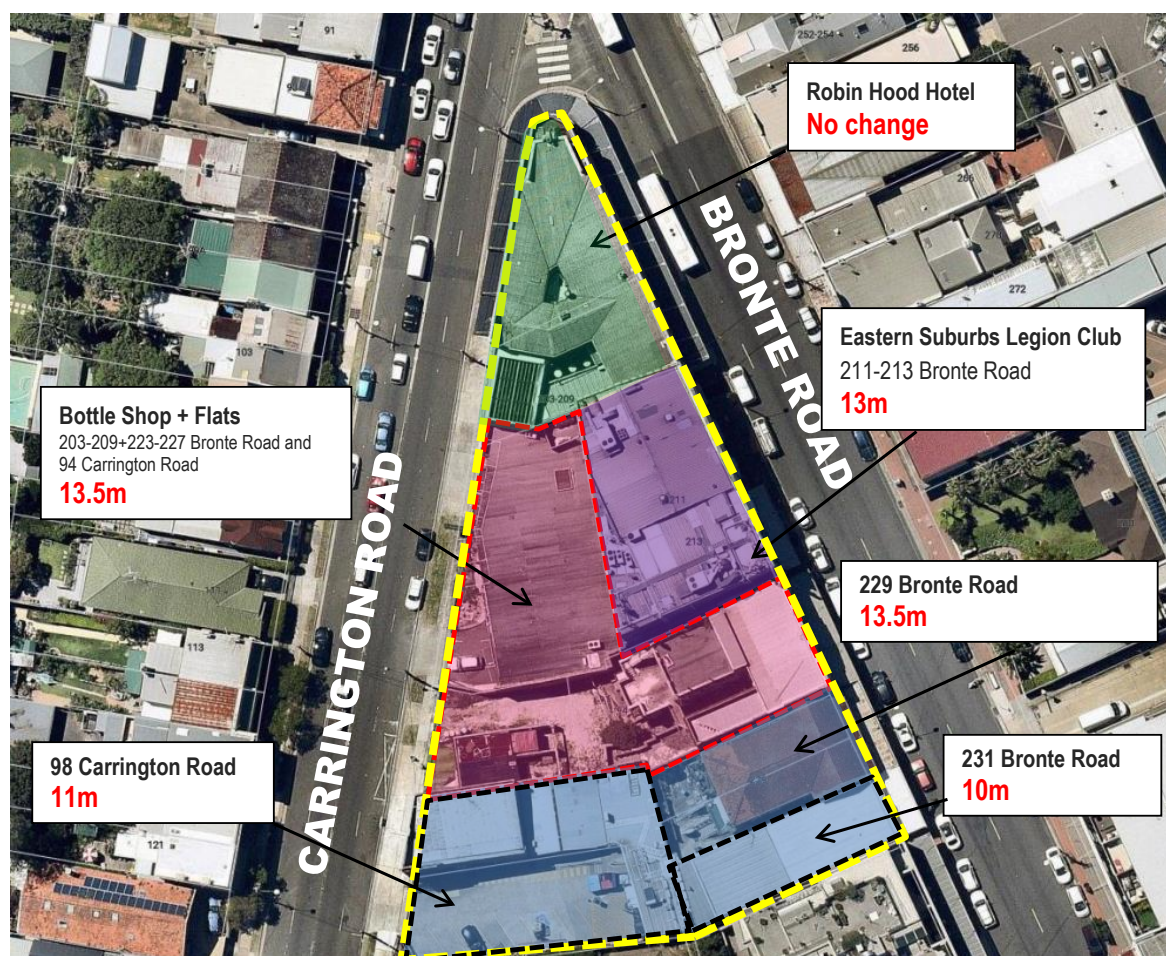


Figure 25- Proposed building height controls for the precinct

5.2.3 Floor Space Ratio

It is proposed to establish a maximum FSR of 2.1:1 and 2.25:1 across the site (See **Appendix L** and **Figure 26**); taking into account the devotion of a large part of the site (approximately 18%) over to publicly accessible urban plaza and pedestrian link (see **Section 9.1** for further detail).

As outlined in Section 4.1, the proposal includes a potential for more than 2,000sqm of activated non-residential floor space, assuming all of the ground floor building envelopes are used for this purpose. Whilst a minimum non-residential floor space provision is not proposed in the Planning Proposal. It is also noted that the zoning required that any residential development on the site land is in the form of shop top housing, requiring the ground floor to be retail or business premises.

The maximum FSR for each of the site derived from the proposed building envelope and efficiency applied to the gross building area (as shown on the Architectural Plans and **Appendix B**). For the land owned by the Whitten family, the proposed GFA/FSR has been derived from a more detailed architectural analysis of the site.

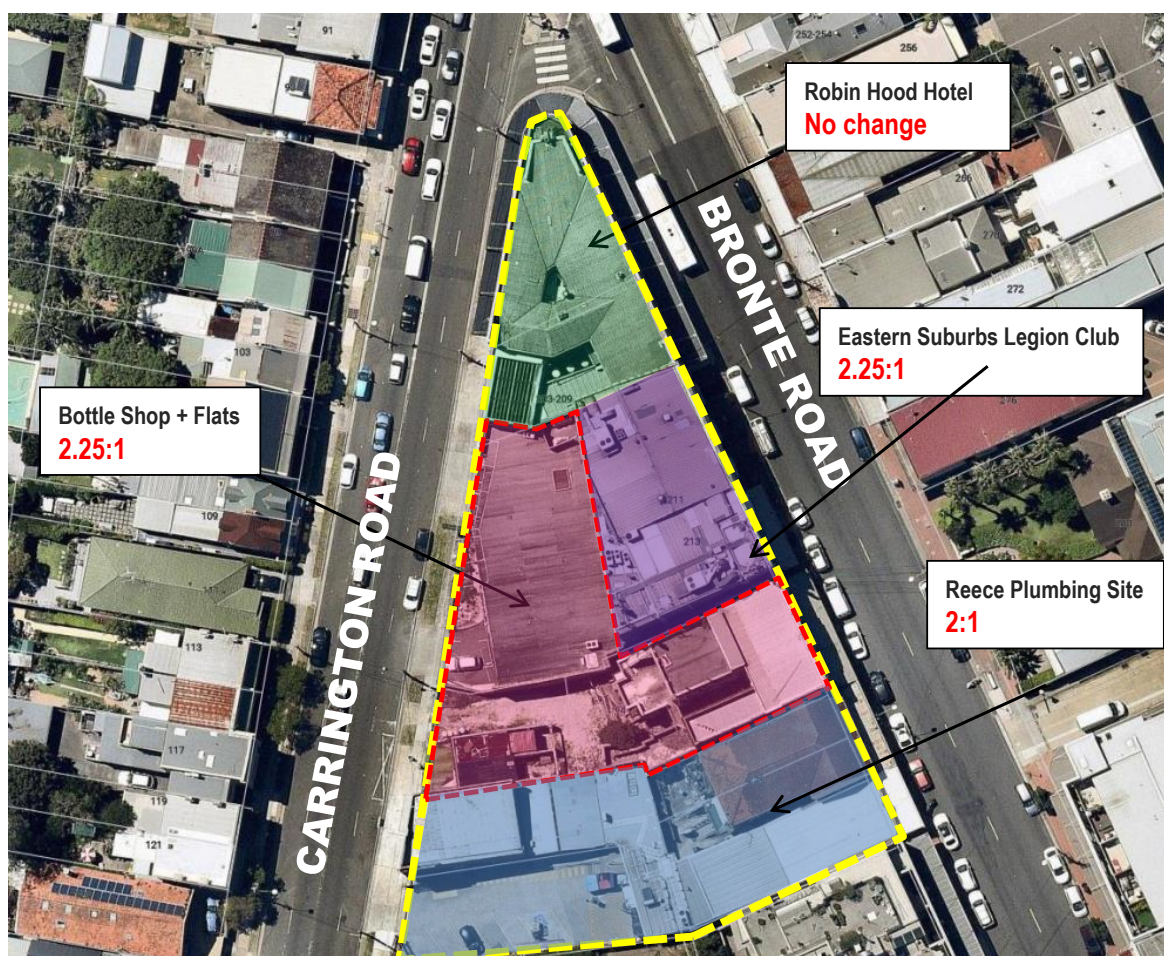


Figure 26- Proposed Floor Space Controls for the precinct

5.2.4 Additional Local Provision – Charing Cross Precinct

Given the context of the precinct and its established character, the importance of creating clear planning controls to manage future development, and the expectations of the community is recognised. As such, the revised proposal, and subsequent building height/FSR controls, more closely reflects the preferred building envelopes. Whilst still proposed, this reduces the reliance of a site-specific Development Control to manage building heights throughout the precinct.

The land within the precinct falls by more than 3m from Bronte Road to Carrington Road and falls from north to south to varying degrees on both the Bronte Road and Carrington Road frontages. Given the variations in the technical height of building control would still occur, primarily at the centre of sites, in the construction of buildings as shown in the Urban Design Report (**Appendix A**) and Architectural Plans (**Appendix B**), some flexibility in the maximum control is required.

An 'Additional local provision' (Part 6 of Waverley LEP 2012) is therefore proposed to provide certain and functional planning controls cognisant of the unique context of the site. The methodology adopted when recommending the planning controls is set out below.

- Ensure the LEP controls provide clear guidance to land-owners and community of the future impacts of the precinct, relationship to surrounding buildings and streetscape and difference in heights
- Recognise the importance of the LEP to set parameters of height and FSR (with the DCP providing built form controls)
- Respect the importance of street walls heights, particularly to Bronte Road
- Recognise the topography of the precinct and that with level floorplates the technical height of buildings will vary across sites
- Rather than applying a blanket increase in building height across the precinct, establish a clear mechanism within the LEP to deal with minor variations to building heights, avoiding the need for formal variations (clause 4.6) in order to obtain future development consent for construction.

The intent of the proposed site specific controls are considered to provide certainty to all stakeholders of the future development outcome on the site, whilst enabling rationale development footprints without the need for formal clause 4.6 variations.

A copy of the drafted site specific LEP provision that outlines how any uplift in height or FSR can only be realised if the items above as resolved by Council, and required by the NSW DPIE in the Gateway Determination, are delivered (See **Appendix O**). A set of Design Guidelines (which are intended by the proponent to form the Draft Development Control Plan) are also provided at **Appendix P**.

5.2.5 Heritage

No proposed amendments are sought to the existing heritage items or conservation area provisions of LEP 2012.

It is noted that the existing inter-war building façade and awning fronting 223-227 Bronte Road is to be retained (refer to net community benefit assessment set out in **Section 9.9**). The development to other sections of the site seeks to complement the Bronte Road streetscape by its use of a podium and incorporating pedestrian access through the site.

No change is proposed to the heritage listing of Charing Cross Hotel or the existing Conservation Area applying to properties fronting Bronte Road.

5.2.6 Zoning

The planning proposal does not seek to amend the existing B4 Mixed Use zoning or permissible land uses on the site, nor does it seek to amend the operation of any other clauses in LEP 2012 than those outlined above.

5.2.7 Land to Which the Plan will Apply

The land that is proposed to be included in the site specific LEP amendment is legally described as:

Address	Lot and DP
Robin Hood Hotel	
203-209 Bronte Road	Lot 1, DP655918, Lot 1, DP 59526
Bottle Shop and Flats (Charing Square)	
203-209 Bronte Road (bottle shop)	Lot A, DP 105665
223-227 Bronte Road (Stamatiko Flats)	Lot A DP 332733
94 Carrington Road (Garage)	Lot B, DP 332733
Eastern Suburbs Legion Club	

211-213 Bronte Road	Lot B +C DP 105665
Reece Plumbing	
229 Bronte Road	Lot 2 and 3 DP 102988
231 Bronte Road (Reece showroom)	Lot 1 DP 170941
98 Carrington Road (Reece Plumbing)	Lot 1 DP 90800 and Lot 1 DP 952482

5.2.8 Framework of a Site Specific Development Control Plan

A Development Control Plan for the precinct is proposed to be prepared following gazettal of the planning proposal. As noted above, it is anticipated that the site specific DCP will provide the guiding development controls with regard to built-form articulation beyond that which is provided for by the FSR and building height controls in the LEP. The suggested Additional Local Provision clause of the Waverley LEP that requires a DCP to be prepared specifically for the site will ensure that no development can occur until this DCP (adopted by Council) is in place.

The following items are considered to be included in a site-specific chapter of Waverley DCP:

- street wall heights to Bronte Road and Carrington Road;
- setbacks above street wall heights;
- built form dimensions and separation distances between buildings;
- publicly accessible open space, such as public plazas at street level; and
- improvements to the public domain, including street paving, street lighting, street furniture and public art
- promoting movement, legibility and wayfinding through the site;
- ensuring safety and security, activation and casual surveillance;
- amenity of the courtyard, including solar access;
- a staging plan for future development; and
- consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy.

A set of Design Guidelines (which are intended by the proponent to form the Draft Development Control Plan) has been prepared and is provided at **Appendix P**

5.3 PART 3 – Justification

5.3.1 The Need for the Planning Proposal

The planning proposal responds to the Council identified need and aim to support the village role of Charing Cross by providing for additional commercial, retail and residential floor space, as well as significant public benefit in the form of publicly accessible through site link and plaza, with expanded retail and commercial uses. The masterplan supports the planning proposal's aim to make a positive contribution to the amenity and walkability of the village, improving the pedestrian amenity. This requires a scale of development that supports viable urban renewal of the village.

In establishing how the planning proposal 'fits' in the context of the Charing Cross precinct and the wider strategic setting of the Eastern Suburbs, a review has been undertaken of the planning proposal against the local (Waverley) and regional (NSW Government) policy framework. As such, the planning proposal is considered to be justified and supportable in terms of its strategic and site specific merit.

Planning Proposal – Charing Cross Precinct – Carrington and Bronte Roads, Waverley



A masterplan and indicative architectural scheme have been prepared for the site which envisages a laneway development with through connections between Bronte and Carrington Road.

The redevelopment of the site is expected to be the catalyst for the renewal of the 'western quarter' of Charing Cross. The redevelopment will be integrated into and complement the refurbishment of the adjoining Robin Hood Hotel.

5.3.2 Q1 - Is the Planning Proposal a result of any strategic study or report?

Whilst the planning proposal is not the result of any specific strategic study or report, due regard has been given to the Waverley Economic Development Strategy which includes key strategic directions for allowing *'established commercial centres with local business "villages" having strong growth potential.'* Charing Cross precinct is an established commercial centre which has the ability to accommodate additional commercial, retail and residential densities.

The masterplan illustrates and confirms that the extent of redevelopment anticipated in the planning proposal is consistent with the wider Charing Cross setting. Due regard has also been given to the Local Village Centres Public Domain Improvement Plan, adopted by Council, that was prepared in conjunction with the Waverley Development Control Plan (DCP) 2006. The proposal also aligns with the more recently released, People, Movement and Places Strategy (2017).

Whilst it is acknowledged that this plan has been superseded in the preparation of the Development Control Plan 2012 (Amendment 6 adopted on 4 September 2018), it is noted that the Improvement Plan describes Charing Cross as *'a lively and well used traditional strip with activation enhanced by cafes and pubs'*. However, the Improvement Plan recognises that the centre has *'little amenity for people using this centre'*, and that there is *'a lack of structure and definition'* to the centre.

As discussed in **Section 4.3**, The Planning Proposal seeks to deliver on the envisioned public amenity improvements within the public domain, as well as providing additional area of public space within the site, surrounded by retail, public art, and landscaping.

5.3.3 Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the most suitable means of achieving the intended outcome, realising identified state and local objectives, and achieving identified aims, which is to facilitate a residential development on the site with a maximum building height controls amended to between 10m and 13.5m and 2:1 and 2.25:1 within the precinct.

The current height and FSR controls do not allow for or incentive development to achieve the objectives and intended outcomes of the project. Crucially, utilising a Planning Proposal enables the public benefit to be linked to the site, and the final development. The planning proposal is the best way of achieving a consistent approach to the LEP controls of the site which supports the long term commercial viability, activation, and open space pressures of the Charing Cross Precinct.

5.4 Section B – Relation to Strategic Planning Framework

5.4.1 Q3 - Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy.

State and Regional Strategic Framework

Greater Sydney Region Plan – A Metropolis of Three Cities

The Plan sets 10 key directions under the three main headings of 'Liveability', 'Productivity' and 'Sustainability' in order to focus and priorities growth and investment in infrastructure. These are underpinned by a total of 40 objectives.

The proposal is consistent with the ten directions of the Region Plan. The planning proposal will enable and support the renewal of the site for retail, commercial and residential uses, providing both local employment and housing opportunities, as well as vibrant retail and community space on what is currently a dilapidated and underutilised site in heart of Charing Cross. The planning proposal supports the growth of the existing commercial and economic centre of Charing Cross, adopting a place-based approach and providing significant public benefit.

The proposal will provide improved local employment and housing opportunities without an adverse impact on the wider economy of Charing Cross village or higher order centres, particularly Bondi Junction. The proximity of the site to public transport and established services makes it well placed to support the urban renewal and revitalisation of the village. As an established village, Charing Cross is considered to be a suitable location for housing intensification and urban renewal.

Eastern City District Plan

The Eastern City District Plan, prepared by the Greater Sydney Commission in March 2018, provides the framework to manage growth whilst maintaining liveability and productivity across a key area in Sydney. The Eastern City District Plan stretches from Rhodes in the west to the Eastern Suburbs, and south to Kogarah. The District Plan also contains the key employment centres of the Sydney CBD, Sydney Airport, Port Botany and Bondi Junction.

The Plan is broken down into sections of Liveability, Productivity and Sustainability with a total of 10 directions (aligning with the Sydney Region Plan) and 20 Strategic Priorities, of which the following specifically relate to the site and proposed development. Within each Priority are a number of Objectives and Actions.

The precinct within Charing Cross is strategically located to deliver on these priorities by promoting a best practice place making project to improve the quantum and quality of public spaces, increase employment opportunities and housing diversity, fostering healthy, a creative and rich socially connected community through the facilitation of public art, open spaces and interconnection between sites, and creating a distinct 'destination' for pedestrians to use in the local area.

The proposal will allow the actions and objectives listed in the District Plan to be realised, as opposed to the status quo on the site, preventing further economic growth and amenity improvements of Charing Cross. A more detailed assessment of the Proposal's alignment with priorities within the Eastern City District Plan is provided in the table below. Consideration has also been given to 'Better Placed', 'Greener Places' and the Local Character Planning Circular of the DPE in the Planning Proposal.

The proposed amendments to Waverley LEP 2012 will directly facilitate these priorities by creating additional high quality and accessible retail floor space, commercial and residential floor space, as well as contributing to the pedestrian amenity infrastructure within Charing Cross, previously identified by Council.

The proposal will allow the actions and objectives listed in the District Plan to be realised, as opposed to the status quo on the site, preventing further economic growth and amenity improvements of Charing Cross.

The proposal will contribute towards all of the three focus areas by:

- increasing housing supply in a location well serviced by public transport (whilst minimising the number of private vehicles spaces provided and encouraging green travel options),
- providing expanded and high quality commercial and retail spaces fronting publicly accessible laneways and square
- protecting and enhancing the existing heritage qualities of the area whilst also significantly improving the public domain to create a great place within the established local centre,
- fostering healthy, creative and rich socially connected community through the facilitation of public art, open spaces and interconnection between sites,
- creation of new through site connections for better pedestrian access and permeability through Charing Cross and to Queens Park,
- significant improvement to the carbon footprint of building and the management of energy, water and waste, and
- create a distinct 'destination' for pedestrians to use in the local area.

Eastern City District Plan – Priorities	
Priority	Discussion
Priority E1	Planning for a City Supported by Infrastructure
<i>Objective 4 – Infrastructure Use is optimised</i>	The proposal maximises the utility of existing infrastructure and transport investment within the Local Centre of Charing Cross and on established local bus routes.
Priority E3	Providing Services and Social Infrastructure to meet people changing needs
<i>Objective 6 – Services and Infrastructure to meet communities changing needs</i>	<p>The proposal will provide new areas of activated ground floor retail, commercial space and publicly accessible Charing Square as a focal point of Charing Cross. The design supports a fine grain urban form and land use mix providing a greater diversity of uses and improving liveability for existing and future residents.</p> <p>The proposal also provides opportunity for diversity of housing within a walkable neighbourhood and services, creating additional opportunities for older people to continue living in their communities, where being close to family, friends and established health and support networks will improve people's wellbeing.</p>
Priority E4	Fostering healthy, creative, culturally rich and socially connected communities
<i>Objective 7 – Communities are healthy, resilient and socially connected</i>	At the heart of the proposal is the publicly accessible through site link and Charing Square, surrounded by ground floor retail and public art. The creation of this new gathering space will support social connections with the centre, strengthen the diversity of the neighbourhood and promote a healthy, creative, culturally rich community of Charing Cross.
<i>Objective 9 – Greater Sydney celebrated the arts and supports creative industrial and innovation</i>	The proposal includes a Public Art Strategy for the site, which sets the principles and strategy for integrated public art on the site, in the context of Waverley Council's existing public art policy. The commitment to the provision of public art is proposed to be incorporated as part of the site specific incentive planning controls – meaning that development as set out in the planning proposal cannot proceed unless specified public art (value) is provided)
Priority E5	Providing Housing supply, choice and affordability with access to jobs, services and public transport
<i>Objective 11 – Housing is more diverse and affordable</i>	The proposal provides opportunities for a contribution to a more diverse housing stock within the local centre with high level of amenity, close to transport, passive and active open spaces space, services, and jobs. The proposal will provide added choice and affordability options that meet a growing, ageing and culturally diverse population.
Priority E6	Creating and renewing great places and local centres, and respecting the District's heritage
<i>Objectives 12 – creating great places that bring people together</i>	<p>The creation of a fine grain urban form whereby places are walkable, of human scale, and offer a mix of land uses including social infrastructure and local services at the heart of communities is identified as a crucial element in the creation of great places.</p> <p>The site provides the opportunity to demonstrate, through a design led approach, the integration of public open spaces, in the form of laneways and urban courtyards, with the heritage fabric, in a way which develops a fine grain urban form, promotes pedestrian permeability through the precinct, and encourages community interaction through a range of retail and residential uses.</p>
<i>Objective 13 Environmental heritage is identified, conserved and enhanced.</i>	<p>The proposal includes the retention of the existing Bronte Road façade in response to its heritage value and acknowledgement of its positive contribution to the streetscape.</p> <p>Additionally, the proposal is consistent with the existing character description and desired future character of Charing Cross as set out in the Development Control Plan (See Site Specific Merit Tests below).</p>
Priority E11	Growing investment, business opportunities and jobs in strategic centre
<i>Objective 22 – Investment and business activity in centres</i>	The proposal creates additional opportunities to attract high quality retail and commercial tenants within the centre. The scheme includes all uses at ground level being activated to the public domain, and when combined with upper level commercial space achieves a non-residential FSR on the site of 1:1. These uses will also allow for a suitable contribution to the

Eastern City District Plan – Priorities	
Priority	Discussion
	night time economy of Charing Cross which is currently limited to a small number of restaurant and the two established pubs.
Priority E17	Increasing urban tree canopy cover and delivering Green Grid Connections
<i>Objective 30 Urban tree canopy cover is increased.</i>	The proposal incorporates the opportunity to remove the large existing vehicles crossing associated with the drive-through bottle shop on Carrington Road, as well as the opportunity to provide 6 additional on-street planting (As shown in the Architectural Plans provided with the Proposal). These components of the application are in line with the aspiration of the Councils previously released Public Domain Improvement Plan within Charing Cross and will expanding urban tree canopy on the public realm.
Priority E18	Delivering high quality open space
<i>Objective 31 Public open space is accessible, protected and enhanced</i>	The proposal seeks to provide 18% of the site as accessible ground level open space in the form of laneways and Charing Square courtyard. The size, orientation and dimensions of this space will support activation and a lively retail and night-time economy. The proposal provides multi-purpose and accessible open space to a variety of users, an important place for locals and visitors to relax, meet and socialise, adding value to the character of the local area.

5.4.2 Q4 - Is the Planning Proposal consistent with a council's plan, local strategy, or another local strategic plan?

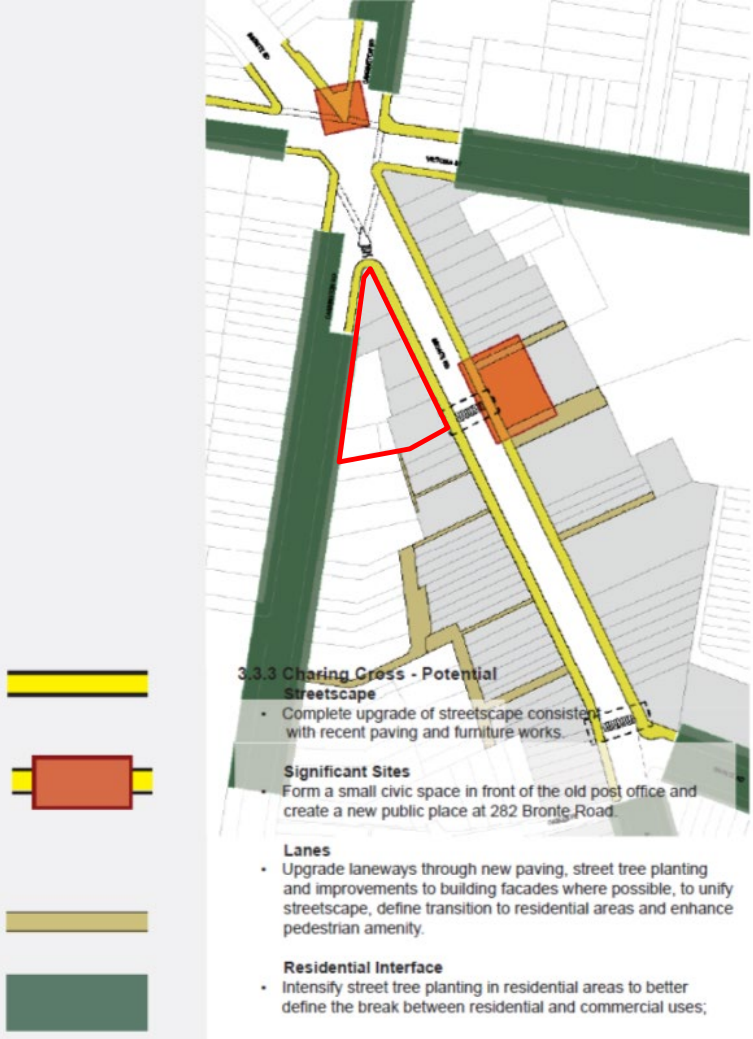
Local Planning Strategies

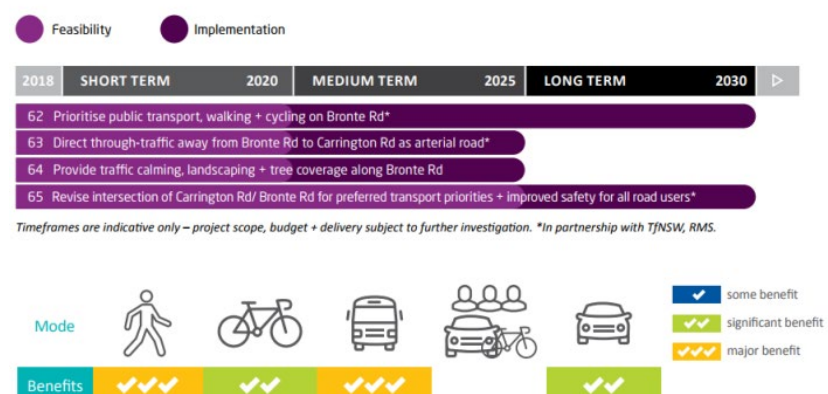
A review has been undertaken of the planning proposal against the following Waverley Council policies and plans (Table 6).

Table 6 - Assessment of Local Planning Strategies

Strategy	Comment
Eastern Suburbs Economic Profile	<p>The Eastern Suburbs Economic Profile provides an economic analysis of local centres and the wider 'subregion', and identifies economic development opportunities across the LGAs. The report was prepared jointly by Waverley, Randwick City and Woollahra Councils in December 2013.</p> <p>Charing Cross village is not identified as a key economic precinct, however, wider strategic directions and recommendations guiding economic growth in Waverley LGA include:</p> <ul style="list-style-type: none"> Ensuring the capacity of the existing employment precincts is maximised. This can be achieved by retaining and increasing employment self-containment and self-sufficiency. Identify areas for higher density residential development. Supporting the role of Bondi Junction as a Major Centre through increasing housing choice and providing reliable public transport options.
Waverley Community Strategic Plan 2018-2029	<p>The Waverley Community Strategic Plan sets the direction for what Council and the community want to achieve to 2029. The key priorities of the Plan are a Sustainable Community, Sustainable Living, a Sustainable Environment and Sustainable Governance. This is monitored against targets and indicators to support the long term vision for the local government area (LGA). The proposal aligns with the key priorities of the Plan.</p> <p>Key priorities that relate to the proposal include:</p> <ul style="list-style-type: none"> Ensuring a range of housing options are available. Improving accessibility to public transport Being a resilient and environmentally sustainable community
Waverley Local Village Centres – DCP and Public	The Waverley Local Village Centres DCP and Public Domain Improvement Plan Economic Assessment reviews the major and local centres in the LGA to identify planning and economic opportunities and issues.

Strategy	Comment
Domain Improvement Plan Economic Assessment 2006	<p>Specifically, Charing Cross is identified as a small 'Village Centre' which typically services a catchment of 2,000 to 10,000 households, and contains speciality retail premises anchored by a small supermarket. In 2006, Charing Cross village contained approximately 6,750m² of retail floor space.</p> <p>It is proposed that Charing Cross can accommodate a further 4,500m² of retail floor space to 2016, including 2,500m² of supermarket floor space.</p> <p>The village was viewed as underperforming due to a higher vacancy rate and a lack of a large anchor supermarket. Whilst the centre has changed since the preparation of this plan, the trend of underperforming businesses continues, as identified in Section 5.6 (Economic Impact Assessment).</p> <p>Revitalisation strategies that could encourage renewal and development in Charing Cross include:</p> <ul style="list-style-type: none"> ▪ Identify land that is suitable for redevelopment to maximise land use efficiencies. ▪ Reviewing centre boundaries to allow for larger retail premises. ▪ Encourage anchor tenants to make these centres 'destinations'. ▪ Encourage increased densities, including shop top housing.
Local Village Centres Public Domain Improvement Plan 2006	<p>The Local Village Centres Public Domain Improvement Plan was prepared in conjunction with the Waverley Development Control Plan (DCP) 2006 and informs the implementation of public domain improvements across 12 centres and villages.</p> <p>Charing Cross is identified as one of these centres and is described as '<i>a lively and well used traditional strip with activation enhanced by cafes and pubs</i>'. However, the Plan recognises that the centre has '<i>little amenity for people using this centre</i>', and that there is '<i>a lack of structure and definition</i>' to the centre.</p> <p>The desired character of the area is to improve the amenity and safety of the centre for pedestrians, the creation of focal points, and the upgrade of the public domain and streetscape. The Plan includes an illustration of the potential public domain for Charing Cross, as shown below (site identified in red) – Figure 27.</p>

Strategy	Comment
	 <p>3.3.3 Charing Cross - Potential Streetscape</p> <ul style="list-style-type: none"> Complete upgrade of streetscape consistent with recent paving and furniture works. <p>Significant Sites</p> <ul style="list-style-type: none"> Form a small civic space in front of the old post office and create a new public place at 282 Bronte Road. <p>Lanes</p> <ul style="list-style-type: none"> Upgrade laneways through new paving, street tree planting and improvements to building facades where possible, to unify streetscape, define transition to residential areas and enhance pedestrian amenity. <p>Residential Interface</p> <ul style="list-style-type: none"> Intensify street tree planting in residential areas to better define the break between residential and commercial uses; <p>Figure 27 – Proposed public domain improvements to Charing Cross (site in red)</p>
Waverley Transport Plan 2011	<p>The Waverley Transport Plan was prepared to accompany the Waverley Community Strategy Plan and sets the strategic transport vision for the Waverley community. The Plan identifies and addresses both short and long term transport issues.</p> <p>The transport needs of Charing Cross village include:</p> <ul style="list-style-type: none"> Encouraging zero and one car households through high quality public transport and car share facilities. Encouraging pedestrian and cycle access to Bondi Junction through standard walking and cycling facilities. Addressing the use of Queens Park area being used as a cut through from Randwick LGA to Bondi Junction and beyond to Woollahra LGA.
Waverley Heritage Policy 2007	<p>The Waverley Heritage Policy identifies and assesses environmental heritage across Waverley LGA, excluding Bondi Junction, and makes recommendations for the conservation of heritage items.</p> <p>The Policy recognises that the Robin Hood Hotel was originally established to service the local settlement, and that heritage considerations are contained in the Waverley Development Control Plan.</p>

Strategy	Comment
	<p>The concept plan/indicative architectural scheme supporting the Planning Proposal respects and reflects the heritage values of its wider village setting and the adjoining Robin Hood Hotel in terms of the potential scale and form of development. The redevelopment of the site would be subject to any proposed amendments to the Waverley LEP and development controls which will specifically address heritage considerations.</p> <p>A heritage assessment has been prepared by heritage advisor – John Oultram Heritage and Design (Appendix C). John Oultram worked in consultation with the architects and urban designers following the Eastern City Regional Planning Panel meeting to ensure the form and detailing of the proposed scheme was appropriate in the context and appropriately responded to the heritage context of the site.</p> <p>The assessment has reviewed more generally, the manner in which the proposed redevelopment fits within the wider setting of Charing Cross village. It also provides a set of heritage specific design principles to guide future development. The heritage Impact Assessment by Oultram Heritage concludes:</p> <p><i>The proposal provides considerable benefits to the local area in terms of enlivening a low quality retail area and introducing a laneway system off the main retail street that would activate the street frontages and the areas off. The contribution of the current building to Bronte Road will be maintained in the retention of its facade allowing an easy fit for the development into the local streetscape. The scale of the development is not excessive and responds well to the local context.</i></p>
People Movement and Places Strategy – Sustainable Transport Action Plan	<p>Waverley's People, Movement and Places aims to make it easier for people to move around by improving the quality of our streetscapes and public places. It acknowledges the future of transport and the changing nature of the demographic composition of the local government area, along with walking, cycling and public transport mode shift. The Strategy established a Strategic Transport Framework, with twelve signature transport projects and a total of 96 actions across the Waverley Council area.</p> <p>Charing Cross is identified as a strategic project with a focus on pedestrian safety and amenity (such as traffic calming and tree planning), as well as directing traffic away from Bronte Road and on to Carrington Road. A snapshot of the actions for Charing Cross is provided in Figure 28 below.</p> <p>Charing Cross - actions</p>  <p>Figure 28- Waverley's People, Movement and Places (Charing Cross)</p>

Strategy	Comment
	As discussed in Section 9.6 , the proposal will significantly reduce the number of vehicle movements from the site (on Carrington Road) particularly on Thursday, Friday and Saturday evenings – as a direct result of the removal of the drive-through bottle shop.
Green Infrastructure Masterplan	The Green Infrastructure Masterplan provides a framework for the sustainable future of Bondi Junction. Whilst not directly applicable to the site, given its location, the key areas of Waste, Energy and Water, and the accompanying solutions to these items are relevant to the proposal. As shown in Appendix A , the planning proposal and redevelopment of the site enables these strategies to be delivered on the site – such as water reuse, photovoltaics, green walls, bio-retention and expansion of street tree planting.

Waverley Council Local Strategic Planning Statement

Waverley Strategic Planning Statement (LSPS) has been endorsed by the NSW DPIE as required for all Councils in NSW.

The proposal consistency with the LSPS is summarised below

- Increase urban tree canopy and vegetation (key issue)
- Increased open space, or to better preserve and manage existing open spaces (key issue)
- A diverse and thriving local economy that is less reliant on tourism (key issue)
- Increase urban tree canopy and vegetation (key issue)
- Increase night-time dining options in centres (key issue)
- Provide more space for community uses and events (key issue)
- Increasing access to high-quality open space and recreation facilities (vision on a page)
- Protecting and encouraging shops and services in village centres that satisfy demand (vision on a page)
- Heritage value of buildings and infrastructure to be preserved and managed (response to challenge)

The following direction/priorities of the LSPS are particular relevant and achieved in the Planning Proposal:

Planning Priority 6 – Facilitate arrangement of housing opportunities in the right places to support and retain a diverse community

The Planning proposal provides for an increase in a mix of housing options that are close to services, facilities open space and transport options – both local and regional (Bondi Junction). As identified in the Our Liveable Places Strategy, the precinct is identified as being appropriate to support growth and change.

Planning Priority 8 - Connection people to inspiring vibrant places, and provide easy access to shops services and public transport

The proposal will transform what is generally a closed off, underutilised and dilapidated site to high quality, publicly accessible and permeable set of connections through the precinct surrounded by active frontages. All existing and future residents will have access to the services and shops in the precinct, as well as the open space. The precinct will be a vibrant place, with appropriate day and night time uses and activation.

Planning Priority 9 - Retain shops and services in Bondi Junction and Village Centres

The proposal will inchoate an activated ground floor plane, requiring all ground floor uses to be for commercial, business or retail uses. The layout of the site and permeability will introduce a significant expansion of active frontages through the site that will allow for both an increase in floor space for shops and services, as well as a configuration for smaller tenancies.

The Planning Proposal and suggested DCP and LEP provision aligns with the Principles for Change in the LSPS as required.

Waverley Community Strategic Plan 2018 – 2029

The Waverley Community Strategic Plan 2018-2029 reflects the Waverley community's long-term priorities and aspirations for the future. The community Strategic Plan was adopted on 19 June 2018. The community vision is a succinct statement that captures community's aspirations for the future of Waverley and is the foundation of the plan.

This vision is for a "A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage". The Planning Proposal and concept scheme seeks to realise this vision of celebrating and enhancing the vibrancy of Charing Cross Village whilst retaining and enhancing the cultural heritage values of the site and surrounds. A demonstration of the proposal's consistency with the relevant themes of the Community Strategic Plan are provided below.

Waverley Council Community Strategic Plan 2018-2029		
Themes		Comments
Arts and Culture		
1.2	Preserve and interpret the unique cultural heritage of Waverley	The proposal enhances the fine grain qualities of Charing Cross (as outline in the existing Character Statement within the DCP) and retains the cohesive streetscape and heritage façade to Bronte Road
3.2	Expand the networks of parks and Open Spaces	The proposal offers durable, multi-purpose and accessible open space to a variety of users. It will be an important place for locals people to relax, meet and socialise, adding value to the character of the local area
Recreation and Open Space		
3.1	Improve health and quality of life through a range of recreational opportunities and quality open spaces	The proposal provides a new place for people to enjoy as a passive and publicly accessible open space and connections.
3.2	Expand the network of parks and open spaces, sporting and recreational facilities	Provides a contribution to the mosaic of spaces within Charing Cross, realising opportunities that would not otherwise be available without urban renewal and redevelopment of the site
Local Economy		
4.2	Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services	The proposed mix and arrangement of land uses and built form respectively will promote a range of business, local jobs and services, ensuring diversity in the offering and market
Planning and Development		
5.1	Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve liveability of existing neighbourhoods	The proposal supports these themes, improving liveability and maintaining the strong cultural and heritage values of Charing Cross. The proposal provides a coherent and well-considered response to the site that can provide a high quality, built outcome.
5.2	Value and embrace Waverley's Heritage items and places	
Transport, Pedestrians and Parking		

6.2	Build and maintain streetscapes that have a welcoming sense of place	The retention and conservation of the existing Bronte Road façade maintains the consistency and character of Charing Cross, adding to the sense of place
6.3	Create safe streets and footpaths with fair access to parking	The proposal increases permeability through Charing Cross, surrounded by active and passive surveillance throughout all hours of the day, improve safety for pedestrians. The removal of large vehicle crossing to Carrington Road also allows for the creation of 6 additional public on-street visitor parking within Charing Cross

Waverley Economic Development Strategy – 2015-2020

This Strategy details how Council will support the area's economy over the next five years to 2020. This will be delivered in partnership with other tiers of government and industry groups, with a focus on a range of initiatives that involve:

- destination marketing
- place management
- improving competitiveness
- improved partnerships
- business support
- reducing red tape

One of the key strategic directions outlined in the Strategy that is applicable to Charing Cross includes having 'established commercial centres with local business "villages" with strong growth potential.' This will be achieved on the site through promoting diverse retail and commercial uses and enhancing a sense of place and cultural character.

Waverley Local Housing Strategy 2020-2036

The Local Housing Strategy was endorsed and adopted in June 2020. Within the Strategy Waverley Local Government Area has a proposed housing target of 3,400 dwellings by 2036 to meet the implied dwelling requirements. In line with acknowledged principles, most of these dwellings are cited by the Strategy as being in targeted in locations of high amenity – including Villages Centres and areas with access to open space.

As a key Village Centre of Waverley, Charing Cross can be rejuvenated to provide the public benefits that the community has identified. This includes improving the pedestrian experience and activity, encouraging a diverse range of services, retail offerings and jobs but also opportunity for housing (and housing types) to meet the needs of the changing demographic profile identified in the Strategy.

Over the next 20 years it is expected that school aged (5-19) and 45 year olds will increase, whilst single parent and lone person households will make up 16% and 56% of housing respectively. This anticipates and increase on current numbers of 2% of single parent and 19% of lone person households. As expected, residents in Waverley, who already have lower car ownership rates than greater Sydney are more likely to walk or use public transport.

Whilst a relatively low housing target has been identified, what the Local Housing Strategy does demonstrate is that providing a variation of housing typologies to meet the changing demographic profile is important. Additionally, based on the anticipated profile, it is even more important that the housing is provided in locations with high amenity, close to schools and open space, services and public transport.

This planning proposal is entirely consistent with the strategy and creates a destination within Charing Cross, providing the potential capacity for approximately 60 dwellings within the precinct. The urban design scheme takes a place-based approach, providing a fine grain activated retail ground floor level, surrounding large publicly accessible open spaces and laneways connecting Bronte Road and Carrington Road. The character of the streetscape and facades is preserved with additional level setback from the street.

The urban design concept is consistent with desired future character of Charing Cross identified by the community, and will provide substantial public benefits, increased amenity and landscaping, a diversity of retail offering, employment and well-located high-quality housing.

Waverley Council – Our Liveable Places Centres Strategy 2020-2036

Waverley Council identified that in preparation of the Local Strategic Planning Statement, a focus will be on village centres, with a proposed review of 20 local and neighbourhood village centres identified. This strategy has since been updated and reported to Council in late 2020 under the new title of 'Our Liveable Places Centre Strategy'.

The final strategy looks at numerous aspects that contribute to the distinctive character of each centre including jobs and services, sustainability, heritage, amenity and character, public transport, parking and congestion, and other place-specific issues.

Members of the project team attended the Waverley Villages Centre Workshop on 4 September 2019. The workshop sought to gather feedback from stakeholders and community members with regard to the principles and vision for Charing Cross and Bronte Road. Following this workshop an email was provided by Council summarising the feedback, as set out below:

- "like to see more outdoor seating areas and tree planting, with some concerned that this may take away parking"
- "Overall there was an agreement that there is a need to reinvigorate Charing Cross, while respecting its heritage buildings and character"
- "There was a common desire to create a "comfortable" place with more public spaces and places for the community to "stay" and more diverse and interesting business offerings."

In the preparation of the Planning Proposal, a place-based approach has been taken in accordance with the established priorities of the District Plan, Government Architects policy guidelines and directions and priorities of Waverley Council. Importantly, the feedback of the Regional Planning Panel has adopted and incorporated into the proposal.

The final proposal for the precinct aligns with existing character and built form description of the Centre and desired future character objectives of Charing Cross (see assessment of these in the site-specific merit section of this planning proposal). Today, Charing Cross has a fine-grain character created by narrow lots and buildings with very little public space or pedestrian amenity and lacking in greenery. Some parts of the centre are dilapidated and underutilised, offering little to the overall amenity and experience of the Village.

The desired future character of Charing Cross in the strategy, encouraging revitalisation, rejuvenation and activation of the village to meet the aspirations of the community. Of note is the intention for the village to be characterised by:

- A destination for people to visit, stay and enjoy – rather than a thoroughfare
- Supporting a diversity of uses independent businesses and retail offerings to cater to local needs

- A high level of pedestrian activity and connectivity
- Balance of the public domain between pedestrians' landscape/open space and vehicles
- Activating laneways and creating safe corridors for pedestrians
- Allowing for additional floor space to buildings in the northern part of Bronte Road in recognition of its eclectic character

The feedback received from the community conveys that Charing Cross needs more outdoor dining and places for the arts and creativity, additional planting and greenery, small activated shops and more places for people to live work and access retail services.

The Planning proposal has subsequently been identified as 'Key Site 'A' within the Strategy and is therefore considered to be consistent and aligned with this strategy. As articulated in this document, the proposal creates a destination within Charing Cross, providing a fine grain activated retail ground floor level, surrounding large publicly accessible open spaces and laneways connecting Bronte Road and Carrington Road. The character of the streetscape and facades is preserved with additional level setback from the street.

This Planning Proposal is consistent with desired future character of Charing Cross and is sensitive to the surrounding heritage and character of the area, whilst also enhancing the amenity, sustainability and long-term viability of the Charing Cross precinct by delivering a residential, commercial and retail mixed-use development.

As a key Village Centre of Waverley, Charing Cross can be rejuvenated to provide the public benefits that the community has identified. This includes improving the pedestrian experience and activity, encouraging a diverse range of services, retail offerings and jobs as well as additional housing.

Test: Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls

Charing Cross presents as a typical inner-city strip centre focussed on Bronte Road and extending from Victoria Street in the north-west to around the intersection of Bronte and Albion Street in the south-east.

An Economic Feasibility assessment prepared by Leyshon Consulting (**Appendix D**) accompanies the Planning Proposal. As part of this report consideration is given to the existing economic profile and uses within the current centre and likely trajectory based on similar centres in Sydney. This is relevant when considering the circumstances and the response of existing planning controls.

Over the past decade (which also aligns broadly with Council's previous updates to planning controls in 2006 and 2012) an increase in the number of businesses retailing home decoration/renovation products has occurred in Charing Cross. These uses generally serve subregional or regional markets rather than attracting customers solely from the immediately surrounding residential area. As a result, the character of the centre is changing. According to Leyshon Consulting, the potential trajectory could continue to lead to a 'crowding out' of more traditional convenience retail uses.

Since 2006 there has been no effective change to the planning controls that recognises or responds to the changes occurring within the centre, or incentivises the creation of public benefit in the centre. The current retail offer and shop vacancies also suggests the overall main street traders are under performing.

The proposal will introduce a vibrant and active retail and commercial development, with associated residential and is expected to stimulate economic activity across broader Charing Cross. Crucially, the proposal is consistent with the Desired Future Character Objectives of Charing Cross, as demonstrated below.

Site Specific Merit Test

Test: *The natural environment (including known significant environmental values, resources or hazards)?*

The site is currently developed within the urban setting of Charing Cross, with no on-site vegetation or specific environmental value. Other than the heritage aspects of the site, there are no environmentally significantly land, or land with biodiversity value that will be affected by the planning proposal.

Whilst the existing buildings to Bronte Road, and some to Carrington Road are dilapidated and unoccupied, there are no hazards or environmental constraints that would preclude the planning proposal and redevelopment of the site.

Test: *The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?*

The Proposal provides a considerable increase the quantum and quality of ground floor retail, in a fine grain, accessible and functional location which will positively contribute to Charing Cross. Importantly, these additional opportunities and public benefits cannot be realised without renewal and redevelopment of the site, and associated amendments to planning controls.

The proposed built form and future uses are consistent with the existing character and built form description of the Centre as adopted by Council at Section E3 of Waverley DCP 2012. More importantly, the proposal will support the Desired Future Character Objectives of Charing Cross.

The existing character and built form description states that Bronte Road currently serves as a "high street" character, supporting the local commercial strip as well a major public transport route to and from the City. It notes that the centre continues to fulfil a valuable social role and meeting place for local residents and for the children attending and travelling to the surrounding schools. However, there has been no significant investment has been made by Council or private land owners in Charing Cross for communal space in the past decade.

Notably, the DCP states that *"At present the public domain is not particularly well defined, blurring into the adjacent residential areas, particularly at the northern and southern ends of the high street"*. The proposal seeks to provide additional publicly accessible open space and strengthen the fine grain characteristics of the centre.

The purpose of the controls included in the Development Control Plan is clearly established at Section E3 (page 326) to, *"strike a balance between upgrading and improving the public and private domain in village centres, while maintaining their character and affordability"*. This revised planning proposal demonstrates that whilst changes to planning controls are proposed, the scale ensure the character objectives are maintained and that the existing buildings will be significantly improved from the current dilapidated condition. Furthermore, it is noted that the Desired Future Character Objectives and Existing Character and Built Form description have remained the same from the 2016 DCP to 2019.

Charing Cross - Desired Future Character Objectives	
Objective	Response
(a) To limit the scale of redevelopment and infill development at the street edge to match the height of the existing heritage parapet façades and roof lines, with setbacks to further levels where appropriate.	Consistent The built form response preserves the existing building façade and parapet height to Bronte Road, with upper levels setback from the street frontage, consistent with the other provisions of the DCP. The form within the precinct steps down Bronte road to the south and ensures that the rear of sites is characterised by publicly accessible open space
(b) To ensure that the design of infill development remains consistent with the regular division of frontages, where regular divisions occur.	Consistent The configuration of the site is such that the division of frontages is retained to Bronte Road, with the existing heritage façade to be retained and restored. The proposal also provides opportunity over time for a future redevelopment of the legion club to provide a more consistent character response to Bronte Road The Carrington Road façade provides a contextual response to surrounding development, stepping down in heights towards the south
(c) To ensure an integrated approach and consistent treatment to the conservation of terrace groups of buildings of historic character.	Consistent As noted above, the proposed retained the existing heritage façade and massing to the parapet of heritage facade
(d) To minimise 'visual clutter' through control of peripheral building elements.	Consistent The proposal provides a consistent built form, adopting datum lines of the existing façade and setting back upper levels, and stepping down to the south on both Bronte a Road and Carrington Road. The precinct will provide a cohesive built form to the street frontages with large expanses of open space to the rear.
(e) To encourage the conservation of historic architectural details and reconstruction of missing or degraded elements.	Consistent The proposal seeks to retain and restore the existing façade of 223-227 Bronte Road (Bronte Road frontage), ensuring consistency to the streetscape and character area of Charing Cross.
(f) To maintain the continuity of awnings where present.	Consistent The proposal will incorporate continuous awnings to both Bronte Road and Carrington Road. This requirement would be part of a detailed DCP control, called up by Local provision within the LEP.
(g) To maintain Bronte Road as the primary streetscape in the centre with lanes and side passages as secondary frontages.	Consistent The proposed retains the prominence of Bronte Road as the primary streetscape. By retaining and restoring the existing façade, the streetscape and associated character is strengthened

Unique Nature of the Site in the Context of Charing Cross

The precinct's unique with regard to its gateway location, geometry and size within Charing Cross, dual street frontage and adjacency to the Robin Hood Hotel, as the cornerstone of the Charing Cross intersection. The revised proposal for the precinct offers a unique opportunity to provide accessible pedestrian connection, significant open space (off street) and increased ground floor retail activation unlikely any other site within Charing Cross. For these reasons, the Planning Proposal does not set a broader precedent for other sites in Charing Cross, and meets the strategic planning requirements that have been identified by Council and community to date.

Test: The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

The precinct well located to existing infrastructure and is accompanied by a public benefit offer applying the land owned by the Whitten Family (see **Section 9.9** of the Planning Proposal).

Due to the proximity of the site to public transport connections and the limited car parking provided on site, the proposal will not have adverse impact on the local road network. The Transport Impact Assessment (**Appendix H**) identifies a minor net increase to traffic, with an increase in weekday and reduction in weekend and evening volumes.

The report confirms that the additional traffic generated (at a conservative estimate applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

The removal of the existing bottle shop and redevelopment of the site also opens up the opportunity for providing another 6 on-street, publicly accessible, car parking spaces. These would be in the control of Council with regard to time limits, use for loading/services, or paid parking.

5.5 Section B - Relationship to Statutory Planning Framework

5.5.1 Relevant Legislation and Regulations

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EPA Regs) set out amongst other things the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in **Section 3.33** of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

5.5.2 Q5 - Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State and Regional Statutory Framework

An assessment of the planning proposal against the applicable State Environmental Planning Policies is provided in the table below. There are no Regional Environmental Plans (REPs) (deemed State Environmental Planning Policies) that apply to the Planning Proposal (**Table 7**).

Table 7 - Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
State Environmental Planning Policy No 19-Bushland in Urban Areas			✓	There is no existing vegetation on the site.
State Environmental Planning Policy No 55 – Remediation of Land	✓			The land is currently zoned B4 – Mixed Use and no change in use is proposed. The site has been utilised as a pub since the 1890's and is not known to be contaminated nor previously utilised for any industrial purpose that has caused land contamination (refer to Appendix G).
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	✓			The planning proposal will achieve consistency with the SEPP through application of design excellence provisions. Appendix A provides the amenity analysis of the indicative scheme and quality principles of the SEPP. This demonstrates compliance with the key criteria of the Apartment Design Guide (ADG). Any future DA to be submitted to Council for this site will demonstrate the development satisfies the requirements of this SEPP.

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State Environmental Planning Policy	Consistent			Comment
	Yes	No	N/A	
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	✓			The planning proposal is not inconsistent with the application of this SEPP. The provision of affordable housing will be subject to the future DA
State Environmental Planning Policy (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (BASIX) 2004			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to any future development of the site.

5.5.3 Local Statutory Planning Framework

Consistency with Waverley LEP 2012 Aims

The Proposal's consistency with the overall aims of the Waverley LEP 2012 is demonstrated in **Table 8** below.

Table 8 - Consistency Waverley LEP 2012 - Aims

Waverley LEP 2012 Aims				
Objective	Consistent			Comment
	Yes	No	N/A	
(a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,	✓			The proposal is consistent with this aim and will deliver a well-coordinated and integrated mix of retail, commercial and residential uses along with open space and other services to cater for the local and wider community.
(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,	✓			The proposed development is of a local, Charing Cross, scale and will not directly compete and erode the economic importance of Bondi Junction. The services and retail/commercial offering within the proposal will be at a local scale.
(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	✓			The proposal will provide potential for 60 dwellings, in a location well serviced by public transport, close to open space, and availability to amenities and employment (also increased as part of the planning proposal). The unit mix and size reflects the changing nature of the population within the centre as outlined in the Urban Design Report.
(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,	✓			The site is uniquely located to enable a transition in height to be accommodated, whilst protecting the amenity of surrounding residential areas, particularly to the western side of Carrington Road.
(e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,	✓			The proposal will create a new, publicly accessible, through site link and square that would not be possible without the redevelopment. This will enhance the liveability and amenity of Charing Cross and in turn lead to increased commercial/retail activation, strengthening the centre.
(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,	✓			The proposal will incorporate environmentally sustainable design techniques, including rain water collection, PV cells, green walls, and passive heating and cooling.
(g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley	✓			The proposal carefully considers the heritage and social impacts of the proposal. A Heritage Assessment has been undertaken (Appendix C). Opportunities have been made available for the provision of public art, embedded into the design (refer to Appendix A and Appendix I).

Consistency with Zone Objectives – B4 Mixed Use

The planning proposal is the best means of achieving the intended outcomes for the site from a land use and permissibility perspective. The site is currently zoned B4 – Mixed Use under the Waverley LEP 2012 (**Table 9**). In particular the zone objectives align with the intended outcomes of this planning proposal, being:

Table 9 – Consistency with WLEP 2012 – B4 Mixed Use Zone Objectives

Waverley LEP 2012 B4 Mixed Use zone				
Objective	Consistent			Comment
	Yes	No	N/A	
To provide a mixture of compatible land uses.	✓			The proposal will provide for a wider mix of compatible land uses, including shop top housing, and retail/business and commercial premises, supported by the publicly accessible through site link proposed.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	✓			<p>The site currently demonstrates its suitability to contain a mix of uses and the proposed increased density on the site would be integrated with the surrounding uses to make the precinct an activated, vibrant centre. This is supported by good public transport links, including both bus and train services (at nearby Bondi Junction station).</p> <p>The precinct's transport vision is reflected in the Waverley Transport Plan, where it identifies Charing Cross as having a high proportion of zero or one car households. Important objectives that the Plan outlines for Charing Cross includes further encouragement of high quality public transport options, car share facilities, and standardised pedestrian and cycle facilities.</p>
To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.	✓			<p>The proposed increase in density to the site will not impact adversely on the heritage or character of the building or precinct. Moreover it is an opportunity to demonstrate a leading example of compatible urban infill developments.</p> <p>The proposal seeks to reflect and respect both the wider heritage setting of Charing Cross village and the adjoining Robin Hood Hotel heritage item.</p>

Consistency with Building Height Objectives

Table 10 – Consistency with WLEP 2012 – Building Height Objectives

Waverley LEP 2012 Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,	✓			The proposal will facilitate redevelopment of the currently dilapidated and underutilised site, whilst ensuring the amenity of neighbouring properties is retained. The amenity of public spaces will be significantly enhanced by virtue of the planning proposal to increase building height, including the creation of a through site link and publicly accessible square.

Waverley LEP 2012 Building Height				
Objective	Consistent			Comment
	Yes	No	N/A	
to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,			✓	Not directly applicable as the site is located outside of Bondi Junction, however the proposal does facilitate retail and commercial floor space rejuvenation and expansion, commensurate with the scale of Charing Cross.
to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land	✓		✓	Not applicable. However, as shown in Appendix A and B , the proposed building height provides for an appropriate built form in the context of surrounding buildings, including consideration of the Heritage Character of Charing Cross. Built form and urban design has been a key consideration in this proposal and is discussed further in Section 9.2 .
to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space	✓			As shown in Appendix A and B , the proposed building height provides for an appropriate built form in the context of surrounding buildings, positively contributing to the streetscape and facilitating the desired future character of Charing Cross. The built form enables a publicly accessible through site link (including public square) to be realised.

Consistency with Floor Space Ratio Objectives

Table 11 - Consistency with WLEP 2012 – Floor Space Ratio Objectives

Waverley LEP 2012 Floor Space				
Objective	Consistent			Comment
	Yes	No	N/A	
to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,			✓	The site is located outside of Bondi Junction.
to provide an appropriate correlation between maximum building heights and density controls,	✓			The proposed built form (as shown at Appendix B) and accompanying FSR, provide the appropriate density control to facilitate the delivery of significant public domain and amenity benefits, whilst ensuring appropriate feasibility for the project (See Section 5.6).
to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality	✓			Built form and urban design has been a key consideration in this proposal and is discussed further in Section 9.1 , and has been carefully considered to respect the exiting streetscape and desired future character of the locality. The ground plane will reflect that of the Charing Cross character.
to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.	✓			As noted above, the proposal has been designed so as to consider the amenity impacts to surrounding development and neighbouring properties.

5.5.4 Q6 - Is the Planning Proposal consistent with applicable Section 9.1 Ministerial Directions (previously s 117 directions)?

The planning proposal is consistent with the relevant directions for planning proposals issued by the Minister for Planning under Section 9.1 of the EP&A Act.

Section 9.1 Ministerial Directions (Previously referred to a S117 Directions)

Ministerial directions under Section 9.1 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning and Infrastructure under Section 9.1 of the EP&A Act is provided in **Table 12** below.

The planning proposal is consistent with the relevant Section 9.1 Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the Directions noted in the table below.

Table 12 - Assessment of relevant Ministerial Directions

Ministerial Direction	Comment
Employment and Resources	
1.1 Business and Industrial Zones	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> ▪ give effect to the objectives of this direction, ▪ retain the areas and locations of existing business and industrial zones, ▪ not reduce the total potential floor space area for employment uses and related public services in business zones, ▪ not reduce the total potential floor space area for industrial uses in industrial zones, and ▪ ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning 	<p>The proposal will not alter the existing zoning of the site or the existing permissible uses of the site.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height and floor space ratio under the Waverley LEP.</p> <p>These changes will increase the extent and quality of employment generating uses and strengthen the location of Charing Cross as a local centre.</p>
2 Environment and Heritage	
2.1 Environmental Protection Zones:	
<ul style="list-style-type: none"> ▪ A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. ▪ A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). 	<p>The site and surrounds are not zoned for environmental protection purposes nor are they identified for this purpose under the Waverley LEP.</p>
2.3 Heritage Conservation:	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> ▪ items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, ▪ Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and 	<p>The site is identified as part of a heritage conservation area under the Waverley LEP. A Heritage Assessment report has been prepared and assesses the proposed development as illustrated by the concept plan. The design process was undertaken with careful consideration of the heritage values of the site and locality.</p>

Ministerial Direction	Comment
<ul style="list-style-type: none"> Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	<p>The Waverley Development Control Plan states <i>'the original characteristics of traditional neighbourhood retail buildings are retained and enhanced'</i>. For any future development, particularly along Bronte Road, this would be a key consideration that would need to be addressed during the development application stage.</p>
2.6 Remediation of Contaminated Land	<p>Consistent. The preliminary site assessment for contamination concludes that it is suitable for development for an hotel use subject to the submission of a detailed site investigation and implementation of a any required remediation plan at the development application stage.</p>
3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> broaden the choice of building types and locations available in the housing market, and make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and not contain provisions which will reduce the permissible residential density of land. 	<p>The proposal will not alter the existing B4 – Mixed Use zone and will retain the location of the heritage listed pub.</p> <p>The proposal seeks to allow for an intensification of the site through amendments to the height of buildings and floor space ratio under the Waverley LEP 2012.</p>
3.4 Integrating Land Use and Transport	
<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). 	<p>The PP will facilitate retail/commercial and residential development in close proximity to jobs and services encouraging walking, cycling and use of public transport. This is consistent with the requirements of the direction and reference documents.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	
<p>The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.</p>	<p>This Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The site to which the proposal applies is not affected by acid sulphate soils under Waverley LEP.</p>

Ministerial Direction	Comment
<p>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulphate soils, those provisions must be consistent with:</p> <ul style="list-style-type: none"> the Acid Sulphate Soils Model LEP in the Acid Sulphate Soils Planning Guidelines adopted by the Director-General, or Such other provisions provided by the Director-General of the Department of planning that are consistent with the Acid Sulphate Soils Planning Guidelines. <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulphate soils on the Acid Sulphate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	
<p>4.3 Flood Prone Land</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> permit development in floodway areas, permit development that will result in significant flood impacts to other properties, permit a significant increase in the development of that land, are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on</p>	<p>This Section 9.1 Direction is not applicable to this planning proposal.</p> <p>The site to which the proposal applies is not affected by flooding.</p>

Ministerial Direction	Comment
<p>Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p> <ul style="list-style-type: none"> the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or the provisions of the planning proposal that are inconsistent are of minor significance. 	
5-Regional Planning	
5.10 Implementation of Regional plans	Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This planning proposal does not include any concurrence, consultation or referral provisions. Additionally, it does not identify any development as designated development
6 Local Plan Making	
6.1 Approval and Referral Requirements	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 	The planning proposal does not propose any such provisions listed in Direction 6.1.
6.2 Reserving Land for Public Purposes	
<p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	The planning proposal will facilitate the provision of a publicly accessible through site link as well as publicly accessible square, surrounding by retail, commercial and residential uses. The proposal does not involve the reduction or removal of any land dedicated for public purposes.

Ministerial Direction	Comment
6.3 Site Specific Provisions	
<p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> allow that land use to be carried out in the zone the land is situated on, or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>Site specific provisions are proposed, as set out in Section 5.2.4 of this Planning Proposal in order to provide appropriate flexibility in responding to the topography (fall) of the site between Bronte Road and Carrington Road, without increasing the overall maximum building height across the site.</p> <p>This approach allows for a site-specific design response in the DA with appropriate assessment criteria of Council</p> <p>The site-specific provisions do not change the permissible uses of zoning of the site.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
<p>A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency the Sydney Region Plan:</p> <ul style="list-style-type: none"> is of minor significance, and the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for subregions, strategic centres and transport gateways. 	<p>The planning proposal will create the opportunity for additional local employment through the intensification of the site.</p>

5.6 Section C – Environmental, Social and Economic Impacts

5.6.1 Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site's urban location. A focus on sustainability is embedded into the project as demonstrated in **Appendix A**.

5.6.2 Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is unlikely to result in any land use conflicts within the immediate vicinity and will not limit the ongoing use of the surrounding lands, as the range of uses permitted in the current B4 – Mixed Use zone is not proposed to be amended. The proposal will complement the existing surrounding character and function of Charing Cross precinct and will create increased employment and housing opportunities. It is considered that the proposal has the ability to be a catalyst development for the overall renewal of Charing Cross.

The site is not affected by any known natural hazards such as flooding, land slip or bushfire. A detailed assessment of the environmental impacts of the Planning Proposal is provided in **Assessment of Planning Issues - Section 9** of this planning proposal.

5.6.3 Q9 - Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will contribute to a diversification of the local economy by providing for increased retail and commercial uses, and residential floor space. In turn, the proposal will increase local employment opportunities and the provision of higher density of housing within the village precinct. Both are consistent with Council's aim *to focus on strengthening existing and established centres, and facilitating economic and employment opportunities*.

By amending the Waverley LEP to allow for a change to the height and floor space development standards, the site can be utilised for its highest and best use, and support a viable redevelopment whilst mitigating any impacts to surrounding land uses.

An Economic Feasibility and Impact Assessment have been prepared by Leyshon Consulting (**Appendix D**).

The purpose of the Report is to review the existing development context of the Charing Cross centre and to comment on the economic feasibility of redevelopment under various planning controls and in relation to the redevelopment concept proposed for the site (as per **Appendix A** and **B**).

Existing Context

At the 2016 Census approximately 22,000 people lived within one kilometre of Charing Cross. Notwithstanding the centre's proximity to Bondi Junction, this population could (and should) support a more diverse range of local convenience retail facilities and services than is found in the Charing Cross centre at present.

In the last 10 years there have been an increase in the number of coffee shops/cafés in the centre and an increase in the number of businesses retailing home decoration/renovation products. Renovation products and specific services (such as Reece Plumbing) serve a subregional or regional market and do not primarily attract customers to the immediately surrounding area. The report notes that this can, in some instances, lead to a crowding out of the area, leaving fewer retail offering that service the direct community.

Economic Feasibility

A height control of 9m and an FSR of 1:1 do not provide sufficient economic incentive in any locality for the demolition of existing property and its replacement with new buildings, given the financial requirements for lenders, return on investment and cost of construction. Therefore, repurposing is the only feasible option for land owners under the current controls. The various costs involved in repurposing existing assets makes this option not economically viable for many land owners. Nevertheless, most crucially, this leaves little or no opportunity for the delivery of any greater public benefit to the community.

The Economic Feasibility and Impact Assessment report indicates it is necessary to increase substantially the FSR applying to the site from the current level of 1:1 if redevelopment of existing properties in the centre is to be encouraged and facilitated. The proposal of between 2:0 and 2.25:1 is the FSR required to achieve a viable mixed-use development and a satisfactory return as far as funding authorities were concerned.

5.7 Section D – State and Commonwealth Interests

5.7.1 Q 10 - Is there adequate public infrastructure for the planning proposal?

The Charing Cross precinct is an established residential/missed use area, located within close proximity to various public transport links. The area is serviced regularly by bus services that travel between Bondi Junction, Coogee and Wolli Creek, and provide connection to Bondi Junction rail/bus interchange.

The site is well connected to pedestrian and cycle paths, as documented in the Transport Impact Assessment (**Appendix H**) and discussed further in **Section 9.6**. The proposal results in a minor overall net increase to traffic movements, with additional weekday movement and a reduction in weekend and evening volumes.

The report confirms that the additional traffic generated (at a conservative estimate applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

Existing utility services will adequately service any future development and will be upgraded or augmented where required.

5.7.2 Q 11 - What are the views of State and Commonwealth public authorities consulted?

Representatives of the project team have met with Waverley Council on a number of occasions. Furthermore, a Communication and Engagement Plan has been prepared by KJA (**Appendix E**) which sets out the strategy and framework for engagement with relevant stakeholders undertaken to date and proposed.

Upon lodgement, no formal consultation has been undertaken with other State or Commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination.



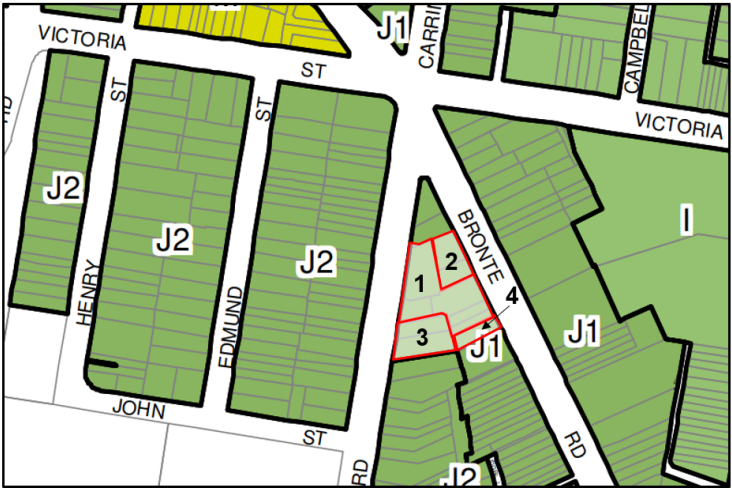
5 PART 4 - Mapping

The proposed amendments to the current Waverley LEP are provided at **Appendix L**. Should the planning proposal progress through the Gateway Determination and plan making process, additional mapping would be undertaken in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (issued by the DPIE).

Height Of Buildings Map - Sheet HOB_001

Maximum Building Height (m)

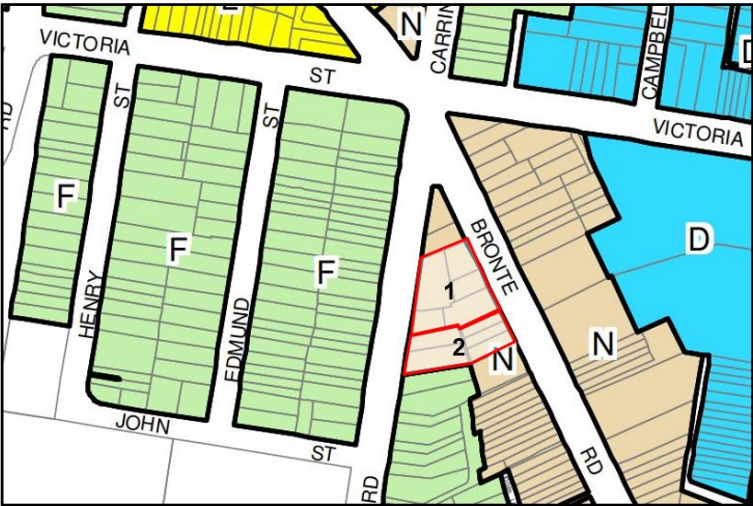
I	8.5	1	13.5m
J1	9	2	13m
J2	9.5	3	11m
K	10	4	10m
M	12.5		
N	13		
O1	15		
O2	16		



Floor Space Ratio Map - Sheet FSR_001

Maximum Floor Space Ratio (n:1)

D	0.50	1	2.25
F	0.60	2	2
I	0.75		
L	0.90		
N	1.00		
S	1.50		
T	2.00		
V	3.00		



6 PART 5 - Consultation and Engagement

The importance of engagement and community involvement is understood and acknowledged by the owners of the site. A Communication and Engagement Plan (**Appendix E**) has been prepared by KJA, to ensure an orderly and open approach to engagement with community, Council and stakeholders.

7.1 Consultation Process

The Communication and Engagement Plan has been prepared to ensure a consistent framework to facilitate two-way communication between stakeholders. It provides a summary of the primary community and stakeholder groups and their likely areas of interest and includes a range of tools and activities to assist in the delivery of relevant and timely information. The intent is to establish the engagement approach with each of these groups as part of planning proposal process.

Communication activities are primarily focused on businesses, residential neighbours, hotel patrons, Councillors and relevant community groups. Formal consultation with the Relevant Planning Authority and other agencies will take place as part of the formal planning proposal process.

The key objectives of this plan are to:

- Inform the community and stakeholders about the proposal in a timely, accurate, and accessible manner.
- Provide clear and factual information about the proposal and the planning process.
- Proactively engage stakeholders and community members most likely to have an interest in the proposal.
- Ensure a coordinated and consistent approach to communication and engagement by all members of the project team.
- Demonstrate the proponent's commitment to engaging in two-way communication and engagement with adequate opportunities for feedback.

7.1.1 Consultation Prior to lodgement of the Planning Proposal

As referenced at **Appendix E**, early engagement has taken place with representative of the Charing Cross Village Precinct. This engagement involved a presentation of the proposed scheme via PowerPoint to the Precinct organisers, with images matching those provided with this planning proposal.

On 13 June 2018, a briefing was also given to the Charing Cross Village Precinct and invited local residents which included a presentation of the components of the planning proposal and indicative architectural scheme. Leaflet invitations were circulated by the Precinct organisers in the week prior to the meeting to invite the public to attend. Approximately 30-40 people attended including two Waverley Councillors. The Precinct includes members of the community and local business owners. Ongoing briefings have also been provided to the Eastern Suburbs Legion Club in regard to the Planning Proposal.

7.2 Engagement During Public Exhibition

It is noted that public exhibition of the planning proposal is generally undertaken in the following manner:

- notification in a newspaper that circulates in the area affected by the planning proposal
- notification on the website of the Relevant Planning Authority (RPA)
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them
- a communication and engagement action plan specific to the planning proposal has also been prepared by KJA engagement consultants (**Appendix E**).

During the exhibition period, the following material is to be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Gateway determination,
- the Gateway determination, and
- any information or technical information relied upon by the planning proposal.

Proposals that are considered to be of low-impact are to be exhibited for a minimum of 14 days, whilst all other proposals are to be exhibited for a minimum 28 days.

It is important to note that Council (or the Relevant Planning Authority) can undertake additional consultation if this is deemed appropriate or necessary. This may include, but is not limited to broad consultation by letter, open days or public forum.

7 Indicative Project Timeline

The Department's *Planning Proposals: A guide to preparing planning proposals* (August 2016) requires an indicative project timeline to be included with the Planning Proposal. This is provided below (Table 13) and assumes Council's endorsement of the Proposal and issue of a Gateway determination.

The planning proposal timeline will be determined in consultation with Waverley Council.

Assuming the planning proposal is endorsed by Council, the timeframe for the consideration and completion of the planning proposal is dependent upon a number of variables including:

- Council's consideration of the proposal and need or otherwise for additional information.
- The need or requirement for referrals to any relevant Government agencies.
- The extent and duration of community consultation (public exhibition).

Table 13 - Indicative Project Timeline (noting that final timeline will be subject to the Council)

Stage	Indicative Timeframe
Lodgement	April 2020
Consideration by Council of Planning Proposal (including review by Local planning Panel)	May- July 2020
Referral to Department of Planning & Environment for Gateway Determination	December 2020
Gateway Determination	27 May 2021
Public exhibition	December 2021 – February 2022
Timeframe for consideration of submissions and consideration of Planning Proposal following public exhibition	February – March 2022
Planning Proposal Reported to Council (post exhibition)	March 2022
Plan Made	April 2022

8 Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

9.1 Urban Design Analysis and Architectural Scheme

In establishing the Planning Proposal, an indicative architectural scheme and montages have been prepared to ensure that all relevant built form, separation, amenity, and design parameters are appropriately considered. This included working closely with Oultram Heritage in response to the heritage aspects of the site and built form response. The outcomes of these investigations, and feedback of the Council and Regional Planning Panel has guided the content of the revised Planning Proposal.

As part of the Urban Design Report, and in response to discussion with Council and the Regional Planning Panel, a broader analysis of the Charing Cross Precinct was also carried out by Roberts Day. The purpose of the analysis was to consider the potential future development pattern and the relationship between the Planning Proposal and future development. By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA scheme) can be tested, understood and clearly presented.

9.2 Potential Built Form

The proposed building envelopes for the precinct (as show in both the Architectural Plans and Urban Design Report (**Appendix A** and **B**) seek to provide appropriate building heights and setbacks for feasible developments and the creation of pedestrian through site links and publicly accessible squares within Charing Cross.

The proposed built form achieve a fine grain vertical street rhythm and heritage response that provides significant design and public benefit. Through collaboration with the heritage specialists (Oultram Heritage at **Appendix C**) the following principles are incorporated into the design.

- Preserving the prominence of the Robin Hood Hotel when viewed from the north;
- Retention of the inter-war facade of 223-227 Bronte Road to maintain consistency in the streetscape of Charing Cross; and
- Creating a fine grain rhythm to Charing Cross by redistributing massing on the site, providing through site links and open space at the ground plane surrounded by vibrant and active retail uses.

Unique Characteristics of the Precinct

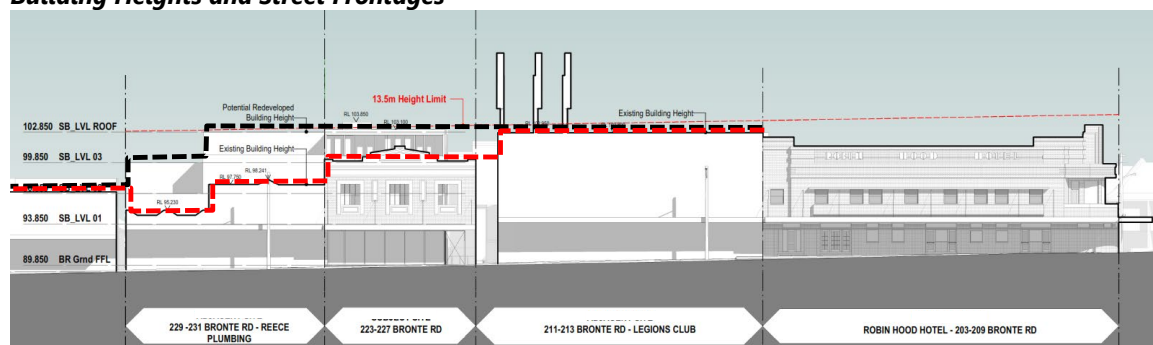
The site is located immediately adjacent to the Robin Hood Hotel which marks the gateway to Charing Cross when travelling from the east. The topography of both Bronte and Carrington Roads falls away to the south from this corner, emphasising its location and importance.

These physical and geometric attributes of the precinct are unique and cannot be translated or recreated by other buildings along Bronte Road or Carrington Road

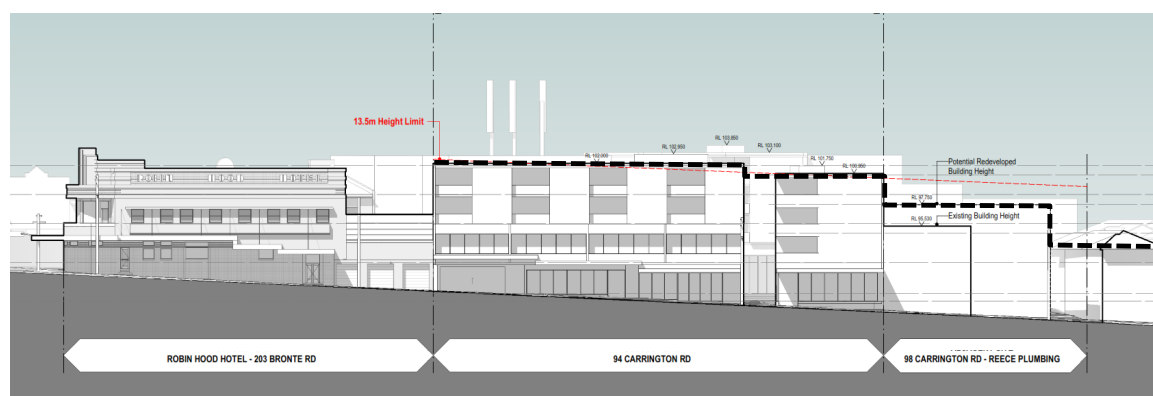
A preliminary visual assessment of the proposal has been undertaken from key vantage points, particularly the intersection of Bronte Road and Carrington Road (as provided in the Urban Design Report – Appendix A). As shown in these images (Figures 19 to 23), given the sites unique geometry and change in level, the

proposal has minimal visual impact and is largely contained within the frame established by the Robin Hood Hotel and Eastern Suburbs Legion Club.

Building Heights and Street Frontages



- Street Frontage Height to Bronte Road
- Proposed built form set back behind the street wall



- Proposed built form stepping down Carrington Road to the south

9.3 Solar Access and Overshadowing

Detailed shadow diagrams have been prepared to assess the potential impacts on solar access to neighbouring properties between 9am and 3pm for the winter solstice (June 21) as well as the Equinox (20 March and 22 September) and Summer Solstice (refer **Appendix B**). These diagrams also identify sunlight achieved to the proposed through site links and square, given the proposed dimensions of open space and geometry

The shadow diagrams provided at **Appendix B** indicate that the proposed built form will overshadow the roofs and courtyard of the adjacent properties to the south in mid-Winter, due to the orientation of lots and built form. At the Equinox and other times of the year, the buildings to the south will receive direct solar access in the morning and afternoon hours. As noted in the Urban Design Report (**Appendix A**), the overshadowing is compliant with relevant Apartment Design Guidelines (ADG).

Solar access to the proposed buildings on the site is provided by the building orientation. The Carrington Road buildings are proposed to be largely north-south oriented with solar access provided in the afternoon hours from the west. The buildings to Bronte Road will receive direct morning sunlight, as well as midday and afternoon sun on the northern and western facades.

At the Equinox, the through site links and open space receive direct sunlight in the early morning hours and during the middle of the day. Importantly, the western façade of the Carrington Road building will receive high levels of direct sunlight throughout the year to the ground floor level.

9.4 Residential Amenity

The indicative architectural scheme (**Appendix B**) has been prepared with regard to SEPP 65 and the accompanying Apartment Design Guide. In particular, the building envelopes and indicative architectural scheme is able to achieve solar access, natural cross-ventilation, building separation, apartment size and layout requirements (see ADG Compliance in **Appendix A**). Detailed compliance with SEPP 65 will be demonstrated as part of the future development application.

9.5 Heritage

A Heritage Assessment has been prepared Oultram Heritage Design (**Appendix C**), to consider the impact of the proposal on the heritage significance of the surrounding heritage items, conservation area and Charing Cross locality. Recommendations have been directly incorporated into the proposed precinct, including the retention of the Bronte Road façade and further reduction in building height.

The report (**Appendix C**) considers the historical development of the locality, site and surrounds, heritage listing and controls, significance of each of the buildings, and the historical development pattern. The report also then considers the proposed design, in terms of form and massing and the provisions of Waverley LEP 2012 and DCP 2012.

The report concludes that the proposal, including the expanded precinct of the north western quart of Charing Cross is coherent and well-considered response a high quality, built outcome and streetscape whilst respecting the qualities of the conservation area. The contribution of the current building to Bronte Road will be maintained in the retention of its facade and awning allowing an easy fit for the development into the local streetscape. The scale of potential development is not considered to be excessive and responds well to the local context and is capable of compliance with the objectives and provisions of the LEP 2012 and DCP 2012.

The design and scale of the future buildings, proposed links and open space between buildings is considered to provide a pattern of development that will complement, rather than dominate the local streetscape.

9.6 Transport Assessment (Traffic)

A Transport Impact Assessment has been prepared by GTA Consultants for the site, including the proposal (**Appendix H**). The report sets out an assessment of the anticipated transport implications of the planning proposal, including consideration of the following:

- existing traffic and parking conditions surrounding the site
- suitability of the proposed parking in terms of supply (quantum)
- service vehicle requirements
- pedestrian and bicycle requirements
- the traffic generating characteristics of the planning proposal
- suitability of the proposed access arrangements for the site
- initiatives to reduce the reliance on private vehicle travel to the site
- the transport impact of the development proposal on the surrounding road network.

Parking

As outlined in **Appendix H**, the Waverley DCP 2012 specifies maximum car parking rates rather than minimums. Given the location of the site, demographics, and access to high frequency public transport options, it is considered likely that car parking to be provided at a rate less than the DCP would be appropriate and would be confirmed as part of future development applications. As shown in the Architectural Drawings (**Appendix B**), a single vehicle entry from Carrington Road.

The potential to consolidate the basement car park and use a single vehicular access would remove four existing driveways on Carrington Road south of Robin Hood Hotel. This would improve amenity, limit conflict and ensure all vehicles can enter and exit the site in a forward direction (not currently possible for all sites), while also providing around seven on-street parking spaces for short-term parking use.

Traffic Impacts

The report considers the potential traffic generation as a result of the Planning Proposal for the precinct. As part of this assessment, a count of existing vehicle movements was conducted during the road network peak periods (AM and PM) on Thursday and Saturday midday. Additional counts were carried out for the drive through bottle shop during the peak operational times of 5:45pm-6:45pm on a Friday evening.

The existing traffic counts at the AM and PM road network periods were conducted at the five existing accesses on Carrington Road, with traffic generation for the uses fronting Bronte Road, including the Legion Club (including bistro and gym) and reatil based on comparable data and RMS guidelines. Proposed traffic generation estimates have been sourced from RMS and Technical Direction as set out in **Appendix H**.

A summary of the existing and proposed traffic generation from the Transport Impact Assessment is summarised provided below:

Peak Hour Traffic Generation Estimates (vehicle trips per hour)						
	Morning (AM)		Afternoon (PM)		Saturday (Midday)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
	35	58	84	89	71	90
Net Change	+23		+5		+19	

It is important to note that a conservative approach to traffic generation has been applied and will ultimately be influenced by the final supply of car parking supply provided on-site (as part of the future DA). The numbers used by GTA are representative of a car parking supply near the maximum requirements of the DCP (i.e. 123 spaces). Should the car parking supply be less than maximum DCP rates, then traffic generation will reduce accordingly. To ensure a comprehensive impact assessment (i.e worst case) of traffic and intersection performance, these conservative numbers have been used.

With regard to the overall number of vehicle movements in and out of the site, consideration has been given to the unique nature of the current uses – including a drive through bottle shop and plumbing supplies, which both generate peak demands outside of the typical AM and PM road network measurement periods. The existing traffic volumes relating to the drive through bottle shop peak on Friday and Saturday PM periods, considerably higher than the survey, 'typical' condition of weekday PM period, with the plumbing supplier peaking in the morning hours on Monday to Friday for collections by tradespeople.

Whilst these periods are not typically included in the standardised AM/PM measurements, GTA confirms that the planning proposal would result in a significant reduction in site traffic generation on Friday and Saturday evenings, further improving the amenity of the area.

When considered against the minimal increase during the AM/PM measurement period, there is the potential for an overall net reduction in traffic generation from the sites, particularly when considering on-site parking at levels lower than maximum DCP provisions.

Intersection Performance

Based on an assessment of the proposed uses within the precinct, the traffic generated by the proposed development when compared to existing uses would have minimal increases. The additional traffic generated by the planning proposal amounts to less than one vehicle every two minutes and is not expected to compromise the operation of the surrounding road network.

The report confirms that the minimal additional traffic generated in the conservative modelling will not impact the overall level of service to the intersection of Carrington and Bronte Roads. As such, any car parking supply that is lower than the Waverley DCP maximum rates will further minimise any traffic impacts, and potentially improve the traffic generation compared to the existing uses on the site.

The report confirms that the additional traffic generated (as applied near the maximum DCP rates) will not compromise the safety or function of the road network in the area surrounding the site, but improve pedestrian safety and amenity, whilst also freeing up the possibility of additional on-street car parking to Carrington Road, resulting from the removal of significant driveway crossing distance. Significantly, the GTA confirms that there is appropriate capacity in the surrounding road network to cater for the traffic generated by the Planning Proposal.

Loading and Servicing

Loading is proposed to occur on-street within existing and potential loading zones, which is considered acceptable for the size of the precinct and the existing operation of use. GTA recommends that provision of a single on-site loading bay be considered within basement car park as part of any future development applications, subject to achievable clearance heights and spatial availability.

9.7 Contamination and Geotechnical

9.7.1 Contamination

A Phase 1 Contamination Assessment has been prepared by Risktech is provided at **Appendix G**. A letter, specifically relating to the preparation of a Planning Proposal is also provided at **Appendix G** and addresses the findings to the Phase 1 Contamination Assessment as it relates to the planning proposal. The initial Phase 1 Assessment was prepared in 2016, with the cover letter prepared in 2018 to accompany the previously submitted Planning Proposal.

The investigation indicates the site may have the potential for contaminants through the use of unknown fill material, and historic uses. Notwithstanding this the assessment considers that there is generally a low to medium risk of soil or groundwater contamination on site. On this basis, the site is considered suitable for a more intensive mixed-use development and can be made suitable for the proposed redevelopment.

Consideration has been given to the probability for significant contamination of the site (as required by Part 6 of SEPP 55), and the likelihood of contamination has been as low in the PSI. The cover letter also notes

that give the stage of the Planning Proposal, and the fact that the underlying zoning (land uses) is not proposed to be amended, and further investigation would be undertaken.

In July 2021, a further Preliminary Geotechnical Investigation was prepared by WSP (**Appendix N**) covering 98 Carrington Road, 211-231 Bronte Road was prepared in response to the Gateway Determination.

The 2021 preliminary investigation confirms that there is a low potential for site contamination. The report considers that the site can be suitable for its proposed use as a mixed commercial / residential property, subject to further investigation as per Section 4.1 and remediation works (if required).

As part of further assessment, accompanying a detailed Development Application, additional investigation would be undertaken at the time of a detailed development application.

9.7.2 Geotechnical

An Initial Geotechnical Study of the part of the site (where the basement is identified in the concept scheme) has been prepared by JK Geotechnics and is provided at **Appendix F**. The assessment identifies that the site is likely underlain by residual soil, shale rock and sandstone. Groundwater was not encountered during the investigations on site. The assessment report considered the proposal for one basement level below.

The recommendations contained within this report will be implemented as part of the detailed Development Application.

9.8 Structural Engineering Assessment

A Structural Assessment of the existing building at 223-227 Bronte Road (Stamatiko Flats) has been carried out by Ashby Doble and is provided at **Appendix J**, with a subsequent site inspection report prepared (**Appendix K**). The report investigates the existing structural configuration and condition of the existing building, including internal walls, external walls, roofing, facades and garages.

The report determines that the buildings would require demolition, rebuilding and upgrade works in order to bring the structure to a habitable standard for residential components of the building. The full scope of works, as listed in **Appendix J**, amounts to the effective demolition and reconstruction of the majority of the building. The site inspection Report (**Appendix K**) confirms that the three commercial tenancies (currently in operation) are however, fit for purpose.

9.9 Public Benefits

9.9.1 Overview

The Planning Proposal will provide significant public benefit through the delivery of high quality residential, retail and commercial spaces with access to public transport, services, and employment, health, education, entertainment and recreation facilities. The proposal will provide a direct and distinct community benefit in the form of publicly accessible through site links and open spaces that will provide direct access to retail and commercial uses, as well as a range of other site-specific works.

These components of community benefit are secured with any development on the land through the proposed incentive clauses of the LEP (refer to proposed site specific LEP wording at **Appendix O**) and accompanying Development Control Plan (refer to proposed Design Guide at **Appendix P**). This arrangement provides abundant certainty to the community, Council and land-owners, that no additional development can occur, unless the component of public benefit set out in the controls are provided. The proposed site-specific incentive clauses guarantees that when any substantial development takes place on the site, that the public and community benefit identified in the clause and DCP, will be delivered. As such, there is no need, or benefit of a Voluntary Planning Agreement on the land.

The following components have been incorporated into the proposal by the proponent to secure substantial net community benefits for the immediate Charing Cross community and wider Waverley Local Government Area residents and visitors.

- construction, maintenance of and access to a through site link and public square between Bronte and Carrington Roads
- street tree planting along Carrington Road in line with Council's Public Domain Improvement Plan
- additional on-street car parking to Carrington Road
- retention and repair of façade at 223-227 Bronte Road
- monetary contribution to install public art within the site

9.9.2 Assessment of Public Benefit

An assessment of the value of public benefits within the Planning Proposal has been undertaken by Hill PDA and is provided attached at **Appendix M** (submitted under separate cover). The report considers the value of the uplift associated with the Planning Proposal and the value of the public benefits proposed. The report also considers the viability of the proposal and the costs associated should the planning proposal be delivered in more than one part.

Public Benefit

The proposed public benefit within the Planning Proposal is **57.7%** of the value of the bonus uplift (assessed at an FSR of 1.25:1).

Viability

Hill PDA have also reviewed the viability of redevelopment of the site and confirm that redevelopment of the site to the base FSR is not viable and is development to result in a development margin of negative 22%.

As set out in the work by Peter Leyshon (**Appendix D**), a minimum FSR of 2:1 is required to ensure a feasible development with a development margin of 20% which excludes the delivery of any public benefits.

On this basis, if the bonus FSR was measured from the 'tipping point' (the minimum FSR required to achieve a viable development) then the value of proposed public benefits would be almost three times higher than the benefit of the bonus floor space.

Single or Staged Delivery

The assessment of the public benefit has assumed delivery in a single stage of development on an amalgamated site. If development was staged in more than one stage, the specific requirements of the benefits (such as open space and through site links) would still be delivered (as per the site specific incentive controls), however the preliminaries and other on-costs relating to construction would be considerably higher – two to three times more depending on the number of stages/projects. Whilst the extent of community benefit remains protected, the cost of delivering the identified works (as effective Works in Kind) would be considerably higher to the relevant land owner.

Hence the value of public benefits is expected to be 62% of the value of bonus uplift over FSR 1:1, or more than three times higher if calculated on the addition floor space above 2:1, as discussed with regards to viability above.

9.9.3 Planning Mechanism to Secure Benefits

As discussed within this Planning Proposal, the statutory mechanism proposed for the land is by way of a site-specific clause that sets out objectives, and items and components of the development that cannot be approved unless other aspects are satisfied. The proposed uplift to FSR and building height are tied to these components, making them an "incentive clause". This mechanism has been used successfully within NSW across other LGAs, and recently put forward by Council for a Planning Proposal at the War Memorial Hospital.

The proposed arrangement is clear and robust and provides clarity to community and stakeholders of the amount and type of public benefit that must be delivered with any redevelopment of the land. The community benefit is inherently tied to any development.

Specifically, the layout, size and arrangement of through site link and open space is known, with the opportunity for input during the public exhibition period. Furthermore, the planning controls apply to the land, giving the certainty that regardless of the land owner(s), the same development outcome and public benefit is to be delivered in any development under the Planning Proposal is to be realised.

10 Conclusion

Charing Cross is identified as a village centre within Waverley LGA containing a mixture of retail and commercial premises, including restaurants, cafes and pubs. However, the centre has a lack of structure and definition and the planning proposal offers the opportunity to renew the western quarter of the village.

The planning proposal recognises the potential of contributing to the wider revitalisation of Charing Cross. As such, the planning proposal has taken a village-wide approach to reflect the strategic merit of the urban renewal of the site. The planning proposal offers a site responsive planning solution allowing the site to be redeveloped in a manner sympathetic to the character and amenity of the village.

Due to the specific and unique characteristics of the site, the proposed height and floor space amendments will not set an undesirable precedent. Rather, the proposed amendments will positively contribute to the success of Charing Cross by creating a new destination for local and visitors alike, in turn strengthening the local economy. The creation of publicly accessible through site links and Charing Square will enhance the identity of the area whilst adding fine grain elements, consistent with the character of Charing Cross.

The planning proposal will facilitate a well-considered and strategic outcome for a site that is most appropriately used for a mix of commercial and residential uses, with particular consideration to the heritage character of the site and streetscape of Bronte Road. It is a planning proposal that will provide high quality and well-designed residential, retail and commercial uses within an area of Charing Cross that is underutilised, strengthening the local economy.

The proposed development is a catalyst to realising the desired character and ongoing role of the Charing Cross by significantly enhancing amenity, and bringing significant public benefits, without any significant adverse impacts.

The Proponent has worked collaboratively with community and Council Officers in developing this revised Planning Proposal, which is evidenced by the various meetings and reconsideration following the Regional Planning Panel meeting in November 2019. The proponent is committed to continuing to engage with Council through this process.

For the reasons outlined above and in the accompanying documentation, we submit that the Planning Proposal has considerable strategic and site-specific merit, and thus warrants support to proceed for Gateway determination.

Charing Square Planning Proposal

Suggested Wording for Additional Clause in LEP

Example Site Specific Provision Wording

Note: This has been prepared in line with the examples of the War Memorial Hospital and 194 Oxford Street

Clause (##) Development on Certain Land in Waverley

- 1) *The objective of this clause is:*
 - (a) *To provide for additional building height and floor space for development on certain land in a coordinated and considered approach*
 - (b) *To ensure that development on certain land occurs in accordance with a site-specific development control plan*
 - (c) *To require the delivery of a through site link and publicly accessible square on the site*
 - (d) *To require the retention of sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes at 223–227 Bronte Road and 94 Carrington Road (fronting Bronte Road only)*
 - (e) *To encourage building design that minimises the consumption of energy and water;*
- 2) *This clause applies to the land coloured [insert colour] on the Key Sites Map, including*
 - (a) *203-209 Bronte Road – Part Lot 1, DP655918, Lot 1, DP 59526 and Lot A, DP105665*
 - (b) *211-213 Bronte Road - Lot B +C DP 105665*
 - (c) *223–227 Bronte Road - Lot A, DP332733*
 - (d) *229 Bronte Road - Lot 2 and 3 DP 102988*
 - (e) *231 Bronte Road (including 98 Carrington Road) - Lot 1 DP 170941, Lot 1 DP 90800 and Lot 1 DP 952482*
 - (f) *94 Carrington Road - Lot A +B, DP332733*
- 3) *Despite clause 4.3 (2), the maximum building height is the maximum height shown for the land on the Alternative Height of Buildings Map, but only if the consent authority is satisfied that subclauses (5) – (8) of this clause have been met.*
- 4) *Despite clause 4.4(2), the maximum floor space ratio is the maximum floor space ratio is the shown for the land on the Alternative Height of Buildings Map, but only if the consent authority is satisfied that subclauses (5) – (8) of this clause have been met.*
- 5) *The consent authority must be satisfied that any part of a building that is BASIX affected is to be rated above the State-mandated targets for water, above the State-mandated target for energy, and is to exceed the NatHERS rating for thermal comfort (or equivalent).*
- 6) *The consent authority must be satisfied that the design of buildings and building services for any commercial part of a building must take appropriate measures to ensure the development is capable of exceeding the otherwise required NABERS (National Australian Built Environment Rating System) Water Commitment Agreement (or equivalent).*
- 7) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*
 - a. *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - b. *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - c. *how the development addresses the following matters—*
 - i. *the suitability of the land for development,*
 - ii. *existing and proposed uses and use mix,*
 - iii. *heritage issues and streetscape constraints,*
 - iv. *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - v. *bulk, massing and modulation of buildings,*
 - vi. *street frontage heights,*
 - vii. *environmental impacts such as overshadowing, wind and reflectivity,*
 - viii. *the achievement of the principles of ecologically sustainable development,*

- ix. *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - x. *the impact on, and any proposed improvements to, the public domain,*
 - xi. *the quality and integration of landscape design.*
- 8) *Development consent must not be granted under this clause unless the consent authority is satisfied that—*
- (a) *Through site link connecting Bronte Road and Carrington Road provided in accordance with the site-specific Development Control Plan.*
 - (b) *A square accessible to the public is provided in accordance with the site-specific Development Control Plan.*
 - (c) *The ground floor of development is to be used for the purposes of non-residential premises only, with the exception of any service and loading area or access to upper levels (such a lobby areas)*
 - (d) *223–227 Bronte Road are contributory items in the heritage conservation area and sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes shall be retained to ensure that they are still interpreted as buildings that contribute to the streetscape and heritage conservation area.*
- 9) *Despite anything in this clause or Clause 4.3(2), a minor variation in height may be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.*
- 10) *Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (11) has been prepared for the land.*
- 11) *A development control plan must provide for all of the following—*
- (a) *built form, scale and interface to surrounding land uses,*
 - (b) *retention of sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes at 223–227 Bronte Road (fronting Bronte Road only).*
 - (c) *pedestrian connections between Bronte Road and Carrington Road, including the layout and size of those connections,*
 - (d) *landscaping and public open space, such as public square, including the layout and size of these areas,*
 - (e) *improvements to the public domain, including street paving, street lighting, street furniture and public art,*
 - (f) *safety and security, accessibility, activation and casual surveillance,*
 - (g) *amenity of the public square,*
 - (h) *an indicative staging plan for delivery of development on the land identified in this clause,*
 - (i) *consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy; and*
 - (j) *stormwater drainage.*

LEP MAPS

- [Alternate Building Height Map](#)
- [Alternate Floor Space Ratio Map](#)



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP-2021-3579): to increase the floor space ratio and building height controls and add an additional local provision for 203-231 Bronte Road and 94-98 Carrington Road, Waverley.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to increase the floor space ratio and building height controls and add an additional local provision for 203-231 Bronte Road and 94-98 Carrington Road, Waverley should proceed subject to the following conditions:

1. The planning proposal (including relevant attachments) is to be revised prior to public exhibition to address the matters set out below:
 - i. remove any reference to a 10% height variation and replace with a more general provision describing that a variation in height may be considered due to site topography and where the development does not result in any unreasonable massing or amenity impacts;
 - ii. provide a more detailed assessment against the relevant directions and actions in the Waverley Local Strategic Planning Statement;
 - iii. include correct reference to the Waverley Community Strategic Plan 2018-2029;
 - iv. provide shadow diagrams to describe the impact on the adjoining residential properties to the south, including the impact on the northern windows and private open space areas;
 - v. provide further information to illustrate solar access to the future residential dwellings within the concept scheme (for example, 'view from the sun' diagrams); and
 - vi. update the project timeline to reflect the timeframe allowed to complete the LEP.
2. The planning proposal is to contain a provision for a site-specific development control plan (DCP) to consider:
 - i. promoting movement, legibility and wayfinding through the site;
 - ii. ensuring safety and security, activation and casual surveillance;
 - iii. amenity of the courtyard, including solar access;
 - iv. a staging plan for future development; and
 - v. consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy.

3. Prior to the finalisation of the planning proposal:
 - i. provide confirmation from an appropriately qualified consultant that the whole site is suitable in its contaminated state (or will be made suitable after remediation), for all the purposes for which the land in the zone is permitted to be used; and
 - ii. include a stage 1 preliminary site investigation of the Reece Plumbing site (229 and 231 Bronte Road, and 98 Carrington Road) in accordance with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Ausgrid;
 - Environment Protection Authority;
 - Heritage NSW;
 - Sydney Water; and
 - Transport for NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

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7. The planning proposal must be placed on exhibition no later than 3 months from the date of the Gateway determination.
8. The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
9. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 27 day of May 2021.



Laura Locke
Director, Eastern and South Districts
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP-2021-3579 (IRF21/423)

**REPORT
CM/7.8/22.03**

Subject: Planning Proposal - Employment Zones Reform

TRIM No: A21/0539

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. As part of the State Government's Employment Zones Reform, endorses the translation of the following zone changes as set out in the report:
 - (a) Existing B1 Neighbourhood Centre zone to E1 Local Centre.
 - (b) Existing B3 Commercial Core and B4 Mixed Use to MU1 Mixed Use.
 - (c) Select B4 Mixed Use centres to E1 Local Centre.
2. Endorses the changes in land use tables and zone objectives, as set out in the report.
3. Notes the mandatory Department of Planning and Environment proposed changes in land use tables and zone objectives, as set out in the report.
4. Directs the community via Council's website to the NSW Government ePlanning Portal to ensure that the community is informed of the change and can make submissions to the NSW Government, noting that the change is led by the NSW Government, that there will be no change to development standards of height and floor space ratio, and that the Development Control Plan 2012 character chapter E3 Local Villages will remain.
5. As part of a future planning proposal, investigates further changes to zoning and development standards in Bondi Junction to emphasise commercial office and jobs to reinforce Bondi Junction's status as the primary commercial centre for the Eastern Suburbs and the classification as a Strategic Centre in the Eastern City District Plan.

1. Executive Summary

The Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been made to give effect to the employment zones reform that, on completion, will replace the existing Business and Industrial zones with new Employment zones.

All Standard Instrument Local Environmental Plans in NSW must be made in accordance with the SI LEP Order. This means that a translation amendment to the *Waverley Local Environmental Plan 2012* is required. The Department of Planning and Environment (DPE) will coordinate the translation of LEP amendments and will provide a centralised public exhibition of all LEP amendments in April 2022 by the DPE. It is recommended that Council prepare a Have Your Say page to notify the community about the

changes. The Have Your Say page will link to the DPE reform website and clarify that the nature of these changes relates to land use permissibility, and not built form or density changes.

The NSW DPE have proposed direct translations of all existing zones across all NSW local government areas (LGAs). Council officers have reviewed the suggestions for Waverley LEP and suggested the following zone translation:

- B1 Neighbourhood Centre to E1 Local Centre.
- B3 Commercial Core to E2 Commercial Centre.
- B4 Mixed Use to MU1 Mixed Use.
- Some centres from B4 Mixed Use to E1 Local Centre (as identified in Table 6).

The DPE suggested translating all B4 Mixed Use zoned centres directly to MU1 Mixed Use. Council officers have recommended a number of smaller centres currently zoned B4 Mixed Use would be more appropriate to change to E1 Local Centre, consistent with the proposed changes of the draft WLEP 2022 and the Council endorsed Our Liveable Places Strategy.

The zone translations result in revised zone objectives and minor changes to the permissibility of land uses. It is noted that no changes to height or floor space ratio are included in this reform package.

2. Introduction/Background

The Department of Planning and Environment (the Department) is reforming the employment focused zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP). The SI LEP currently includes eight business (B) zones and four industrial (IN) zones. This reform was announced as part of the NSW Budget in November 2020, and responds directly to NSW Productivity Commission recommendation to consolidate and simplify the employment zones framework in NSW.

The Department of Planning and Environment (DPIE) has prepared the SI LEP Order to introduce five employment zones and three supporting zones. On 1 December 2022 the Business and Industrial zones will be repealed from the SI LEP Order.

The new zones are:

- E1 Local Centre.
- E2 Commercial Centre.
- E3 Productivity Support.
- E4 General Industrial.
- E5 Heavy Industrial.

Supporting zones:

- MU1 Mixed Use.
- W4 Working Waterfront.
- SP4 Enterprise.

DPE exhibited the employment zones framework from 20 May to 30 June 2021. Council made a submission, not supporting the consolidation of zones (Attachment 2). Despite the submission, DPE has proceeded with and mandated the employment zones framework changes.

The new employment zones came into effect within the Standard Instrument Principal Local Environmental Plan on 1 December 2021. DPE prepared a draft translation package which proposed the following translation:

- B1 Neighbourhood Centre to E1 Local Centre
- B3 Commercial Core to E2 Commercial Centre
- B4 Mixed Use to MU1 Mixed Use

Council officers acknowledge that B4 Mixed Use to MU1 Mixed Use is a more direct translation. However, consistent with the proposed changes of the draft WLEP 2022 and the Council endorsed Our Liveable Places Strategy, a number of smaller centres currently zoned B4 Mixed Use have been recommended to change to E1 Local Centre. These centres are identified in Table 6.

3. Relevant Council Resolutions

Nil.

4. Discussion

Council has been provided with the opportunity to inform the DPE translation of the existing Business and Industrial zones to find a zone that best fits Councils' strategic plans. Council officers have recommended the following zone translation based on a review of the existing and proposed permissible land uses and zone objectives:

Table 1. Existing and proposed land use zones.

Existing Land Use Zone in WLEP2012	Proposed Land Use Zone under SI LEP Order
B1 Neighbourhood Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B4 Mixed Use (centres identified in Table 6)	E1 Local Centre

Change in land use tables

The translation in zones will result in amendments to the permissibility of uses in each zone. Attachment 1 shows the comparison of land uses permitted or prohibited under each existing and proposed zone.

It is important to note that the land use terms that permit supermarkets ('shops') and small supermarkets ('neighbourhood supermarkets') are currently permissible in the B1 Neighbourhood Centre and will be mandated under the new E1 Local Centre zone as a permissible use. Therefore there is no increase in the permissibility of supermarkets across the centres in the Waverley LGA as a result of these reforms.

The differences between the current permissible and prohibited uses as compulsory in the Employment Zone reforms and proposed by Council officers are summarised as follows:

Table 2. Zone comparisons.

Zone Comparison	Differences
B1 to E1	<p>Nothing new is prohibited.</p> <p>Prohibited under B1 but compulsory to permit with consent under E1: Hotel or motel accommodation, garden centres, hardware & building supplies, landscaping material supplies, plant nurseries, rural supplies, specialised retail premises, timber yards, vehicle sales or hire premises, amusement centres, entertainment facilities, function centres, service stations, home industry, and recreation facilities (indoor).</p>

	<p>While some of the new proposed compulsory uses would not be suitable to some of Waverley's existing B1 centres, they would be unlikely to develop in these centres due to land economics, large floorplate / lot size requirements or market suitability. For example, many of the above uses require very large lots (i.e. landscaping material supplies), would not be able to afford the high rents / land prices in the Waverley LGA or would not have the market suitability (i.e. rural supplies).</p> <p>Prohibited under B1 but recommended by Officers to be made permitted with consent under E1: Local distribution premises, light industries, vehicle body repair workshops, and vehicle repair stations.</p> <p>The addition of these uses in the E2 zone are expected to encourage employment growth and industry diversity. The addition of local distribution premises is proposed to meet the evolving needs of consumers and freight.</p>
B3 to E2	<p>Nothing new is prohibited.</p> <p>Prohibited under B3 but compulsory to permit with consent under E2: Home business, artisan food and drink industry, home industry, and vehicle repair stations.</p> <p>Prohibited under B3 but recommended by Officers to be made permitted without consent under E2: Home occupations.</p> <p>Prohibited under B3 but recommended by Officers to be made permitted with consent under E2: Home-based childcare, light industries, local distribution premises, residential care facilities, vehicle body repair workshops, and vehicle repair stations.</p> <p>The addition of these uses in the E2 zone are expected to encourage employment growth and industry diversity. The addition of local distribution premises is proposed to meet the evolving needs of consumers and freight.</p>
B4 to MU1	<p>Prohibited under B4 but compulsory to permit with consent under MU1: Industrial retail outlet, general industries, depots, warehouse or distribution centres, local distribution centres, resource recovery facilities, waste disposal facilities, electricity generating works, freight transport facilities, and industrial training facilities.</p>
B4 to E1	<p>Prohibited under B4 but compulsory to permit with consent under E1: Amusement centres.</p> <p>Prohibited under B4 but recommended by Officers to be made permitted with consent under E1: Local distribution premises.</p> <p>Permitted with consent under B4 but recommended by Officers to be made prohibited under E1 to align with the permissible and prohibited uses from B1: Animal boarding or training establishments, residential care facilities, tourist and visitor accommodation, registered clubs, restricted premises, wholesale supplies, biosolids treatment facilities, sewerage treatment plants, water recycling facilities, passenger transport facilities, recreational facilities (outdoor).</p>

Zone objectives

The recommended E1 Local Centre and E2 Commercial Centre objectives are detailed as follows:

Table 3. Proposed E1 Local Centre objectives.

Mandatory Objectives from DPE	To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
	To encourage investment in local commercial development that generates employment opportunities and economic growth.
	To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
	To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
Local voluntary objectives retained from the existing B1 centre	To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.
	To maximise public transport patronage and encourage walking and cycling.
Local voluntary objectives added from the comprehensive WLEP 2022	To maintain existing commercial floor space so that the zone favours commercial development over residential to promote employment growth.
	To encourage the provision of affordable housing.
	To provide active ground floor uses to create vibrant centres.
	To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.
	To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

Table 4. Proposed E2 Commercial Centre objectives.

Mandatory Objectives from DPIE	To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
	To encourage investment in commercial development that generates employment opportunities and economic growth.
	To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
	To enable residential development that is consistent with the Council's strategic planning for residential development in the area.
	To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
Local voluntary objectives retained from the existing B1 centre	To provide direct, convenient and safe pedestrian links between the Bondi Junction bus concourse, rail station and Oxford Street Mall and reinforce the bus and rail interchange as a major passenger transport facility.

Local voluntary objectives added from the comprehensive WLEP 2022	To prioritise employment opportunities and health related uses to ensure Bondi Junction can fulfill its role as a Strategic Centre within Greater Sydney.
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Table 5. Proposed MU1 Mixed Use objectives.

Mandatory Objectives from DPIE	To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
	To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
	To minimise conflict between land uses within this zone and land uses within adjoining zones.
	To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
Local voluntary objectives retained from the existing B3 and B4 centres	To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned E2 Commercial Centre
	To provide direct, convenient and safe pedestrian links between the Bondi Junction bus concourse, rail station and Oxford Street Mall and reinforce the bus and rail interchange as a major passenger transport facility.
Local voluntary objectives added from the comprehensive WLEP 2022	To provide for diverse types of affordable housing.
	To prioritise employment opportunities and health related uses to ensure Bondi Junction can fulfill its role as a Strategic Centre within Greater Sydney.
	To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.
	To encourage the provision of affordable housing.

Relationship with Local Strategic Planning Statements (LSPS) Implementation Planning Proposal (draft Waverley Local Environmental Plan 2022)

It is acknowledged that the NSW DPE Employment Zones Reform is not consistent with the findings of Waverley's Our Liveable Places (OLP) Centres Strategy and the changes proposed under the LSPS Implementation Planning Proposal (draft comprehensive Waverley Local Environmental Plan 2022). Specifically, the introduction of the B2 Local Centre zone under the draft WLEP 2022. The B2 Local Centre zone was proposed to be introduced to create a clearer retail hierarchy that differentiated the 17 neighbourhood and local centres from Bondi Junction Strategic Centre.

Conversations with DPE have clarified that both the WLEP 2022 and employment zones reform work will be finalised at the same time to prevent conflicts, with the employment zones work prevailing where there is a direct conflict. The centres proposed as B2 Local Centre under WLEP 2022 will be translated to E1 Local Centre.

Whilst unfortunately there will be no differentiation between a neighbourhood and local centre under the proposed E1 Local Centre zone, these centres will be differentiated from Bondi Junction Strategic Centre, which will now be zoned as E2 Commercial Centre and MU1 Mixed Use.

The table below identifies the zone changes to each centre.

Table 6. Zone changes to each centre.

Centre Name	Current WLEP 2012	Draft WLEP2022	Employment Zone
Bondi Junction	B3 Commercial Core	B3 Commercial Core	E2 Commercial Centre
	B4 Mixed Use	B4 Mixed Use	MU1 Mixed Use
Bondi Beach (Hall Street)	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Belgrave Street	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Blake Street	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Bondi Road	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Bronte Beach	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Charing Cross	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Curlewis Street	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Fletcher Street	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Flood Street	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Macpherson Street	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Murrivier Road (East and West)	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
North Bondi	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Rose Bay North	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Rose Bay South	B4 Mixed Use	B2 Local Centre	E1 Local Centre
Seven Ways	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Vaucluse	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre
Wairoa Avenue	B1 Neighbourhood Centre	B1 Neighbourhood Centre	E1 Local Centre

Amendment to clause 6.12 of the WLEP 2012

The following change is suggested to the existing clause 6.12 of the WLEP 2012 to reflect the division of the current B4 zone:

6.12 Development on certain land in Bondi Junction

(1) The objective of this clause is to maintain the amount of non-residential floor space on certain land in Bondi Junction in Zone MU1 Mixed Use.

(2) This clause applies to development involving the erection of a new building or alterations to an existing building on land shown coloured light pink on the Key Sites Map.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the non-residential gross floor area of the building will be the same as or greater than the total non-residential gross floor area of all buildings on the site on 1 January 2021

5. Financial impact statement/Time frame/Consultation

There are not expected to be great resource implications associated with the employment zones reform directly. The compulsory consolidation of land use zones may require additional work by the Strategic Town Planning team in the future to define the desired business centres hierarchy by other means.

A self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE) will be exhibited by DPE in April 2022. The SEPP EIE will outline each council's proposed LEP amendment.

DPE is building a web platform so that communities can readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas. Submissions in their entirety as well as summaries will be shared with councils following exhibition to enable finalisation of the policy between DPE and Council second half of 2022.

A savings and transitional provision will be made which means councils can make changes to other documents incrementally including DCPs, Local Strategic Planning Statements, council strategies, policies, plans and forms.

The Council officers recommended translations are expected to support economic growth in centres, particularly in Bondi Junction where the E2 objectives and land use table will better align with the employment focus of the strategic centre.

Have Your Say Page

Whilst the DPE will be leading and managing the public exhibition process for this reform, Council officers suggest that Waverley prepare and publish a Have Your Say page that directs people to the NSW Government's ePlanning Portal, to ensure that the community is informed of the change and can make submissions to the NSW Government. The Have Your Say page will contain information to clarify that the change is led by the NSW DPE and that there will be no change to development standards of height and FSR and the Local Villages character elements of the WDCP 2012 remain.

6. Conclusion

The employment zones reform framework is not supported by Council officers in principle as it reduces the ability to establish a clear centre hierarchy and undermines the findings of Waverley's *Our Liveable Places (OLP)* Centres Strategy and the changes proposed under the LSPS Implementation Planning Proposal (draft comprehensive Waverley Local Environmental Plan 2022).

However, as compliance with the employment zones reform work is mandated by DPE, Council officers have reviewed the reform and recommend the following general zone translations:

- B1 Neighbourhood Centre to E1 Local Centre.
- B3 Commercial Core to E2 Commercial Centre.
- B4 Mixed Use to MU1 Mixed Use.
- Some centres B4 Mixed Use to E1 Local Centre (as identified in Table 6).

The recommended zone translations, and associated changes to the land use zone objectives and land use tables are considered to best reflect the intended strategic direction for the employment zones within the Waverley LGA. Future work will be undertaken to support the differentiation of the centres in other ways, and to investigate how to strengthen the role of Bondi Junction as a Strategic Centre.

7. Attachments

1. Business Zone land use comparison [↓](#)
2. Employment Zones Reform - Waverley submission [↓](#) .

March 2022

Waverley Local Environmental Plan 2012

Legend		Neighbourhood centre			Commercial Core			Mixed Use			Mixed Use		
	Permitted with consent (voluntary)	B1	E1	Change	B3	E2	Change	B4	E1	Change	B4	MU1	Change
C	Permitted with consent (mandatory)												
O	Permitted without consent												
E	Permitted with or without consent (under other EPI)												
	Prohibited (voluntary)												
X	Prohibited (mandatory)												

(LAND USE terms WITHIN agriculture group term)

agriculture													
aquaculture													
Oyster aquaculture		C	C		C	C		C	C		C	C	
Pond-based aquaculture		X			X			X			X		
Tank-based aquaculture		C	C		C	C		C	C		C	C	
extensive agriculture [eg grazing of livestock etc]													
bee keeping													
dairy (pasture-based)													
intensive livestock agriculture													
feedlots													
dairies (restricted)													
pig farm													
poultry farm													
intensive plant agriculture [eg cultivation of irrigated crops]													
horticulture													
turf farming													
viticulture													

(LAND USE terms OUTSIDE agriculture group term)

animal boarding or training establishments													
farm buildings													
forestry													

(LAND USE terms WITHIN residential accommodation group term)

residential accommodation													
attached dwellings													
boarding houses		C	C					C	C		C		
dual occupancies													
dual occupancies (attached)													
dual occupancies (detached)													
dwelling houses													
group homes								E			E		
group homes (permanent)								E			E		
group homes (transitional)								E			E		
hostels													
multi dwelling housing													
residential flat buildings													
rural worker's dwellings													
secondary dwellings													
semi-detached dwellings													
seniors housing								C			C		
residential care facilities								C			C		
shop top housing		C	C					C	C		C		

(LAND USE terms OUTSIDE residential accommodation group term)

home business			C			C			C			C	
home occupations		O	o			o			O	o		O	o
home occupation (sex services)													

(LAND USE terms WITHIN tourist and visitor accommodation group term)

tourist and visitor accommodation													
backpackers' accommodation						C							
bed & breakfast accommodation													
farm stay accommodation													
hotel or motel accommodation			C		C	C		C	C		C		
serviced apartments													

(LAND USE terms OUTSIDE tourist and visitor accommodation group term)

camping grounds													
caravan parks													
eco-tourist facilities													

(LAND USE terms WITHIN commercial premises group term)

commercial premises			C		C	C		C	C		C		
business premises [eg banks, post offices, hairdressers, etc]		C	C		C	C		C	C		C		
funeral homes		C	C		C	C		C	C		C		
goods and repair premises			C			C			C			C	

March 2022

Waverley Local Environmental Plan 2012

Legend																					
	Permitted with consent (voluntary)	Neighbourhood centre	Local Centre	Change	Commercial Core	Commercial Centre	Change	Mixed Use	Local Centre	Change	Mixed Use	Mixed Use	Change								
C	Permitted with consent (mandatory)													B1	E1	B3	E2	B4	E1	B4	MU1
O	Permitted without consent																				
E	Permitted with or without consent (under other EPI)																				
	Prohibited (voluntary)																				
X	Prohibited (mandatory)																				
office premises			C		C	C		C	C		C										
retail premises			C		C	C		C	C		C										
cellar door premises			C		C	C		C	C		C										
food & drink premises			C		C	C		C	C		C										
pubs			C		C	C		C	C		C										
restaurants or cafes			C		C	C		C	C		C										
take-away food & drink premises			C		C	C		C	C		C	C									
small bars			C		C	C		C	C		C										
garden centres			C		C	C		C	C		C	C									
hardware & building supplies			C		C	C		C	C		C	C									
kiosks			C		C	C		C	C		C										
landscaping material supplies			C		C	C		C	C		C										
markets			C		C	C		C	C		C										
plant nurseries			C		C	C		C	C		C										
roadside stalls			C		C	C		C	C		C										
rural supplies			C		C	C		C	C		C										
shops			C		C	C		C	C		C										
neighbourhood shops			C	C	C	C		C	C		C	C									
neighbourhood supermarkets			C	C	C	C		C	C		C										
specialised retail premises			C		C	C		C	C		C										
timber yards			C		C	C		C	C		C										
vehicle sales or hire premises			C		C	C		C	C		C										
(LAND USE terms OUTSIDE commercial premises group term)																					
amusement centres			C		C	C		C	C		C										
entertainment facilities			C		C	C		C	C		C										
function centres			C		C	C		C	C		C										
highway service centres																					
industrial retail outlets												C									
registered clubs					C	C		C			C										
restricted premises					C	C		C			C										
service stations			C						C												
sex services premises																					
veterinary hospitals			C			C			C												
wholesale supplies																					
(LAND USE terms WITHIN rural industry group term)																					
rural industries [eg use of composting facilities and works]																					
agricultural produce industries																					
livestock processing industries																					
sawmill or log processing industries																					
stock & sale yards																					
(LAND USE terms WITHIN industry group term)																					
industries																					
heavy industries																					
hazardous industry																					
offensive industry																					
light industries												C									
artisan food and drink industry						C						C									
creative industries												C									
high technology industries												C									
data centre												C									
home industry			C			C			C			C									
general industries												C									
(LAND USE terms OUTSIDE industry group term)																					
boat building and repair facilities																					
vehicle body repair workshops																					
vehicle repair stations						C															
(LAND USE terms WITHIN heavy industrial storage establishment group term)																					
heavy industrial storage establishments																					
hazardous storage establishments																					
liquid fuel depots																					
offensive storage establishments																					
(LAND USE terms WITHIN storage premises group term)																					
storage premises																					

March 2022

Waverley Local Environmental Plan 2012

Legend		Neighbourhood centre			Commercial Core			Mixed Use			Mixed Use		
	Permitted with consent (voluntary)	B1			B3			B4			B4		
C	Permitted with consent (mandatory)	E1			E2			E1			MU1		
O	Permitted without consent	Change			Change			Change			Change		
E	Permitted with or without consent (under other EPI)												
	Prohibited (voluntary)												
X	Prohibited (mandatory)												
self storage units													
(LAND USE terms OUTSIDE storage premises group term)													
depots												C	
warehouse or distribution centres												C	
local distribution premises												C	
(LAND USE terms WITHIN sewerage system group term)													
sewerage systems													
biosolids treatment facilities												E	
sewage reticulation systems		E	E		E	E		E	E		E	E	
sewage treatment plants												E	
water recycling facilities												E	
(LAND USE terms WITHIN waste or resource management facility group term)													
waste or resource management facilities												E	
resource recovery facilities												E	
waste disposal facilities												E	
waste or resource transfer stations												E	
(LAND USE terms WITHIN water supply system group term)													
water supply systems													
water reticulation systems													
water storage facilities													
water treatment facilities													
(LAND USE terms WITHIN air transport facility group term)													
air transport facilities													
airport													
heliport													
(LAND USE terms OUTSIDE air transport facility group term)													
airstrip													
helipad													
(Other LAND USE terms relating to infrastructure)													
car parks													
electricity generating works												E	
freight transport facilities												C	
passenger transport facilities					C	C		C			C		
port facilities												E	
roads		C	C		C	C		C	C		C	C	
transport depots													
truck depots													
wharf or boating facilities													
(LAND USE terms WITHIN educational establishment group term)													
educational establishments [eg TAFE establishment etc]		E	E		C	C		C	E		C		
schools		E	E		C	C		C	E		C		
(LAND USE terms WITHIN health services facility group term)													
health services facilities		E	E		E	E		E	E		E		
hospitals		E	E		E	E		E	E		E		
medical centres		C	C		C	C		C	C		C		
health consulting rooms		E	E		E	E		E	E		E		
(Other LAND USE terms relating to community infrastructure)													
early education & care facilities													
centre-based child care facilities		C	C		C	C		C	C		C		
home-based child care													
school-based child care		E	E		E	E		E	E		E		
community facilities		C	C		C	C		C	C		C		
correctional centres								E			E		
emergency services facilities		E	E		E	E		E	E		E	E	
industrial training facilities												C	
information and education facilities			C		C	C		C	C		C		
places of public worship			C			C			C				
public administration building			C		E	E		E	C		E		
research stations													
respite day care centres		C	C		C	C		C	C		C		
(LAND USE terms WITHIN signage group term)													
signage													
advertising structure													
building identification sign			C			C			C			C	

March 2022

Waverley Local Environmental Plan 2012

Legend		Neighbourhood centre			Commercial Core			Mixed Use			Mixed Use		
	Permitted with consent (voluntary)												
C	Permitted with consent (mandatory)												
O	Permitted without consent												
E	Permitted with or without consent (under other EPI)												
	Prohibited (voluntary)												
X	Prohibited (mandatory)												
		B1	E1	Change	B3	E2	Change	B4	E1	Change	B4	MU1	Change
business identification sign		C	C		C	C		C	C		C	C	
(LAND USE terms relating to recreation)													
boat launching ramps													
boat sheds													
charter & tourism boating facilities													
environmental facilities													
jetties													
marinas													
mooring													
mooring pens													
recreation areas						C			C			C	
recreation facilities (indoor)			C		C	C		C	C		C		
recreation facilities (major)													
recreation facilities (outdoor)						C							
water recreation structures													
(Other miscellaneous LAND USE terms)													
cemetery													
crematorium													
environmental protection works													
exhibition homes													
exhibition villages													
extractive industries													
flood mitigation works		E	E		E	E		E	E		E	E	
mortuaries						C							
open cut mining													

**Waverley Council**

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Our ref: A21/0188

30 June 2021

NSW Department of Planning and Environment
GPO BOX 239
SYDNEY NSW 2001

Sent via the Planning Portal online submission page and via e-mail to
employment.zones@planning.nsw.gov.au

RE: Waverley Council Submission to the Proposed Employment Zones Framework

We wish to thank the Department of Planning, Industry and Environment (DPIE) for the opportunity to make this submission to the exhibition of the proposed Employment Zones Framework. This submission has been prepared by Council officers and not elected representatives.

Background

The proposed aim as outlined by the DPIE of the Employment Zones Framework is to deliver a simplified planning framework for development in current Business and Industrial zoned land. The proposed reform seeks to replace the 12 business (B1–B8) and industrial (IN1–IN4) zones with five core employment zones. The five core proposed employment zones are:

- E1 Local Centre: provides for a range of retail business, entertainment, community uses that service a local area;
- E2 Commercial Centre: large-scale commercial, retail, business and service development in strategic centres;
- E3 Productivity Support: mix of industrial, commercial, creative, warehousing and emerging new industries that need larger floor space;
- E4 General Industrial: light and general industrial and warehousing uses providing important urban services like waste management and concrete batching; and
- E5 Heavy Industrial: hazardous and industries with odour and noise impacts that need to be separated from other urban areas.

In addition, an SP4 Local Enterprise zone is proposed to allow a planning authority to define its own land use table. MU Mixed Use and W4 Working Foreshore zones are proposed to accommodate land uses that are not primarily productivity related.

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Council welcomes the opportunity to have a zoning system that enables the delivery of the community's strategic vision. A zoning system that supports flexibility and economic productivity is strongly supported, however the current zoning system provides an appropriate level of clarity and flexibility. Furthermore, the argument that the B1 zone inhibits the evolution of centres is not supported.

Firstly, not all centres need to be evolved through growth or expansion. The B1 Neighbourhood Centre zone in the Waverley area identifies small centres with unique character and heritage values and should be retained as they are. In addition, these small neighbourhood centres are characteristic of an Inter-War development pattern and therefore have heritage value beyond their immediate aesthetic qualities.

Secondly, both the B1 Neighbourhood Centre zone and the B2 Local Centre zone are crucial in providing a clear hierarchy across centres. Smaller centres are beloved by the local community as they provide equitable access to essential goods and services which increases both community and urban resilience and have distinct characters.

This submission recommends amendments to the proposed framework that could better support the local community and businesses.

Overview of the submission

Based on the vision from the *Waverley Local Strategic Planning Statement* and the *Our Liveable Places Centres Strategy*, this submission recommends that:

- The B1 – Neighbourhood Centre zone should be retained as it has a distinct function and character from the proposed E1 – Local Centre zone;
- The land use 'Creative industries' should be made available as an optional 'permitted with consent' use in E1 Local Centre and E2 Commercial Centre zones
- The land use 'Artisan food and drink industry' should be made available as an optional 'permitted with consent' use in the proposed E1 Local Centre zone

Discussion

The importance of both Local and Neighbourhood Centres

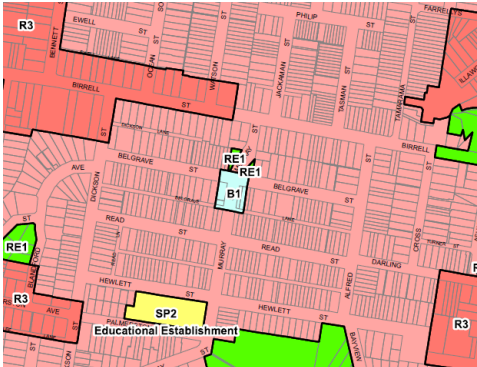

Waverley's centres are much-loved places that contribute significant heritage and character and provide valuable services and employment not only to Waverley's community, but to Greater Sydney and international visitors as well. The sense of community in Waverley is very strong, due to the local nature of our centres that invite daily connections with people, place and history.

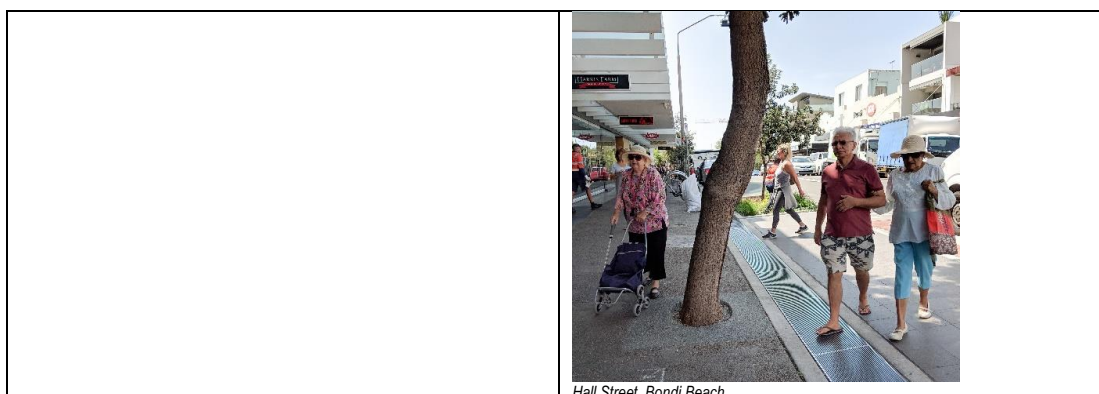
Community feedback indicated strongly that the diversity and quantity of offerings and hence business opportunities in the local centres is highly valued and considered a key asset and characteristic of the centres, see below for an example of the Neighbourhood and Local Centres in Waverley.



Waverley currently categorises smaller centres that service the local community under B4 Mixed Use and B1 Neighbourhood Centre zones. The *Our Liveable Places Centres Strategy* recognised the importance of medium sized centres and recommended changing the zoning of the medium sized centres such as Bondi Beach, Bondi Road, Charing Cross, Rose Bay North and South, and Curlewis Street from B4 Mixed Use to B2 Local Centre.

Table 1: Variations in scale between Neighbourhood and Local Centre example

Neighbourhood Centre	Local Centre
<p>Belgrave Street Neighbourhood Centre</p> <p>Belgrave Street is local, relaxed and beautiful. It is a safe place for parents and children and has a neighbourhood feel. Immediately to the north is a small park that is busy with young families during the week and on the weekends.</p> <p>As illustrated by the Zoning Map below, the centre services the surrounding neighbourhood within walking distance, and provides (currently) food and beverages, and a laundry/dry cleaning service.</p>   <p>Belgrave Street, Bondi Beach</p>	<p>Bondi Beach Local Centre</p> <p>Bondi Beach has an eclectic mix of goods and services on offer, with a range of interesting shops and local businesses. There are a number of supermarkets for locals to complete their weekly shop, as well as cafes, restaurants and take away stores. With the beach nearby, there will always be visitors to this centre, and the centre’s ability to be accessible, walkable and attractive is important to the success of businesses. This needs to be balanced with the centre’s ability to serve local residents. This centre has a high capacity to support resilience, with a range of essential goods and services, and good open space to gather.</p> <p>As illustrated by the proposed Zoning Map below, the centre services the local area (and region) through the provision of a large range of employment services, specialty retail, supermarkets, food and beverages, and many employment opportunities in commercial and office spaces.</p> 



Retaining Local and Neighbourhood Centres as separate zones will not inhibit the evolution of centres

By retaining Local and Neighbourhood Centres as separate zones, businesses can continue to deliver business types that meet community expectation. A clear zoning hierarchy is enabled by the different objectives of each zone. Local and Neighbourhood Centres could have the same permissible uses and even density controls, however the zone objectives would be different to adequately protect the local character and the nature of smaller centres.

In the *Waverley LSPS Implementation Planning Proposal*, Waverley Council proposes to include B2 Local Centre zone in its Land Use Table and rezone some B4 Mixed Use areas to B2 Local Centre zone. The permissible uses that are currently in the B4 Mixed Use zone are proposed to be retained in the new B2 Local Centre zone, to ensure no loss of developable rights. The intention is to set fit-for-purpose zoning objectives for the B2 Local Centre zone that will ensure the medium-sized centres continue to provide a range of local employment opportunities and offer places for community cohesion. The B2 Local Centre zone is intended for centres that provide a range of commercial, civic, cultural and residential uses that typically service a wider catchment than a neighbourhood centre. Refer to Table 2 for the proposed zoning objectives that were submitted to DPIE as part of the *Waverley LSPS Implementation Planning Proposal*.

In increasing the permissibility and reducing the specificity of objectives, these centres would be at risk from being redeveloped and losing their primary purpose of serving the immediate local area and building community.

Table 2: Proposed zoning objectives

Zone B1 Neighbourhood Centre	B2 Local Centre
<p>Proposed objectives of zone</p> <ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. 	<p>Proposed objectives of zone</p> <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.



<ul style="list-style-type: none"> • To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads. • To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity. • To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy. • To maximise public transport patronage and encourage walking and cycling. • To maintain existing commercial floor space so that the zone favours commercial development over residential to promote employment growth. • To encourage the provision of affordable housing. • To provide active ground floor uses to create vibrant centres. • To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses. • To increase community resilience by providing equitable access to essential goods and services. 	<ul style="list-style-type: none"> • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To enable residential development that is well-integrated with, and supports the primary business function of, the zone. • To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community. • To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones. • To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. • To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses. • To encourage the provision of affordable housing.
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It is also noted that the Position Statement prepared by the DPIE as part of the Reforms Package, does not identify B1 Neighbourhood Zones as a currently utilised zone by Metropolitan Councils.

A brief desktop review of council zoning maps identified that many of the metropolitan councils currently utilise this zone.

It is recommended that this data is updated to correctly reflect the current usage of this zone, which is an important zone in defining local character.



Figure 1: Zone audit table of business zones table from Position Statement document, page 25

Table: Zone audit of business zones

Zone	Total Number of SI LEPs utilising the zone (160 SI LEP)	%	Metropolitan Councils (46 SI LEP)	%	Regional Councils (114 SI LEP)	%
B1						46%
B2	127	79%	38	83%	89	78%
B3	56	35%	20	43%	36	32%
B4	98	60%	39	85%	59	52%
B5	61	38%	23	50%	38	33%
B6	64	40%	25	54%	39	34%
B7	44	28%	20	43%	24	21%
B8	1	1%	1	50%*	n/a	n/a

*B8 Metropolitan Centre is only available to North Sydney and City of Sydney.

The importance of creative industries and artisan food and drink businesses in the local centres

Council supports permitting creative industries in E3 Productivity Support, E4 General Industry and MU1 Mixed Use zones. Creative industries include traditional and digital media; fine arts and crafts; design and creative products. They can add vibrancy to centres and promote innovation and creativity. As such, Council recommends that creative industries should be included as a permissible use in the E1 Local Centre and E2 Commercial Centre zones.

Council supports permitting artisan food and drink industries in E2 Commercial Centre, E3 Productivity Support, E4 General Industry, and MU1 Mixed Use zones. Artisan food and drink industry refers to the making or manufacturing of boutique, artisan or craft food or drink products. Craft drink products such as beers are often made in microbreweries in inner city areas. These microbreweries sometimes also contain a bar and restaurant that are popular destinations for the local communities and visitors. To support the growing microbreweries industry, Council recommends that artisan food and drink industries should also be permitted in E1 Local Centre areas where food and drink premises are permissible.

Support for E2 Commercial Centre zone

Waverley Council commends the DPIE for the inclusion of the E2 Commercial Centre zone, as this zone is key to the ongoing success of the Bondi Junction Strategic Centre. It is vital for Council to be able to identify a critical commercial core that will enable employment uses to be protected and prioritised over residential uses.



Timing and Policy Implications

The current timeframe for implementation of these reforms is proposed to be completed by June 2022. This does not provide Council adequate time to undertake meaningful community engagement, which is Waverley Council's case is critical to upholding community trust. Throughout 2019-2020, a series of community workshops were held to inform the preparation of the *Our Liveable Places Centres Strategy*. As part of these workshops, the community provided overwhelming feedback on a number of occasions, and via verbal and written submissions, that the retention of the Neighbourhood Centre was vital to the protection of the character of their area. As previously stated, **Council does not support the consolidation of the B1 Neighbourhood Centre and B2 Local Centre zones**. The process of engagement undertaken for the *Our Liveable Places Centres Strategy* was extensive, and has developed a level of trust between Council and the community. Accordingly, if the reform package is to proceed as outlined and require Council to consolidate these zones, adequate time is sought to ensure that the community is able to be informed, and to understand why these changes are proposed.

In addition, Council has submitted to the DPIE the Waverley LSPS Implementation Planning Proposal, which seeks to implement B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre, and B4 Mixed Use zones to adequately reflect the retail and employment hierarchy of the centres across the LGA. The Reforms Package will have implications for how this Planning Proposal will proceed. If the avenue of providing this hierarchy through the land use zones - the most adequate and fitting mechanism to do so – is removed, a new mechanism will be sought to achieve the same outcome that is currently readily available to Council. The DPIE is strongly urged to reconsider the consolidation of the B1 Neighbourhood Centre and B2 Local Centre zones.

Demand for reform

Waverley Council officers acknowledge the importance of providing a planning framework that is *"fit for purpose, supports the future of work, promotes productivity and jobs growth, and delivers the community's objectives set through strategic plans and planning priorities"*, however, concern is raised for genuine need to change the current system at such short notice, and the rapid response to implement reforms for this, fueled by the impacts of the COVID-19 pandemic.

Whilst it is undisputed that the COVID-19 pandemic will have a long-lasting impact on the economic circumstances of communities globally, there is already evidence to suggest that businesses, particularly small ones who have been impacted the most, are improving in New South Wales under the current planning system. Results from a Small Business Survey conducted in May 2021 by the NSW Small Business Commissioner showed that *"52% of businesses are fairly or extremely confident about their business prospects."*

It is questioned whether it is reasonable to undertake such a quick preparation, consultation and implementation period due to relatively short-term pandemic pressures, to make changes that will have a long term and possibly devastating impact on local character if not prepared properly and with due consideration.



Recommendation

In principle, Council does not support the consolidation of the B1 Neighbourhood Centre and B2 Local Centre zones into the proposed E1 Local Centre zone, for the reason that this contradicts recent place-based and strategic work prepared by Council to clarify and support a retail hierarchy (*Our Liveable Places Centres Strategy, Securing Retail and Urban Services Study*). The existing land use zones are currently an excellent tool to provide the nuanced uses and objectives to ensure that this hierarchy is retained and strengthened. It is therefore recommended that the B1 Neighbourhood Centre and B2 Local Centre zones be retained as separate zones with distinct zoning objectives that support their functions. This is to ensure that the character and role of these centres is retained, as they directly support community and urban resilience, by providing equitable access to essential goods and services.

To support creative industries and a vibrant community, it is also recommended that Creative industries be available as a 'permitted with consent' use in the proposed E1 Local Centre and E2 Commercial Centre zones and that Artisan food and drink industry to be available as a 'permitted with consent' use in the proposed E1 Local Centre zone.

Should you have any questions about the contents of this submission please do not hesitate to contact Tina Wang, Strategic Planner by email at tina.wang@waverley.nsw.gov.au between 9am to 5pm Monday – Friday.

Yours Sincerely

A handwritten signature in blue ink, appearing to read "Tony Pavlovic".

Tony Pavlovic
Director | Planning, Environment and Regulatory

REPORT CM/7.9/22.03



Subject: A New Approach to Rezoning - Submission

TRIM No: SF22/190

Author: Patrick Hay, Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council endorses the submission to the NSW Department of Planning and Environment attached to the report on the discussion paper titled *A new approach to rezonings*.

1. Executive Summary

The purpose of this report is to seek Council's endorsement of a draft submission that responds to a New South Wales Department of Planning and Environment (DPE - formerly Department of Planning, Industry and Environment) discussion paper (the Discussion Paper), which intends to make significant changes to the way in which amendments are made to Local Environmental Plans (LEP). The Discussion Paper proposes changes to the way in which both councils and private proponents (for example landowners and developers) currently seek to amend an LEP, also currently known as the planning proposal process.

The submission details a range of concerns with the approach as outlined in the Discussion Paper. Detailed feedback on the proposed changes has been provided in the draft submission as outlined in Attachment 1.

2. Introduction/Background

In December 2021, the *A new approach to rezonings* discussion paper was released for comment. The Discussion Paper proposed substantial changes to the planning proposal process Council currently participates in by making its own amendments to the Waverley Local Environmental Plan 2012 (WLEP), as well as being the authority responsible for assessing proposals by private proponents seeking to undertake spot rezonings of single or multiple sites.

The discussion paper aims to build on recent changes to the way in which amendments of a Local Environmental Plan (LEP) occur, with the release of the new *LEP Making Guideline*. The new Guideline seeks to better explain the planning proposal system to rezone land and implements new changes, intended to improve the process, such as the introduction of timeframe expectations for the assessment of planning proposals. The changes outlined in the *LEP Making Guideline* came into effect on the 15 December 2021.

The discussion paper was placed on public exhibition until 28 February 2022. Council officers sought an extension to the exhibition period and an extension for a final submission adopted by Council was granted until Friday, 18 March 2022. The terms of the extension stipulated that a General Manager endorsed submission was to be provided by the closing date of 28 February 2022. As such, the draft submission as attached in Attachment 1 was presented to Council's Executive Leadership Team (ELT) who made the decision to submit the submission; subject to a final Council endorsed submission being submitted following the March Council meeting. The draft submission was subsequently provided to the DPE on 28 February 2022.

3. Relevant Council Resolutions

Nil.

4. Discussion

The proposed changes are substantive in nature and are described in the attached draft submission in Attachment 1, which discusses the proposed changes and provides a detailed response to the Discussion Paper in its entirety. A copy of the Discussion Paper which was on exhibition is also provided in Attachment 2.

The new approach aims to support a stronger strategic planning process and the DPE argues that this will occur by:

- Simplifying the rezoning process and minimising duplication.
- Improving transparency.
- Improving consultation processes.
- Reducing processing times.
- Creating more certainty and consistency.
- Empowering councils to make decisions on matters important to their communities while allowing the NSW Government to deal with matters where government intervention is beneficial.
- Giving private proponents control and responsibility for rezoning requests.
- Improving the quality of planning proposals.

A concise discussion on the proposed changes is described as follows.

1. New terminology:

- Proposes changes from current terminology 'planning proposal' to 'rezoning application' with responsible authority described as the 'rezoning authority'.
- Introduces status for private proponents (landowners or developers seeking to amend the LEP), who previously have not been recognised as official stakeholders in the process – this may make the process clearer in the community's mind regarding who is proposing the changes.

2. New categories and time frames:

- Identifies four discrete types of applications and categories. These categories build on the LEP Making Guidelines which have already been implemented.
- Details timeframe requirements for each of the categories, dependent on the nature and complexity of the application.

3. New roles:

- Provides clear guidance on who the decision-making authority (rezoning authority) is for each of the different types of categories.
- Specifies the role and level of involvement for councils and the DPE for each of the categories. Previously the role of who would have the final say on whether a planning proposal should be finalised was decided upon by the DPE on a case-by-case basis. Under the new approach, councils have more certainty and an expanded remit.

4. New steps:

- Proposes a change in the order and types of steps undertaken than under the current process.

- Seeks to align the process more with that of the Development Application process.
- Includes strong emphasis on a mandatory scoping stage to occur at the start of the application process which includes consultation with state agencies.
- Removes comprehensive council and DPE assessment prior to exhibition (formerly known as the 'Gateway process' which resulted in a 'Gateway Determination'), resulting in earlier community engagement.
- Comprehensive merit assessment of application by rezoning authority (i.e. Council) to now occur after public exhibition.
- Proposes appeals process to occur after assessment/decision made by rezoning authority (rather than after a gateway determination under current process).

5. New fee structure:

- Describes inconsistencies in fee structure and costs around NSW as reason for consideration for consistent approach.
- Proposes three different options: fixed assessment fees, variable assessment fees and a combination of the fixed and variable fees.
- Proposes a 'planning guarantee', a concept based on the planning system in the United Kingdom which results in a refund for proponents, if councils do not meet the timeframes for assessment of an application.

6. New appeals pathway:

- Considers a new appeals process which would occur at the end of the application process.
- Considers two bodies to assess appeals for private proponent applications: the Land and Environment Court (LEC) or the Independent Planning Commission (or other non-judicial body).

A side-by-side figure explaining the differences between the current and proposed processes is illustrated on the next page in Figure 1.

In preparing the response, Council officers attended a webinar hosted by the DPE, as well as a presentation to the SSROC Strategic Planning Group. The attached draft submission considered the discussion paper in its entirety and provides general comments to the proposed changes, as well as detailed responses to the specific questions posed in the discussion paper.

The attached draft submission details that the objective of the reform - to balance the need for a responsive and flexible planning system, with robust processes that maintain good planning outcomes and involve the community - is supported. The submission also provides support for the expanded remit for councils to know under what circumstances they are the assessing and decision-making body, which will help to provide greater clarity for councils and the community. The opportunity for community engagement to occur earlier in the process is also welcomed.

Despite the abovementioned points, the draft submission highlights several concerns and areas of opposition to a number of key points in the discussion paper, these include:

- The lack of critical detail in relation to key areas, particularly the process surrounding how it will be determined as to whether or not a rezoning application should be placed on exhibition and under what circumstances an application could be given an early refusal or stopped during the scoping stage.
- That the proposed timeframes placed on each of the different stages are too restrictive and don't consider real world factors of how councils are resourced, other competing priorities (such as proactive strategic planning or ongoing planning reform) and reporting schedules.

- That the concept of providing refunds to proponents, should councils not meet the proposed timeframes for assessment and the introduction of a planning guarantee is not supported and has the potential to result in financial losses for councils and the community (as ratepayers).
- The proposed appeals processes and potential use of the LEC to hear appeals has the potential to undermine the integrity of a strategic plan-led system by encouraging and de-risking the spot rezoning process and reduce community and council trust in the planning system.

For further detail and discussion on the draft response to the discussion paper, please refer to Attachment 1.

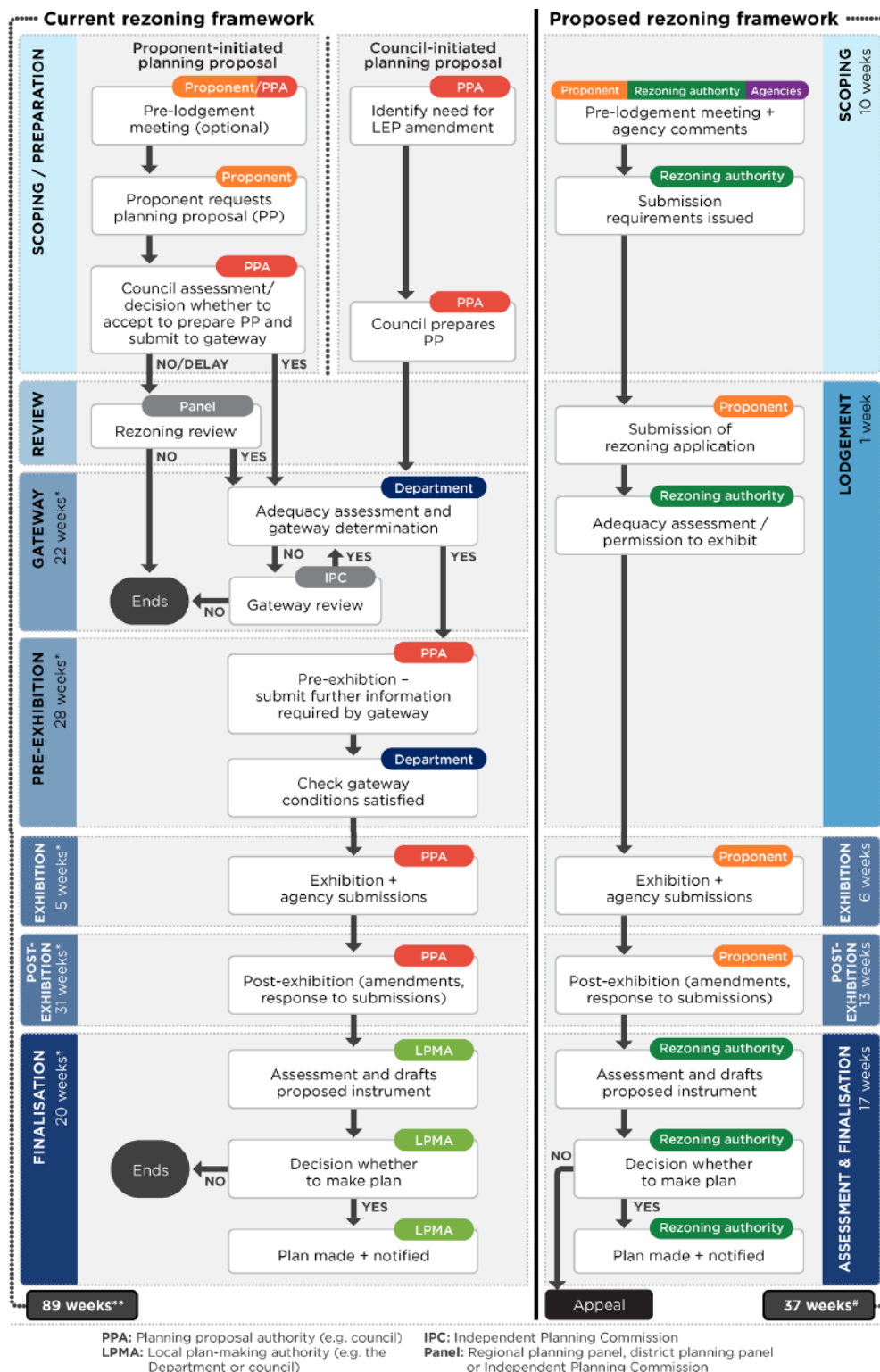


Figure 1. Comparing the current and proposed rezoning frameworks (source: DPE)

5. Financial impact statement/Time frame/Consultation

The proposed changes, if they proceed in their current form, have the potential to place further pressure on staff resources.

The new rezoning application process as described in the discussion paper propose Council staff having to undertake assessments of rezoning applications within strict timeframes, the consequence of not meeting these timeframes could result in Council being penalised in having to refund some or all of the fees charged. Alongside the potential for fees to be refunded, the discussion paper considers a new process for appeals to councils not supporting applications, which could result in Council spending additional officer time and financial resources at an appeals body, such as the Land and Environment Court.

The attached submission outlines concern in relation to the above, once the DPE has considered all of the feedback received throughout the exhibition period and decided on the final approach, any financial impacts will be able to be more thoroughly investigated and planned for.

In addition, depending on the policy position that DPE takes during the finalisation process, Council may be able to restructure fees to ensure that appropriate resources are provided for the Strategic Planning team to ensure assessments are within the required timeframes.

Time frame

A clear timeline for when the changes will be finalised and implemented has not been provided, however is has been outlined in both published materials and webinars attended by Council officers the that the intention is for implementation of reform is to occur in 2022, likely toward the end of the year.

6. Conclusion

The discussion paper prepared by the DPE details significant changes to the way in which applications to amend an LEP can occur. As outlined in the report and attached draft submission, whilst it appears the general concept of the changes proposed by the DPE to streamline the current process is well intended and, in many instances, supported, some elements of the proposed new process will likely favour private proponents and may erode the ability of councils to effectively make decisions.

In response, officers have reviewed the discussion paper and prepared a comprehensive submission which intends to bring the concerns of Council to the attention of the DPE, who will review feedback and finalise any changes or new approach.

7. Attachments

1. Draft submission - A new approach to rezonings (under separate cover)
2. A new approach to rezonings discussion paper (under separate cover) .

REPORT

CM/7.10/22.03



Subject: SSROC Electricity Procurement

TRIM No: A17/0463

Author: Sam Shaw, Co-ordinator, Sustainable Energy and Resilience

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council notes that the General Manager entered into a contract on behalf of Council with ZEN Energy for the supply of 100% renewable energy from 1 July 2022 till 31 December 2026, with the option to extend till 31 December 2030.

1. Executive Summary

This report provides an update to Council on the SSROC electricity procurement, including details on the renewable percentage and an overview of the contract terms.

2. Introduction/Background

Council has recently signed a new energy contract with ZEN Energy which will commence on 1 July 2022 and continue until 31 December 2026, with the option to extend until 31 December 2030. This contract forms part of a multi-council energy agreement with ZEN Energy, to provide approximately \$180 million worth of energy to 25 councils in Sydney. The agreement was brokered by the Southern Sydney Regional Organisation of Councils (SSROC). Council has signed up for 100% renewable energy.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
20 April 2021	CM/7.3/21.04	<p>That Council:</p> <ol style="list-style-type: none"> Notes that Council has a 100% renewable energy target to be met by 2030. Authorises the General Manager to sign the Memorandum of Understanding for the Program for Energy and Environmental Risk Solutions 3 (PEERS 3) attached to the report. Authorises the General Manager to enter into a contract on behalf of Council with the preferred tenderer from the upcoming Southern Sydney Regional Organisation of Councils (SSROC) request for tender for the purchase of electricity, subject to the General Manager's satisfaction. Officers report back to Council on the contract,

		including the proportion of renewable energy to be purchased.
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4. Discussion

The ZEN Energy contract is one of the largest renewable energy deals for local government in Australia and will see 100% renewable energy from Moree, Hillston and Nevertire Solar Farms power Council's eight major facilities, 45 smaller sites and thousands of streetlights. At the end of the initial contract period (finishing 31 December 2026), Council will have the option of extending the contract until 31 December 2030.

The SSROC tender assessment showed that ZEN Energy represented the best energy deal available, with the ability for the 19 Councils seeking 100% renewable energy to achieve this, with good pricing. The costs for the new contract are similar to Council's existing electricity contracts, due to the volume of energy sourced offsetting the greater unit cost of renewable energy. To make claims of 100% renewable energy, Council will need to surrender the Large-scale Generation Certificates (LGCs) purchased as part of this contract, to the Australian Clean Energy Regulator.

5. Financial impact statement/Time frame/Consultation

The contract costs are expected to be similar or less than Council's current annual electricity costs of approximately \$940,000. Costs are likely to further fall over the contract period due to reduced energy consumption from improved energy efficiency and additional rooftop solar.

6. Conclusion

Council has signed a new electricity contract with 100% renewable energy, with ZEN Energy from 1 July 2022 until 31 December 2026, with the option to extend till 31 December 2030.

7. Attachments

Nil.

REPORT CM/7.11/22.03



Subject: Waverley Park Management Plan - Consultation Outcomes

TRIM No: A20/0656

Author: Neal Ames, Recreation and Open Space Planner

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the results and recommendations from initial Waverley Park Plan of Management community consultation.
2. Proceeds to second stage community consultation to confirm fitness station concept design.
3. Notes that the playspace and intergenerational fitness designs will be reported to Council at the May 2022 Council meeting.
4. Notes the feedback received on the proposed Indoor Cricket Nets Facility concept design.
5. Does not include provision for an Indoor Cricket Net Facility in the draft Waverley Park Management Plan
6. Collaborates with Eastern Suburbs Cricket Club Cricket to address shortfalls in indoor training facilities through consideration of appropriate existing facilities across the local government area.
7. Notes that Council officers will present a report to Council on the draft Waverley Park Management Plan for endorsement and approval for community consultation in April 2022, which will also include sending the draft to the Minister for Planning for approval.

1. Executive Summary

This report provides details on the first stage of consultation for the development of the Waverley Park Plan of Management, as well as the two capital works projects, the playspace and intergenerational fitness upgrade and the new fitness station and provides a community consultation summary report at Attachment 1.

The report also provides commentary on the survey results for the Indoor Cricket Training Facility, as required in Council motion PD/5.3/20.11.

The contents of this Council report were briefed to Council on 8 March 2022.

2. Introduction/Background

Council's Community Strategic Plan 2018-2029 details the following goals for our open spaces:

- 3.1 – Improve health and quality of life through a range of recreational opportunities and quality open spaces.
- 3.2 – Expand the network of parks and open spaces, sporting and recreational facilities.

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks plan's of management. A plan of management is a document that defines the value, use, management practices, and intent for the public purpose for which the land has been reserved. The Waverley Park Plan of Management (WP PoM 2012) was adopted by Council in 2012. Over the last nine years the Action Plan contained within the WP PoM 2012 has been implemented, with new multi-purpose courts, amenities building, synthetic cricket training nets, St Marys Avenue parking, cricket site screens, synthetic field, lighting, path and landscape upgrades undertaken and completed.

Since Council's adoption of the WP PoM 2012, Crown Lands updated the *Crown Land Management Act 2016* (CLM Act), which came into effect in June 2018. This legislation requires Council to update all our plans of management by June 2023. In October 2020, Council resolved to update a priority list of Plans of Management (PoM) to comply with the new CLM Act. To meet Council's obligations for Crown Land, it is now time to update the Waverley Park PoM.

The Waverley Park PoM is the first PoM drafted since the OSRS was adopted by Council in April 2021. The OSRS helps to understand the priorities for our parks to deliver quality greenspace and community recreation outcomes, as well as provide direction in their management. In addition, the recent Inclusive Play Study has further defined how Council plans and upgrades play spaces. All the preliminary ideas presented in the engagement material have been identified through these existing Council strategies. These strategies are based on community feedback and independent expert advice.

In addition, in 2020 Council resolved to develop plans for an indoor cricket training facility building located on the green roof of the Margaret Whitlam Recreation Centre multipurpose court. As resolved by Council at its meeting in November 2020, the plans for this facility were to be made available for feedback alongside the Waverley Park PoM consultation.

Council received funding through the Stronger Communities fund for upgrades to Waverley Park, specifically for path and landscape works, fitness station, and play space upgrades. Council is required to complete these projects by December 2022. These works will also need to be considered by the PoM. The consultation for the Waverley Park PoM also sought feedback on the location and type of facilities these upgrades should provide.

The first stage of community consultation was launched for the Waverley Park PoM in August 2021. Following concerns with the engagement plan for the Plan of Management by Councillors, and associated ideas for improvement, it was agreed to put the community consultation on hold on 13 September 2021 until a Councillor workshop could take place (held on 28 September 2021) and subsequent Council report seeking approval to resume consultation. A report was considered Council on 12 October 2021 which provided details of the community consultation and background on the draft ideas for consultation seeking Council endorsement to open consultation again. Council resolved to continue with the consultation for a minimum of 28 days.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations and Community Services Committee 12 October 2021	OC/5.2/21.10	That Council: 1. Continues with stage 1 consultation on the Waverley Park Plan of Management for a minimum 28 days, including specific consultation on the play space,

		<p>fitness station (excluding the smaller fitness pods) and indoor cricket nets training facility:</p> <p>(a) Noting that additional information will be provided on Council's website to support the Have Your Say website survey, including elements from Council resolution PD/5.3/20.11 concerning the indoor cricket nets training facility, provision of amenities and layout and location of the commercial café</p> <p>(b) Subject to not considering alternative surfaces such as hybrids or synthetics.</p> <p>2. Notes that an email update on consultation outcomes for the Waverley Park Plan of Management, play space, fitness station and indoor cricket nets training facility will be provided to Councillors in November 2021.</p> <p>3. Subject to consultation outcomes, prepares a concept design for the play space and fitness station, with a report to Council in February 2022.</p> <p>4. Officers prepare a report to Council following the stage 1 consultation, summarising the consultation outcomes and presenting the draft Plan of Management for public exhibition.</p> <p>5. Notes that the time frame for endorsing a new Waverley Park Plan of Management has been extended and the expected timing for commencing construction of the indoor cricket nets is 2023 at the earliest.</p> <p>6. Investigates options to prioritise the following works, with a report to be prepared to Council detailing the scope and funding required:</p> <p>(a) Combining and better configuring the two change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell of the Margaret Whitlam Recreation Centre at the level of the playing field, subject to consultation with the Eastern Suburbs Cricket Club and other regular users of the facility.</p>
Council 20 April 2021	CM/7.6/21.04	<p>That Council:</p> <p>1. Notes the feedback received on the draft Open Space and Recreation Strategy during the public exhibition period between September and November 2020.</p> <p>2. Adopts the Open Space and Recreation Strategy attached to the report (Attachment 1) subject to the following</p>

		<p>amendment:</p> <p>(a) Page 216 of the attachments under separate cover, after the first paragraph – Insert the following:</p> <p>‘Section 2 of the <i>NSW Constitution Act 1902</i> recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and have made, and continue to make, a unique and lasting contribution to the identity of the State.’</p>
Strategic Planning and Development Committee 3 November 2020	PD/5.3/20.11	<p>That Council:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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.

		<ul style="list-style-type: none"> (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. <p>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.</p> <p>7. In conjunction with project partner ESCC, submits a grant application to the Greater Sydney Sports Facility Fund and seeks other grant funding opportunities.</p>
Council 20 October 2020	CM/7.6/20.10	<p>That Council:</p> <ul style="list-style-type: none"> 1. Pursuant to section 3.23 of the <i>Crown Lands Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report. 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands. 3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>. 4. Updates the plans of management as prioritised in the report. 5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change. 6. Writes to the Crown Lands Area Manager requesting them to: <ul style="list-style-type: none"> (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands. (b) Formally confirm the earliest permissible time for

		<p>the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club.</p> <p>7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work.</p> <p>8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.</p>
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4. Discussion

The initial consultation for the plan of management sought to understand how the park was used, level of satisfaction with the park's facilities, and how the community wanted to see the park used in future. In addition, some preliminary ideas for improvements were made available for feedback. These ideas were based on actions identified in Councils Open Space and Recreation Strategy (OSRS), Play Space Strategy, Inclusive Play Strategy and the WP PoM 2012.

Feedback was sought through an online survey, and the consultation was promoted by on-site posters, letterbox drops and email inviting residents to have a say. The online survey included a PoM survey and separate surveys on the play space, fitness station and indoor cricket training facility. Council developed detailed concept plans for the indoor cricket training facility for the community to comment. A series of stakeholder meetings took place with Sydney Water and sporting clubs who use Waverley Park. Council officers also hosted a series of webinars with the community. These webinars replaced face-to-face site meetings due to COVID-19 restrictions. In addition, a webinar briefing for Councillors was conducted on 28th September 2021.

The playspace and intergenerational fitness upgrade and the fitness station upgrade sought feedback on their respective locations in the park and the type of fitness or play experiences which might be preferred. It was preferred to separate the reporting on these components because each would become separate projects once the initial consultation was completed. These projects can now be progressed to be delivered in 2022. This also allows Council to meet our grant funding obligations for the playspace and intergenerational fitness facility and fitness facility.

Separate surveys were designed to enable Council to progress to concept design with confidence of the community's and Council's preferences. This structure is not typical for a plan of management consultation but enables these components to be reported separately and those with a focused interest on these projects to provide feedback without working through a long survey covering all topics. Conversely, each component of these works will need to be considered and addressed in the PoM.

Community consultation results

The community engagement was conducted through a number of different mechanisms, including six online webinars, with three for specific subjects such as a hardcourt user, playspace and intergenerational fitness and the indoor cricket training facility. The other webinars were general community sessions that provided detailed overviews of all components of the engagement. In addition to the webinars Council also used our Have Your Say platform to conduct both short form and detailed surveys for all four components. A number of detailed written responses were also received from the community.

Officers also conducted a number of specific meetings with key stakeholders, sports clubs including Easts Cricket Club and Sydney Water.

All statistics and graphs are presented in Attachment 1.

Capital works projects

There is strong support in the community for the two capital works projects, the playspace upgrade including the intergenerational fitness and the provision of a separate fitness facility in the north-east corner of the park.

Playspace and intergenerational fitness

More than 90% (90.5%) of respondents supported the upgrade to the playspace and the provision of intergenerational fitness. The community gave us a good idea of what they want in the playspace and intergenerational fitness, and what types of play they want to see. They strongly support the inclusion of the rocket within the playspace and intergenerational fitness design and have encouraged Council to progress on this.

Fitness

The fitness survey found that 92.6% of respondents supported the new fitness station and supported the suggested location of the north-east corner of the park. The recommended location was considered based on a number of considerations including its footprint based on availability of flat areas, location of existing trees, maximising accessibility and to ensure appropriate distance to roads and the oval.

In the survey the community has rated Calisthenics with the highest preference, which was followed by Cross Training and then closely by Cardio. This preference has been reflected in the allocation of space and positioning of equipment for each fitness category. In the next consultation, Council will confirm specific workouts the community would like to see within these 3 categories.

A colour scheme consisting of natural colours and materials will be used. This allows the fitness station to blend in amongst the large shade trees and use of sandstone in its immediate surrounding.

Indoor Cricket Training Facility considerations

In September 2019, Council entered into a Heads of Agreement (HOA) with Easts Cricket Club to enter into a Public-Private Partnership (PPP) for the Indoor Cricket Nets Facility Building Project. The project arose due to a shortfall of training facilities following the demolition of indoor cricket training facilities due to the redevelopment of the Sydney Football Stadium.

Easts Cricket Club has a long history at Waverley Park, and in providing cricket opportunities for Waverley residents. The Easts Cricket Club and Waverley Council have also enjoyed a long relationship, over many decades. This relation has been symbiotic, with both organisations benefiting from each other's support for the sport of cricket. Easts have always been recognised as a key stakeholder of the park and this has been evidenced by Council providing ongoing long-term tenure of Field #1 and its support facilities.

Council resolved in November 2020 that the PoM engagement would include consideration of the in a future Masterplan for the site.

It is noted that Council has two distinct roles in this project, Crown Land Manager and Public Private Partnership Participant. As Crown Land Manager we have an obligation to consider and manage the impact of development or proposed changes to the park or local environment and consider all changes in open space planning context and an obligation to consult with impacted stakeholders, seek feedback and respond with proposed solution to issues raised. That is the focus of this process and report.

The results for community support for the indoor cricket training facility are fairly split. With 52% of the community being supportive of the project and 44% against, with the remainder supporting the facility but with changes (including at a different location). Two thirds of those responding that they support the project are either members of East Cricket club or have children who are members. Feedback received during the six webinars conducted by Council officers indicated that community members who were not supportive of the project with the main reason given that they did not support the loss of open space in the park. This focus on maintaining the quality open space of the park has also been evidenced in detailed written responses and was a main theme of the engagement process.

Based on the results of both the survey and the feedback at the webinars Council officers do not recommend proceeding with the project and its inclusion in the PoM Masterplan. Alternative locations in Waverley park, while not considered formally, would be challenging. Any underground facility either under the netball courts or Field #3 would be at a significant cost with complex underground infrastructure also a factor at these locations. Council officers propose to work with Easts Cricket to identify solutions to the lack of indoor training facilities including utilising the indoor sports facility at the Margaret Whitlam Recreation Centre.

Parking considerations

One of the major ongoing issues with Waverley Park is car parking. Open spaces, such as Waverley Park, which are located in high density urban areas often face issues with the provision of sufficient car parks. A similar type park is St Leonards Park in North Sydney. St Leonards Park is approximately the same size and provides a similar diverse range of activities as Waverley Park. It also does not provide car parking, and street parking is the only option. During the first phase of community engagement there were a number of submissions relating to the lack of car parking.

The draft PoM will speak to the issue, and will identify management strategies such as drop-off zones located on Bondi and Birrell Rd to help alleviate the issue. Improvements to parking and accessibility at the carpark to the rear of the Council Chambers building will also be included.

There has been commentary during the consultation phase about providing underground carparking within the park, possibly under Field #3. This option is not considered due to the significant impact on the park, and the high cost of such a facility.

5. Financial impact statement/Time frame/Consultation

The PoM development is expected to be completed within the allocated budget. Several projects will result from the Action Plan that will be developed as part of the PoM. These projects will be funded from future capital works budgets and will be identified accordingly in the Long-Term Financial Plan. Other actions are expected to be funded by Council's operational budget. Some projects are suitable for a range of Federal and State grant programs and the Plan of Management will provide weight to these applications.

Time frame

The time frame for development of the Waverley Park PoM is outlined in the following table:

Table 1. Milestones and time frames.

Activity	Date
Waverley Park PoM - Council Report Consultation including indoor cricket facility, fitness station and play space results.	Mar 2022
Fitness Concept Design - Council Report to seek endorsement to go to Round 2 Community Consultation.	Mar 2022
Play Space Concept Design – Council Report to seek endorsement to go to Round 2 Community Consultation.	April 2022

Waverley Park PoM – Report to Council on draft PoM for public exhibition	April 2022
Waverley Park PoM – Draft to Crown Land to approve for public exhibition	Apr-May 2022
Waverley Park PoM – Draft PoM Public Exhibition Period	Jun – July 2022
Waverley Park PoM – Integrate feedback changes into final PoM	Jul – Aug 2022
Waverley Park PoM – Council Report to seek adoption Final PoM	Sep 2022
Waverley Park PoM – Adopted PoM issued to Department and Minister	Oct 2022

6. Conclusion

The four engagement processes, all combined within the PoM engagement, have been vital for the future management of Waverley Park and for both the design of the capital works projects and the clarity of the indoor cricket training facility. Funding for the play space and fitness facilities is time-critical and with the initial engagement completed we can now progress with detailed design work which will be taken to the community for final feedback.

Council is requested to approve and endorse all the recommendations contained within this report.

7. Attachments

1. Consultation Report Waverley Park PoM - Final [↓](#) .



Consultation report Waverley Park Plan of Management

2022
Waverley Park

Waverley Council acknowledges the Bidjigal and Gadigal people, who traditionally occupied the Sydney Coast and we acknowledge all Aboriginal and Torres Strait Islander Elders both past and present.

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Executive summary

To ensure future generations enjoy Waverley's open spaces, it is important to have a sustainable approach in the management of our Parks. Plans of Management (PoMs) guide how community land is used, managed and improved.

This consultation took place from 25 October to 22 November 2021. The objectives were to:

- Provide varied opportunities for internal and external stakeholders to provide input into the PoM over the four-week period.
- Communicate with the community members who have contacted Council previously about the park, including the playground or fitness station.
- Use our internal channels to communicate and gather feedback from a broad spectrum of stakeholders.

Waverley Council's (Council) Have Your Say (HYS) website had a dedicated page for the Plan of Management (PoM) and separated each of the capital works projects, playground upgrade, fitness station and Indoor Cricket Training Facility. Over 4300 people engaged with or interacted with the communications activities promoting the consultation period.

The Indoor Cricket Training Facility was the most debated part of the consultation. It was supported by Eastern Suburbs Cricket Club, however was not broadly supported by the rest of the community.

The playground and fitness station were supported and the community provided feedback into what they would like to see in these spaces.

The community also highlighted there was a need to improve: lighting, accessibility, parking, seating and hard court bookings

Participants suggested ideas they would like to see including: skateboarding, tennis and bike riding opportunities and said they would like larger play equipment for teens.

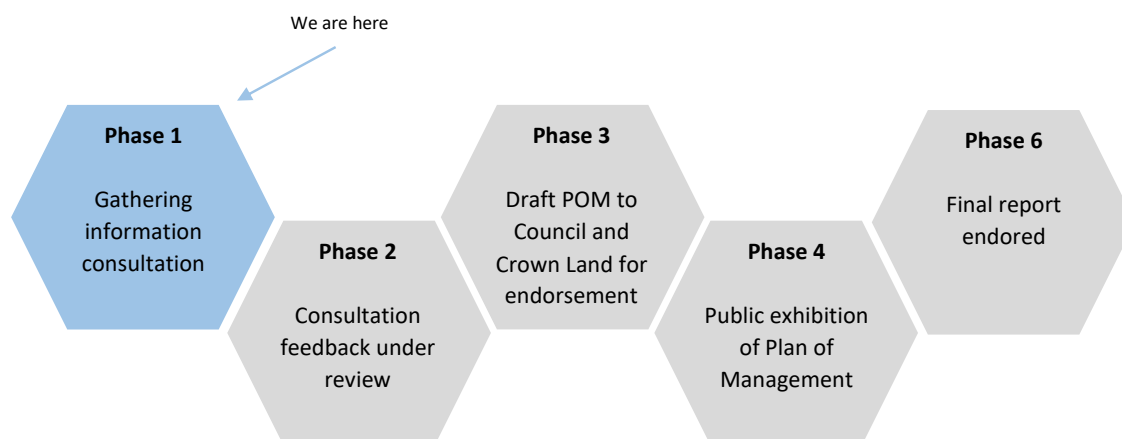
The key features of the design were used as a guideline to summarise the consultation support. More commentary is provided in the [overview of consultation feedback](#).

Background

To ensure future generations enjoy Waverley's open spaces, it is important to have a sustainable approach in the management of our Parks. PoMs guide how community land is used, managed and improved. The last Waverley Park POM and Master Plan was created 10 years ago and since then, the Park has undergone significant capital works projects. With more upgrades planned over the next few years, a new POM was needed to guide the Park's development.

Before the POM is finalised, there will be three rounds of community consultation. This report outlines the actions and results of phase 1. In this phase the project team gathered information to identify how people travel to and use the park and their likes and dislikes. The participants were also asked about three potential capital works projects; the playground, fitness station and indoor cricket training facility.

Council officers presented ideas for the Park based on previous community feedback and suggested improvements from the Place Space Strategy, Open Space and Recreation Strategy and Inclusive Play Space Study.



Approach and objectives

The process for this consultation was different to other PoMs with the addition of the capital works projects.

The original approach was to consult on the POM ideas and capital works projects from 1 September to 3 October 2021. Issues arose around some of the suggested ideas and the consultation was suspended until approved internally and with Councillors.

After briefing Councillors and confirming support for the ideas it was re-opened from 25 October to 22 November 2021.

To enable participants the opportunity to consider each topic individually the POM and projects were separated into different surveys and information sessions.

For the entire consultation period, including the weeks preceding and following consultation, non-essential movement and face-to-face contact was restricted to contain the spread of COVID-19. To ensure the community still had opportunity to engage, all activities were moved online.

The overall objectives of community consultation were to:

- Provide varied opportunities for internal and external stakeholders to provide input into the PoM over the four-week period.
- Communicate with the community members who have contacted Council previously about the park, including the playground or fitness station.
- Use our internal channels to communicate and gather feedback from a broad spectrum of stakeholders.

Key stakeholders were contacted to participate in the consultation.

Engagement methodology and data overview

The engagement methodology for the PoM consultation aligns with IAP2 spectrum for public participation. On the spectrum, this phase of consultation 'involved' the public. Their feedback will directly affect the development of each of the projects and PoM.

A range of methods were used to maximise opportunities for community participation. There were around 4300 interactions with the public. These are detailed in the table below alongside key data.

Method	Overview	Date	Response
Have Your Say website	Council's Have Your Say Waverley website had a dedicated page for this project: haveyoursay.waverley.nsw.gov.au/waverley-park-plan-of-management	1 Sep – 22 Nov	2.3k visits to the page 172 new registrations
Flyer	Dropped to 5,680 residents		70 scans of QR code
Media release	Distributed at the beginning of the project		1 article in The Beast
Social media posts (Facebook)	Four posts	30 Oct 3 Nov	7291 impressions 391 engagements 248 post clicks
Social media posts (Instagram)	Two posts	30 Oct	2416 reach 65 interactions with post
Stakeholders emailed	Council Officers emailed stakeholders and invited them to contribute to the consultation.		156 emailed
Have Your Say information sessions	There were three online community meetings. Registration was through Eventbrite	3 Nov 4 Nov 16 Nov	29 attendees
POM survey	POM survey hosted on HYS		198 submissions
Playground survey	Playground survey hosted on HYS		98 submissions
Indoor cricket survey	Indoor cricket training facility survey hosted on HYS		187 submissions
Fitness survey	Outdoor fitness station survey hosted on HYS		59 submissions
Waverley Weekly newsletter	Explained the project and directed people to the HYS page	28 Oct 21	99 clicks
		4 Nov 21	59 clicks
Engagement newsletter	Enews sent to 7244 people	27 Oct 21	47% opened the enews 301 clicks
Posters	Posters were installed around the Park with QR codes to the HYS site.	WC 4 Nov 21	131 QR code scans
Advertising	Quarter page advertisement placed in the Wentworth Courier. Design featured QR code to link to Have Your Say.	10 Nov 21	

Detailed results: Surveys

The surveys were separated into topics; Plan of Management, Playground, Indoor Cricket Training Facility and Fitness Station. Altogether, there were 542 people who participated online.

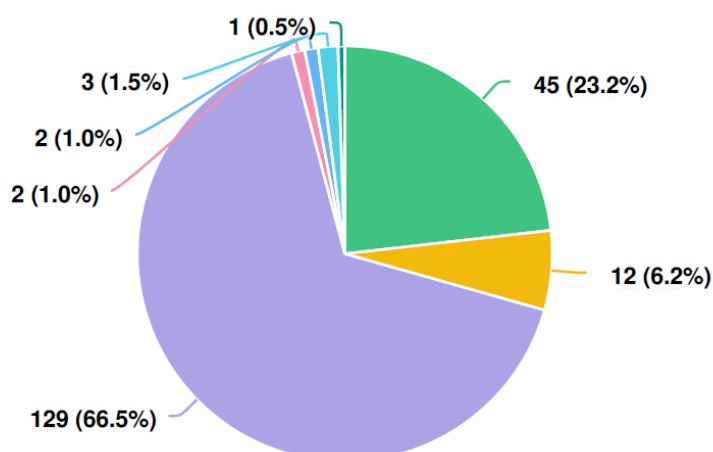
Plan of Management survey results

There were 198 submissions to the POM survey. It had 13 PoM specific questions and four on demographics. 51% of respondents identified as female, 42.2% as male and 5.8% preferred not to say. 83% identified as living near Waverley Park, 35% were from postcode 2026 which covers Bondi, Bondi Beach, North Bondi and Tamarama. Six people identified as someone with a disability.

In this report, each question has been separated and the top answers have been listed.

Question 1: How do you usually get to Waverley Park?

- 66.5% said they walk
- 23.2% drive there
- 6.2% ride their bikes

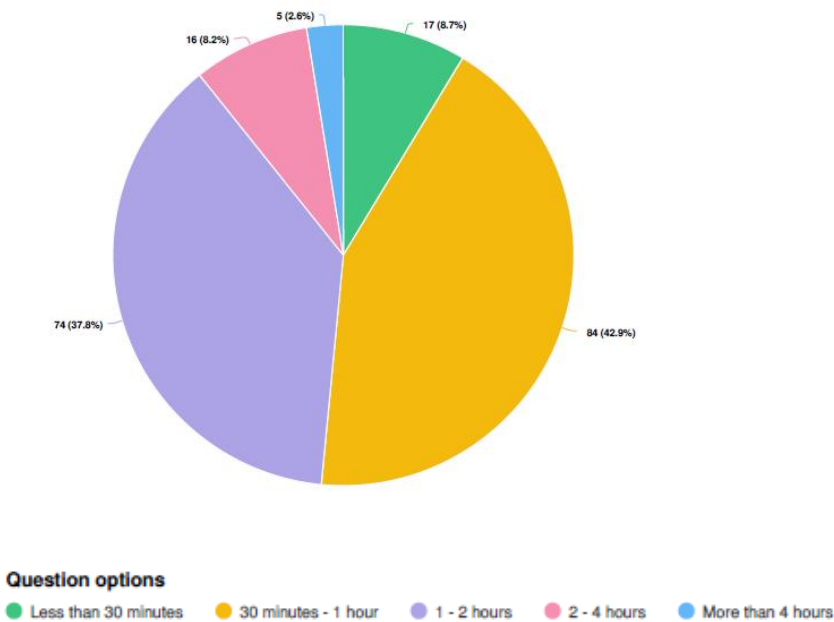


Question options

● Car
 ● Bike
 ● Walk
 ● Run
 ● Bus
 ● Train
 ● Other

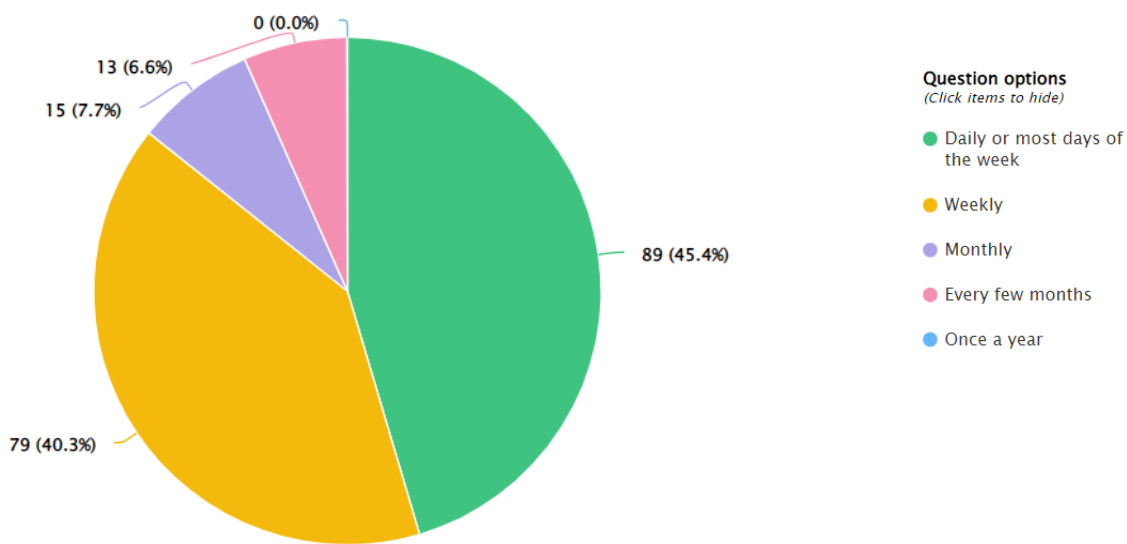
Question 2: How long do you usually stay?

- 43% stay 30min to 1hr
- 38% stay 1-2hrs



Question 3: How often do you visit?

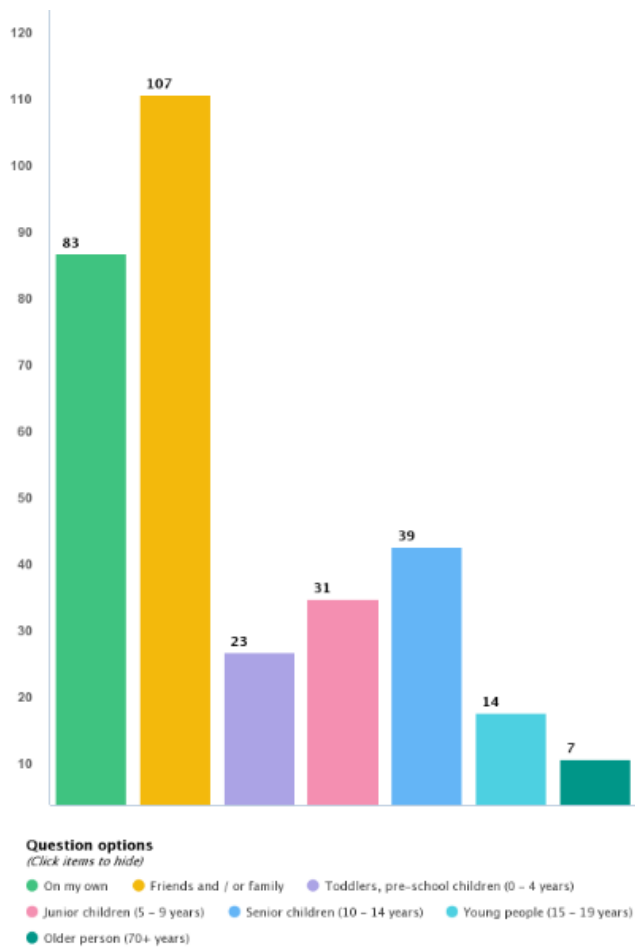
- 45% visit the park daily or most days of the week
- 40% visit weekly



Question 4: Who do you go with?

Participants could choose multiple answers.

- 54% - went with friends and family
- 41.9% - on their own
- 19.7% - with senior children 10-14 years
- 15% - junior children 5-9 years
- 11% - toddlers, preschool children (0-4 years)



Question 5: What are all the activities that you are regularly involved in while in Waverley Park?

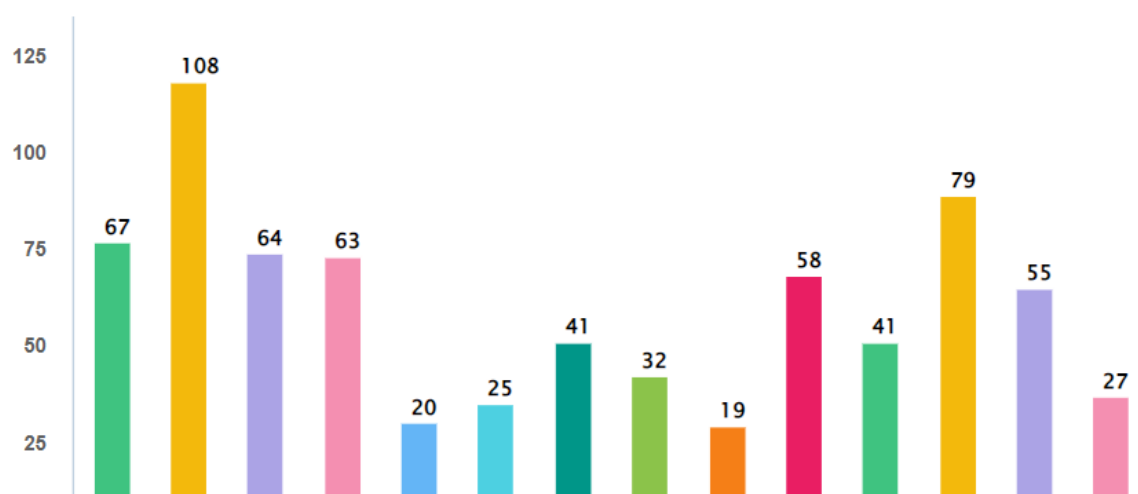
Respondents could choose as many activities as they wanted.

The three **most popular activities** in the Park were:

- Walking (55%)
- Playing sport or taking children to sport (40%)
- Dog walking (34%)

The **least popular activities** were:

- Jogging (9.6%)
- Fitness i.e. one on one or in a group (10%)
- Picnicking (13%)



Question options

- Dog walking
- Walking for pleasure or exercise
- Just walking through the park to get to my destination
- Exercising by myself
- Fitness i.e. one-on-one or as a group
- Picnicking
- Playing with kids at the playground
- Bike riding
- Jogging
- Relaxing in the park
- Appreciation of the park and nature i.e. bird watching
- Play sports or take children to sports organised by a club
- Play sports or take children to play with friends
- Other

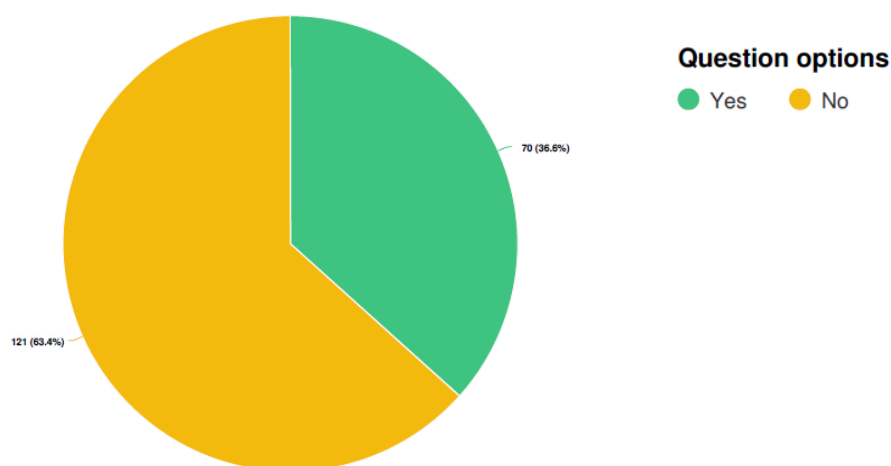
Question 6: Is there anything that has stopped you or made it difficult to get around the park?

- 63% said no
- 37% said yes

Of those who said yes there main themes were:

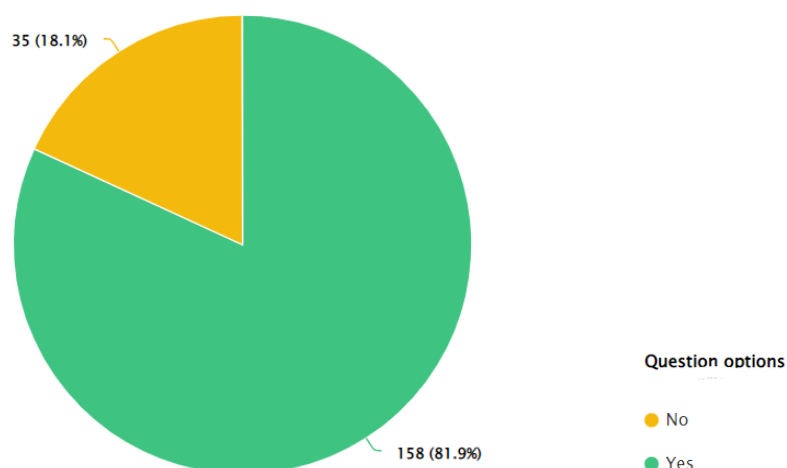
- There is not enough parking
- Lighting needs to be improved generally around the park and in the dogs off leash area
- Improved accessibility

- Links in pathway, the network needs to connect
- Access into park for prams
- Crowded pathways – conflict between pedestrians, bikes and council vehicles using the shared path



Question 7: Do you feel safe and comfortable to move around and enjoy all areas of Waverley Park?

- 82% said yes
- 18% said no



Participants who selected no mostly said it was because there is a need for improved lighting.

Question 8: What do you value most about Waverley Park?

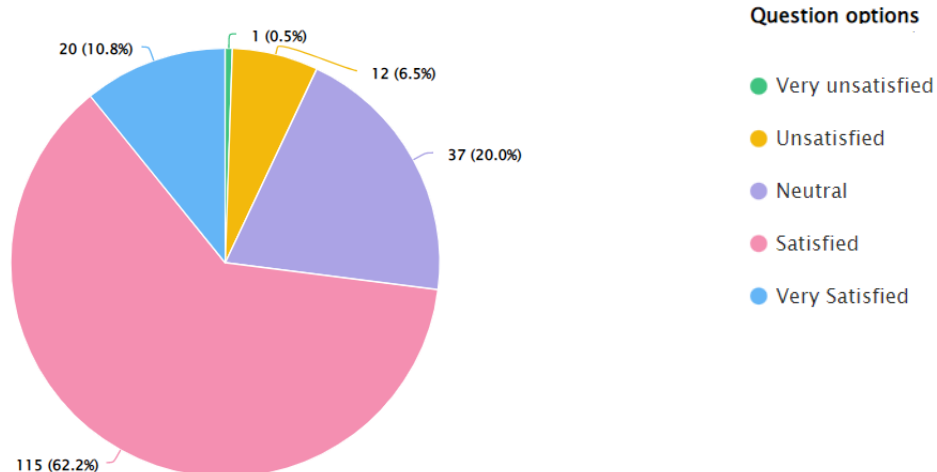
This was an open ended question with a comment box. The most commonly valued aspect of the Park was the green space (35%) particularly in regards to the low-rise historic neighbourhoods and the limited recreational spaces.

The top three things people valued about Waverley Park were:

- Green space 35%
 - Valued open space among neighbourhoods
 - Nature and the natural environment
- Multipurpose courts 16%
- The balance of green space and sporting activities 14%

Question 9: Overall, how satisfied are you with the park?

62% of participants are satisfied with the current park.



Question 10: Are there any changes you would like to see in the future to make you want to use the park more?

170 people answered this open ended question.

- 19% asked for more tennis opportunities
- 12% wanted fences around the off-leash dog park
- 9% wanted to see more opportunities for netball in the Park

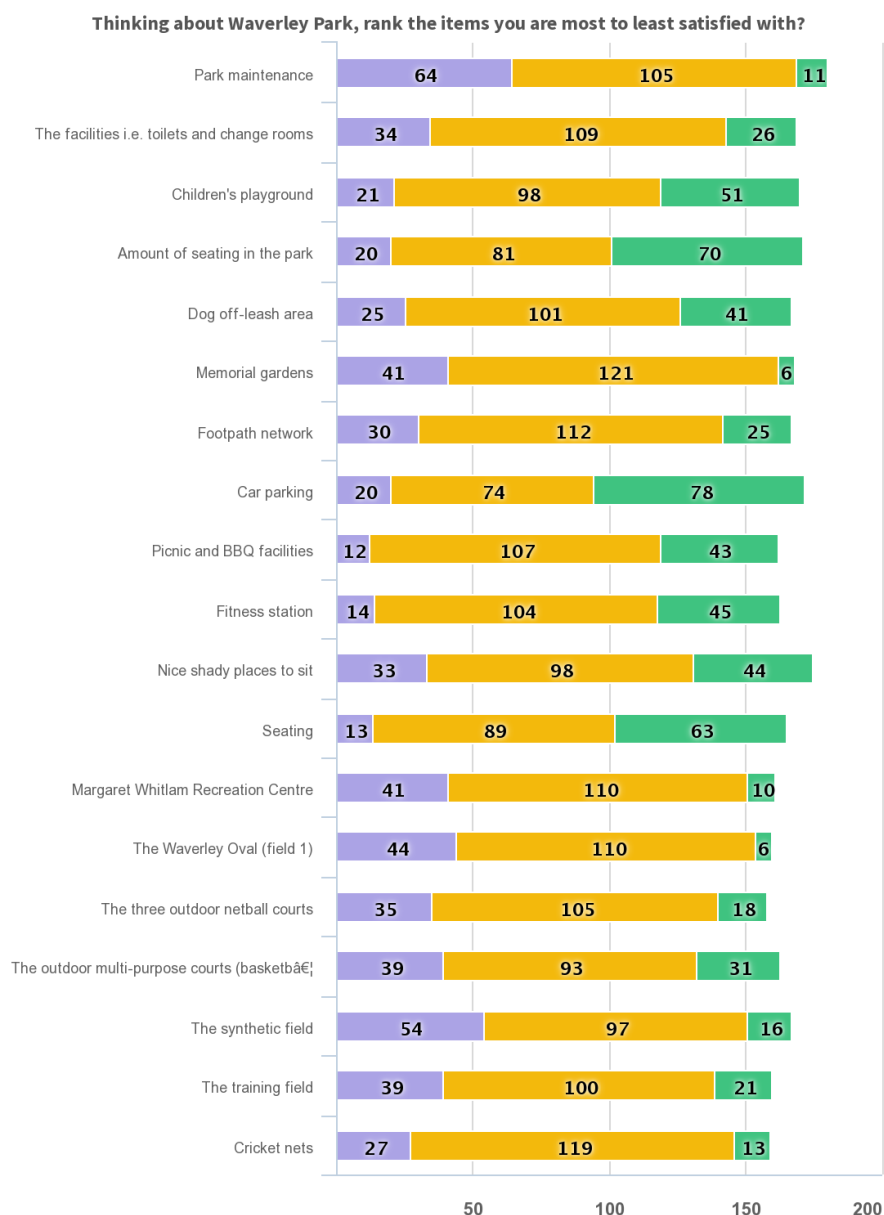
Question 11: Thinking about Waverley Park, rank the items you are most to least satisfied with?

Most satisfied

1. maintenance
2. synthetic field
3. Field #1

Least satisfied

1. car parking
2. amount of seating in the park
3. seating



Question options

(Click items to hide)

● Very satisfied
 ● Satisfied
 ● Not satisfied

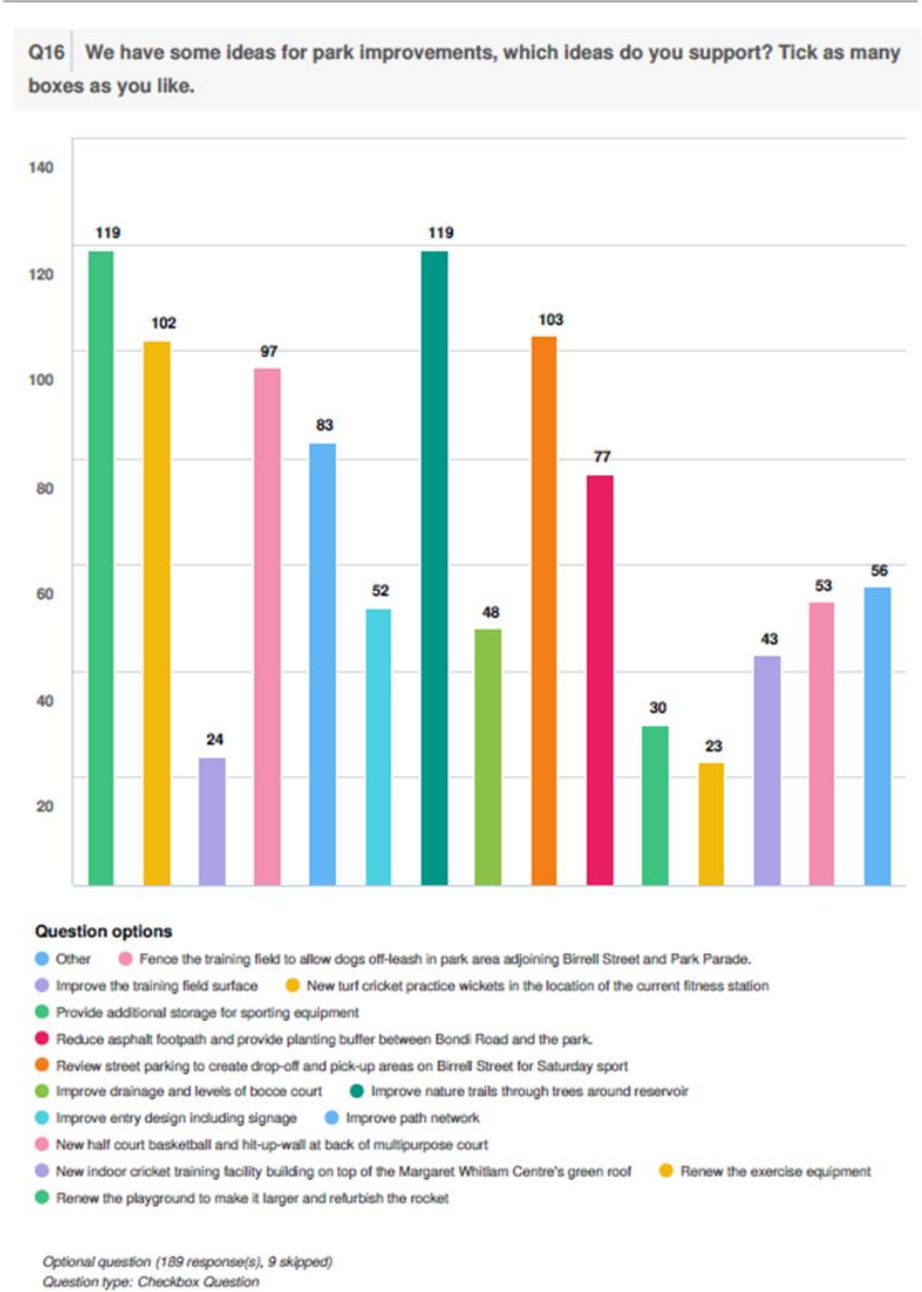
Question 12: We have some ideas for park improvements, which ideas do you support? Tick as many boxes as you like.

Most supported

- 1. renew the playground/improve nature trails
- 2. Review street parking and PUDO
- 3. Renew exercise equipment

Least supported

- 1. New turf cricket practice wickets in the location of current fitness station
- 2. New indoor cricket training facility
- 3. Additional storage for sport equipment



What other park improvements would you like to see?

There were only 17 people who filled in this opened ended question. The top four extra improvements are highlighted below:

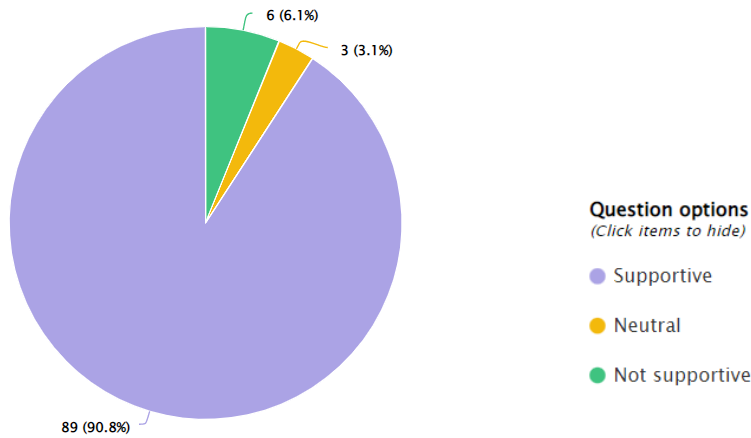
- 1. More tennis courts or opportunities for tennis 19.4%
- 2. Improvements to the dog park, including fencing and seating 11.8%
- 3. More netball opportunities 9.4%
- 4. Leaving the park as it is or increasing the untouched nature aspects throughout the park 8.2%

Playground survey results

There were 98 people who completed the playground survey.

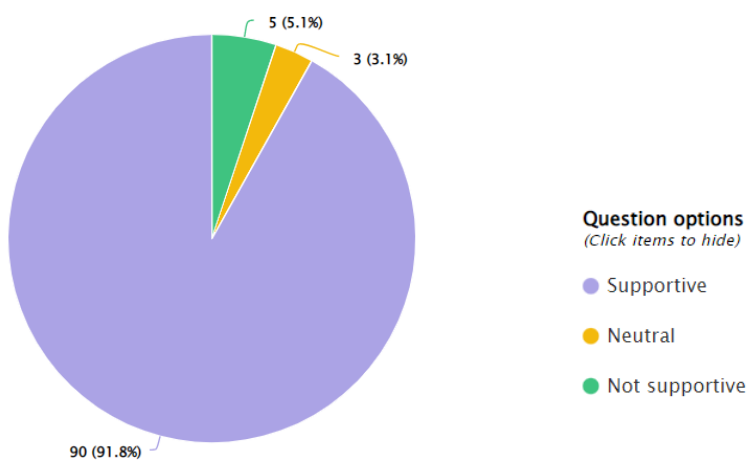
Question 1: With the playground upgrade we intend to increase the size of the play space. How supportive are you of expanding the footprint to accommodate more play experience?

90% were supportive of increasing the size of playground.



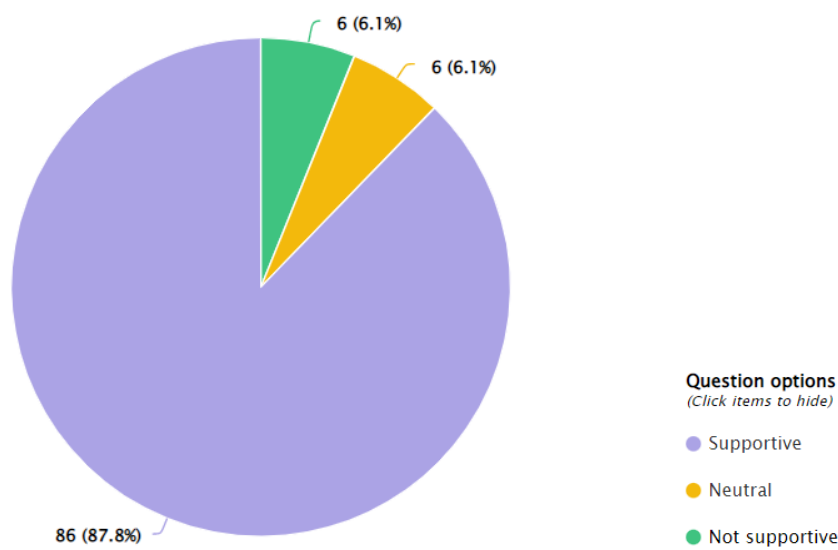
Question 2: How supportive are you of expanding the play space under the trees for nature play and wild play?

92% supported expanding under the trees for nature and wild play.



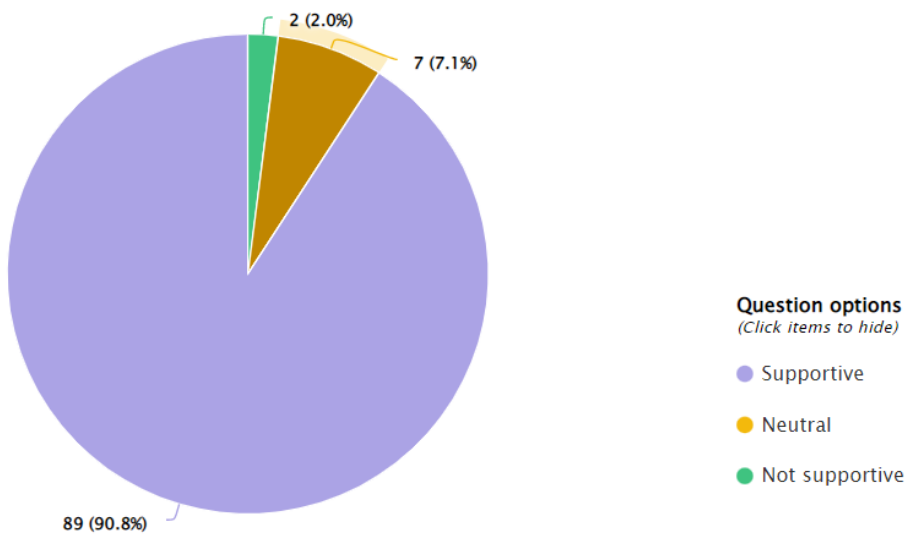
Question 3: How supportive are you for the restoration of the rocket with a parallel tower representing the launch tower?

88% of participants supported restoring the rocket.



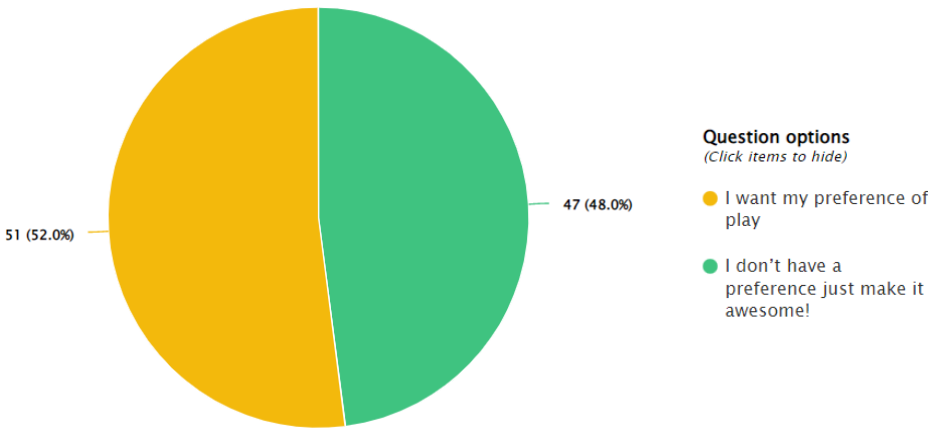
Question 4: How supportive are you for the replacement of the embankment slide with a new slide?

90.8% supported the replacement of the embankment slide.



Question 5: Do you have a preference for the types of play or equipment?

There was almost a 50/50 split whether people preferred to choose the equipment or leave it up to Council Officers. As 52% wanted their preference (outlined in Q6), it is recommended to use Officer’s technical expertise to choose from the preferred types of play.



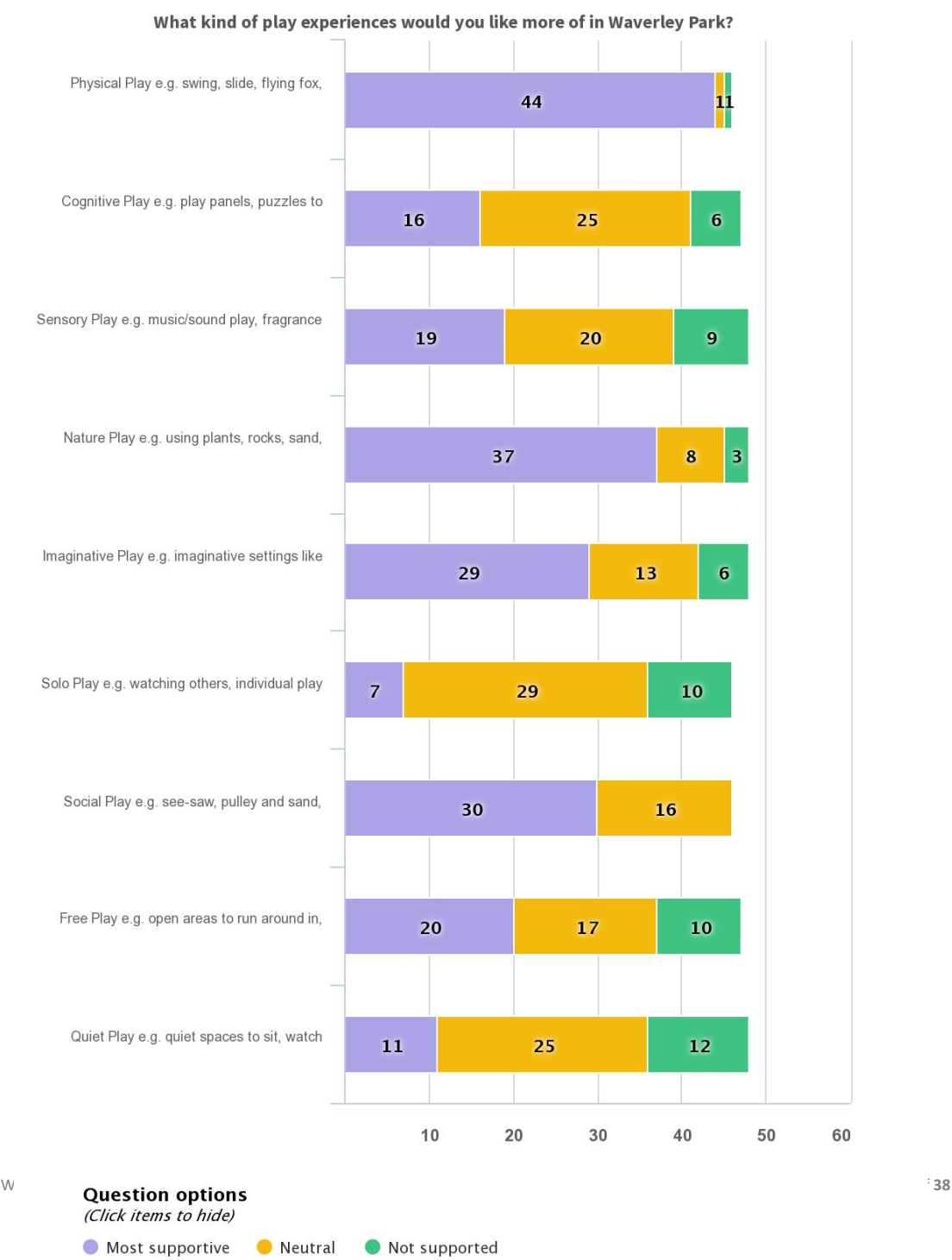
Question 6: What kind of play experiences would you like more of in Waverley Park?

Most supported

- 1. Physical play (swings, slide, flying fox)
- 2. Nature play (using plants, rocks, sand)
- 3. Social play/imaginative (see-saw, pulley and sand)

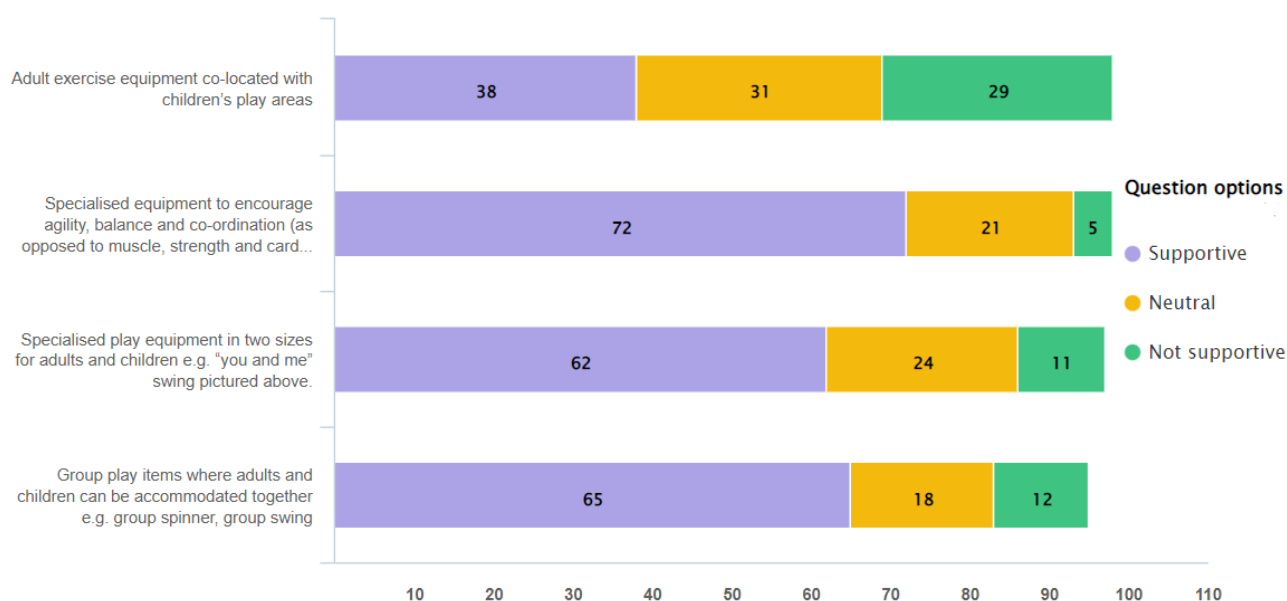
Least supported

- 1. Quiet and solo play (watching other, individual play)



Question 7: When considering the experience and needs of youth, adults and older people in a play space, how supportive are you of the following?

The participants were most supportive of equipment that encouraged agility, balance and coordination. They were also supportive of group play items and specialised equipment for adults and children. However, they were less supportive for adult exercise equipment to be in the same area as the playground.



Question 8: do you have any other feedback to add?

59 people responded to this open ended question.

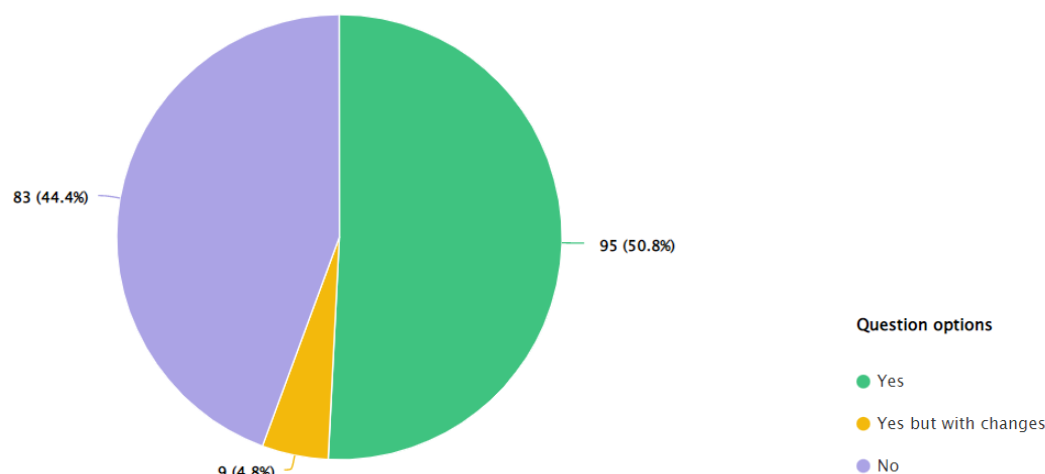
- 13.6% said they wanted equipment for older kids.
- 8.5% said they loved the idea to restore the rocket and the same amount of participants said they did not want to have adults exercising in the same area as kids.

Indoor Cricket Training Facility survey results

There were 187 responses to the Indoor Cricket Training Facility survey.

Question 1: Do you support the proposed indoor cricket training facility next to the Margaret Whitlam Recreation Centre?

- Supportive – 50.8%
- Not supportive – 44.4%



Main comments for not supportive:

- The location suggested is a well-used open, green space
- It would heavily impact on the view as people walk through the park or play in the playground
- The building would be an over development in the park and for private interests only
- Supportive but with changes – 4.8%
 - Don't impact on views
 - Make them multipurpose courts for the wider community

Question 2: Are you connected with the Eastern Suburbs Cricket Club?

Not members – 50.9%

Affiliated – 44.5%

Different cricket club – 4.6%

Question 3: Is there anything else you would like to add?

128 people responded to this open ended question. 40% identified as associated with the club.

The main comments made were:

- There is a large need for nets of this type in the Eastern suburbs
 - Both male and female juniors need somewhere to play all year round
 - The current facilities don't provide enough opportunity for everyone to practise
 - The new facility will be beneficial to the LGA
- Not to take away green space from the rest of the community
- Should not be impacting on views

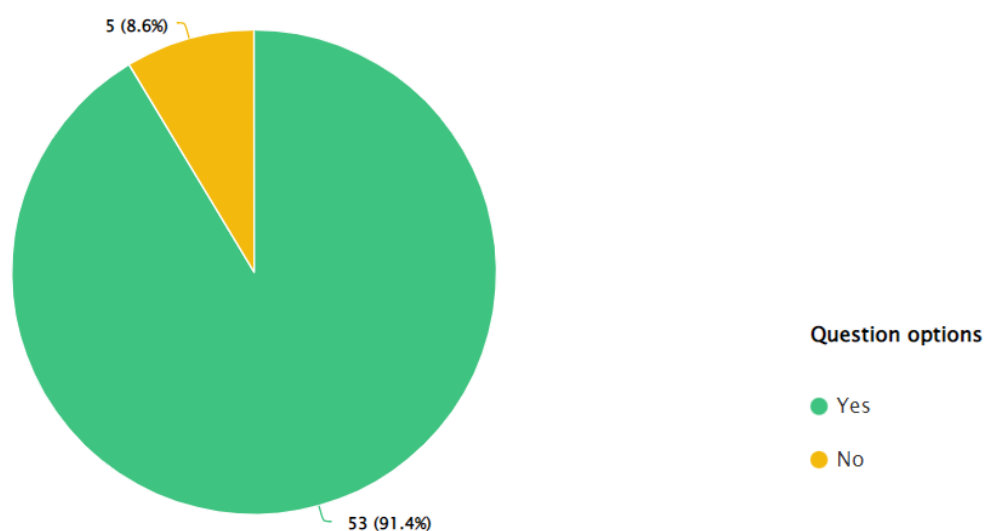
- It should be left a community space not for private interests

The fitness station

There were 59 responses to the fitness station survey.

Question 1: Do you support the addition of a specially designed intergenerational fitness area alongside the new play space?

- 91% of participants were supportive of the intergenerational fitness alongside the new play space.
- 9% were not supportive.



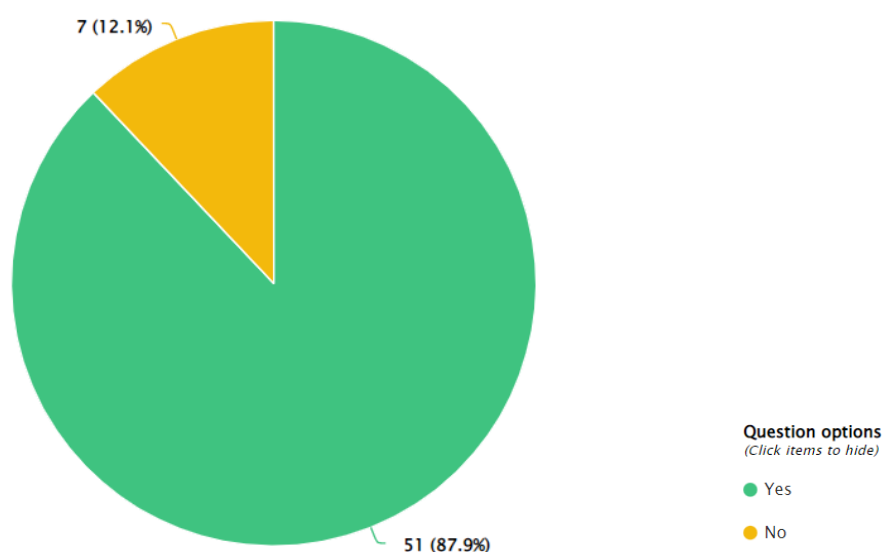
Why don't you support the intergenerational fitness in the suggested location?

The main reasons for not being supportive were:

- Taking away from green space
- Didn't want adults area next to kids
- Safety concerns
- Concern that children will "take over" the equipment

Question 2: Do you support the installation of a cardio/calisthenics fitness area at the north eastern corner (indicated on the map) of Waverley Park?

- 88% were supportive of the location suggested for the fitness station
- 12% said no



Why don't you support the cardio/calisthenics fitness area at the north eastern corner?

The main reason was the loss of green, open space.

Question 2: Rate your preference (1 being most desirable) for intergeneration fitness equipment that would suit your needs or should be provided in Waverley Park?

Balance beams and equipment for isolated muscle movement tied.

Most supported equipment

1. Balance beams / equipment for isolated muscle movement
2. Dexterity

Question 3: Rate your preference (1 being most desirable) for cardio/ calisthenics equipment that would suit your needs or should be provided in Waverley Park?

Most supported equipment

1. Traditional calisthenics
2. Cross training
3. Cardio

Question 4: Are there any other fitness equipment or facilities you would like to see in Waverley Park?

27 people responded to this question and the majority asked for shade.

Written submissions

There were 13 written submissions received by email. The top three things mentioned were:

1. Support in retaining green space
2. Rejection to the Indoor Cricket Training Facility
3. Encouraging Council Officers to include skateboarding opportunities

Compiled feedback from the long form submissions:

Waverley Park Plan of Management – Consultation report

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- There two submissions asking Council not to use synthetic turf on field 3. However, there was one request in support of the synthetic materials and asked to book it for futsal teams.
- Not to impact views with the Indoor Cricket Training Facility.
- There was support for the overall suggested Masterplan items.
- Safety and parking were mentioned a number of times. A few people suggested the need for pick up drop off zones or a carpark.
- There was a request to cater for activities like bike riding, scootering and skateboarding. One email from a youth representative suggested a full skate park.
- A few submissions noted the bocce field was underutilised and would like to see this space used for other activities, specifically tennis.
- One participant suggested using the hill to host a Sculpture by the Sea artwork.
- A group submission highlighted the need for older kid's activities including bigger swings, improved lighting and the installation of a 'Centennial Park' style pond with ducks and geese.
- One resident asked the Waverley include a Pedal Park "Heffron Pedal Park in Randwick City Council offers a suitable blueprint for something that could be achieved in Waverley Park, and there are some spaces that would allow for this - such as the area directly north of the multipurpose courts, or the grass area directly south of the existing synthetic football field."

Stakeholder meeting - Sports clubs

There were nine participants from the sports clubs who attended a meeting with Council officers. Below is a summary of their feedback.

Lighting:

- 250 lux lighting for #1 & #2 and 150lux on #3 to meet AUS standards.
- More security lighting needed between MWRC and netball courts.
- Lights for the stairs heading up to the amenity building.

Licenses:

- All long term licences end in 2024. New expression of interest process will need to be completed. Assess success of licences.
- Suggestion to add Eastern Suburbs Combined Primary Schools Netball Association (ESCPNSA) and Tennis.

Construction/Renovation:

- Shade/weather shelters for outdoor courts. No shade structure to the east of indoor sports court. Shade structure to the east of courts.
- Restoration of Old 1940s School Board at Waverley Oval
- Re-levelling of the oval and relocate practice wickets
- Removal of Bocce court
- Improve grassed area on top of the water tower e.g. passive recreation area

Advertising/Signage:

- Sports club advertising e.g. banners on sport field fences
- Wayfinding, entrance etc. signage

Filming:

- Sports club filming match days / promos
- Live broadcasting of matches

Food & Drink:

- Café lease
- Coffee Carts / club BBQs etc. (commercial sale on public property)
- More public BBQs

Storage:

- Lack of sports club storage space
- Lack of Council storage space

Parking:

- Lack of parking in/around Waverley Park
- No disability parking for users of MWRC – Closest is at Chambers.

Dogs:

- Dog zoning areas
- Dedicated dog off leash area

Liquor Licencing:

- Does this need to be covered off in the Plan of Management?
- Sport Clubs / Café / Council - noting only sports clubs have them currently.

Online community workshops

All the information sessions were held in the same format – a panel of Council officers each spoke about their specific project.

There were three sessions on two topics:

- Waverley Park Plan of Management (two sessions).
 1. 7pm Wednesday 3 November
 2. 1pm Tuesday 16 November
- Waverley Park Plan of Management and Indoor Cricket Training Facility.

Session 1: Waverley POM

There were 14 attendees for Waverley PoM session 1. This workshop had four subject areas including PoM, playground, fitness station and Indoor Cricket Training Facility.

Below is a summary of the feedback provided in Session 1:

Playground feedback:

They were asked 'What experience would you want to see in Waverley Park?' The top three responses were:

- Climbing
- Nature play
- Sensory play

General feedback about the playground:

- Teen focused equipment
- Don't block the view with the cricket facility
- Ninja warrior style equipment

Fitness station feedback:

- Moving the cricket nets to the fitness station feels like doing it for the cricket club, no other reason.
- Concern about moving the fitness station it means less shaded tree area for public users.
- "I like the intergenerational area near the playground but feel it will become a kid's playground."
- Moving the nets is overdevelopment of the public park.
- Don't oppose moving the fitness station.
- Intergenerational people may be nervous around kids who might bowl them over – ask older people.

Indoor Cricket Training Facility:

- Details of the HOA document should be available for the public.
- Public land for a private club the commercial aspects is really important for us to see. It should be public information.
- Community uses that land all the time.

Questions and responses:

Topic	Question	Answer
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Playground	How will the plan of management affect the development of the park?	After this round of consultation, the PoM and capital works projects (playground, fitness station) will be separated. The playground will carry on as its own project including a second round of consultation to make sure the design is on the right track.
Playground / Teens	The playground idea is great – What will there be for teens in the playground?	The district playground won't cater for teens, however the park as a whole will have more features for teens like a half court.
Playground	What age is the playground aimed at?	14 – There will be adventure play elements. If we get a response from the community they want us to focus on teens we can do that.
Fitness station location	Why would you want to move the fitness station near a busy road (Bondi Road)?	There is no shade coverage over the current fitness station, we wanted to use the natural shade of the current trees. We also wanted to use the space for to move the outdoor cricket nets. We need to upgrade it and it's a better location for experience.
Fitness station / tree removal	Will trees have to be removed for the fitness station to be moved?	No, it will be built around the environment so we don't impact trees.
Plan of Management community consultation	If you had to summarise what the key decisions for the community are, what are the big aspects you want the community to provide you feedback on?	How people use the space, what people do in the Park and what they like about the space. We will then look at what facilities need to support that. Part of the PoM will include a visioning exercise. All of the actions and projects that come from this plan come from the vision developed in the community consultations. Then we come back with the Plan and will ask the community if we have the ideas and projects correct?
Planning for future – population	Are you looking at population levels?	Yes – a big part of this is looking at the community, what they do for recreation and wellbeing.
Plan of Management	Is the Council Chambers part of the Park?	No it isn't and is not included in the Plan of Management
Indoor Cricket Training Facility / Heads of Agreement	Will the Heads of Agreement be available for tomorrow's meeting? What is it that means it has to remain confidential?	Not the document but we have the public information in the presentation including funding, timing and the rest is confidential.

Session 2: Plan of Management

There were five attendees.

The Plan of Management

- The Park is surrounded by hostile roads, this Plan should align with the People Movement Places Strategy.
- Put a path around the edge of the park for cyclists.

- Skateboarding should be considered as part of this project – only need 200sqm to make a multipurpose space
- Skateboarding is a legitimate sport and should be catered for and considered in any further planning for Waverley.
- Danger of cramming too much into the park, any concrete should be on the boundary e.g. would support a wider footpath on Park Parade.
- An idea - Park Parade could be one way north with street parking, Paul Street could be incorporated into this.
- Off leash dog area is not well lit so is hard to use in winter and evenings.
- Fence the off leash dog area, plant trees and install seats and dog play equipment. If the current area isn't possible due to Sydney Water restrictions, should it be moved so it can be lit when dark?

Topic	Question	Answer
Lighting	Is there a plan to upgrade the lighting?	Yes there is a recommendation to improve the sports lighting. Change from training level lighting to 250 LUX. Modern lighting systems are like a curtain so won't affect Park Pde residents. It gives us more flexibility when people can play.
Skating	Will there be an area for skateboarding?	It is difficult to add more hard surfaces to the Park but we are looking into options.
Grass	Should we improve grass maintenance to meet the challenge of wear?	Looking at hybrid (different not synthetic) grass. The climate is going to dry out the natural ecosystems for the park so we have to think smarter on how we manage grass.
Off leash dog area	Will you improve the grass quality, bindi management, seating and stairs and access to the dog areas?	Yes these are all being looked at. Council doesn't own the land at the top of the hill. We can maintain but can't make big changes. We can't spray for bindies because there is a reservoir under there. Can't put lights because it is a lid. It is heritage listed.
Usage of areas	Are there any areas that are underutilised that could have their functionality looked to improve the usage of the area? Suggestion – grass near the bocce or levelling the sloped land between cricket oval and Park Parade?	It is a reasonable slope, earthworks and massive project. Light the hilltop, natural surface trails, we agree it is an under activated area.
Skateboarding	Waverley Park hosts many structured sports. Is there an opportunity to include dedicated skate infrastructure incorporated in the multipurpose courts design?	Looking at Bondi skate park to broaden the age group and ability. The investigation of an upcoming project (around 2025) will be to develop this. Skating moments could be considered in the multicourt. Will look at that
Bike track	Demand for a cycle pump track and has this been considered?	A couple of responses back from the community. We will consider it, however it is a very compact space and it will be hard to find land for it within the Park, it might end in a different location.
Turf	Can we returf if we can't spray?	We need to look at the management of the surface and we are in negotiation with Sydney Water.
Fitness trainer	What has been the impact of fitness	We have been lenient through Covid, we are now

	trainers in the Park, especially through COVID?	giving them information on how to apply for permits. We will try to bring all the fitness trainers into the permit system or they may go back to training in a gym.
Fitness station	Should there be more than one of any particular style of equipment?	We are looking at different styles to give a different exercise experience. We want to know what the community want
Fitness station / Shade	Can you incorporate a rain or shade shelter?	We are looking to provide more shade by moving the fitness station to a less exposed location under trees.

POM and Indoor Cricket Training Facility.

There were 10 attendees. This session focused particularly on the training facility and had the same PoM information provided in the previous sessions.

Indoor Cricket Training Facility - Feedback:

- If it had to go in, would be better in the kiosk location
- The building is not invisible – it will impact on the views.
- Glass reflects, as a building structure with environmental considerations it is a strange choice.
- The land being built on is a very useful location for the community, especially during the pandemic. There is very little flat grass for unstructured enjoyment.
- Older kids play on the flat grassed area when kids play on the equipment.
- Families use the space
- It is a terrible idea
- Astonished this proposal was put forward – this facility could be built anywhere, the grassed area and views can't be replaced
- Easts should build their building somewhere else.
- Maintaining the views and space is essential for all people
- Build the facilities on top of Council Chambers building

Questions and responses:

Topic	Question	Answer
Heads of Agreement	Can you explain why the heads of agreement is a confidential document?	All Heads of Agreement are considered confidential as they contain commercial information that if disclosed would prejudice the person who supplied it. There can be information in a HOA that can be sensitive.
Grants	Why the Eastern Suburbs Cricket Club were given \$20,000 before any community consultation?	There was a 70,000 grant received to East Cricket. They used the majority to buy new equipment and agreed to use 20,000 to investigate the club. Easts came to Council with an architectural concept but had done no structural work to see if it was possible.
Locations for Indoor Cricket Training Facility	Were options investigated to locate the facility at Sydney Cricket Ground or Moore Park where there is less density?	We haven't heard anything from the club on their investigation. This site was chosen as it is the home ground for East Sydney Cricket Club.
Impact on views	Will there be nets put up inside the glass facility. If so won't the nets impact on the view despite the building being glass?	Yes there are four indoor cricket pitches with retractable nets so when not in use the nets can be retracted like a curtain.

Locations for Indoor Cricket Training Facility	I don't accept this is the best location in the East, Heffron Park is undergoing a redevelopment has it been considered to be put there?	We wish we had that sort of space in our LGA, whether Easts Sydney Cricket Club decide to look for other venues that is up the
Locations for Indoor Cricket Training Facility	Is this the only location for the centre in the Park? It might be better to remove the café and rebuild the indoor cricket area facing Bondi Road.	Much of a muchness whether we build on the southern or northern end. However, it is Council's intention to keep the kiosk in its current location and reconfigure it to work better. To reduce the visual impact of this structure it would be better off away from Bondi Road.
Design	Does the design include another kiosk or kitchen? Would it just be used for the cricket club?	The HOA mentions a servery which is not a public kiosk. It would be used by whoever was renting the facility
Outdoor cricket nets	How much of the green grass space would be used by the pitches?	It is a direct footprint of the basketball court beneath.
Budget risk	Who bears the risk of the project if it goes over budget? Would it fall on the ratepayer?	Normal construction risks, it would be a shared cost. If it was a change on Easts request, they would fund that. It would be mostly funded by State and Federal Government grants who have conditions around variations, we would apply to have any variation funded. It is still taxpayer's money but not directly ratepayers.
Design	Will the facility allow for the playing of indoor cricket games as well as training?	It is a training facility, it is not large enough to facilitate a game
Design	What is the intended use of the newly suggested roof?	Keep it all indoors. Lightweight structure.
Community use	Can the proposed facility be used for community functions as well as sports hire? E.g. loss of the bowlo and the underutilisation of the Margaret Whitlam Recreation Centre (MWRC) in the evenings	Council's resolution was that it be a recreation facility, there was concern if it was a community facility that it could be hired out for evenings etc. That was not the first priority.
Locations for Indoor Cricket Training Facility	Why don't Easts buy their own property so the public doesn't lose on space?	
Design / sustainability	Will the building be carbon neutral?	We haven't reached that level of detail. Yes that would be our aim for new buildings in Waverley
Decision makers / consultation	Who will be the decision maker and how will you decide if it goes ahead in the POM? What threshold or level will you use to decide	We have a public participation period which is presented in a summary report to Councillors with our recommendations. The capital works projects will be removed from the POM and carry on as their own projects (cricket, playground and fitness station). There isn't a threshold around how many people vote for it, we get a lot of feedback from a lot of different ways. Councillors are the decision maker from the information we provide them.
Next steps	What would the next steps be if there	Up to Council, they may look at a number of

	was a lack of public support?	different locations or explore other options. It is hard to predict until we go through all the feedback.
Park uses	Do you have any quotas for how much of the park is provided to particular clubs?	There are numbers in the recreations strategy but not since Covid, the numbers would have increased dramatically of passive users.
Cricket club membership	So we know where the users of the current cricket come from?	We know there is 800 users under 16 and 100 grade cricketers (over 16) but not how many of them live in the Waverley LGA.

Overview of consultation feedback:

Over the 4000 interactions the community had with this consultation process, it was clear Waverley Park is most valued for its green, open and recreational spaces. It used by a wide range of groups for different activities which has meant the feedback varied from each stakeholder.

The main issues raised were on the following topics:

- Lighting needs to be improved around the park and in the dogs off leash area
- Accessibility
 - Missing links in footpath network
 - Access into park for prams
 - Crowded pathways – conflict between pedestrians, bikes and council vehicles using the shared path
- Car parking at all the entrance points to the Park.
- Lack of seating throughout the Park.
- Members of the East Cricket Club, and members of other eastern suburbs cricket clubs generally support the provision of a new indoor cricket training facility.
- The exercise equipment needs renewal.
- The playground needs renewing.
- The community would like more equitable access to the hardcourts, including how the multi-purpose courts are managed/booked.
- There is a need to improve level of the sports lighting.
- There is support for a multi-use half-court tennis hit-up wall facility constructed in the vicinity of the multi-purpose courts.
- Improve the offleash dog areas (access, lighting, seating, fencing)

Council officers suggested a number of ideas for future projects that could be included in the PoM. These have been highlighted in the table below with recommendation based on the community consultation*.

*This does not mean this is the final decision of Waverley Council.

Ideas for future projects in PoM	Community feedback	Comment
Renew the playground to make it larger and refurbish the rocket	Supported	This was the most supported idea
Renew the exercise equipment	Supported	

New indoor cricket training facility building on top of the MWRC's green roof	Investigate	This project was supported by 50% of participants in the Cricket training facility survey however it was the second least supported in the PoM survey and was not supported in the community workshops. Easts Cricket have identified a need for this facility and investigations should occur to find a different location.
New half-court basketball and hit-up-wall at back of multipurpose court	Supported	This was supported throughout. Tennis and skateboarding were two sports that felt they were not represented
Improve path network	Supported	Accessibility and path connection was brought up as an issue throughout the consultation
Improve entry design including signage	Neutral	The community did not mention an issue with the entrances except in terms of lack of parking and accessibility including with prams
Improve nature trails through trees around reservoir	Supported	This tied for the most supported in the PoM survey and was reiterated throughout the other tactics.
Review street parking to create drop-off and pick-up areas on Birrell Street for Saturday sport	Supported	This was the second most supported idea. All the access points of the park should be investigated for parking/traffic solutions. PUDOs were heavily supported throughout. Need to look at accessible parking.
Reduce asphalt footpath and provide planting buffer between Bondi Road and the park.	Supported	There was mild support for this in the PoM survey, however there were requests to include more greenery and improved pathways throughout the whole project
Provide additional storage for sporting equipment	Investigate	This needs to be investigated further as there was a lack of support in the PoM survey but separately there were lots of comments throughout asking for storage for all sports including in the stakeholder meetings.
New turf cricket practice wickets in the location of the current fitness station	Investigate	Not broadly supported by the community but necessary.
Improve the training field surface	Supported	Grass improvements were supported throughout.
Fence the training field to allow dogs off-leash in park area adjoining Birrell Street and Park Parade.	Removed	This was removed as it did not make sense. We were not asking if an off-leash dog area was supported.

Other ideas suggested:

Plan of Management:

- This Plan should align with the People Movement Places Strategy.
- The Park is surrounded by hostile roads, put a path around the edge of the park for cyclists (and skateboards?).
- Accommodation for skateboarding elements throughout the park.
- Install a simple orienteering course, like in Centennial Park.
- Fencing the off-leash dog area.

Playground:

- In the next consultation stage, outline the ages the playground has been created for.
- Look at removing the exercise equipment from the playground and include larger play items for teenagers.

Indoor Cricket Training Facility:

- If cricket goes ahead need more explanation and visibility around agreements of how the building will be used and how it would be run by Council.
- Put on side closest to Bondi Road instead of café.
- Retractable nets in MWRC.

Fitness station:

- Shade is important.

Next steps:

All feedback received will be considered by the project teams and Council officers. This report will be attached to a Council report presented to Councillors early 2022. A decision will be made on the capital work projects which will then be separated from the PoM.

The PoM will be finalised and sent to be approved by Council and Crown Lands. Once approved, Council officers will present this back to the Waverley Community for a public exhibition phase of consultation. The final Plan of Management will then be adopted by Crown Lands and Waverley Council.

Appendix A – flyer and distribution map



Waverley Park Plan of Management and Masterplan

Consultation open 25 October – 22 November 2021

Before we create the *Plan of Management and Masterplan* and decide on a new playspace, fitness station and proposed new indoor cricket training facility, we want to hear from you.



Please fill in our online surveys at:
haveyoursay.waverley.nsw.gov.au



This is your chance to have your say on the future of Waverley Park.



To ensure future generations can enjoy Waverley's open spaces, it is important we have a sustainable approach to the management of our Parks.

Over the last 10 years, several significant capital works have occurred within Waverley Park, with more upgrades planned over the next few years, it is time to review the Plan of Management to guide this development.

We want community feedback to help draft the Plan of Management including specific upcoming projects: proposed indoor cricket training facility, play space, fitness station, improvements to paths, signage and entries to the park.



The PoM will define the major projects carried out in the park over the next decade.



The first goal is to have the new fitness station and play space built in 2022.



Appendix B – Print advertising in the Wentworth Courier and The Beast



Waverley Park Plan of Management and Masterplan

Consultation open 25 October – 22 November 2021




Before we create the *Plan of Management and Masterplan* we want to hear from you on the design of an upgraded playspace and fitness facility. We also want to gauge community feedback on a proposed indoor cricket training facility. Please fill in our online surveys at: haveyoursay.waverley.nsw.gov.au

This is your chance to have your say on the future of Waverley Park.



Appendix C – Facebook posts




Waverley Council

30 October 2021 · 🌐

Do you visit Waverley Park?

Have Your Say on how the Park's community land is used, managed and improved by providing feedback for the Waverley Park Plan of Management.

<https://haveyoursay.waverley.nsw.gov.au/waverley-park...>





Waverley Council


3 November 2021 · 🌐


Have you seen the suggested plans for an indoor cricket facility connected to Margaret Whitlam Recreation Centre at Waverley Park?

We're having three online events to talk through the Plan of Management and the suggested projects. More info at <https://haveyoursay.waverley.nsw.gov.au/waverley-park...>




Appendix D – Instagram posts




**waverleycouncil**




...

**waverleycouncil** Have you seen the suggested plans for an indoor cricket facility connected to Margaret Whitlam Recreation Centre at Waverley Park? We're having three online events to talk through the Plan of Management and the suggested projects. More info in bio

4w


**aj.andrewjones** What's going to happen to the indoor netball courts ? Ate they being sacrificed?

4w Reply





Liked by **messier.creations** and 22 others

NOVEMBER 3


Add a comment...

Post







**waverleycouncil**

...

**waverleycouncil** Do you visit Waverley Park? Have Your Say on how the Park's community land is used, managed and improved by providing feedback for the Waverley Park Plan of Management. Survey link in bio


5w

**my.life.4now** I, like a lot of dog owners, would like to see the water tower with fencing to keep our dogs in a safe environment to socialise. Not everyone drives so we can't get to the designated dog parks. 👍



Liked by **easternsuburbsmums** and 32 others

OCTOBER 30

Add a comment...

Post

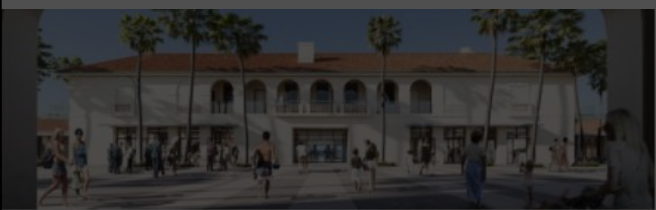
Waverley Park Plan of Management – Consultation report

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CM/7.11/22.03- Attachment 1

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Appendix E- Enewsletter



Bondi Pavilion dining and retail tenants announced

New commercial tenants will be taking up residence in the iconic Bondi Pavilion when the heritage beachside venue reopens next year. Bondi Promenade by House Made Hospitality will be an all-day dining venue offering casual bistro fare. Beach café Glory Days Bondi by Good Atelier will feature eat-in dining and take away. Previous tenants, retail clothing brand Between the Flags and Surfish Café are also returning.


[MORE](#)



Waverley businesses unlock sustainability savings

We're helping local businesses become more sustainable through our partnership with Better Building Finance. Businesses who want to make environmental upgrades can now access long-term loans that can be repaid quarterly through their Council rates.


[MORE](#)



Garage Sale Trail

We're just around the corner from Garage Sale Trail! With restrictions easing, this year's events will be taking place both online and in person across two weekends: 13-14 November and 20-21 November. Head online to plan your sale or trail depending on whether you're selling or buying!


[MORE](#)



Waverley Park Plan of Management (PoM) - Consultation reopened

We've updated information on the Waverley Park PoM webpage and have updated the fitness station survey. If you have already contributed to the fitness station survey, please resubmit as there are additional questions. We'd also love for you to join us at our online information session.

[MORE](#)




Draft Electric Vehicle Transportation Policy

We want your feedback on the Draft Electric Vehicle Transportation Policy.

This Policy will help support the uptake of electric vehicles in the Waverley Local Government Area and reduce greenhouse gas emissions.

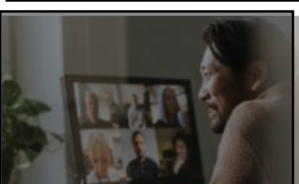
[MORE](#)



The future of Waverley Park

We're inviting the community to provide feedback on our draft Plan of Management for Waverley Park. As one of the most popular open spaces in our community, we want to know how you enjoy the park and what can be improved. Your feedback will help inform our maintenance and upgrade plans over the next ten years.

[MORE](#)



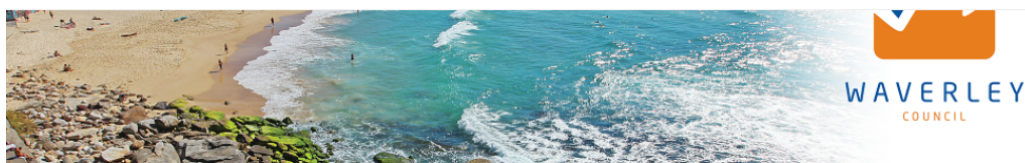
Community workshops

Throughout November, we're hosting a series of community forums to help plan for future Council facilities and services. We're inviting residents to register their interest in participating in four online meetings to help inform these plans. Those who join all four sessions will be offered a \$400 gift card to thank them for their time and feedback.

[MORE](#)

PROJECTS OPEN FOR COMMUNITY INPUT

- What are your priorities for Waverley over the next 10 years? [Fill in the Community Strategic Plan survey today!](#)
 - Are you interested in learning how to make a submission on a planning application? [Sign up for a free two hour workshop on 4 November 6pm to 8pm and make your submission count.](#)
 - We are beautifying village centres by installing planter boxes at various locations across the Local Government Area. [Check out the Have Your Say Page](#) to see the full list of locations. **Open until 8 November**
 - We received a [draft Planning Agreement](#), relating to the Development Application at 16A and 16B Llandaff Street, Bondi Junction. **Exhibition open until 19 November.**
 - Council is seeking feedback on the [Draft Electric Vehicle Transportation Policy](#). The purpose of the Policy is to support the uptake of electric vehicles in the Waverley Local Government Area. **Exhibition open until 19 November.**
- The Waverley Park Plan of Management consultation has reopened. If you contributed before we thank you for your input. The fitness station was the only survey changed. [Please read through the updated information and resubmit your feedback.](#) There are three community info sessions available registration essential. **Community consultation open until 22 November.**



Waverley Park Plan of Management and Masterplan

We have relaunched the Waverley Park Plan of Management consultation with a few updates.

We have provided more information on [the proposed cricket training facility](#) and from the feedback received in September, there were clear preferences for fitness station location and type of equipment. From this, we have refined the proposal.

If you haven't already participated in the consultation [please do so online](#), if you had completed a survey on the fitness station we ask you to [complete the new survey](#) and help make sure we are on the right track. All of the other surveys and information stayed the same.

We will be taking feedback until 22 November.

If you would like more information or have questions we are also hosting online briefing sessions, registrations are essential. The details are:

- 7pm to 8pm, [Wednesday 3 November](#) - focuses on the Plan of Management with a deep dive on the fitness station and playground
- 7pm to 8pm, [Thursday 4 November](#) – Plan of Management and the indoor cricket training facility.
- 1pm to 2pm, [Tuesday 16 November](#) – Plan of Management and ideas for improvement.

Background:

To ensure future generations can enjoy Waverley's open spaces, it is important we have a sustainable approach to the management of our parks.

Before we create the Waverley Park Plan of Management and Masterplan (PoM) and develop ideas on a new playspace, fitness station and proposed new indoor cricket training facility, [we want to hear from you](#).

Don't miss your opportunity to provide feedback and help decide the future of Waverley Park.



Appendix F - posters

Panels installed around Waverley Park

Waverley Park Plan of Management

Ideas for future projects

Waverley Park Plan of Management

Proposed indoor cricket facility

Legend

- area of management boundary
- identified opportunity
- identified opportunity development
- proposed facility
- proposed outdoor recreation development location
- proposed lighting
- water

1. To ensure future generations enjoy Waverley's open spaces, it is important we have a sustainable approach to the management of our parks. We are creating a Plan of Management to outline the long-term vision and provide a framework for the future management of the park.

The vision highlights the strategic approach to the management of the park, based on the park's natural and cultural values, and the need to provide a sustainable and enjoyable environment for all.

The plan also identifies the key areas for future development, including the proposed indoor cricket facility, and the need to provide a sustainable and enjoyable environment for all.

1. Ground improvement with a new drainage system (DN100) to manage water runoff and prevent waterlogging, as part of the proposed indoor cricket facility.

2. The proposed facility will be used by community, clubs, schools and businesses for training and playing. The indoor cricket facility is a unique opportunity to bring the best of indoor cricket to the community.

3. Have your say

The design team has created a guide for community members to provide feedback on the proposed facility. Please visit the website for more information.

Location	Facilities	Facilities
1. Pavilion area	1. Pavilion area	1. Pavilion area
2. Main area	2. Main area	2. Main area
3. Pavilion area	3. Pavilion area	3. Pavilion area
4. Main area	4. Main area	4. Main area
5. Pavilion area	5. Pavilion area	5. Pavilion area
6. Main area	6. Main area	6. Main area
7. Pavilion area	7. Pavilion area	7. Pavilion area
8. Main area	8. Main area	8. Main area
9. Pavilion area	9. Pavilion area	9. Pavilion area
10. Main area	10. Main area	10. Main area

To provide feedback on these items and more, visit: <https://www.waverley.nsw.gov.au/parks>

To provide feedback on these items and more, visit: <https://www.waverley.nsw.gov.au/parks>

Waverley Park Plan of Management

Proposed fitness station

1. The existing fitness station will be replaced with a new, modern, and sustainable fitness station.

2. Have your say

The existing fitness station is not available in the park network and is not supported by the council. We are suggesting the station be removed and replaced with a new, modern, and sustainable fitness station.


3. The equipment

We have suggested some equipment for the new fitness station, including a range of ages and abilities.

4. Have your say


We have suggested some equipment for the new fitness station, including a range of ages and abilities.

To provide feedback on these items and more, visit: <https://www.waverley.nsw.gov.au/parks>




Waverley Park Plan of Management

Play space upgrade – functional design



Waverley Park Plan of Management


Play space upgrade – Experience



Legend

- 1. Existing play space
- 2. Proposed play space
- 3. Proposed play space
- 4. Proposed play space
- 5. Proposed play space
- 6. Proposed play space
- 7. Proposed play space
- 8. Proposed play space
- 9. Proposed play space
- 10. Proposed play space

1. We will increase the size of play space to accommodate more children, supporting the range of play and learning across the park for a broad range of ages and abilities.



Play for everyone

There will be play equipment for a wide range of children, parents and carers of children to contribute and safety to use.

America's scene

To ensure play with nature, the playground will be integrated around the park and the safety of the park for adults.

The experience

There will be well rounded play including:

- Climbing
- Running
- Rolling
- Spinning
- Sliding

The playground play will have safety play equipment, such as, small, adult, and big.

To provide feedback on these items and more, visit:

<https://www.waverley.nsw.gov.au>

NSW GOVERNMENT WAVERLEY

To provide feedback on these items and more, visit:

<https://www.waverley.nsw.gov.au>

NSW GOVERNMENT WAVERLEY

Posters installed around Waverley



Waverley Park Plan of Management and Masterplan

Consultation open 25 October – 22 November 2021



Before we create the Plan of Management and Masterplan we want to hear from you on the design of an upgraded playspace and fitness facility. We also want to gauge community feedback on a proposed indoor cricket training facility. Please fill in our online surveys at: haveyoursay.waverley.nsw.gov.au

This is your chance to have your say on the future of Waverley Park.



**REPORT
CM/7.12/22.03**

Subject: Council Chambers Refurbishment - Review of Environmental Factors - Exhibition

TRIM No: SF21/3221

Author: Ava Acharya, Project Manager

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Publicly exhibits the Review of Environmental Factors (REF) for the Council Chambers Refurbishment Project attached to the report for 28 days.
2. Notes the planning detailed design for Option 3 for the Council Chambers Refurbishment Project, as set out in Attachments 2 and 3 of the REF.
3. Officers prepare a report to Council following the exhibition period summarising the consultation process, key feedback and recommending revision to concept design, as necessary.

1. Executive Summary

The purpose of this report is to present the concept design for the Council Chambers Refurbishment Project and to seek Council's approval to publicly exhibit for 28 days the Review of Environmental Factors (REF), including planning detail design.

The design further develops Council's endorsed preferred option, from the options analysis reported to Council in August 2021, including complete removal of the pre-1960s structure.

2. Introduction/Background

The refurbishment of the Council Chambers building seeks to enable:

- Replacement of near end of life building services.
- Compliance with building codes and standards including an accessible building for staff and visitors.
- Safe removal of asbestos.
- Cost savings and income generation from rationalising Council office spaces including avoiding expenditure on leasing office space to accommodate Council staff.
- Provision of a flexible, adaptable, smart and efficient building that meets current and future office accommodation needs.

An asset condition assessment undertaken in 2018 identified the need to undertake approximately \$4 million work of capital works to meet current fire compliance requirements, perform major roof repairs as well as to replace end of useable life building services such as chillers, electricals and lift equipment. Subsequent investigations identified building materials containing asbestos that would also need to be

safely removed (at significant additional cost) as part of any upgrade works. Council considered options for accommodating Council staff and resolved (CM/7.5/19.04) in 2019 to focus on the current Council Chambers building. Given the impending need to replace end of life building services, progress on this project is required as a priority to try to avoid services failure and/or costly works to temporarily extend their serviceable life.

Council endorsed the Property Strategy 2020-2024 in September 2020, which included an action to investigate agile working opportunities within Council's property portfolio. This project provides an opportunity to rationalise staff administration offices to potentially increase value from Council's property portfolio as well as to address the many additions to the Chambers Building which have resulted in inefficiencies in floor layout, community access to the third floor Chambers, secure work areas, number of meeting rooms, ventilation and access to natural light.

A workplace strategy was completed in 2020 by workplace planning consultant Era-Co Pty Ltd. This informed the requirement for Council Chambers Refurbishment. As a result, Architect and Head Consultant Lahznimmo were engaged in early 2021 and completed the options analysis which was reported to Council in August 2021.

The options analysis considered five options for the Council Chambers building including three options for building refurbishment and two options for a full knock-down and rebuild. In August 2021, Council endorsed Option 3, a major refurbishment of the existing Council Chambers building, including the complete removal of pre-1960s structure, as the most feasible and value for money option, delivering a compliant, adaptable and efficient building able to support agile working and avoid financial risks during construction.

Given project inter-relationships and dependencies, a Workplace Connections Steering Committee was formed in August 2021 chaired by the General Manager with Director and Executive Manager representatives across directorates. The Committee will ensure a co-ordinated and integrated approach projects to optimise the working environment for staff within the Council Chambers building.

A Councillor Workshop was held in October 2021 presenting the concept design. Feedback received and outcomes are included in section 4 of this report.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 August 2021	CM/7.5/21.08	That Council: <ol style="list-style-type: none"> Endorses option three—major refurbishment including complete removal of pre-1960s structure—for the Council Chambers building refurbishment project, as set out in the attachment to the report. Officers prepare a report to Council with the Review of Environmental Factors (REF), including planning detailed design for option three and consideration of car parking. Includes an increase of \$5.8 million to the project budget for the refurbishment of the Council Chambers building in the Long-Term Financial Plan 6.0.
Council 16 April 2019	CM/7.5/19.04	That Council: <ol style="list-style-type: none"> In regard to the existing Council Chambers building, notes

		<p>the following:</p> <ul style="list-style-type: none"> (a) The evacuation of all staff and the closure of building for an extended period during 2018 due to risk from asbestos. (b) Currently, the third floor Chambers room is closed due to a roof leak. (c) Many of the major building elements are old and coming towards the end of useful life. This includes air conditioning, concrete spalling to the structural elements, water-proofing, electricals and plumbing. (d) Is insufficient in size to accommodate related Council staff resulting in lease commitments and related costs, as well as inefficiency with Council's services and administration functions currently housed in multiple locations. <ul style="list-style-type: none"> 2. Further investigates the construction of a new Council Chambers on the Bondi Road site. 3. Requests that a detailed Project Plan, including costings and a timeline, to deliver the new Council Chambers be presented to a future Council meeting. 4. Investigates what amendments to the Waverley Local Environment Plan are required in order to facilitate the proposed redevelopment of the current site for a new Council Chambers, including the incorporation of the car park adjacent to the Chamber site within the proposed redevelopment, providing that full public access to the area is maintained as part of any redevelopment, and a report be presented to a future Council meeting to initiate any necessary amendments.
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4. Discussion

Council Chambers building design

Lahznimmo and their consultancy team completed the concept design for the Council endorsed scope option three, major refurbishment including complete removal of pre-1960s structure for the Council Chambers building refurbishment project. The design is based on the following key principles which was endorsed by Council's Executive Leadership Team (ELT) in 2020:

Table 1. Key principles and design response.

Principle	How addressed in the design
<ul style="list-style-type: none"> Transform the way Waverley Council works 	<ul style="list-style-type: none"> Co-locates majority of office-based staff for improved communication and collaboration. Offers a diversity of spaces and work-settings for intellectual

	stimulation and focus. <ul style="list-style-type: none"> • Enables hybrid remote and office-based working and/or meetings.
<ul style="list-style-type: none"> • Smart and Efficient Building 	<ul style="list-style-type: none"> • Replacement of near end of life building services including heating, ventilation and air conditioning, with smart and efficient systems and controls. • Provide technology that is easy to use and compatible with all locations (office, home and elsewhere).
<ul style="list-style-type: none"> • An asset for Waverley 	<ul style="list-style-type: none"> • Compliance with building codes and standards including an accessible building for staff and visitors. • Safe removal of asbestos. • Minimise energy and water use and costs. • Extend existing building asset lifetime – the same as a new building. • Flexible and adaptable building that meets current and future office accommodation needs and avoids the cost of change.
<ul style="list-style-type: none"> • Improvements for the Community. 	<ul style="list-style-type: none"> • Cost savings and income generation from rationalising Council office spaces including avoiding expenditure on leasing office space to accommodate Council staff. • Welcoming and vibrant entry space with potential for use. • Easy, accessible, secure community access to the third floor. • Improved multi-purpose function spaces and commercial kitchen on the third floor with potential for community activities and hiring.

The proposed building design opens up and makes level the floor plates by replacing internal stairs and removing the pre-1960s remnant structure. Each floor plate has been zoned from quieter high focus workplaces in the southwest, to medium focus workstations and clusters either side of the core through to social and collaborative lower focus workspaces to the north and north-east. Perimeter spaces with extensive views are reserved for the workspaces, while the central core contains a mix of meeting spaces and amenities.

Council provided feedback on the Councillor area on the ground floor at the Councillor briefing in October 2021, as well as subsequent briefings in February 2022. The Councillor area on the ground floor will be developed further in consultation with Councillors, to include hot desks, breakout/kitchenette area, chat rooms and meeting room. Level 3 is retained for Council Chambers and an improved range of multi-use function spaces and roof terrace for use by Council and the community.

The existing north elevation to Bondi Road is proposed to be replaced with a new civic front that contains a double height entry foyer, staff breakout area and an open terrace on level 3 that serves the function spaces on that level. The new civic front evokes transparency and openness, with its large area of glazing protected with a fine aluminium sunscreen and landscaping including trees. It allows for views into the activities within, and frames longer views out to the north-east and east—to the coast and the adjacent parklands.

The stair and lift anchor that enable the community to easily access the level 3 are positioned at the new front and mark the point of entry off a new public plaza that shifts the emphasis from vehicles to people.

A new gently pitched roof caps both the existing and the northern extension and will resolve the many ongoing problems of failing membranes and an uninsulated concrete roof structure. The east, south and west elevations remain essentially unchanged, with only the existing windows being replaced.

The external colours to the civic front directly reference the coastal tones of sandstone cliffs and shifting sands. They are deliberately gentle and dignified and of their place.

Forecourt design and parking

The landscape concept design has been developed based on the recommendation provided in the Traffic Report and Arborist Report. It allows for trees to be retained or relocated on site where possible. A number of substantial native trees are placed in the forecourt area to provide a shaded canopy with low level planting filling out planter beds but keeping sightlines open. Public furniture provides places to rest, and along with bollards and pole lights, define the shared zones for pedestrians and vehicles.

The design maintains the existing vehicle site access arrangements from the surrounding road network, with the current driveways along Bondi Road and Paul Street to be retained. Reconfiguration of the existing car parking area at the forecourt, with the creation of a low-speed shared zone environment improves the pedestrian amenity. This reconfiguration maintains the existing number of onsite parking spaces for Council staff and visitors (i.e., 17 spaces) and is consistent with the requirements of Council's Development Control Plan. The forecourt carpark has been designed in accordance with the relevant Australian Standards AS2890.1 and AS2890.6. Along with the end-of-trip facilities, bicycle parking for staff and visitors has been provided within the site to support cycling as a mode of transport.

The design is included in Attachments 2 and 3 of the REF.

Planning and scope feedback

The below table provides responses to the key feedback from the Councillor briefing in October 2021 and briefings on 22 February 2022.

Table 2. Response to the key feedbacks from Councillor briefing.

1. Review level 3 design to open out to the balcony
High-level concept and cost estimate were undertaken. It was estimated to be additional cost of \$1.2 million. This was reviewed by the Steering Committee and not considered to add sufficient value to justify the additional cost.
2. Demolishing the existing western façade wall and extending towards Paul Street
<p>The consultancy team reviewed the current planning restrictions on demolishing the existing western façade wall and building a new straight or an articulated façade wall on west to the edge of the site boundary. Under the current REF planning pathway, a minimum 5 m setback is required along the boundary and maximum 12 m height. The existing setback is approximately 7.5 m – therefore we could only extend another 2.5 m. A 2.5m wide by 28.5 m long extension would not be economically sensible given the high ratio of new façade to new floor area. It would also be an inefficient area to plan as the existing columns on the western façade would need to be retained.</p> <p>If it was decided to proceed down the DA planning pathway, then a smaller setback could be proposed, however it would need to be justified. Given the scale of the building, the consultant teams opinion is that a setback less than 5 m in this context would be very difficult to justify either as a stepped or consistent facade.</p> <p>Also, the existing mature trees along Paul Street were identified by the arborist as highly significant and any extension along the west would mean removal of these trees. This would also be very difficult to justify and is believed to create significant community opposition. Hence, extending the building toward the west is not considered a feasible approach.</p>

3. Consideration of rear carpark or basement parking in scope

The land to the south of the building where the existing car parking is on a separate allotment and zoned for Public Recreation. Therefore, any use of this land is required to serve or be ancillary to Waverley Park, as it is essentially part of the park. Providing additional car parking for the use of Council, whether above or below ground, would not comply with the zoning.

Review of Environmental Factors (REF)

Planning sub-consultant MG Planning has been engaged to prepare the Review of Environmental Factors (REF) to assess the potential impacts of the proposal on the natural and built environments. This REF will accompany the design for the Council Chambers Refurbishment proposal. The REF (including its 16 attachments) are attached to this report.

This REF has been prepared in accordance with Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the potential impacts of the proposal. It describes the proposal and the existing natural and built environment; assesses the potential impacts of the proposal on the environment; and presents mitigation measures to minimise and/or avoid these identified impacts.

No significant environmental or heritage impacts have been identified.

An external planning consultant, Gyde Consulting, has been engaged by Council officers to review the REF. The final REF will be displayed on public exhibition for 28 days during community consultation. After the community consultation ends, the consultant will provide a submission report.

5. Financial impact statement/Time frame

Financial impact

The current Long Term Financial Plan includes the total project budget of \$17.8 million for the refurbishment of the Council Chambers building.

Time frame

Activity	Time frame
Community Consultation/REF Public Exhibition	April 2022
Report to Council on Outcomes of Community & Staff Consultation	July 2022
Detailed Design	July 2022 – October 2022
Procurement	November 2022
Report to Council on Engagement of Preferred Contractor	December 2022
Construction	January 2023 onwards

6. Internal and External Consultation

Two separate communications and engagement plans have been created for the project: an Internal Communications and Engagement Plan, focusing on internal stakeholders, and the External Communications and Engagement Plan, focusing on external stakeholders.

Lahznimmo and Workplace Planning sub-consultant Antelope have been implementing feedback from internal stakeholders. They have:

- Reviewed existing consultation including a staff survey and transcripts from interviews previously conducted with Council's General Manager, Directors and Executive Managers across the organisation.
- Conducted additional interviews with key internal Executive Managers including Properties and Facilities, Information Management and Technology, Human Resources and Organisational Improvement.
- Conducted two workshops with Council's Agile Working Group.

As a result, Antelope developed a project brief for Council's desired approach to the workplace and also offers a set of spatial recommendations for the workplace fit-out.

Given project inter-relationships and dependencies, a Workplace Connections Steering Committee was formed in August 2021. The Committee will ensure a coordinated and integrated approach projects to optimise the working environment for staff within the Council Chambers building.

Waverley Council's Project Manager and Head Consultant carried out internal design development consultation with the following stakeholders:

- Properties and Facilities.
- Asset Management and Systems.
- Open Space and Recreation Services.
- Environmental Sustainability.
- Information Management and Technology.
- Urban Planning Policy and Strategy.
- Urban Planning Policy and Strategy – Heritage.
- Traffic and Transport.
- Asset Maintenance.

Representatives from each of these departments made up the Council Chambers Refurbishment Project Control Group.

The scope options analysis was presented at the April 2021 Councillor workshop.

The planning detailed design was presented at the Councillor workshop on 19 October 2021 and in briefings on 22 February 2022. Feedback from Councillors on planning detailed designs has been and will be considered in the design process.

A consultation period with the following stakeholders will occur post Council endorsement and during Public Exhibition of the REF in April 2022:

- Council staff.
- Sydney Water.
- Crown Lands.
- Community.

Internal consultation

Recognising employee engagement, contribution and empowerment is vital for change success; communication and engagement, also plays a strategic role. The internal Communication and Engagement Plan will follow proven change management methodologies, by providing staff consultation opportunities and feedback channels, as well as including a two-way engagement process. Staff involvement in decision making is critical and their views on the building designs and agile work practices/environments will be

actively sourced and incorporated, to ensure staff are provided with a sense of ownership and to bring them on the journey.

External communication and engagement activities

There will be a stage of promotion before consultation to alert the community to the project. When the four weeks of consultation starts, the external communication and engagement activities will include:

- Have Your Say (HYS) page – ‘Council Chambers Refurbishment’. It will host:
 - Survey.
 - REF and attachments.
 - Images of internal issues with building
 - Video of issues with the building
- Two online presentation and panel Q&A with architect, General Manager and Acting Director Community Assets and Operations as Council representatives:
 - 1 x community
 - 1 x staff
- 4 x pop ups around Waverley.
- Door-knock residents around the building.
- Workshop with precincts particularly focused on meeting rooms and community spaces

Key communication activities will include:

- Promotion of project before consultation (between Council meeting and consultation starting in April).
- Email to stakeholders through various teams at Council.
- E-newsletters: Waverley Weekly and Have Your Say e-news.
- Council webpage.
- Social media posts Instagram and Facebook.
- On-site signage and bus stops nearby.
- Letter/flyer.
- Included in *Waverley in Focus*.
- Simplified REF fact sheet/broken into digestible sections on HYS page
- Media release.
- Advertising in the *Beast* and *Wentworth Courier*.

7. Conclusion

It is recommended that Council exhibits the Review of Environmental Factors (REF), including planning detailed design, for the Council Chambers Refurbishment Project attached to this report for 28 days.

Following the public exhibition period, a further report will be prepared for Council summarising the consultation process, key feedback and recommending revision to the planning detailed design, as necessary, to seek approval to proceed to detailed design phase.

8. Attachments

1. Waverley Council Chambers Refurbishment Exhibition Draft REF (under separate cover) .

REPORT CM/7.13/22.03



Subject: Youth Week Grant 2022

TRIM No: A03/2784

Author: Rebecca Rodwell, Manager, Community Planning and Partnerships

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council, under section 356 of the *Local Government Act*, grants up to \$3,600 in financial assistance to WAYS Youth and Family to run activities that involve and benefit a diverse group of young people for Youth Week 2022.

1. Executive Summary

Council has supported Bondi Blitz, run by WAYS Youth and Family for more than 20 years. This support has consisted of a small grant provided to WAYS, which is funded through a State Government Youth Week grant and matched by Council. Woollahra Council also provide their State Government Youth Week grant for Bondi Blitz.

Waverley and Woollahra Council officers work in partnership with WAYS Youth and Family to enhance Bondi Blitz each year and facilitate a range of diverse and interesting activities in and around Youth Week for local young people to get involved in.

Youth Week will run 4 – 10 April this year and will involve a range of activities. The key event will be the Mini Blitz youth music event taking place at Bondi Markets on Sunday 10 April, involving live acoustic and DJ sets performed by local young talent.

Mini-Blitz is a scaled-down version of the Bondi Blitz festival in response to the pandemic. The event is co-created with young people who are involved in planning, coordination and delivery of performance and associated activities which will include an art workshop, wellbeing support information, and a homelessness awareness drive. The mini-Blitz model was developed and trialled successfully in 2020 and 2021.

The NSW Department of Communities and Justice provide an annual Youth Week grant to local government organisations. Under the department's funding arrangement Council must agree to match the dollar amount.

2. Introduction/Background

Each year, Council receives a small grant through the NSW Department of Communities and Justice for Youth Week, which is an annual event that recognises young people aged 12–24 and their valued contribution to the community. Council is required to fund match this grant.

As part of the funding agreement, recipients must involve young people in all aspects of Youth Week, including the planning, development and management of activities. It is an opportunity for young people to

share ideas, attend live events and have their voices heard on issues of concern to them, whilst also showcasing their talents.

For more than 20 years, WAYS Youth and Family has been allocated the Youth Week funding from both Waverley and Woollahra Councils, to organise Youth Week activities in Waverley. A key activity has been the staging of Bondi Blitz, a music concert event involving young bands and performers at Bondi Park and side gigs at local businesses.

Along with the funding contribution, Waverley has also provided additional support through the use of the Dolphin Courtyard, parking permits and staff who assist with the organisation and delivery of the event. Therefore, the Council contribution consisted of the Youth Week grant plus additional 'in-kind' contributions. This year however, due to the size and location of the event, the Council contribution will be the Youth Week grant only.

With the onset of the pandemic in March 2020 and subsequent cancellation of large community events, the Bondi Blitz transformed to live-stream and face to face participation - albeit with limited numbers - for music performance, health education and skate workshops during November.

In 2021 the mini-Blitz pilot promoted young local talent to a cross section of community members at the Bondi Market including families, children and young people and live streamed interviews with young performers and health promotion messages.

In 2022 the mini-Blitz model will continue, which will showcase young acoustic performers and DJs, and involve WAYS students in the coordination and delivery of the event.

The NSW Department of Communities and Justice will provide funding for Youth Week activities in Waverley Council for 2022 on the condition that Waverley can match the dollar amount. The funding enable a grant of up to \$3600 to WAYS to support the Bondi mini- Blitz which also receives funded support from Woollahra Council. The theme for Youth Week 2022 is 'It's Up to YOUTH!'.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 February 2021	CM/7.10/21.02	<ol style="list-style-type: none"> 1. Under section 356 of the <i>Local Government Act</i>, grants up to \$6,300 in financial assistance to WAYS Youth and Family to run activities that involve and benefit a diverse group of young people for Youth Week 2021. 2. Notes that: <ol style="list-style-type: none"> (a) Youth Week activities are developed in collaboration with a diverse range of young people in accordance with the funding agreement. (b) The format for Youth Week is revised for a program of events across both the Waverley and Woollahra local government areas. (c) Partnership opportunities are explored in order to enhance opportunities for youth engagement that facilitate expression of ideas and creativity, address concerns and enable connection to community and resources

		(d) The Youth Week program will be subject to monitoring of the COVID-19 situation and the current NSW Public Health Orders.
Council 18 February 2020	CM/7.7/20.02	That Council, under section 356 of the Local Government Act, grants up to \$6,300 in financial assistance to WAYS Youth and Family to run activities during Youth Week 2020, including Bondi Blitz.
Council 19 February 2019	CM/7.14/19.02	That Council, under section 356 of the <i>Local Government Act</i> , grants up to \$6,000 in financial assistance to WAYS Youth and Family to run a program of activities during Youth Week 2019, including Bondi Blitz, subject to the State Government Youth Week Grant matching Council's grant.
Council 24 October 2017	CM/7.10/17.10	That Council: <ol style="list-style-type: none"> Approves a grant to WAYS Youth Services of up to \$3,500, subject to confirmation of the State Government Youth Week Grant matching Council funds, to run a program of activities in Youth Week 2018. Provides financial assistance under section 356 of the <i>Local Government Act 1993</i> to WAYS Youth Services to cover the costs associated with the operation of Bondi Blitz in Youth Week 2018. Notes that: <ol style="list-style-type: none"> In accordance with the funding agreement, Youth Week activities must be developed through a collaborative approach with young people. Partnership opportunities will be explored to enhance Bondi Blitz and other youth focused Council initiatives in 2018. The format for Youth Week 2019 is likely to be refreshed following consultation with young people to increase engagement in the activities.
Council 17 February 2015	CM/7.7/15.02	That Council: <ol style="list-style-type: none"> Approves a grant of \$3,075 to WAYS Youth Services to run a program of events in Youth Week 2015. Approves the waiving of hire fees for Bondi Park for the Youth Week Program. Approves a grant to WAYS annually for 2016 and 2017 for Youth Week celebrations, subject to approval of the State Government Youth Week grant matched with Council funds, up to a total value of \$3,500 per year, and the waiving of any associated venue hire fees.

4. Discussion

Youth Week is an opportunity to strengthen young people's positive engagement with the community, as well as provide information about local community and support services to young people. As a Youth Week grant recipient partner and auspice organisation, Council is required to support delivery of Youth Week events that:

- Consult and involve diverse young people in the planning and organising of local Youth Week activities
- Explore partnership opportunities for young people to express their ideas and views, raise issues of concern, create and enjoy entertainment and connect to community and resources
- Provide opportunities for the wider community to listen to young people and acknowledge and celebrate young people's positive contribution in the community
- Link to the development and/or implementation of Council's planning for young people.

Planning for Youth Week 2022 is well underway and Council officers are collaborating with internal and external partners to develop the program of activities.

5. Financial impact statement/Time frame/Consultation

Waverley will contribute funding to WAYS of up to \$3,600 toward the mini-Blitz event.

The event is booked for Sunday, 10 April. Youth Week 2022 is from 4–10 April at the Bondi Market from 11 am–2 pm.

Officers have been consulting and collaborating with internal and external partners to organise the mini-Blitz and a program of activities young people can access in celebration of Youth Week.

6. Conclusion

This report recommends a financial contribution to WAYS of up to \$3,600 for Youth Week in 2022.

As in previous years, Waverley will continue to work closely with internal and external partners to ensure Youth Week activities remain engaging, relevant and fun for young people.

7. Attachments

Nil.

NOTICE OF MOTION CM/8.1/22.03



Subject: Annual Volunteer Fair

TRIM No: A16/0638

Submitted by: Councillor Murray
Councillor Gray

MOTION:

That Council:

1. Investigates hosting an annual Volunteer Fair for volunteer organisations in Waverley to promote their organisations and for residents and others to find volunteer organisations.
2. Officers liaise with large volunteer organisation in the area such as One Big Kitchen, St Vincent de Paul, Wayside, Surf Clubs, Lions, Rotary, SES and others to gauge interest and need for such an event.
3. Aims to hold the first Volunteer Fair in 2022.
4. Officers prepare a report to Council by August 2022 that outlines the costs, timelines, consultation outcomes, and requirements of this project including any procurement issues.

Background

Council's Operational Plan section on Community Services and Well-Being has a stated goal of 'creating a resilient, caring and cohesive community'. A volunteer fair would help meet this objective.

Volunteer organisations provide much needed services to the community. Volunteering is good for you as it connects you to others, keeps you healthy, may advance your career and bring fun and fulfillment to your life. Volunteering is an important element of Australian way of life. The pandemic has shown us that being connected to your community is important for your health and well-being. It was also harder for organisations to recruit volunteers.

An annual fair will help people who want to volunteer to find the right organisation that is the best fit for them.

Council has a great award program for local volunteers, the Local Heroes Award. This could be combined with this Volunteer Fair and could be awarded at the event.

General Manager's comment

Council has pursued various strategies to grow and enhance volunteer capacity—it is a key focus area for Community Programs. While there is no designated 'volunteer coordinator', the Local Connections program was designed to support volunteer policy, best practice and engagement and coordinate volunteer activities across Council and the community. For more information, see https://www.waverley.nsw.gov.au/community/volunteering_and_neighbourhood_projects

The process for managing volunteer requests and matching people's interest to available volunteer positions has created many new connections and opportunities across different areas, with Council programs and local services benefitting from the experience. Monthly emails provide updates on topics of interest. Volunteers can also find out about opportunities through the 'Connected Waverley: Volunteering Network' Facebook page.

During the pandemic, local volunteer efforts made a significant contribution to community health and well-being outcomes. In 2021 we established a Volunteer Coordinator Network which has grown to include more than 30 organisations, currently meeting every two months (online to date due to COVID-19 restrictions).

This Volunteer Networks has discussed the possibility of hosting a 'Volunteer Fair' in the second half of 2022. A suggested location is the Mill Hill Courtyard, once the 'Mill Hill Precinct' is fully operational following completion of the Mill Hill and Boot Factory restoration projects. This is proposed to be discussed further at the scheduled April meeting.

Planning would include consultation with volunteer organisations including those listed, and a report to Council would outline feedback, costs, timelines and other requirements.

It is noted that the Local Hero Awards are held every two years and will next take place in 2023. The awards are generally held during National Volunteer Week in May and have been combined with the annual volunteer recognition event.

Sharon Cassidy
Acting Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.2/22.03



Subject: Raleigh Street and Lola Street, Dover Heights - Drainage Pit

TRIM No: A03/0804

Submitted by: Councillor Lewis

MOTION:

That Council:

1. Notes the severe flooding in Raleigh Street and Lola Street, Dover Heights, as a result of the recent heavy rainfall.
2. Notes the officers' determination that an additional drainage pit is required at or near the junction of Raleigh Street and Lola Street and that a new pipeline will be constructed.
3. Directs officers to carry out any further investigations as may be required and prepare a design for the construction of the drainage pit and pipeline as a matter of urgency.

General Manager's comment

Council officers are aware of localised flooding at the Raleigh Street and Lola Street intersection. The stormwater infrastructure in the area is typically overwhelmed in larger rain events. This is characteristic of what can be found in a number of locations around the Waverley local government area.

To assist with flood management in this location, officers are recommending to review and increase stormwater collection/discharge infrastructure including new pits and pipes. Design development will be initiated in the coming months in preparation for this project to be delivered in the 2022–23 financial year. Funding has been allocated in the draft 2022–23 financial year capital works program to deliver these works.

Sharon Cassidy
Acting Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.3/22.03



Subject: Bondi Junction Cycleway - Safety

TRIM No: A14/0193

Submitted by: Councillor Burrill
Councillor Kay

MOTION:

That Council:

1. Notes that the Bondi Junction Cycleway is nearing completion with only the section in front of the bus depot on West Oxford Street yet to commence. The cycleway from Street James Road to Waverley Mall is expected to be operational from late March/April 2022.
2. Notes that 'Safety by Design' initiatives will be introduced into the Oxford Street Mall in the second half of 2022.
3. Investigates ways to improve the safety of pedestrians and cyclists in Bondi Junction resulting from the introduction of the new cycleway such as:
 - (a) Clearly distinguishing between the footpath and the cycleway on Spring Street by, for example, tactile paving, blisters and/or spaced planter boxes.
 - (b) Installing temporary educational Cyclist 'Give Way and Stop' signs on the cycleway at conflict points.
 - (c) Installing 'No cycling' regulatory and 'cyclist detour' advisory signage at each end of the Oxford Street Mall.
 - (d) Reducing the regulatory speed limit in the Oxford Street bus transit lane between Bronte Road and Adelaide Street from 50k m/h to 30 km/h.
 - (e) Commencing an education campaign to discourage cyclists from riding through the Oxford Street Mall.
4. Immediately commences the process to update the Bondi Junction cycle route in the Waverley Bike Plan 2013 to reflect the new cycleway route via Spring Street and its removal from the Oxford Street Mall.
5. Officers prepare a report on the above matters for Council, and where relevant Traffic Committee, consideration.

Background

Community members at recent Precinct meetings have raised concerns about the safety of pedestrians and cyclists in Bondi Junction. One goal for building a separated cycleway in Spring Street was to enhance the

safety of cyclists riding through Bondi Junction while removing the conflict with pedestrians in the Oxford Street Mall. This will optimise the safety of up to 39,000 people that may use the Oxford Street Mall.

With the completion of the cycleway on Spring Street, pedestrians are often straying into the cycleway and into the path of cyclists as other than a white line marking in the paving, there are little indications in some sections that the widened curb includes a separated cycleway. Even the white line is often ignored by pedestrians and the risk of an accident between a pedestrian and a cyclist is therefore a cause for concern. Further, we have received reports from cyclists that pedestrians and bins are often obstructing the cycleway.

There have also been reports from residents that cyclists have not been acknowledging pedestrians by giving way at the dotted lines or stopping at the solid white lines marked on the cycleway. Additional signage may be required to ensure the safety of pedestrians at conflict intersections such as at the Denison Street pedestrian crossing, the Spring Street signalised crossing at Eastgate and intersections at Mill Hill Road and Ruthven Street.

Transport for NSW, Google Maps, Bicycle NSW information continues to show that the Bondi Junction cycle route going through the Oxford Street Mall. It is important that the Waverley Bike Plan 2013 is immediately updated to reflect the new route via Spring Street to align with the cycleway becoming operational and so that navigation apps direct riders onto the correct route.

General Manager's comment

With the Bondi Junction Cycleway works nearing completion on Oxford Street between Bronte Road and Bondi Road, there are several initiatives that officers are planning on implementing to improve safety for both pedestrians and cyclists.

Clause three of the motion outlines some of the initiatives being considered and that are actively being investigated. Further to these initiatives, officers are also planning on reviewing the 'Safety by Design' construction phase impacts that will inadvertently prohibit cyclist movements through the Oxford Street Mall. This will give officers the opportunity to assess conflicts given changes to cyclist movements and seek/recommend suitable solutions.

Officers are in the process of developing a new Bike Plan that will include reflecting Spring Street as the new cycleway route. The new Bike Plan will be presented to Council in the 2022–23 financial year.

Officers will be reporting on the safety improvement opportunities available to address pedestrian and cyclist conflicts in both an upcoming Traffic Committee and Council Meeting as required.

Sharon Cassidy
Acting Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.4/22.03



Subject: Disaster Relief

TRIM No: A02/0065

Submitted by: Councillor Wy Kanak

MOTION:

That Council:

1. Provides relief funding as well as assisting local charities and relief organisations to redirect clothing and other suitable goods and services to the growing number of people becoming vulnerable and destitute due to climate change from floods and other natural disasters.
2. Calls on the state and federal governments to support the urgent establishment of permanent fully funded Rapid Response Disaster Teams to reflect the fact that disasters like the current flooding are no longer rare events but the new normal.
3. Calls on the NSW State Government to double the disaster recovery payment to \$2,000 and expand its eligibility so more people can get help.

Background

Over the last few years, we have seen people in NSW face disaster on a scale never experienced before. Many communities have not recovered from the bushfires and floods that have occurred over the last two years. Once again some of the same communities are facing disaster. A new approach is needed for adaptation and mitigation of the impacts of climate change, which needs to be adequately funded by the NSW and Federal government to address the experience of climate change and better adaptation to climate change.

General Manager's comment

It is noted that there are a number of local government areas (LGAS) in New South Wales designated with a 'Notice of Natural Disaster Declaration' by Resilience NSW following the recent severe storms and flooding, although Waverley is not currently designated.

NSW residents who are low-income earners or with limited financial resources may be eligible for a Disaster Relief Grant provided through Resilience NSW. \$1,000 is provided for eligible adults and \$400 per eligible child. Further grants are provided for impacted small businesses.

The Waverley community is supporting flood affected areas of Sydney and NSW through volunteer organisations and donations to charities. Resilience NSW has asked people to direct financial support through the GIVIT platform. Council could resolve to advocate for changes to funding and relief arrangements administered by Resilience NSW.

Meredith Graham
Acting Director, Customer Service and Organisation Improvement

NOTICE OF MOTION CM/8.5/22.03



Subject: Equal Pay for Equal Play

TRIM No: A22/0083

Submitted by: Councillor Fabiano

MOTION:

That Council:

1. Ensures that sporting organisations and clubs that receive grants and funding from Council provide:
 - (a) Equal prize money for both boys and girls, and men and women, at all levels of competition.
 - (b) Equal opportunity (entry positions, space, time, training, resources) for girls and boys, and men and women to participate in events including competitions and training.
 - (c) An actionable strategy to increase the participation, engagement and ongoing support of women and girls at all levels of competition.
2. Affirms that organisations and clubs that do not currently satisfy these criteria can still receive support if they have concrete plans to implement these by 2025.

Background

These requirements reflect the objectives of the [Equal Pay for Equal Play](#) campaign.

Collaborate with local sporting codes to identify opportunities and initiatives to increase female participation in sport by 2023.

Council's Open Space and Recreation Strategy 2021–2031 adopted April 2021 has identified the following 'Across the soccer/football sporting clubs in Waverley participation by women and girls has been growing, particularly for girls. This means that it is critical to provide amenities such as toilets and change facilities at sports fields and courts for both men and women'.

The proposal is consistent with UN Sustainable Development Goal 5 to achieve gender equality and empower all women and girls.

Surfing NSW updated their rule book in 2021 to say that any affiliated clubs must have equal prize money and last year they launched a big investment into women and girls' participation through the 'Her Wave Program'. More on this is [here](#).

The world surf league which runs the top-level international events has had equal prize money since 2019. Their 2018 announcement of this is [here](#).

Leagues including the NRL are subject to conditions placed on them for state government funding such as outreach/regional NSW programs. Queensland Rugby League has announced Equal Origin Remuneration for female players selected for the Origin Squad as part of the League's commitment to improving pay and conditions for female players. Media announcement on this is [here](#).

Source of funding (if required): nil additional.

General Manager's comment

Council supports its licensed *home* sporting clubs through the provision of subsidised fees for their use of Council's sporting facilities and fields.

The licence period for all eight of Council's winter season *home* sporting clubs expires in August 2023. Prior to the expiry of the current licences the Open Space and Recreation team will undertake a review of the performance of each of the clubs during the current licence period. The review will address such matters as organisational governance, the degree to which community needs are being met and also the club's performance in relation to gender equity.

A report will be presented to Council in mid-2023 summarising the findings of the review and proposing the award of new licences. This process will inform Council on the current status in relation to gender equity within licensed clubs and allow for these issues to be more formally addressed through the negotiation and award of new licences as required.

Sharon Cassidy

Acting Director, Community, Assets and Operations

QUESTION WITH NOTICE

CM/9.1/22.03



Subject: Racism Not Welcome Street Signs

TRIM No: A02/0447

Submitted by: Councillor Fabiano

QUESTION

The following question was submitted by Cr Fabiano:

When does Council expect the street sign #racismnotwelcome to be placed in busy places in Waverley?

Background

As extract from:
Waverley Cultural Diversity Strategy (WCDS) 2021–2031
Ideas for future funding

Racism not welcome street signs

In February 2021, Council passed a resolution to refer to the Multicultural Advisory Committee for discussion and guidance on ways to implement the 'Racism Not Welcome' street signs and associated campaign in the Waverley local government area, with support from Council and its officers.

Our idea is to implement the campaign in busy places in Waverley.

Each sign could have English on one side and a language, from Aboriginal through the range of other tongues spoken, on the other side.

Over time, Waverley would become populated with dozens of languages on signs speaking the same message of welcome and peace.

General Manager's comment

Last year, the Multicultural Advisory Committee (MAC) was actively engaged in broader discussions about Waverley's anti racism approach including the installation of 'Racism not Welcome' signs. There was no consensus reached supporting rollout of this program

Comments/concerns raised by MAC members at the 21 October 2021 meeting and included in the draft minutes include:

- Questions were raised as to whether the 'Racism not Welcome' message, prompts people to reflect on their own attitudes and if a more positive message would be more effective.
- MAC members expressed their interest in being informed by evaluations undertaken by other Councils who have implemented the street sign campaign.

These discussions will continue to include the IHRA definition and Council's resolution at the next meeting on 23 March.

Council officers are progressing well with the implementation of the Cultural Diversity Strategy. Last December, we had a Welcome Picnic organised in partnership with Settlement Services International and Uniting. The event was covered by Plus61j Media and the coverage did well in making a connection with the Jewish refugee experience.

We are also making good progress on our anti-racism campaign, which will be launched soon to run until September. We're mindful of people's different views and experiences and in our consultation with the MAC around campaign objective and anticipated outcomes, will be focusing on designing inclusive community activities that will bring people together.

In summary, we've developed/are still working on a range of temporary activations/activities and events connected to the campaign including:

- Strategic placement of street decals with wording recommended from the MAC.
- Further consideration of the 'Racism not Welcome' signs.
- A generic holding statement condemning racist incidents within Waverley.
- A web page to link to resources and information, which will be accessible through QR codes (on decals, posters etc).
- An art competition to be launched in March for two Sea Wall panels with anti-racism messaging
- Storytelling workshops.
- Supporting consultation for the National Anti-Racism Framework.

Sharon Cassidy

Acting Director, Community, Assets and Operations

QUESTION WITH NOTICE

CM/9.2/22.03



Subject: Thomas Hogan Reserve - Maintenance

TRIM No: A03/1399

Submitted by: Councillor Kay

QUESTION

The following questions were submitted by Cr Kay:

The questions relate to the upper portion of the Thomas Hogan Reserve ('the Reserve') with its southern boundary at Martins Avenue.

1. Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the Reserve.'
2. How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?
3. What is the plan and time frame to eradicate inundating weeds in this section of the Reserve?
4. How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans?

General Manager's comment

For each question the current status and next steps are outlined:

Question 1 – Acknowledging that there has generally been an informal 6-week scheduled cycle for maintenance of the Reserve which has not always been realised, how has Action A3 of the Reserve's Plan of Management 2011-2021 been implemented over the duration of the Plan to ensure a measured maintenance frequency that guarantees the Reserve's sustainability? Action A3 states 'Develop an outcomes-based maintenance schedule to maintain and assess the infrastructure and landscaping of the Reserve.'

There are several adopted strategies that sit above the Thomas Hogan Plan of Management that guide the operational functions of Council including:

- Open Space and Recreation Strategy (OSRS).
- Waverley Strategic Asset Management Plan (SAMP).
- Waverley Environmental Action Plan.
- Thomas Hogan Environmental Restoration Action Plan.

The adopted OSRS directly addresses Action A3. The adopted OSRS applied a classification system to our

parks and reserves based around several criteria including things like size, complexity, uses, user catchment, profile or prestige. It also aligns with the hierarchy applied to play spaces in our Play Space Strategy.

Parks that have significant visitation and high usage and broad catchment require more resources to manage and maintain while smaller spaces require far less. Adopting a classification or hierarchy system enables Council to allocate our finite budgets and resources more sustainably, equitably and effectively across the 79 parks we maintain. With each classification of park, the OSRS defines a maintenance and servicing framework. Thomas Hogan is classified as a neighbourhood park. The OSRS (Appendix A) details the maintenance activities undertaken for a Neighbourhood Park with the general service frequency being 6 weeks to 3 months. It should be noted there are some maintenance activities including for example herbicide spraying that are undertaken at longer intervals.

Council officers are currently reviewing the adopted versus the current maintenance regime.

Question 2 – How is the necessary pruning and removal of dying branches from the mature Morton Bay Fig and other large trees monitored, reported and actioned to ensure pedestrian and infrastructure safety?

Council manages its public domain trees in accordance with its Tree Management Policy and Street Tree Masterplan.

In addition to its regular maintenance schedule, Council responds to requests for work on specific trees. Work is prioritised according to urgency. Issues of public safety must be given more immediate attention. Accordingly, every request for tree work is placed in one of the following categories:

Category	Example
Urgent	Broken branches over property or footpath
Potentially Hazardous	Branches contacting electricity lines
Routine Maintenance	Canopy requires thinning or pruning off property
Unnecessary Work	Pruning for views; pruning to reduce leaf or flower drop

Work placed in the routine maintenance category will be carried out as priorities allow and the availability of staff and equipment in particular areas. There may therefore be some delay in attending to such requests. However, they remain on record and will be attended to.

The fig referred to in the motion was assessed by external Arborist in 2015 who determined it was in good health and structural condition with a safe and useful life expectancy of greater than 40 years.

Merit has a history of request for inspections and pruning of this tree over several years. The last request was in February 2021 to address safety concerns of falling branches. Council Arborist's attended site and determined that only small branches of 1-2mm of die back were present and these do not present hazard or any significant risk. The last major pruning was performed February 2020 for property clearances. It should be noted that this tree is in a very difficult to access site requiring external contractors to access as the works are dangerous.

Council officers will continue to manage these tree assets in accordance with Tree Management Policy and customer requests logged via Merit.

Question 3 – What is the plan and timeframe to eradicate inundating weeds in this section of the Reserve?

Restoration and revegetation of bushland areas is an ongoing process and takes many years of ongoing dedication to manage a living ecosystem.

Continual eradication of all weeds is unrealistic as the site has decades of weed infestation. Weeds are contained in soil profiles that can take generations to reduce, weeds can be ingested and carried by animals such as birds and deposited into the park, some weeds work on wind dispersion, some are carried by water or rain and other coming from adjoining private properties which are out of the control and management of Council.

Council undertook extensive slope stabilisation works to embankments either side of the stairs as part of the stair upgrade project in late 2019 with Bushcare contractors undertaking several visits a month during the planting establishment period.

Before restoration works, the slope was covered with Madeira and Ipomea. Madeira tubers remain viable in the soil for several years requiring ongoing management.

Ongoing maintenance of the lower portion of the stairs is covered under the Ecological Restoration Action Plan (ERAP) referred to as Zone 1A and Zone 2. The upper portion of the stairs is maintained in accordance with the OSRS maintenance and servicing framework for a neighbourhood park as described in response to Question 1.

Question 4 – How has Council fulfilled the requirements of the Ecological Restoration Action Plan (ERAP) and revegetation plans.

The ERAP is based around 4 zones (1A, 1B, 2 and 3) and Council has established zone 1A (the south east corner) with an understory of plantings that have had good rates of survival. Zone 2 (the north west corner), has had ongoing understory weed management, problem tree management and some infill planting and is actively progressing including into the edge of zone 1B. This work has taken longer as potentially dangerous trees have been required to be pruned or removed. The area around the stairs (zones 1A and 1B) has been successfully planted out and is requiring less maintenance as the groundcovers are becoming established. Except on the border Zone 1B work has largely not commenced with only some weed suppression occurring. Due to the slope and weed density of zone 1B, and the resources available Council is waiting for the other zones to establish before commencing active work in this area. Ongoing work is dependent on annual budget and resourcing availability.

Sharon Cassidy
Acting Director, Community, Assets and Operations

URGENT BUSINESS
CM/10/22.03**Subject:** Urgent Business**Author:** Emily Scott, General Manager

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

CLOSED SESSION
CM/11/22.03

Subject: Moving into Closed Session

Author: Emily Scott, General Manager

**RECOMMENDATION:**

That:

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

CM/11.1/22.03 CONFIDENTIAL REPORT - Rowe Street Project - Update

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.2/22.03 CONFIDENTIAL REPORT - Shop 1A, Bondi Pavilion Fit-out - Procurement Exemption

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.3/22.03 CONFIDENTIAL REPORT - 14-26 Ebley Street, Bondi Junction - Lease to Officeworks Ltd

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.4/22.03 CONFIDENTIAL REPORT - Eastgate Car Park Ground Floor, Bondi Junction - Licence to Odessa Enterprises Pty Ltd

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a

commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.5/22.03 CONFIDENTIAL REPORT - 65 Ebley Street, Bondi Junction - Lease to Ebley Street Holdings Pty Ltd (Metro Storage)

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.6/22.03 CONFIDENTIAL REPORT - Tender Evaluation - Safety By Design in Public Places - Bondi Junction

This matter is considered to be confidential in accordance with Section 10A(2)(e) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, prejudice the maintenance of law.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

Introduction/Background

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General)*

Regulation 2005, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

RESUMING IN OPEN SESSION CM/12/22.03

Subject: Resuming in Open Session
Author: Emily Scott, General Manager



RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

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