



WAVERLEY
COUNCIL

**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 5 APRIL 2022**

Present:

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

Staff in attendance:

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

At the commencement of proceedings at 7.30 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Wy Kanak.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

3. Addresses by Members of the Public

- 3.1 C Lynch – PD/5.3/22.04 – Planning Proposal – Waverley Heritage Policy Implementation.
- 3.2 S Polkinghorne (on behalf of Uniting) – PD/5.3/22.04 – Planning Proposal – Waverley Heritage Policy Implementation.
- 3.3 J Stewart – PD/5.5/22.04 – 20 Illawong Avenue, Tamarama.
- 3.4 M Manton – PD/5.5/22.04 – 20 Illawong Avenue, Tamarama.
- 3.5 K and T Brooks – PD/5.5/22.04 – 20 Illawong Avenue, Tamarama.
- 3.6 R Galt – PD/5.5/22.04 – 20 Illawong Avenue, Tamarama.

4. Confirmation of Minutes

PD/4.1/22.04 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 July 2021 (SF21/281)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Murray

That the minutes of the Strategic Planning and Development Committee meeting held on 6 July 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/22.04 Mill Hill Heritage Conservation Area Rezoning (A21/0431)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Proceeds with the rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential.
2. Implements all necessary changes to the permitted uses in the R3 Medium Density Residential Zone in the *Waverley Local Environmental Plan 2012*.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2 SUCH THAT IT NOW READS AS FOLLOWS:

'Implements all necessary changes to the permitted uses in the R2 Low Density Residential Zone in the *Waverley Local Environmental Plan 2012*.'

AMENDMENT (LAPSED)

Mover: Cr Goltsman

That clause 1 be amended to read as follows:

'Investigates the intention of rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential, with officers to prepare a report to Council.'

THE AMENDMENT LAPSED DUE TO THE ABSENCE OF A SECONDER.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Proceeds with the rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential.
2. After further investigation, implements all necessary changes to the permitted uses in the R2 Low Density Residential Zone in the *Waverley Local Environmental Plan 2012*.

Division

For the Motion: Crs Betts, Burrill, Fabiano, Gray, Keenan, Lewis, Masselos and Murray.

Against the Motion: Crs Goltsman and Nemes.

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

PD/5.2/22.04 Design and Place State Environmental Planning Policy - Submission (SF21/1404)**MOTION**

Mover: Cr Murray

Seconder: Cr Fabiano

That Council endorses the submission to the NSW Department of Planning and Environment attached to the report (Attachment 1) on the draft Design and Place State Environmental Planning Policy.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2.

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

UNANIMOUS DECISION

That Council

1. Endorses the submission to the NSW Department of Planning and Environment attached to the report (Attachment 1) on the draft Design and Place State Environmental Planning Policy (SEPP).
2. Council requests the Mayor to write to the Minister for Planning in support of the SEPP and its importance in addressing climate change.

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

PD/5.3/22.04 Planning Proposal - Waverley Heritage Policy Implementation (A20/0261)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Waverley Heritage Policy was first adopted by Council on 8 June 2021.
2. Notes that Council requested further consideration of the following matters:
 - (a) Western boundary for the O'Brien Estate Urban Conservation Area (UCA).
 - (b) Western boundary for the Bondi Basin UCA (formerly named the Inter-War UCA).
 - (c) Group local listing for 50–58 Campbell Parade.
3. Adopts the amended Heritage Policy with the inclusion of the following amendments:
 - (a) Add a group local listing for 50–58 Campbell Parade.
 - (b) Amend the western boundaries of the O'Brien Urban Conservation Area and the Bondi Basin Urban Conservation Area (as shown in Attachment 1 – Proposed Heritage Maps).
4. Endorses the inclusion of the entire Waverley War Memorial Hospital site bounded by Birrell, Bronte, Church and Carrington Road as a local Heritage Conservation Area for inclusion as part of the planning proposal.

5. Notes the Waverley Local Planning Panel's advice on the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 2).
6. Supports the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 1) being forwarded to the Department of Planning and Environment (DPE) for Gateway Determination.
7. Notes that the planning proposal will implement the changes in the amended Waverley Heritage Policy, as well as the new proposed Waverley War Memorial Hospital Conservation Area. The planning proposal will also update existing item number A541 to rectify a housekeeping error.
8. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway Determination that may be issued by the DPE.
9. Requests the role of local plan-making authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Betts

Seconder: Cr Burrill

That:

1. The following clause 3(c) be added to motion:

'Any further amendments listed under clause 6 below.'

2. Clause 6 be amended to read as follows:

'Supports the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 1) being forwarded to the Department of Planning and Environment (DPE) for Gateway Determination subject to the following amendments:

- (a) Delete item 12, 5 Penkivil Street, Bondi, from Attachment A, Schedule 5, Part 1 Heritage Items – General and the associated Heritage Map.
- (b) Amend the western boundary of the Bondi Basin Conservation area to be the middle of Wellington Street to align it with the western boundary of the O'Brien Estate Conservation Area on Heritage Map Sheet HER_003 (page 104 of the agenda).
- (c) Delete properties in Rickard Avenue from the O'Brien Conservation Area in view of resident objections.

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

AMENDMENT 2

Mover: Cr Betts

Seconder: Cr Burrill

That:

1. The following clause 3(c) be added to motion:

'Any further amendments listed under clause 6 below.'

2. Clause 6 be amended to read as follows:

‘Supports the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 1) being forwarded to the Department of Planning and Environment (DPE) for Gateway Determination subject to the following amendments:

- (a) Amend the western boundary of the Bondi Basin Conservation area to be the middle of Wellington Street to align it with the western boundary of the O’Brien Estate Conservation Area on Heritage Map Sheet HER_003 (page 104 of the agenda).
- (b) Delete properties in Rickard Avenue from the O’Brien Conservation Area in view of resident objections.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Fabiano, Gray, Keenan, Lewis, Masselos and Murray.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3(c) AND AN AMENDMENT TO CLAUSE 6.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes that the Waverley Heritage Policy was first adopted by Council on 8 June 2021.
2. Notes that Council requested further consideration of the following matters:
 - (a) Western boundary for the O’Brien Estate Urban Conservation Area (UCA).
 - (b) Western boundary for the Bondi Basin UCA (formerly named the Inter-War UCA).
 - (c) Group local listing for 50–58 Campbell Parade.
3. Adopts the amended Heritage Policy with the inclusion of the following amendments:
 - (a) Add a group local listing for 50–58 Campbell Parade.
 - (b) Amend the western boundaries of the O’Brien Urban Conservation Area and the Bondi Basin Urban Conservation Area (as shown in Attachment 1 – Proposed Heritage Maps).
 - (c) Any further amendments listed under clause 6 below.
4. Endorses the inclusion of the entire Waverley War Memorial Hospital site bounded by Birrell, Bronte, Church and Carrington Road as a local Heritage Conservation Area for inclusion as part of the planning proposal.
5. Notes the Waverley Local Planning Panel’s advice on the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 2).

6. Supports the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 1) being forwarded to the Department of Planning and Environment (DPE) for Gateway Determination subject to the following amendment:
 - (a) Delete item 12, 5 Penkivil Street, Bondi from Attachment A, Schedule 5, Part 1 Heritage Items – General and the associated Heritage Map.
7. Notes that the planning proposal will implement the changes in the amended Waverley Heritage Policy, as well as the new proposed Waverley War Memorial Hospital Conservation Area. The planning proposal will also update existing item number A541 to rectify a housekeeping error.
8. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway Determination that may be issued by the DPE.
9. Requests the role of local plan-making authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Lewis, Masselos and Murray.

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

C Lynch and S Polkinghorne (on behalf of Uniting) addressed the meeting.

PD/5.4/22.04 Sustainability Expert Advisory Panel (A10/0022)

MOTION

Mover: Cr Keenan

Seconder: Cr Gray

That Council:

1. Changes the name of the Environmental Sustainability Advisory Committee to the Sustainability Expert Advisory Panel.
2. Adopts the terms of reference for the Sustainability Expert Advisory Panel attached to the report.
3. Invites expressions of interest for the appointment of community sustainability experts to take place in April 2022.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Burrill

That clause 2 be amended to read as follows:

‘Adopts the terms of reference for the Sustainability Expert Advisory Panel attached to the report subject to the Chair of the Committee being an expert in environmental sustainability.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Fabiano, Gray, Keenan, Lewis, Masselos and Murray.

FORESHADOWED MOTION

Mover: Cr Goltsman

That Council defers this item to the next Council meeting.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Changes the name of the Environmental Sustainability Advisory Committee to the Sustainability Expert Advisory Panel.
2. Adopts the terms of reference for the Sustainability Expert Advisory Panel attached to the report.
3. Invites expressions of interest for the appointment of community sustainability experts to take place in April 2022.

PD/5.5/22.04 20 Illawong Avenue, Tamarama (SF22/866)**MOTION / UNANIMOUS DECISION**Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Supports a planning proposal for the property at 7B and 5 Tamarama Street (legal description being Strata Plan 1737) to rezone the land from R3 to R2, with a maximum height of 8.5 m and FSR of 0.5:1 to match the surrounding R2 zone.
2. Forwards the planning proposal to the Department of Planning and Environment (DPE) for Gateway Determination.

Division

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

Against the Motion: Nil.

J Stewart, M Manton, K and T Brooks and R Galt addressed the meeting.

PD/5.6/22.04 Oxford Street Mall Upgrade - Pedestrian Activity Monitoring (A14/0404)**MOTION**Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Notes the activity monitoring of Oxford Street Mall, as set out in Table 1 of the report.
2. Approves the short-term infrastructure upgrades of Oxford Street Mall, as set out in the report, to be undertaken in the 2022–23 and 2023–24 financial years.

3. Undertakes a preliminary strategic audit and scoping exercise of Oxford Street Mall, reviewing the 2004 Graham Jahn masterplan for Oxford Street Mall, with a report on the findings to be prepared to Council.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Burrill

That clause 3 be amended to read as follows:

‘Undertakes a preliminary strategic audit and scoping exercise of Oxford Street Mall, with a report on the findings to be prepared to Council.’

THE AMENDMENT WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE CHAIR.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Notes the activity monitoring of Oxford Street Mall, as set out in Table 1 of the report.
2. Approves the short-term infrastructure upgrades of Oxford Street Mall, as set out in the report, to be undertaken in the 2022–23 and 2023–24 financial years.
3. Undertakes a preliminary strategic audit and scoping exercise of Oxford Street Mall, reviewing the 2004 Graham Jahn masterplan for Oxford Street Mall, with a report on the findings to be prepared to Council.

PD/5.7/22.04 NSW Public Spaces Charter (A22/0067)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Gray

That Council:

1. Defers becoming a signatory to the NSW Public Spaces Charter.
2. Requests the Mayor write to the Minister seeking clarification on Principle 7 (Local Business and Economies) with respect to allowing commercial activities on the sand that may require a development application.
3. Officers report back to Council with their findings.

PD/5.8/22.04 Tamarama Park and Beach Plan of Management - Stage 1 Consultation (A21/0475)

MOTION / DECISION

Mover: Cr Murray
Seconder: Cr Fabiano

That Council:

1. Commences stage 1 consultation on the draft Tamarama Park and Beach Plan of Management for a minimum 28 days.
2. Officers prepare a report to Council following stage 1 consultation, summarising the consultation outcomes.
3. Note that the draft Plan of Management will be reported to Council prior to public exhibition, which is stage 2 of the consultation.

6. Urgent Business

There were no items of urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 9.22 PM.

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SIGNED AND CONFIRMED
CHAIR
3 MAY 2022