



W A V E R L E Y  
COUNCIL

## STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council  
Chambers,  
Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.30 PM, TUESDAY 4 APRIL 2023**

Emily Scott  
**General Manager**

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## Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
  - (a) The appointment of a general manager.
  - (b) The making of a rate.
  - (c) A determination under section 549 as to the levying of a rate.
  - (d) The making of a charge.
  - (e) The fixing of a fee
  - (f) The borrowing of money.
  - (g) The voting of money for expenditure on its works, services or operations.
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
  - (j) The adoption of an operational plan under section 405.
  - (k) The adoption of a financial statement included in an annual financial report.
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
  - (t) This power of delegation.
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

## **Statement of Ethical Obligations**

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

## **Live Streaming of Meeting**

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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

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

#### 1. Apologies/Leaves of Absence

#### 2. Declarations of Pecuniary and Non-Pecuniary Interests

#### 3. Addresses by Members of the Public

#### 4. Confirmation of Minutes

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#### 5. Reports

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#### 6. Urgent Business

#### 7. Closed Session ..... 98

The following matters are proposed to be dealt with in Closed Session and have been distributed to Councillors separately with the Agenda:

PD/7.1/23.04	CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land
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**8. Resuming Open Session ..... 100**

**9. Meeting Closure**

## CONFIRMATION OF MINUTES PD/4.1/23.04



**Subject:** Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 March 2023

**TRIM No:** SF23/18

**Author:** Al Johnston, Governance Officer

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### RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee Meeting held on 7 March 2023 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 committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

### Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 7 March 2023 .



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 7 MARCH 2023**

**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 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 Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

*At the commencement of proceedings at 8.10 pm, those present were as listed above.*

*Crs Betts, Goltsman, Gray, Kay and Keenan attended the meeting by audio-visual link.*

**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**

Apologies were received from Cr Angela Burrill and Cr Will Nemesh.

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Confirmation of Minutes**

**PD/4.1/23.03 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 February 2023 (SF23/18)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Masselos

That the minutes of the Strategic Planning and Development Committee meeting held on 7 February 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.



## 5. Reports

### PD/5.1/23.03            Waverley Development Contributions Plan 2006 (Amendment No. 9) – Adoption (A23/0030)

#### MOTION / UNANIMOUS DECISION

Mover:        Cr Lewis  
Seconder:     Cr Murray

That Council adopts the Waverley Development Contributions Plan 2006 (Amendment No. 9) attached to the report.

### PD/5.2/23.03            Managing Conflicts of Interest for Council-related Development Policy - Exhibition (A23/0076)

#### MOTION / UNANIMOUS DECISION

Mover:        Cr Masselos  
Seconder:     Cr Fabiano

That Council:

1. Publicly exhibits the Managing Conflicts of Interest for Council-related Development Policy attached to the report for 28 days.
2. Officers prepare a report to Council following the exhibition period.

### PD/5.3/23.03            Pesticide Use Notification Plan 2023 - Adoption (A06/0333)

#### MOTION / UNANIMOUS DECISION

Mover:        Cr Gray  
Seconder:     Cr Keenan

That Council adopts the Pesticide Use Notification Plan 2023 attached to the report.

## 6. Urgent Business

There was no urgent business.

## 7. Closed Session

### PD/7/23.03            Closed Session

#### MOTION / UNANIMOUS DECISION

Mover:        Cr Lewis  
Seconder:     Cr Murray

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:

**PD/7.1/23.03      CONFIDENTIAL REPORT - Development Application Fees**

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act*, 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*.

*At 8.23 pm, Council moved into closed session.*

**PD/7.1/23.03      CONFIDENTIAL REPORT - Development Application Fees (A23/0004)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos  
Seconder:   Cr Wy Kanak

That Council:

1. 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)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Approves Option 1, as set out in the report, regarding development application fees.

**8. Resuming in Open Session****PD/8/23.03      Resuming in Open Session****MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos  
Seconder:   Cr Goltsman

That Council resumes in open session.

*At 8.29 pm, Council resumed in open session.*

***Resolutions from closed session made public***

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

**9. Meeting Closure**

**THE MEETING CLOSED AT 8.30 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**4 APRIL 2023**

**REPORT**  
**PD/5.1/23.04**

**Subject:** Mill Hill Heritage Conservation Area Rezoning

**TRIM No:** PP-3/2022

**Author:** George Bramis, Executive Manager, Urban Planning

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Notes the Department of Planning and Environment's rejection of the planning proposal to downzone the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to a R2 Low Density Residential zone.
2. Notifies the Mill Hill/Bondi Junction and Queens Park Precinct Committees of the decision.

**1. Executive Summary**

The NSW Department of Planning and Environment has advised it does not support the Mill Hill Heritage Conservation Area planning proposal. On 5 April 2022, Council resolved to amend the *Waverley Local Environmental Plan 2012* (WLEP) by changing the land use zone from Zone R3 Medium Density Residential to Zone R2 Low Density Residential.

The proposal sought to amend the WLEP2012 as follows:

- Amend the residential zoning within the subject area from R3 Medium Density Residential to R2 Low Density Residential.
- Amend the floor space ratio (FSR) from 0.9:1 of the subject area to 0.55:1.
- Amend the height of building development standards from 9.5 m to 8.5 m.

**2. Introduction/Background**

The Mill Hill Heritage Conservation Area (Mill Hill HCA) takes in the majority of land to the south of Oxford Street, east of York Road and St James Road, south of Ebley Street, west of Bronte Road and North of Birrell Street in Bondi Junction and is within a Heritage Conservation Area listed under schedule 5, part 12 (Heritage Conservation Area), of the WLEP.

The Mill Hill HCA is zoned R3 Medium Density Residential in the WLEP and forms a transition zone between Bondi Junction, zoned B4 Mixed Use and the R2 Low-Density Residential zone south of Birrell Street in Queens Park.

The subject area is predominantly residential with several other uses including a delicatessen, a service station, a storage facility, childcare facilities, an early education centre, a dry cleaner and health consulting rooms. The majority of existing housing is attached, with some multi-dwelling housing, semi-detached and detached dwellings.

### 3. Relevant Council resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 April 2022	PD/5.1/22.04	That Council: <ol style="list-style-type: none"> <li>1. Proceeds with the rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential.</li> <li>2. After further investigation, implements all necessary changes to the permitted uses in the R2 Low Density Residential Zone in the <i>Waverley Local Environmental Plan 2012</i>.</li> </ol>
Council 20 July 2021	CM/8.7/21.07	That Council: <ol style="list-style-type: none"> <li>1. Reviews the zoning classification for the Mill Hill Conservation area from R3 to R2 to better reflect the character and heritage of the local area.</li> <li>2. If feasible, amends the Waverley Local Environmental Plan to clarify which commercial projects can operate in a R3 zone and that must genuinely service the immediate community.</li> <li>3. Writes to the NSW Planning and Open Spaces Minister, Rob Stokes, local MPs Dr Marjorie O’Neil and Gabrielle Upton, and LGNSW President, Linda Scott, demanding the return of planning decisions to elected members of local councils, as residents deserve a planning system that protects them.</li> <li>4. Notes that these changes are necessary as the current planning system takes the power away from residents and locally elected representatives and gives power over planning to developers.</li> <li>5. Officers report back to Council on the matters raised in clauses 1 and 2 above.</li> </ol>

### 4. Discussion

At the Strategic Planning and Development Committee held on 5 April 2022, Council considered a report on the rezoning of the Mill Hill Conservation Area, in response to a previous resolution (see above) and resolved to proceed with a planning proposal.

On 25 October 2022, the proposal was reported to the Waverley Local Planning Panel (WLPP) for advice and was not supported for the following reasons:

1. *The Panel does not support the planning proposal to downzone the Mill Hill Heritage Conservation Area from R3 to R2 due to a lack of both Strategic Merit and Site-Specific Merit. In addition, the planning proposal is inconsistent with both the Local Strategic Planning Statement and Local Housing Strategy, which both have actions to achieve housing targets*

*within existing planning controls.*

2. *The planning proposal lacks Site Specific Merit due to inconsistency with the existing medium-density built form and character of the area, considering the narrow lot sizes and historical subdivision patterns within the Heritage Conservation Area. Planning Panel notes the reason behind the rezoning of Mill Hill HCA; however, the planning proposal would not achieve Council's objective to limit the permissible uses in the Mill Hill Conservation Area. 'Medical centres' would still be permissible in the R2 Low-Density Residential zone under the Infrastructure State Environment Planning Policy.*
3. *We note and agree with the conclusion reached in the Council officers report to April Strategic Planning and Development Committee in April 2022.*

The planning proposal was forwarded to the Department of Planning and Environment for Gateway determination. On 13 December 2022, the Department advised it would not support the proposed zoning and development standard changes on the following grounds:

*At a strategic level, the proposal is not considered to meet the relevant priorities of the Eastern City District Plan, Waverley Local Strategic Planning Statement and Local Housing Strategy, due to the potential impacts on housing diversity and delivery in a location that is within close proximity to the Bondi Junctions strategic centre.*

*There is a lack of evidence to suggest that the existing planning controls would result in adverse impacts on the heritage significance of the Mill Hill HCA. The proposal would also affect the ability of landowners to undertake alterations and additions to existing buildings due to the reduction to the development standards.*

See Attachment 1 (cover letter from the Department) and Attachment 2 (Gateway determination).

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

### **Financial impact statement**

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the administration, assessment and reporting.

### **Consultation**

As the planning proposal was refused by the Department, there is no public exhibition or further consultation. The local Bondi Junction Mill Hill and Queens Park Precincts will be notified of the decision.

## **6. Conclusion**

An amendment to WLEP2012 to change the zoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential was not supported by the Department of Planning and Environment. The proposal was assessed by the Department as inconsistent with the relevant priorities of the Eastern City District Plan, Waverley Local Strategic Planning Statement and Local Housing Strategy due to the potential impacts on housing diversity.

## **7. Attachments**

1. DPE cover letter [↓](#)
2. Gateway determination [↓](#)



**Department of Planning and Environment**

Ms Emily Scott  
General Manager  
Waverley Council  
PO Box 9  
BONDI JUNCTION NSW 1355

Our ref: IRF22/3999

Via email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

Dear Ms Scott

**Planning proposal PP-2022-3853 to amend Waverley Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to amend Waverley Local Environmental Plan (LEP) 2012 to change the land use zone from R3 Medium Density Residential to R2 Low Density Residential, decrease the height of buildings control to 8.5m and decrease the floor space ratio (FSR) control to 0.55:1, in respect to land in the Mill Hill Heritage Conservation Area (HCA).

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should not proceed. In reaching this decision, I have carefully considered the merit and rationale of the proposal.

The Department understands Council's concerns regarding a recent development approval for a medical centre within the HCA, which triggered a resolution to review the zoning of the area. However, the proposal has not established the need for amendments to the existing zoning and development standards applicable to the HCA, especially given the diverse housing types, built forms and the presence of non-residential uses that characterise the area.

At a strategic level, the proposal is not considered to meet the relevant priorities of the Eastern City District Plan, Waverley Local Strategic Planning Statement and Local Housing Strategy, due to the potential impacts on housing diversity and delivery in a location that is within close proximity to the Bondi Junctions strategic centre.

There is a lack of evidence to suggest that the existing planning controls would result in adverse impacts on the heritage significance of the Mill Hill HCA. The proposal would also affect the ability of landowners to undertake alterations and additions to existing buildings due to the reduction to the development standards.

I note Council officer's recommendation in the report to the Strategic Planning and Development Committee meeting of 5 April 2022 to not pursue a rezoning of the Mill Hill HCA, and that the Waverley Local Planning Panel has also advised against the planning proposal due to the lack of strategic and site-specific merit.

In light of the above, the Department does not support the planning proposal. However, I encourage Council to explore alternative planning pathways, such as provisions and guidance in the Development Control Plan, to ensure high-quality design and amenity outcomes are achieved for infill developments within the HCA.



Should you have any enquiries about this matter, I have arranged for Mr Simon Ip, Manager, Place and Infrastructure to assist you. Mr Ip can be contacted on 8289 6714.

Yours sincerely



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**

13 December 2022

Encl: Gateway determination



Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3853):** to amend the Waverley Local Environmental Plan (LEP) 2012 by changing the land use zone from R3 Medium Density Residential to R2 Low Density Residential, decrease the height of buildings control to 8.5m and decrease the floor space ratio (FSR) control to 0.55:1, as applying to land in the Mill Hill Heritage Conservation Area.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2012 to change the land use zone from R3 Medium Density Residential to R2 Low Density Residential, decrease the maximum height of buildings control to 8.5m and decrease the maximum floor space ratio control to 0.55:1 in respect to land in the Mill Hill Heritage Conservation Area, should not proceed.

The reasons for the Gateway determination are:

1. The planning proposal has not demonstrated adequate strategic merit as:
  - a) The proposal has not demonstrated the need for the rezoning and amendment to the FSR and height of buildings standards.
  - b) The inconsistency with the following Planning Priorities of the Eastern City District Plan, which gives effect to the Greater Sydney Region Plan, is unresolved due to the potential impact on housing diversity and supply in an accessible location close to the Bondi Junction strategic centre, and that a more restricted range of commercial uses would result from the rezoning:
    - i. E3 *Providing services and social infrastructure to meet people's changing needs;*
    - ii. E5 *Providing housing supply, choice and affordability, with access to jobs, services and public transport;* and
    - iii. E10 *Delivering integrated land use and transport planning and a 30-minute city.*
  - c) The proposal does not adequately address consistency with the Waverley Local Strategic Planning Statement (LSPS). The inconsistency with the following Planning Priorities in the LSPS remains unresolved due to the potential impacts on housing supply and diversity in an accessible location close to the Bondi Junction strategic centre and public transport:
    - I. Priority 6 *Facilitate a range of housing opportunities in the right places to support and retain a diverse community;* and
    - II. Priority 8 *Connect people to inspiring and vibrant places, and provide easy access to shops, services and public transport.*
  - d) The proposal is inconsistent with the following priorities of the Waverley Local Housing Strategy for the above-mentioned reasons:
    - I. H1 *Manage housing growth sustainably and in the right location;* and
    - II. H2 *Encourage a range of housing options to support and retain a diverse community.*

PP-2022-3853 (IRF22/3999)

- e) The inconsistency with Section 9.1 Ministerial Directions – 5.1 Integrating Land Use and Transport and 6.1 Residential Zones is not adequately justified and remains unresolved.
2. The planning proposal has not demonstrated adequate site-specific merit as:
    - a) The proposal is inconsistent with the existing medium density residential uses, built form and local character of the Mill Hill HCA;
    - b) There is a lack of justification that the existing zoning and development standards would result in detrimental impacts on the heritage significance of the Mill Hill HCA;
    - c) The proposal would unreasonably limit the ability of landowners to make alterations and additions to their properties; and
    - d) The proposal would result in negative social and economic impacts by discouraging housing diversity and prohibiting certain commercial uses that could service the local community.
  3. The planning proposal has not adequately explained the intended amendments to the LEP with sufficient clarity.

Dated 13th day of December 2022.



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**

## REPORT

### PD/5.2/23.04



**Subject:** Innovation Roadmap 2025 - Adoption

**TRIM No:** A21/0514

**Author:** George Bramis, Executive Manager, Urban Planning

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

#### RECOMMENDATION:

That Council adopts the Innovation Roadmap 2025 attached to the report.

#### 1. Executive Summary

The Innovation Roadmap 2025 responds to Council resolutions to position the Waverley local government area (LGA) as an innovative and economically resilient community moving into the future. It proposes actions under three key themes over a 24-month period.

The draft roadmap was publicly exhibited from 30 January 2023 to 24 February 2023, whereby four submissions were received as detailed in this report. In response, it is recommended that Council adopts the Innovation Roadmap 2025 attached to this report.

#### 2. Introduction/Background

To become a more innovative and economically resilient community, Council's roadmap seeks to support local entrepreneurs and the growing innovation ecosystem for sustainable job growth. Although Council has limited influence over job creation, the actions and direction of the roadmap are based on extensive research and consultation with the local business community to support this outcome.

At its meeting in December 2022, Council endorsed public exhibition of the draft Waverley Innovation Roadmap 2025, which was exhibited from 30 January 2023 to 24 February 2023. Four submissions were received during the exhibition period, and are summarised in this report.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 6 December 2022	PD/5.2/22.12	That Council: <ol style="list-style-type: none"> <li>Publicly exhibits the draft Innovation Roadmap 2025 attached to the report for a minimum of 28 days.</li> <li>Officers prepare a report to Council following the exhibition period.</li> </ol>
Strategic Planning and Development Committee	PD/5.2/21.06	That Council: <ol style="list-style-type: none"> <li>Endorses the methodology to prepare the Jobs and</li> </ol>

8 June 2021		<p>Innovation Discussion Paper as set out in the report.</p> <p>2. Receives a report at the conclusion of the research.</p>
Council 16 February 2021	CM/6.3/21.02	<p>That Council:</p> <p>1. Notes:</p> <ul style="list-style-type: none"> <li>(a) The recent Bondi Junction Planning Proposal that aims to help protect Waverley’s commercial floor space.</li> <li>(b) That many commercial areas abut residential areas and have impacts upon our residents and community.</li> <li>(c) That for Waverley to retain Bondi Junction’s status as a strategic centre it must have a minimum of 10,000 local jobs.</li> <li>(d) The work to date concerning innovation and economic development aimed at positioning Waverley as the place for 21st century jobs.</li> <li>(e) The planned jobs innovation summit planned for April 2021.</li> </ul> <p>2. Progresses a preliminary discussion paper that:</p> <ul style="list-style-type: none"> <li>(a) Investigates job creation strategies for jobs of the future that will be able to accommodate 21st century needs.</li> <li>(b) Identifies suitable anchor businesses and types of commercial buildings that may be required in the medium to longer term to accommodate these jobs.</li> <li>(c) Considers how existing commercial areas that abut residential areas impact our residents, the community and amenity.</li> <li>(d) Identifies key strategic elements to be addressed in a comprehensive and integrated strategic plan that provides a coherent roadmap, including Council’s role from economic development and planning perspectives, for achieving outcomes.</li> <li>(e) Builds upon the outcomes of the Innovation Summit and other relevant work being undertaken by the Economic Development team.</li> <li>(f) Places the Waverley local government area at the forefront of this work.</li> </ul>

		<ol style="list-style-type: none"> <li>3. Continues to fund participation in the Property Council Office Market Report for Bondi Junction for a further two years to 2023.</li> <li>4. Officers identify a budget allocation from Council budgets as well as potential grants that may be available to pursue work in this area.</li> <li>5. Officers report back to the April Council meeting with an action plan and timetable for the development of this discussion paper including a consultation process and stakeholder engagement list.</li> </ol>
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#### 4. Discussion

Council has undertaken a range of projects and strategies to foster local innovation. This is supported by the Community Strategic Plan 2032 pillar of innovation. The plan intends to position Waverley as a knowledge-driven, innovative, and digitally connected community.

Waverley has a high concentration of entrepreneurs and registered businesses which often develop innovative ideas into tangible business success. Council can play multiple roles in supporting local innovation, reducing risks and barriers for innovation to grow, collaboration on research and development, and adopting supportive policies.

To avail benefits of innovation, the approach to delivering the foundations of an innovation ecosystem is divided into three stages.

- Stage 1: research paper outlining trends, innovation in the context of Waverley, and developing a local innovation ecosystem.
- State 2: draft roadmap that provides high level strategies to foster innovation.
- Stage 3: implementation of the adopted roadmap.

The roadmap was developed in accordance with the best practice of the CITIE framework (City Initiatives for Technology, Innovation and Entrepreneurship). The framework provides understanding on how policy in key areas at the local level can be used in part, or whole, to support innovation and entrepreneurship. It offers a basis for Government to adapt the framework to suit any local community by leveraging its own strengths while reducing weaknesses. Strengths and weaknesses of the Waverley innovation ecosystem were identified, as well as gaps in community needs, to highlight three key focus areas for the roadmap.

#### Stage 2 – Draft roadmap

The vision for this roadmap is ‘Inspired by the future. Driven by ambition. Always resilient’. It reflects a point in time when businesses assess anticipated problems to identify market opportunities such as the pressure from climate change, growth of artificial intelligence, an aging population with greater health care needs and so on. The roadmap actions support the local business community with transitioning into the future and will nurture the growing local innovation ecosystem and encourage sustainable job growth. Actions reflect the three core principles of collaboration, resilience and being future ready.

The draft roadmap aims to position Waverley LGA as a more innovative and economically resilient community moving into the future. It helps strengthen the emerging local innovation ecosystem and respond to challenges the COVID-19 pandemic has presented. It also lays the foundations to enhance our capability as a strategic innovation centre based on our strengths and key industry sectors.

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

### Financial impact statement

Several proposed actions are currently budgeted and in progress and will be reviewed quarterly.

### Time frame

The draft roadmap covers a 24-month time frame.

### Consultation

The draft roadmap was placed on public exhibition from 30 January to 24 February 2023. Four submissions were received that are summarised in the table below.

*Table 1. Feedback*

Themes feedback summary	Comment
<p>To consider the following actions prior to Boot Factory completion:</p> <ul style="list-style-type: none"> <li>- Identify funding sources for new businesses and startups.</li> <li>- Provide mentor program and collaboration opportunities for businesses.</li> <li>- Develop two initiatives to attract new businesses to the LGA.</li> </ul> <p>This will help seed growth of new businesses, entrepreneurs and start-ups within the community during completion of the roadmap.</p>	<p>Feedback relates to the implementation and delivery of the roadmap. No amendment required.</p>
<p>Disagree with the roadmap and deem it an inefficient use of rate-payers money.</p>	<p>Noted</p>
<p>Overdevelopment and traffic congestion have made the LGA a less attractive proposition. Yet, little is done to address either issue.</p>	<p>The role of the innovation roadmap is not to address these issues. However, an action exists to consider inclusion of commercial floor space in Council's Planning Policy.</p> <p>No amendment required.</p>
<p>Consider a focus on women led or minority group businesses, particularly as they struggle in gaining support and traction in the innovation sector. Connect local tech startups with local businesses to drive the innovation focus.</p>	<p>Feedback relates to the implementation and delivery of the roadmap. No amendment required.</p>

## **6. Conclusion**

The draft roadmap is the initial step in positioning the future of the Waverley LGA as an innovative and economically resilient community. The current business landscape has evolved significantly in the last three years which demands a roadmap with a short 24-month time frame.

As submissions raised during the consultation period raise no issues that would require further amendment, it is recommended that Council adopts the Innovation Roadmap 2025 attached to this report.

## **7. Attachments**

1. Waverley Innovation Roadmap 2025 [↓](#)















































**REPORT**  
**PD/5.3/23.04**

**Subject:** Housing Advisory Committee - Terms of Reference - Review

**TRIM No:** A10/0353

**Author:** George Bramis, Executive Manager, Urban Planning

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Adopts the Terms of Reference for the Housing Advisory Committee attached to the report, noting the stronger policy focus and amended membership criteria to attract people with a background or expertise in affordable housing.
2. Calls for expressions of interest for new social and affordable housing expert members of the Committee.

**1. Executive Summary**

Responsibility for the Housing Advisory Committee (HAC) is now managed by the Urban Planning Department. To support a stronger policy focus, amendments to the Terms of Reference are proposed, as discussed in this report.

The proposed amendments also seek to ensure that members, other than Councillors, are experts in social and affordable housing, encouraging specialist industry input. The Terms of Reference would retain the requirement that expert members must have a demonstrated interest and connection with the Waverley local government area (LGA).

**2. Introduction/Background**

Since its reconstitution in 2021 to explore and provide advisory feedback on Council's social and affordable housing programs, the HAC has been managed by Community Services with an operational focus. HAC members have comprised the Mayor and three other members of the elected body, and four community members appointed by Council to provide a variety of perspectives on matters such as housing needs, priorities, and potential approaches to achieving growth in provision.

With the appointment of a new Executive Leadership Team in 2022, management of the HAC has been allocated to Urban Planning to ensure a strategic perspective. As the term of the current community members ended in December 2022, opportunity exists to revise the Terms of Reference and reconsider member criteria, roles and responsibilities.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 6 September 2022	FC/5.2/22.09	That Council: <ol style="list-style-type: none"> <li>1. Extends the term of the community members of the Housing Advisory Committee until 1 December 2022.</li> <li>2. Adopts the Housing Advisory Committee terms of reference attached to the report (Attachment 1), noting the extension of the membership term from 12 to 24 months.</li> <li>3. Calls for expressions of interest for new community members of the Housing Advisory Committee at the end of the current term.</li> <li>4. Receives and notes the minutes of the Housing Advisory Committee meetings held on 21 July and 20 October 2021 attached to the report (Attachments 2 and 3).</li> </ol>
Council 22 June 2021	CM/7.9/21.06	That Council appoints the following individuals to the Housing Advisory Committee from 1 July 2021 to 4 September 2022: <ol style="list-style-type: none"> <li>1. Stephanie Bbhim.</li> <li>2. Gabriela Quintana Vigiola.</li> <li>3. Carlo di Giulio.</li> <li>4. Mora Main.</li> </ol>
Council 20 October 2020	CM/7.3/20.10	That Council: <ol style="list-style-type: none"> <li>1. Reinstates the Housing Advisory committee.</li> <li>2. Adopts the Housing Advisory Committee Terms of Reference attached to the report (Attachment 1).</li> <li>3. Appoints the Mayor, Cr Masselos, as the Chair, Cr Lewis, Cr Keenan and Cr Betts as members of the Committee.</li> <li>4. Seeks expression of interest for up to four community representative members of the committee to serve a 19-month term from their appointment in February 2021 to September 2022.</li> </ol>

### 4. Discussion

The proposed key changes to the Terms of Reference relate to Part 3 (Membership) and Part 5 (Role and Responsibilities), as shown in track changes in Attachment 1.

The purpose of the amendments is to ensure that members are experts in social and affordable housing, and to direct the primary focus of the HAC from operational to policy-oriented, with a greater focus on delivery models.

Operational matters would still be relevant. However, advice would most often relate to the provision of new affordable housing to meet the growing needs of the Waverley LGA.

By including expert members in the HAC, specialist industry input can inform advice provided by the Committee. The proposal to invite 'experts' would strengthen the advice from the HAC while still ensuring input is relevant to the Waverley community as the experts would have to demonstrate a connection to Waverley. To increase the opportunity for representation in a diverse policy area, it is suggested to increase the number of representatives from 'up to' four to six. Furthermore, the Mayor and three other Councillors who sit on the Committee would ensure feedback is relevant to the Waverley context.

Given the proposed changes, a new call for expressions of interest is required.

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

No direct financial or staff resourcing implications are expected to arise from the proposed changes.

If supported, the revised Terms of Reference can be implemented immediately and calls for expressions of interest for expert members can be actioned shortly after adoption.

#### **6. Conclusion**

Proposed amendments to the Terms of Reference for the Housing Advisory Committee are intended to align the Committee with a stronger policy focus and expert membership would support this outcome.

#### **7. Attachments**

1. Housing Advisory Committee - Terms of Reference [↓](#)























**REPORT**  
**PD/5.4/23.04**

**Subject:** Affordable Housing Contribution Scheme - Gateway Determination Amendments - Exhibition

**TRIM No:** A04/0302

**Author:** George Bramis, Executive Manager, Urban Planning

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Notes that the Affordable Housing Contribution Scheme was adopted by Council in December 2020.
2. Notes that Council previously approved the submission and exhibition of a planning proposal to implement the Affordable Housing Contribution Scheme in accordance with any conditions of the Gateway determination that may be issued by the Department of Planning and Environment.
3. Publicly exhibits the amended Affordable Housing Contribution Scheme attached to the report (Attachments 2 and 3) for 28 days alongside an amended planning proposal.
4. Officers prepare a report to Council following the exhibition period.

**1. Executive Summary**

The Waverley Affordable Housing Contribution Scheme (AHCS) was first adopted by Council on 1 December 2020. It was established to allow Council to collect monetary or in-kind contributions for affordable housing through the planning system. To enable a Scheme to be applied as part of the LEP, the legislative requirements are set out in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other subsidiary legislation.

The scheme aims to facilitate a socially diverse and inclusive community by ensuring that lower income households can continue to live and work locally within the Waverley local government area (LGA). The AHCS currently sets out a scheme for contributions as follows:

- A contribution on all new residential apartment and mixed-use development of 1% of gross floor area at a flat \$ rate/sqm.
- A contribution of 10% of gross floor area towards affordable housing for sites that receive planning uplift through a rezoning (planning proposal) process.

To be able to collect contributions under this scheme, a new affordable housing contribution clause is required to be entered into *the Waverley Local Environmental Plan (WLEP)*.

A planning proposal was submitted to the Department of Planning and Environment (DPE) in April 2021 and Council received a Gateway determination in January 2023, advising the planning proposal was to be withdrawn and re-submitted following revisions to the AHCS and the planning proposal. The changes requested included: revising the prescriptive 10% contribution rate on sites that receive uplift through the

planning proposal process; additional feasibility work relating to the 1% levy on new development; and minor clarifications and areas where additional information is to be provided.

As a result of the Gateway determination, the AHCS has subsequently been revised and it is recommended Council endorse the updated AHCS, to progress the planning proposal. Further discussion is provided throughout the report.

## 2. Introduction/Background

The AHCS was exhibited in September 2020 and subsequently endorsed by Council on 1 December 2020. On 13 April 2021, Council adopted minor amendments to the AHCS and supported the submission of a planning proposal to implement the AHCS to the DPE, which was lodged with the DPE shortly thereafter.

On 26 October 2021, Council resolved to request a Gateway Review be undertaken due to the assessment of the planning proposal having not been completed by the DPE. A Gateway Review is a review of a Gateway determination of a planning proposal by the DPE and is assessed by the Independent Planning Commission who provide advice as to whether or not the Gateway determination should be altered. A Gateway Review request was put to the DPE. However, as a Gateway determination had not been provided at this time, a Gateway Review was unable to take place.

On 9 January 2023, Council finally received a Gateway determination for the planning proposal, requesting that the planning proposal be withdrawn and resubmitted with amendments to both the planning proposal and the AHCS within a period of 6 months. The requested changes and implications are discussed in this report with the Gateway determination provided as an attachment.

As the ACHS is a Council-adopted document, support to amend the ACHS is sought which would accompany the submission of a revised planning proposal. This report does not seek endorsement for the re-submission of the planning proposal as Council already endorsed Council Officers to make necessary amendments to the planning proposal in line with any Gateway determination on 13 April 2021 as detailed under the Relevant Council Resolutions section in this report.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 October 2021	CM/7.6/21.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Requests a variation to the Department of Planning, Industry and Environment (DPIE) conditions as follows:               <ol style="list-style-type: none"> <li>(a) There are no Council-led planning proposals to increase density on Curlewis Street and/or Bondi Road.</li> <li>(b) Proponent-led planning proposals will continue to be considered.</li> </ol> </li> <li>2. Seeks a 'Gateway Review' at the Independent Planning Commission (IPC) for the Waverley Affordable Housing Contributions Scheme Planning Proposal to:               <ol style="list-style-type: none"> <li>(a) Challenge DPIE's rejection of the Waverley Affordable Housing Contributions Scheme.</li> <li>(b) Advocate to the DPIE to review its Guideline for</li> </ol> </li> </ol>

		<p>Developing an Affordable Housing Contribution Scheme to be more in line with the <i>Environmental Planning and Assessment Act</i>.</p> <p>3. Endorses the draft Waverley Local Housing Strategy Implementation and Delivery Plan attached to the report for submission to the DPIE.</p>
<p>Strategic Planning and Development Committee 13 April 2021</p>	<p>PD/5.2/21.04</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that the Affordable Housing Contribution Scheme was adopted by Council in December 2020.</li> <li>2. Notes that the Waverley Local Planning Panel (WLPP) has reviewed the Affordable Housing Contribution Scheme planning proposal and provided advice, as set out in Attachment 2 of the report.</li> <li>3. Notes that the updates to the planning proposal based on advice from WLPP include a proposed Waverley Local Environmental Plan 2012 clause.</li> <li>4. Adopts the amended Affordable Housing Contribution Scheme attached to the report (Attachment 3) for clarification reasons.</li> <li>5. Authorises officers to forward the planning proposal attached to the report (Attachment 1) to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.</li> <li>6. 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 DPIE.</li> <li>7. 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.</li> <li>8. Officers prepare a plain English explanation and infographic for the purposes of public exhibition to clarify the application of the proposed policy in various circumstances.</li> </ol>
<p>Strategic Planning and Development Committee 1 December 2020</p>	<p>PD/5.1/20.12</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the matters raised in the submissions made on the draft Planning Agreement Policy (Amendment No. 3) and the draft Affordable Housing Contributions Scheme during the exhibition period.</li> <li>2. Adopts the Planning Agreement Policy (Amendment 3)</li> </ol>

		<p>attached to the report (Attachment 1) subject to the following changes:</p> <p>(a) Page 13, after clause 8, insert a new clause 9: 'That as part of any VPA report, Councillors be provided with an overview of meetings between applicants and staff, and the rationale for the decision.'</p> <p>(b) Page 7, second paragraph, after the sentence ending 'as amended from time to time', insert: 'Council has resolved and committed to implementing and progressing the LSPS in ways that operate to involve and acknowledge that Aboriginal First Nation Peoples have a custodial ongoing spiritual, social, cultural, economic and traditional relationship to looking after country and people.'</p> <p>3. Adopts the Affordable Housing Contributions Scheme attached to the report (Attachment 3).</p> <p>4. Notifies those people who made a submission of Council's decision.</p> <p>5. Submits a planning proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination to incorporate the Affordable Housing Contributions Scheme into the Waverley Local Environment Plan 2012.</p>
Council 15 September 2020	CM/7.8/20.09	<p>That Council:</p> <p>1. Publicly exhibits for 42 days the draft Waverley Planning Agreement Policy 2014 (Amendment No. 3) attached to the report.</p> <p>2. Notes that the updates to the Policy include an update to the VPA split of contributions to affordable housing from a minimum of 10 to 25%, updated benchmark rates and housekeeping amendments.</p> <p>3. Publicly exhibits for 42 days the draft Waverley Affordable Housing Contributions Scheme attached to the report.</p> <p>4. Investigates using the affordable housing reserve for the provision of Social Housing and Waverley Community Living Program (WCLP) Accommodation in addition to our current affordable housing program.</p>

#### 4. Discussion

The scheme has been prepared to levy contributions on larger scale residential and mixed-use developments in the Waverley LGA and aims to facilitate a socially diverse and inclusive community by ensuring that lower income households can continue to live and work locally within the Waverley LGA. The AHCS currently sets out a scheme for contributions as follows:

- A contribution on all new residential apartment and mixed-use development of 1% of gross floor area at a flat \$ rate/sqm.
- A contribution of 10% of gross floor area towards affordable housing for sites that receive uplift through a rezoning (planning proposal) process.

The Gateway determination with the specific changes requested by the DPE are listed in Attachment 1, with the majority of changes being relatively minor in nature in terms of clarifications and small amendments to the planning proposal. In addition to the changes required, the DPE have supported the inclusion of the 1% levy on gross floor area of new development specified above, subject to further provision of feasibility testing being provided as part of the planning proposal process. Council officers have commenced the feasibility work and will liaise directly with the DPE to satisfy this condition. Amendments to the AHCS are provided as tracked changes to this report in Attachment 1, with a summary of changes provided below.

#### **Inclusion of an objective or discussion that the 10% of gross floor area affordable housing contribution may be applied to sites seeking uplift, on a case-by-case basis**

Council's AHCS currently specifies a requirement for sites seeking uplift (i.e. increased height and FSR) through a planning proposal, that 10% of total gross floor area be provided as either an in-kind or cash contribution for affordable housing. The Gateway determination requests that the blanket 10% requirement to future planning proposal processes be removed and replaced with an objective or discussion in the AHCS and associated planning proposal to indicate that an affordable housing contribution may be applied to any planning proposal that seeks uplift on a site, with the rate to be subject to feasibility testing and determined at the site-specific planning proposal stage on a case-by-case basis.

In preparing the AHCS, Council officers undertook testing to ensure that the 10% rate would not make development unviable. However, as the DPE do not supported such a provision, the AHCS has been revised to clarify the 10% rate is a target, and would be sought for any planning proposal lodged with Council seeking uplift.

#### **Clarification changes and additional information**

The AHCS has been updated to clarify further details relating to the administration of the affordable housing contributions as they relate to the role of Community Housing Providers and the ability of Waverley's affordable housing program to meet the needs of the community.

In addition, the types of development that are subject to, or excluded from affordable housing contributions have been further clarified within the amendment document.

The AHCS now specifies the following types of development would be subject to paying a contribution:

- New residential flat buildings.
- New independent living units (residential apartments for over 60s).
- New multi-dwellings (three or more dwellings on one lot of land, each with separate access at ground level, i.e. 'town houses').
- New mixed-use developments (defined as 'shop top housing' in the LEP).

Development that is exempt from paying a contribution has been updated and clarified as follows:

- Residential development not specified in the abovementioned list.
- Residential care facilities (aged care).
- Employment only generating development.
- Social and affordable housing developed exclusively for the purposes of affordable housing.

### **Updates to the planning proposal**

If the amended AHCS is endorsed for exhibition, officers would amend the planning proposal in line with the updated AHCS and resubmit the proposal to the DPE for a Gateway determination. The amended AHCS would be placed on exhibition concurrently with the planning proposal once Gateway has been received from the DPE.

### **5. Financial impact statement**

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with amending the AHCS and preparing the planning proposal. The benefits of implementing this scheme would serve the community via the ability to charge contributions for affordable housing for new larger scale development.

### **6. Conclusion**

It is a legislative requirement for Council to have an AHCS to levy contributions relating to development and rezoning processes for the purposes of affordable housing. Following the receipt of Gateway determination for the AHCS planning proposal, draft amendments to the AHCS are now proposed for public exhibition alongside the planning proposal.

### **7. Attachments**

1. Gateway determination [↓](#)
2. Affordable Housing Contribution Scheme - Gateway determination amendments [↓](#)
3. Affordable Housing Contributions Scheme - Appendix A [↓](#)





























































**REPORT**  
**PD/5.5/23.04**

**Subject:** Sub-Regional Affordable Housing Collaboration Project

**TRIM No:** A22/0532

**Author:** George Bramis, Executive Manager, Urban Planning

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Investigates a sub-regional approach to affordable housing delivery with Randwick and Woollahra Councils that combines funding, land allocations and State and Commonwealth grants.
2. Officers prepare a further report to Council, presenting a joint discussion paper to facilitate affordable housing on a sub-regional basis.

**1. Executive Summary**

The purpose of this report is to seek Council's support to collaborate with Randwick City Council and Woollahra Municipal Council to identify innovative solutions for the delivery of affordable housing on a sub-regional basis. Waverley's Local Housing Strategy, Local Strategic Planning Statement and the Social and Affordable Housing Review all include actions to pursue this approach.

In particular, taking a sub-regional approach provides an opportunity to pool monetary contributions, expertise and other resources.

Should this approach be supported, a joint discussion paper identifying opportunities to facilitate affordable housing would be prepared and reported back to Council. The paper would explore, in part, the role of partnerships with community housing providers (CHPs) who have the capacity to attract grant funding and finance, such as low-cost, long-term loans to projects. The discussion paper would also explore financial and resource implications for consideration.

**2. Introduction/Background****Affordable Housing need**

Housing prices and rents have been rising over the last 20 years, and unaffordability has been a growing issue over the last two decades as household income to house price ratio has increased from 4 in 1994 to 12 in 2016 in Waverley local government area (LGA).

The Local Housing Strategy identifies that, at present, Waverley is severely unaffordable and that rent for all dwellings is 1.3 times higher than the Sydney average. In 2016, 3,438 households needed affordable rental housing in the Waverley LGA because they were either a very low, low or moderate income household spending 30% or more of their household income on rent. The current supply of affordable rental housing was only meeting 57% of demand. The existing planning mechanisms available under the

*Environmental Planning and Assessment Act 1979* (EP&A Act) have been ineffective in delivering affordable housing in the Waverley LGA.

Currently, there is very little affordable or social housing stock in the Waverley LGA, and there are significant waiting lists and waiting times to access social housing in the wider Eastern suburbs area.

Buying or renting housing in the Waverley LGA is increasingly unaffordable for key workers, who are typically on moderate incomes. Key workers are people whose jobs are considered essential to supporting community life. This includes people in occupations such as health care, education, emergency and other services. Teachers, both primary and secondary, are generally the largest group of key workers in the LGA. If key workers are unable to afford and access housing in and around the Eastern Suburbs they may need to live much further away. This could limit the ability of businesses and critical services to access a suitable labour pool.

There is therefore a need to investigate mechanisms to increase the delivery of affordable housing.

### **Sub-regional approach**

Both Randwick and Woollahra Council officers have received endorsement from their respective Councils/ Planning Committees to investigate a sub-regional approach to affordable housing delivery. At the Randwick Council meeting on 22 November 2022, a mayoral minute was adopted stating that officers: 'bring a report back to Council that investigates a regional approach to affordable housing delivery with Waverley and Woollahra councils, that combines funding, land allocations and state and Commonwealth grants.' Similarly, at the Woollahra Council Environmental Planning Committee on 7 November 2022, a resolution was adopted that: "Council writes to the Department of Planning and Environment to request that they: develop a policy framework and provide incentives to encourage councils to collaborate to address and deliver affordable housing through a sub-regional approach."

### **3. Relevant Council Resolutions**

Nil.

### **4. Discussion**

The current planning mechanisms available to facilitate affordable rental housing under the EP&A Act are not delivering anywhere near sufficient supply to keep up with demand.

The *State Environmental Planning Policy (Housing) 2021* (and the now repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009*) (ARHSEPP) encourage the provision of new affordable housing developments and where low-cost housing is lost, requiring a monetary contribution to offset the impact. There are several concerns with the ARHSEPP, including the lack of formal requirement to cap rental prices for secondary dwellings and boarding house rooms and the requirement to only provide certain dedicated affordable housing at an affordable rate for 10 to 15 years.

Consistent with the Waverley Local Housing Strategy and Local Strategic Planning Statement, staff from Council's Strategic Town Planning and Community Programs held discussions with staff from Randwick and Woollahra Councils to consider a sub-regional approach to improve the delivery of affordable rental housing.

Matters discussed include the pooling of monetary contributions, sharing of expertise, the high cost of land, role of community housing providers and opportunity to pool resources for sites that still provide occupants with reasonable proximity to work in the Waverley LGA.

If supported, a joint discussion paper would be prepared to establish the sub-regional context, identify opportunities and options to facilitate affordable housing, including consideration of:

- Grants and funding opportunities – There are several State and Commonwealth programs to support the increase of affordable housing supply, these include the NSW Community Housing Innovation Fund managed by NSW Communities and Justice, and Commonwealth programs such as the Affordable Housing Bond Aggregator and the Housing Australia Future Fund.
- Council funding – Council collects monetary contributions from DAs approved under *State Environmental Planning Policy (Affordable Rental Housing) 2009* and from the Waverley Affordable Housing Program.
- Public land – Identifying Council or other Government-owned land that could potentially form part of an affordable housing development.
- Council and CHP partnership models – Exploring partnership models for delivery, ownership and management of affordable housing, and engaging with CHPs who have the capacity to bring financial investments and attract grant funding for projects.

Subject to consideration of the above matters, and Councillor feedback on the preferred delivery model, more detailed partnership and feasibility investigations would occur.

### **Policy implications**

The specific priorities, objectives and recommendations of Waverley's Local Housing Strategy (LHS), Local Strategic Planning Statement (LSPS) and Social and Affordable Housing Review (SAHR) are summarised below:

- *Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community (LSPS)*
- *Housing Priority H3 Increase the amount of affordable rental housing and social housing: Waverley has had a longstanding commitment to the provision of housing for those on very low to moderate incomes and this will be pursued into the future. This will require a collaborative approach with neighbouring Woollahra, Randwick and City of Sydney Councils, as well as continuing stakeholder relationships with community housing providers. (LSPS)*
- *Recommendation to pursue additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models. (SAHR)*
- *Priority H3: Increase the amount of affordable rental housing and social housing: H3.4 Work with Randwick and Woollahra Council on a regional approach to addressing affordable housing. (LHS)*

Further investigation of a sub-regional approach would be consistent with Council's existing adopted policies.

### **Next steps**

If supported, a letter inviting Woollahra and Randwick Councils would be prepared and issued under Mayoral letterhead, requesting that the Councils collaborate to investigate a sub-regional approach for the planning and delivery of affordable housing via the preparation of a joint discussion paper.

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

### **Financial impact statement**

The discussion paper would be prepared using staff resources.

**Consultation**

Consultation would occur with relevant Council staff and applicable sub-committees.

**6. Conclusion**

The lack of affordable housing in the Waverley LGA is a growing concern. This report seeks support for officers to investigate and prepare a report to Council that investigates a sub-regional approach to affordable housing delivery with Randwick and Woollahra Councils that combines funding, land allocations and State and Commonwealth grants.

**7. Attachments**

Nil.

**REPORT**  
**PD/5.6/23.04**

**Subject:** Planning Proposal - Bus Shelter and Communication Panel Advertising

**TRIM No:** A08/0325

**Author:** Nikolaos Zervos, Executive Manager, Infrastructure Services

**Director:** Sharon Cassidy, Director, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Prepares a planning proposal to insert exempt provisions for advertising into the *Waverley Local Environmental Plan 2012*, provided that the advertising:
  - (a) Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels.
  - (b) Must not contain flashing or neon signage.
  - (c) Must not be located on land that comprises a heritage item.
  - (d) Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street).
  - (e) Must be erected by, or on behalf of, Council.
2. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment.
3. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.

**1. Executive Summary**

Bus shelter advertising currently provides benefit to Council in the form of revenue and fully maintained bus shelters. The current bus shelter advertising agreement has been recently extended by Council and is due to expire on 12 June 2024.

Future bus shelter and communications panel advertising arrangements provide an opportunity to significantly increase Council's annual revenue stream.

All neighbouring councils adjoining Waverley (Randwick and the City of Sydney) have advertising contracts in place or are currently undertaking tenders (Bayside and Woollahra). Given the location and transient demographics of Waverley, advertising in Waverley is an attractive proposition for the market.

To assist Council in examining the opportunity for advertising in the Waverley local government area, specialist consultants Nexusfactor has been engaged to provide specialist infrastructure advertising advice. Nexusfactor has experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.

Nexusfactor has advised that existing planning permits have been issued on a site-by-site basis and as these do not currently provide for digital advertising, modification applications would be required. Further, there may opportunity for new advertising displays.

## 2. Introduction/Background

Council has a long history of bus shelter advertising with lengthy contracts, including the current arrangement with JCDecaux.

Council currently has 85 bus shelters. Of these, Council owns 44 non-advertising bus shelters of varied styles ranging from faux heritage style to brick and contemporary aluminium and glass.

In addition, there are 41 steel and glass bus shelters with advertising displays. These advertising bus shelters were constructed under the existing advertising rights contract with JCDecaux Australia.

On 17 May 2022, Council resolved to investigate these opportunities for bus shelter upgrades, including advertising installations, with the findings to be presented at a Councillor briefing session in preparation for a future tender and long-term contract. The Councillor briefing was undertaken on 28 February 2023.

Officers are seeking to prepare a planning proposal to insert exempt provisions in the LEP. This will allow Council to tender for and install contemporary bus shelters that will be compliant to standards, replace dilapidated assets and provide sympathetic and consolidated advertising panels and providing community communication boards at key strategic locations. Nexusfactor, the leading industry consultant in this field that has assisted councils including City of Sydney, City of Paramatta and Woollahra Council, will be assisting Council in drafting the planning proposal.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 May 2022	CM/11.1/22.05	That Council: <ol style="list-style-type: none"> <li>1. Treats the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</li> <li>2. Notes that the COVID-19 pandemic and market volatility have resulted in extenuating circumstances that have prevented Council from tendering its bus shelter advertising and maintenance contract.</li> <li>3. In accordance with section 55(3)(i) of the <i>Local Government Act 1993</i>, approves a short-term extension of its bus shelter advertising contract with JC Decaux until 12 June 2024.</li> </ol>

		<p>4. Authorises the General Manager to complete negotiations and execute the necessary contractual arrangements.</p> <p>5. Investigates opportunities for bus shelter upgrades, including advertising installations, with the findings to be presented at a Councillor briefing session in preparation for a long-term contract.</p>
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#### 4. Discussion

##### Planning considerations

To maximise the opportunity from bus shelter and communications panel advertising, changes must be made to Council's planning controls to permit this form of advertising as exempt development. The following summarises the key relevant matters for consideration.

As per clause 10 of the *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP 64), the display of advertisements (other than business or building identification signs) is prohibited in the following land use zones or descriptions:

- Environmentally sensitive areas.
- Heritage area (excluding railway stations).
- Natural or other conservation area.
- Open space.
- Waterway.
- Residential (but not including a mixed residential and business zone, or similar zone).
- Scenic protection areas.
- National park.
- Nature reserve.

It is noted that under clause 6(2) of SEPP 64, the above provisions do not apply to signage that is identified as exempt development under any applicable environmental planning instrument (which in our case would be the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012)).

##### Waverley Local Environmental Plan 2012

Under the Waverley LEP 2012, advertising on street furniture would either be defined as 'signage' or 'advertising structure' where advertising structures are a type of signage. The definitions are as follows:

*signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—*

- a) an advertising structure,*
- b) a building identification sign,*
- c) a business identification sign,*

*but does not include a traffic sign or traffic control facilities.*

*advertising structure has the same meaning as in the Act.*

*Note: The term is defined as a structure used or to be used principally for the display of an advertisement. Accordingly, advertising structures are a type of signage.*

Having reviewed the Land Use Table of the Waverley LEP 2012, these two land uses, signage and advertising structure, are not currently permissible in any of the land use zones.

Making the land use permissible as exempt development would give Council greater flexibility by streamlining the application process. It would also overcome the limitations of SEPP 64 which prohibits signage in certain areas. Other councils that have taken this approach include Canada Bay, Penrith, Sutherland Shire and most recently Woollahra.

To facilitate advertising on bus shelters and communications panels, a planning proposal must be prepared to amend schedule 2 (exempt development) of the Waverley LEP 2012 to allow advertising as exempt development with clear limitations and conditions. Due to the number of steps involved, this expected take a minimum of nine months to implement.

### **Bus shelter infrastructure**

It will be important that a full assessment of the bus shelter opportunities is undertaken to provide the best combination of options for a bus shelter advertising tender. This would include identifying scope for:

- Retrofitting of new advertising displays in existing advertising bus shelters.
- Retrofitting of new advertising displays in selected existing non-advertising bus shelters.
- New bus shelters with advertising at selected bus stops without bus shelters.

### **Freestanding communication panels**

Nexusfactor has advised that there has been a recent enhancement to bus shelter advertising contract rights through the addition of double-sided freestanding communication panels. These can provide a combination of additional revenue to Council and community benefit.

Communication panels are being introduced by the City of Sydney, North Sydney Council and the City of Adelaide to provide fully maintained Council messaging in selected pedestrian areas.

While it is noted that the City of Sydney has had some recent issues with the roll-out of its communication panels, the concept design can be better refined for application for Council. Design specifications including size and footpath clearances and locations will need to be fully considered.

The primary side of the communication panel would be designed for Council's exclusive use and include features such as:

- Directory map of local area including 'you are here' and places of interest.
- Electronic bulletin boards for the promotion of local community services, special events and public posting of messages.
- Default display of alternating Council messages.
- Bus timetables or live transport messaging.

The secondary side would be dedicated to advertising activity consistent with the bus shelter advertising.

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

Council has already budgeted for the engagement of Nexusfactor to assist with developing the planning proposal.



The planning proposal is being proposed to assist Council with a clear planning pathway to run a competitive tender process for new bus shelters and communication panels across the Local Government Area. An inherent part of the process is advertising rights being granted. These advertising rights give Council the opportunity to generate considerable income to support infrastructure renewal and operational revenue.

Given the current contract Council has with JC Decaux is due to expire in June 2024, there is urgency in developing and lodging the planning proposal to ensure a new contract is in place prior to this date.

## **6. Conclusion**

To continue to provide bus shelter infrastructure in a cost-effective manner, Council will need to form a planning pathway that allows advertising on bus shelters and freestanding communication panels. The planning proposal will be seeking to make the land use permissible as exempt development. This report seeks permission to compile the planning proposal that will then be presented to Council for endorsement prior to lodgement to the NSW Department of Planning and Environment.

## **7. Attachments**

Nil.

**CLOSED SESSION**  
**PD/7/23.04**

**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager

**WAVERLEY**  
COUNCIL

**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:

PD/7.1/23.04      CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

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 2021*, 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**  
**PD/8/23.04**



**WAVERLEY**  
COUNCIL

**Subject:** Resuming in Open Session  
**Author:** Emily Scott, General Manager

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**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.