



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, 4 APRIL 2023**

Present:

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson 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
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 7.41 pm, those present were as listed above.

Crs Burrill, Goltsman, 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 Sally Betts and Cr Dominic 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

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/23.04 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 March 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 March 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports**PD/5.1/23.04 Mill Hill Heritage Conservation Area Rezoning (PP-3/2022)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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.

PD/5.2/23.04 Innovation Roadmap 2025 - Adoption (A21/0514)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Gray

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

PD/5.3/23.04 Housing Advisory Committee - Terms of Reference - Review (A10/0353)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Gray

That Council:

1. Adopts the Terms of Reference for the Housing Advisory Committee attached to the report, subject to the membership comprising:
 - (a) The Mayor (or Mayor's nominee) and three Councillors.
 - (b) Up to six experts in social and affordable housing who have experience with the management, operation or delivery of such housing, or the preparation, review or implementation of policy for such housing.
 - (c) Up to two community representatives with skill sets relating to social and affordable housing.
2. Calls for expressions of interest for new social and affordable housing expert members of the Committee.

**PD/5.4/23.04 Affordable Housing Contribution Scheme - Gateway Determination Amendments
- Exhibition (A04/0302)****MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

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.

AMENDMENT

Mover: Cr Kay

Seconder: Cr Nemesh

That clause 3 be amended to read as follows

‘Publicly exhibits the amended Waverley Affordable Housing Contribution Scheme 2023 attached to the report (Attachments 2 and 3) for 28 days alongside an amended planning proposal, subject to the following amendments:

- (a) Throughout the document, replace “multi-dwellings” with “multi-dwelling houses”.
- (b) Throughout the document, replace “spot rezoning” with “planning proposal”.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 3.

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

UNANIMOUS DECISION

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 Waverley Affordable Housing Contribution Scheme 2023 attached to the report (Attachments 2 and 3) for 28 days alongside an amended planning proposal, subject to the following amendments:
 - (a) Throughout the document, replace ‘multi-dwellings’ with ‘multi-dwelling houses’.

- (b) Throughout the document, replace 'spot rezoning' with 'planning proposal'.
- (c) Page 73 of the agenda, section 2.2, 'Monetary contribution rates in the LEP' – Amend as follows:
 - (i) In the first sentence, replace 'around the time of the development' with 'at the time of the planning proposal being assessed and before a Gateway Determination.'
 - (ii) In the second dot point, add 'be sought to' after 'will'.
 - (iii) After the second dot point, add 'Sites that have previously received uplift through the planning proposal process and have also provided a contribution in line with Council's AHCS will not be subject to the prescribed levy of 1% of the total gross floor area at DA stage referred to above.'
- (d) Page 70 of the agenda, third paragraph, second sentence – Replace 'upzoning' with 'uplift' and add the following third sentence to the paragraph: "Uplift" in a planning proposal refers to situations where a site's value increases through increased gross floor area, a change of zoning or other planning variations.'

4. Officers prepare a report to Council following the exhibition period.

Division

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

Against the Motion: Cr Nemesh.

PD/5.5/23.04 Sub-Regional Affordable Housing Collaboration Project (A22/0532)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

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.

PD/5.6/23.04 Planning Proposal - Bus Shelter and Communication Panel Advertising (A08/0325)

MOTION / UNANIMOUS DECISION

Mover: Cr Murray

Seconder: Cr Fabiano

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.

Division

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

Against the Motion: Nil.

6. Urgent Business

There was no urgent business.

7. Closed Session

PD/7/23.04 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Masselos

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 Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

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 8.28 pm, Council moved into closed session.

PD/7.1/23.04 CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)

MOTION

Mover: Cr Murray

Seconder: Cr Lewis

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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Approves in principle Option 2 and the negotiation threshold, as set out in the report, in relation to Westgate Bondi Junction Pty Ltd's proposed use of Council land in Osmund Lane, Bondi Junction, as part of the development of 194–214 Oxford Street and 2 Nelson Street.
3. Authorises the General Manager or delegate to enter into negotiations, with a report to be prepared to Council on the outcome in order to finalise the matter.
4. Notes that as part of the negotiation, officers will be seeking improvements in the public domain designs in line with community feedback, including the following items:
 - (a) More trees and greenery along Osmund Lane.
 - (b) Wider pedestrian zones between the two towers where paving can be converted to a grassed area.
 - (c) Improved waste service options; for example, bin storage for the terraces.
 - (d) Improved traffic management, including restricting resident parking scheme permits to not include the towers.
 - (e) Any monetary contribution from the negotiations be allocated to the Strategic Asset Management Plan Reserves for renewal and upkeep of infrastructure in the Bondi Junction/Mill Hill area.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 4(c) SUCH THAT IT NOW READS AS FOLLOWS:

'Improved waste service options; for example, bin storage for the retail terraces.'

AMENDMENT

Mover: Cr Kay

Seconder: Cr Nemes

That clause 4(d) be amended to read as follows:

‘Improved traffic management.’

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

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. 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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Approves in principle Option 2, as set out in the report, and the negotiation threshold as amended at the meeting, in relation to Westgate Bondi Junction Pty Ltd’s proposed use of Council land in Osmund Lane, Bondi Junction, as part of the development of 194–214 Oxford Street and 2 Nelson Street.
3. Authorises the General Manager or delegate to enter into negotiations, with a report to be prepared to Council on the outcome in order to finalise the matter.
5. Notes that as part of the negotiation, officers will be seeking improvements in the public domain designs in line with community feedback including the following items:
 - (a) More trees and greenery along Osmund Lane.
 - (b) Wider pedestrian zones between the two towers where paving can be converted to a grassed area.
 - (c) Improved waste service options; for example, bin storage for the retail terraces.
 - (d) Improved traffic management, including restricting resident parking scheme permits to not include the towers.
 - (e) Any monetary contribution from the negotiations be allocated to the Strategic Asset Management Plan Reserves for renewal and upkeep of infrastructure in the Bondi Junction/Mill Hill area.

Division

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

Against the Motion: Cr Nemes.

8. Resuming in Open Session

PD/8/23.04 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Fabiano

That Council resumes in open session.

At 9.10 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 9.13 PM.

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SIGNED AND CONFIRMED
CHAIR
2 MAY 2023