



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, 6 JUNE 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 Angela Burrill	Lawson Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	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 7.33 pm, those present were as listed above, with the exception of Cr Murray who arrived at 8.27 pm during item PD/5.6/23.06.

Crs Goltsman, Kay, Keenan, Murray and Nemesh 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 Ludovico Fabiano 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

3.1 J Weirick – PD/5.2/23.06 – Planning Proposal – 34-36 Flood Street, Bondi – Heritage Listing.

4. Confirmation of Minutes

PD/4.1/23.06 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 2 May 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 2 May 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/23.06 Flood Study and Waverley Development Control Plan 2022 - Peer Review and Additional Information (SF21/4935)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes:
 - (a) The peer review of the Waverley Local Government Area Flood Study and draft amendment to the Waverley Development Control Plan (DCP) 2022 attached to the report (Attachment 1).
 - (b) The findings of the property price impact report attached to the report (Attachment 2).
 - (c) The findings of the insurance implications research report attached to the report (Attachment 3).
 - (d) The advice provided by Council's insurer attached to the report (Attachment 4).
2. Officers update Council at a future Councillor briefing session on the proposed draft amendment to the DCP 2022, prior to the final report returning to Council, incorporating any required changes from the documents above and addressing community feedback received during public exhibition, including the letter from the Hastings Parade residents group sent to Council on 5 June 2023.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes:
 - (a) The peer review of the Waverley Local Government Area Flood Study and draft amendment to the Waverley Development Control Plan (DCP) 2022 attached to the report (Attachment 1).
 - (b) The findings of the property price impact report attached to the report (Attachment 2).
 - (c) The findings of the insurance implications research report attached to the report (Attachment 3).
 - (d) The advice provided by Council's insurer attached to the report (Attachment 4).
2. Officers update Council at a future Councillor briefing session on the proposed draft amendment to the DCP 2022, prior to the final report returning to Council, incorporating any required changes from the documents above and addressing community feedback received, including the letter from Hastings Parade residents group sent to Council on 5 June 2023.

Cr Kay requested that his vote against the motion be recorded in the minutes.

PD/5.2/23.06 Planning Proposal - 34-36 Flood Street, Bondi - Heritage Listing (PP-1/2023)**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Forwards the planning proposal seeking to list 34–36 Flood Street, Bondi (Lot 1 DP 1094020), as a local Heritage Item in the *Waverley Local Environmental Plan 2012* (LEP) to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE 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.
4. Submits an application to NSW Heritage to nominate 34–36 Flood Street for State Heritage Item listing on the State Heritage Register.

AMENDMENT

Mover: Cr Kay

Seconder: Cr Betts

That the following clauses be added to the motion:

5. Writes to the NSW Minister for Heritage seeking support to urgently process Council's application for State Heritage Listing of 34–36 Flood Street.
6. Writes to the NSW Minister for Planning and Public Spaces in respect of the rezoning of 34–36 Flood Street from SP2 Infrastructure to R3 Medium Density Residential, seeking an urgent meeting for the Mayor and senior Council officers to request that:
 - (a) The rezoning be refused by the Department of Planning and Environment, or
 - (b) Should the Minister or his delegate decide to finalise the rezoning, the LEP amendment includes a site-specific provision to protect the existing community/educational/religious facilities at basement and ground levels as per the advice of the Sydney Eastern City Planning Panel and in consultation with Council officers.

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

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

UNANIMOUS DECISION

That Council:

1. Forwards the planning proposal seeking to list 34–36 Flood Street, Bondi (Lot 1 DP 1094020), as a local Heritage Item in the *Waverley Local Environmental Plan 2012* (LEP) to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.

3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE 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.
4. Submits an application to NSW Heritage to nominate 34–36 Flood Street for State Heritage Item listing on the State Heritage Register.
5. Writes to the NSW Minister for Heritage seeking support to urgently process Council’s application for State Heritage Listing of 34–36 Flood Street.
6. Writes to the NSW Minister for Planning and Public Spaces in respect of the rezoning of 34–36 Flood Street from SP2 Infrastructure to R3 Medium Density Residential, seeking an urgent meeting for the Mayor and senior Council officers to request that:
 - (a) The rezoning be refused by the Department of Planning and Environment, or
 - (b) Should the Minister or his delegate decide to finalise the rezoning, the LEP amendment includes a site-specific provision to protect the existing community/educational/religious facilities at basement and ground levels as per the advice of the Sydney Eastern City Planning Panel and in consultation with Council officers.

Division**For the Motion:** Crs Betts, Burrill, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Nemesh.**Against the Motion:** Nil.*J Weirick addressed the meeting.***PD/5.3/23.06 Managing Conflicts of Interest for Council-related Development Policy - Adoption (A23/0076)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Burrill

That Council adopts the Managing Conflicts of Interest for Council-related Development Policy attached to the report.

PD/5.4/23.06 Waverley Local Planning Panel - Membership (A13/0229)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Appoints the following expert members to the Waverley Local Planning Panel (WLPP) up to 30 June 2026:
 - (a) Sandra Robinson.
 - (b) Julie Walsh.

- (c) Heather Warton.
 - (d) Oliver Klein.
 - (e) Elizabeth Kinkade.
 - (f) Megan Jones.
2. Defers the appointment of the community representatives to further consider how all candidates have addressed the second selection criterion 'Have an understanding of the local government area and issues of concern to the local community.' As these applicants are to be selected as community representatives, this criterion is to be ranked highly.
 3. Officers prepare a report to Committee or Council with new recommendations for approval.

PD/5.5/23.06 Housing Advisory Committee - Membership (A10/0353)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council:

1. Appoints the following individuals to the Housing Advisory Committee as expert members from 7 June 2023 to 7 June 2025:
 - (a) Catherine Gilbert.
 - (b) David Mark Johnston.
 - (c) Elias McGrath.
 - (d) Gabriela Quintana Vigiola.
 - (e) Ryan van den Nouwelant.
2. Appoints the following individual to the Housing Advisory Committee as a community member from 7 June 2023 to 7 June 2025:
 - (a) Mora Main.
3. Acknowledges the contribution of the community members appointed during the previous term:
 - (a) Stephanie Bbhim.
 - (b) Gabriela Quintana Vigiola.
 - (c) Carlo di Giulio.
 - (d) Mora Main.

PD/5.6/23.06 North Bondi Shops and Bus Terminus Upgrade - Concept Designs (A18/0394)**MOTION**

Mover: Cr Masselos

Seconder: Cr Gray

That Council:

1. Notes the recent safety upgrades to the North Bondi bus terminus, as set out in the report.
2. Notes the previous concept designs for the North Bondi shops and bus terminus, as set out in the report.
3. Approves the refinement of Options 2a/b and Option 3 for the North Bondi Shops and Bus Terminus Upgrade.
4. Undertakes stakeholder and community consultation on the above options and receives a further report to Council on the outcomes.

AMENDMENT 1

Mover: Cr Goltsman

Seconder: Cr Burrill

That clause 3 be amended to read as follows:

‘Approves the refinement of Options 2a/b and Option 3 for the North Bondi Shops and Bus Terminus Upgrade, subject to:

- (a) The location of the crossings being reassessed to avoid traffic congestion that may exacerbate the traffic bottleneck, prior to the community consultation.
- (b) The proposed palm trees being reconsidered due to blocking beach vistas from retail and residential properties.’

THE AMENDMENT WAS PUT AND DECLARED UNANIMOUSLY.

Division**For the Amendment:** Crs Betts, Burrill, Goltsman, Gray, Kay, Keenan, Lewis, Masselos and Nemesh.**Against the Amendment:** Nil.**AMENDMENT 2**

Mover: Cr Goltsman

Seconder: Cr Burrill

That the following clause be added to the motion:

‘Officers conduct a parking review of the North Bondi shops and bus terminus area with outcomes and recommendations to be integrated into the above report, to include:

- (a) An analysis of the existing parking capacity of the local area.
- (b) An exploration of options for increasing car parking within the North Bondi shops and bus terminus area by:
 - (i) Engaging with local businesses, residents and transport authorities to gather input and identify practical and sustainable strategies for increasing car parking.

- (ii) Considering innovative parking solutions, including but not limited to optimising existing parking facilities to maximise capacity.
- (iii) Ensuring that any parking solutions align with enhancing the streetscape and supporting local businesses.'

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

Division

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

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

FORESHADOWED MOTION (LAPSED)

Mover: Cr Burrill

'That Council defers this item to a Councillor briefing to review the parking, traffic and safety aspects of the concept designs and for further work to occur with Transdev John Holland to establish their required bus movements.'

AMENDMENT 3 (RULED OUT OF ORDER)

Mover: Cr Goltsman

That the following clause be added to the motion:

'Council acknowledges that the existing car spaces are crucial for the operation of local businesses.'

THE AMENDMENT WAS RULED OUT OF ORDER ON THE GROUNDS THAT IT WAS INCONSISTENT WITH THE SUBSTANCE OF THE MOTION.

AMENDMENT 4

Mover: Cr Burrill

Seconded: Cr Goltsman

That the following clause be added to the motion:

'Offices prepare a further report to Council prior to the exhibition of the updated concept designs to the community.'

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

Division

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

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

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR MURRAY, WAS PUT AND DECLARED CARRIED.

Division

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

Against the Procedural Motion: Crs Kay and Nemesh.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

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

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

DECISION

That Council:

1. Notes the recent safety upgrades to the North Bondi bus terminus, as set out in the report.
2. Notes the previous concept designs for the North Bondi shops and bus terminus, as set out in the report.
3. Approves the refinement of Options 2a/b and Option 3 for the North Bondi Shops and Bus Terminus Upgrade subject to:
 - (a) The location of the crossings being reassessed to avoid traffic congestion that may exacerbate the traffic bottleneck, prior to the community consultation.
 - (b) The proposed palm trees being reconsidered due to blocking beach vistas from retail and residential properties.
4. Undertakes stakeholder and community consultation on the above options and receives a further report to Council on the outcomes.

6. Urgent Business

There was no urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 9.25 PM.

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SIGNED AND CONFIRMED
CHAIR
4 JULY 2023