



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 2 MAY 2023

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

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

| | | |
|--------------|---|---|
| PD/4.1/23.05 | Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 4 April 2023 | 5 |
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5. Reports

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| PD/5.1/23.05 | War Memorial Hospital (Edina Estate) - Development Control Plan - Adoption..... | 15 |
| PD/5.2/23.05 | Clause 4.6 Variations to Development Standards - Quarterly Report - January-March 2023 | 91 |
| PD/5.3/23.05 | Net Zero Community Emissions Target - Programs | 94 |

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/23.05



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 4 April 2023

TRIM No: SF23/18

Manager: Richard Coelho, Executive Manager, Governance

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 4 April 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 - 4 April 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, 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
Seconded: 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
Seconded: 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 Nemesh

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 Nemesh.

8. Resuming in Open Session

PD/8/23.04 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Nemes

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.

.....
SIGNED AND CONFIRMED
CHAIR
2 MAY 2023

REPORT
PD/5.1/23.05

Subject: War Memorial Hospital (Edina Estate) - Development Control Plan - Adoption

TRIM No: SF21/655

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Adopts the Waverley Development Control Plan 2022, Part E7 – Edina Estate, attached to the report, to commence when notified on Council’s website.
2. Writes to all those who made submissions advising them of Council’s decision.

1. Executive Summary

Two planning proposals that relate to the site known as the War Memorial Hospital sites and 99-117 Birrell Street, Waverley, were finalised in October 2021 and October 2022, respectively. A draft Site Specific Development Control Plan (SSDCP) was developed during the planning proposal process to guide development on-site and ensure any development would incorporate design excellence, provide for adequate biodiversity and habitat outcomes and provide good amenity for residents.

This would be achieved through sustainable building design and high-quality open spaces, whilst respecting the significant built and cultural heritage open spaces. The SSDCP was exhibited twice alongside the planning proposals, with the community and Council requesting that a number of matters be considered as part of a post-exhibition revision of the SSDCP.

The purpose of this report is to:

- Outline proposed post exhibition amendments to the draft SSDCP.
- Recap feedback provided during public exhibition, as previously reported to Council.
- Seek Council’s support to endorse the amended SSDCP.

Finalisation would conclude a site specific planning process which commenced almost six years ago in July 2017, when the initial proponent-led planning proposal was first submitted to Council.

2. Introduction/Background

The SSDCP seeks to implement the two planning proposals previously finalised and covers the entire urban block bound by Bronte Road, Birrell Street, Carrington Road and Church Street in Waverley, as illustrated in Figure 1.



Figure 1. Edina Estate.

The SSDCP was formally placed on public exhibition between 20 May 2021 and 4 July 2021, alongside the War Memorial Hospital - Campus Site planning proposal. The SSDCP was exhibited again when the planning proposal for 99-117 Birrell Street, Waverley (also known as the War Memorial Hospital - Birrell Street Sites planning proposal) was exhibited from 10 November 2021 to 19 January 2022. Both planning proposals have since been finalised with the following development standards applying to the site outlined in Table 1.

Table 1. Planning proposal outcomes amending the WLEP.

| LEP | Birrell St | Campus site |
|--------------------------------------|---|--|
| Zone | R3 Medium Density Residential | SP2 Infrastructure/R3 Medium Density Residential |
| Alternative Floor Space Ratio | 1.2:1 | 1.2:1 |
| Alternative Building Heights | 15m and 21m | 15m and 21m |
| Affordable Housing | 10% of gross floor area | Nil. |
| Additional permitted uses | Nil. | <ul style="list-style-type: none"> ○ Seniors Housing ○ Centre-based Child Care ○ Community Facilities |
| Other | <ul style="list-style-type: none"> ● Clause 6.9 Design Excellence to apply ● 30% Deep Soil to be provided ● Energy and water targets | <ul style="list-style-type: none"> ● Clause 6.9 Design Excellence to apply. ● 30% Deep Soil to be provided ● Energy and water targets <ul style="list-style-type: none"> ○ 4.5 NABERS water rating/5.5 NABERS energy for non-residential components |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> ○ 4.5 NABERS water rating/5.5 NABERS energy for non-residential components ○ BASIX +5 water/+10 energy ○ NatHERS 7 stars | <ul style="list-style-type: none"> ○ BASIX +5 water/+10 energy ○ NatHERS 7 stars |
|--|--|--|

The abovementioned development standards are prescribed in clause 6.13 of the *Waverley Local Environmental Plan 2012* (WLEP 2012) and the availability of the Alternative Building Heights and Alternative Floor Space Ratio is subject to achieving the specific sustainability criteria and affordable housing requirements detailed in Table 1. In addition, clause 6.13 also specifies that:

(3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the following has been prepared for the land—

- (a) built form controls, including the maximum number of storeys and minimum setbacks for buildings,*
- (b) measures to ensure development of the land does not negatively impact on the character of surrounding land,*
- (c) pedestrian access, including by links through the site,*
- (d) landscaping of open space.*

The proposed planning controls for the Edna Estate have attracted strong interest from the community during the public exhibition periods. Following the public exhibition, officers have conducted a review of the key issues raised and revised the SSDCP, as discussed in this report.

3. Relevant Council Resolutions

| Meeting and date | Item No. | Resolution |
|--------------------------|---------------|---|
| Council 12 April 2022 | CM/7.10/22.04 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Does not support the planning proposal to amend the <i>Waverley Local Environmental Plan 2012</i> in respect of 99-117 Birrell Street, Waverley, as exhibited. 2. Notes that Uniting does not own all of the properties at 99-117 Birrell Street and that the residents who live in the area have lodged objections to the planning proposal. 3. Requests the Department of Planning and Environment (DPE), as the Local Plan Making Authority, to consider the following matters if the DPE proceeds to support the planning proposal in the post-Gateway assessment: <ul style="list-style-type: none"> (a) Floor space ratio (FSR) not to exceed 1:1. (b) Height of building (HOB) not to exceed 12 m. (c) The site is excluded from the Affordable Housing SEPP bonus provisions relating to FSR and HOB. |

| | | |
|-----------------------------|--------------|---|
| | | <p>A mechanism is provided to achieve a minimum of 10% affordable housing on the site in line with Council's endorsed Affordable Housing Contribution Scheme.</p> <p>(d) Existing residents are rehoused within the Eastern Suburbs region to ensure there is no dislocation from their local community.</p> <p>(e) Inclusion of social impact mitigation provisions as part of the process.</p> <p>4. Notes that the Development Control Plan (DCP) continues to be reviewed and will be finalised by Council following the finalisation and gazettal of the planning proposal and will incorporate matters including:</p> <p>(a) The Conservation Management Plan design principles, to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.</p> <p>(b) A development standard or objective to ensure that the DCP protects, maintains or exceeds the existing mature tree canopy, including minimising the reduction in aggregate tree canopy and habitat corridor available on the site in any future development.</p> <p>(c) The main entry gates to the site and their curtilage at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.</p> <p>(d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.</p> <p>(e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.</p> <p>5. Forwards the submissions and exhibition report to the DPE.</p> <p>6. Writes to all those who made submissions advising them of Council's decision.</p> |
| Council 15 February 2022 | CM/6.2/22.02 | <p>That Council:</p> <p>1. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington</p> |

| | | |
|-----------------------------------|----------------------|---|
| | | <p>Road as a Heritage Conservation Area and includes it in schedule 5 of the <i>Waverley Local Environmental Plan 2012</i>.</p> <p>2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April.</p> <p>3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.</p> |
| <p>Council 17 August 2021</p> | <p>CM/7.11/21.08</p> | <p>That Council:</p> <p>1. Supports the planning proposal to amend the <i>Waverley Local Environmental Plan 2012</i> in respect of 125 Birrell Street, Waverley.</p> <p>2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:</p> <p>(a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.</p> <p>(b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.</p> <p>(c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.</p> <p>(d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.</p> <p>(e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.</p> <p>3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:</p> <p>(a) The inclusion of a site-specific clause in the <i>Waverley Local Environmental Plan 2012</i> for the subject site to prohibit the application of the <i>State</i></p> |

| | | |
|--|--------------|---|
| | | <p><i>Environmental Planning Policy (Housing for Seniors and People with a Disability)</i> on the R3 Medium Residential portion of the land.</p> <p>(b) The inclusion of a site-specific clause in the <i>Waverley Local Environmental Plan 2012</i> that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.</p> <p>(c) A request for consideration of options for rehousing existing residents in a sensitive and considered way, including giving preference to existing residents in the future development.</p> <p>4. Officers, in any future development application, give consideration to rehousing existing residents.</p> <p>5. Officers discuss the potential inclusion of social impact mitigation provisions with the applicant to be included in the planning proposal, Site Specific DCP or any other planning instrument.</p> <p>6. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.</p> <p>7. Writes to property owners to provide an update on the Conditional Gateway Determination.</p> <p>8. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.</p> |
| Strategic Planning and Development Committee 2 March 2021 | PD/5.1/21.03 | <p>That Council public exhibits the draft Site Specific Development Control Plan for the War Memorial Hospital attached to the report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i>, subject to:</p> <p>1. Any minor amendment required in the case of an amended Gateway Determination for the relevant planning proposals.</p> <p>2. Ensuring there is consistency between Figure 3 (site layout plan) and Figure 4 (open space site plan) in the draft DCP to ensure that there is appropriate setback between the Bronte Road/Birrell Street heritage-listed</p> |

| | | |
|---|--------------|--|
| Strategic Planning and Development Committee 3 November 2020 | PD/5.5/20.11 | <p style="text-align: center;">gateway and the five-storey building at the corner.</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the submission of a planning proposal prepared by Ethos Urban on behalf of Uniting Care on 18 August 2020 to increase the maximum height of buildings and the maximum floor space ratio of the sites 99–117 Birrell Street, Waverley, under the Waverley Local Environmental Plan 2012. 2. Notes that the proposed increase in height and FSR is consistent with the Gateway Determination received for the adjacent War Memorial Hospital Campus site, and will enable improved conservation of the significant heritage fabric of the site and increase the amount of usable, public open space available on the site. 3. Authorises officers to forward the planning proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. 4. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination that may be issued by the DPIE. 5. Notes that a Site Specific DCP will be exhibited concurrently with the planning proposal and will include provisions for scale and interface with the surrounding land uses, heritage buildings and gardens within the site, pedestrian access and through-site links and provision of landscaped open space. 6. Requests the role of local plan-making authority from the DPIE to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment. |
|---|--------------|--|

4. Discussion

Consultation

Feedback was obtained on the SSDCP during the public exhibition of both planning proposals: between 20 May 2021 and 4 July 2021 for the Campus Site and 10 November 2021 and 19 January 2022 for the Birrell Street Sites.

Public exhibition occurred through the following means:

- Notification to 403 unique addresses relating to owners and tenants of the properties surrounding the subject site.
- Notice in the *Wentworth Courier*.
- Social media posts on Council's Facebook page.

- Notification in Council’s Waverley Weekly and Have Your Say e-newsletters.
- notification to all of Council’s Precinct Committees.
- a presentation to Queens Park, Bronte Beach and Charing Cross precincts.

Feedback received during the public exhibition was reported to Council at its meeting on 17 August 2022 and 12 April 2022, where the feedback related to the SSDCP was provided alongside the feedback provided for the planning proposals.

A combined summary of the feedback provided is detailed in Table 3. More detailed discussion on the matters raised was provided to Council in reports relating to the planning proposals at the abovementioned dates.

Table 3. Combined summary of submissions relating to SSDCP.

| Supported | No. of submissions |
|--|---------------------------|
| Vision for the site | 2 |
| Retention and conservation of heritage | 1 |
| Did not support | |
| Removal of mature trees | 51 |
| Parking | 4 |
| Impact on habitat corridor | 56 |
| Building layouts | 17 |
| Proposed building setbacks | 3 |
| Not enough greenspace proposed | 2 |

Post-exhibition review

As the principal development standards for the Edina Estate are already detailed within the WLEP 2012, the role of the SSDCP is to only provide guidelines that support, and are not be inconsistent with, existing controls.

In addition, while the Edina Estate (War Memorial Hospital) is a place of key local significance and public interest, all relevant lots remain entirely under private ownership. To respond to the key concerns raised, throughout 2022 and 2023, Council officers met regularly with representatives from Uniting (the owner of all lots with the exception of 99 Birrell Street) and the associated project team consisting of heritage consultants, architects, landscape architects and town planners in an effort to constructively achieve improved outcomes for the site than would have resulted under the initial draft SSDCP.

A summary of the abovementioned key issues investigated throughout the post-exhibition review include:

- Ensuring the Conservation Management Plan is respected and embedded in the SSDCP.
- Improving outcomes relating to the protection of mature tree canopy on site and habitat corridor.
- Improving conservation of the gates in the corner of Birrell Street and Bronte Road, including public accessibility and the relationship of any new buildings presenting to the corner.
- Improving traffic and parking outcomes in the surrounding street network.

A discussion of the issues presented, and proposed responses is provided below, with a detailed summary of each post-exhibition change and associated explanatory notes in Attachment 2. Changes to the SSDCP in mark-up are set out in Attachment 1.

Mature trees and urban ecology

The majority of feedback received during the public exhibition periods related to the potential loss of tree canopy on site if development occurred in line with the exhibited draft SSDCP.

The biggest contributing factor to this loss of tree canopy was the possible layouts available for the central building, which would predominantly be used for residential aged care. The SSDCP in its previous form may have facilitated the removal of two of the five significant, mature fig trees, which the community has articulated as being highly valuable during the public exhibition periods.

Following this feedback, the following was considered:

- Potential location of underground basement parking and servicing access,
- Requirements for the central building which will provide residential aged care, including floor layout and solar access requirements, and
- Building heights and floor space ratio available under the WLEP via the finalised planning proposals.

The proposed updates to the SSDCP would facilitate the retention of four or five of the mature fig trees in the central part of the site. In addition, the reshaping of the central building zone (along with changes to service access points) and the retention of two mature fig trees to the south of the site, near Church Street has resulted in an additional area of publicly accessible open space, not previously present in the initial draft SSDCP.

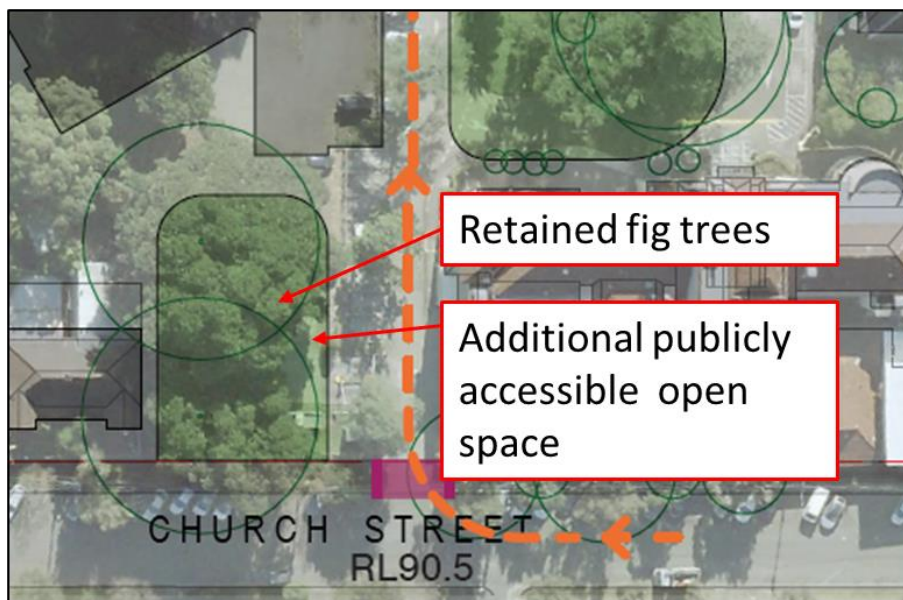


Figure 2. Indicative additional publicly accessible open space and retained trees.

In addition to the above, to ensure long-term canopy cover the SSDCP contains the following controls:

- Canopy coverage is to be provided at a minimum of 30% of the site area.
- Canopy coverage is to provide an appropriate cover that respects the heritage values of the place while providing a recognised habitat corridor through the site. Details of how the canopy, particularly the habitat corridor, will be maintained and managed over time is to be provided via a Canopy Succession Plan.
- New trees are to be provided at 200L to provide for increased habitat to the periphery of the site in the setbacks from the street frontage.
- Wildlife-friendly lighting is to be provided across the site.
- Pollinator-friendly species are to be provided on-site.

These controls were present in the first draft of the document and remain in the revised version. The WLEP 2012 also contains provisions requiring 30% of the site as deep soil areas, to facilitate both the retention of existing mature trees, and the growth of mature trees into the future.

The site also forms a part of Council's Habitat Corridor in the Waverley DCP. Previously the Habitat Corridor only covered part of the site, but the recently adopted Waverley DCP 2022 expanded this to cover the entirety of the site, with the support of Uniting.

Service vehicle and parking access

In response to concerns raised by residents on Church Street, as well as other residents who provided submissions on the matter, consideration has been given to the main service vehicle access point.

Under the initial SSDCP, service vehicles would enter from the existing Church Street entrance. This would create an increase of vehicle movements on Church Street and potentially more conflict with surrounding uses, inclusive of student movements associated with the surrounding schools. In addition, service vehicle access via Church Street would likely result in a poor urban design outcomes than if it was located elsewhere.

Alternative options considered the sloping topography of the site, particularly in relation to basement car parking, with the existing access point located at south-east corner of the site toward Bronte Road being the most likely suitable access point. Consultation was undertaken with Council's Traffic Team who advised that given there was an existing access point on Bronte Road, situating service vehicle entry from this location would be suitable, so long as there was no conflict with the 'keep clear' zone in front of Waverley Police station.

As a result, the relevant diagram within the SSDCP has been updated to reflect this change which, as well as reducing movements on Church Street, would also provide:

- Improved urban design outcomes for Church Street.
- Improved sight lines to the heritage items on the upper half of the site.
- The enabling of the proposed publicly accessible park with the retained two fig trees.
- Safer pedestrian accessibility through the north-south through site link.

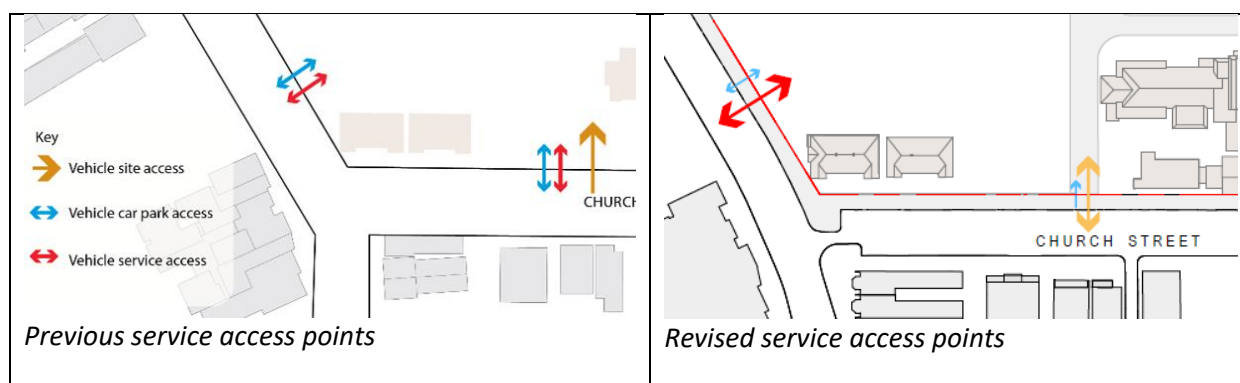


Figure 3. Revised service vehicle access points.

Birrell Street and Bronte Road corner gates

Concern was raised with the relationship of the corner gates with the rest of the site, including any new buildings in the north-west corner and pedestrian access through the gates themselves.

In responding to this issue, a number of options were considered, including full public access through the corner gates, the creation of a pocket park with a small seating space at the corner gates, with the space behind this area to remain private. This would involve leaving the gates closed, but creating a pathway behind the gates which is accessible to residents and can be open to the public, on occasion throughout the year, in line with site open days which have occurred regularly in the past, prior to the COVID-19 pandemic. The options considered, inclusive of the pros and cons of each are discussed in Table 4. The preferred option is to leave the gates closed, and not publicly accessible, except on public open days. The proposed changes to the corner gates are reflected in the revised SSDCP, which includes greater setbacks around the gates than previously proposed in the initial draft SSDCP.

Table 4. Birrell Street and Bronte Road gates – Options.

| Scenario | Benefit | Issues/risks |
|--|--|---|
| Full public access through gates to Edina. | <ul style="list-style-type: none"> Restores original access pathways. Responds to community and Councillor requests. | <ul style="list-style-type: none"> Security risks for residents in residential aged care who will use this area as private open space. |
| Small pocket park public open space on corner of Bronte Road and Birrell Street. | <ul style="list-style-type: none"> Provides improved access to gates while maintaining security of western part of site. | <ul style="list-style-type: none"> Perceived security issues based on Proponent consultation with local police. Does not provide full public access from the corner to Edina. |
| Gates closed, restored and open on public open days (proposed). | <ul style="list-style-type: none"> Maintains security for western part of the site. Improved outcomes and celebration of gates. Provides a level of public access throughout the year. Achieves outcomes of both security and public access. | <ul style="list-style-type: none"> Gates closed most of the year. Does not provide full public access from the corner to Edina as requested. |

In addition to the above, setbacks have been increased for future buildings located near the corner of Bronte Road and Birrell Street. Additional controls have been added to the draft SSDCP to ensure the gates are celebrated and any new built form respects both the curtilage of the gates and their significance and prominence in both the local area and the Waverley local government area.

Corner of Church Street and Bronte Road

Uniting advises that the cottages at the corner of Church and Bronte Road would possibly be converted into residential facilities, connected to any new built form on Bronte Road. As such, setbacks, and height in storeys have been revised to reflect what would be an appropriate built form based on a connection being constructed, rather than a standalone extension as was previously proposed. Two different controls have been prepared to allow for the possible different scenarios which may eventuate once the detailed design process has been completed by Uniting.

Maximum number of storeys

The maximum number of storeys has been revised, in line with the revised building zone areas, areas on the site where buildings may be constructed. The previous iteration of the SSDCP had some components of the site with varying number of storeys. For example, four storeys set back to seven storeys on Bronte Road and five storeys on the corner of Birrell Street and Bronte Road. The figure has been updated to apply a

consistent four-storey and six-storey built form across the site (with the exception of the Church Street and Bronte Road corner).

This amendment is informed by assumptions such as increasing the floor to floor height from 3.1 to 3.2 m. Therefore, to comply with WLEP 15 m/21 m height limits, four and six storeys is considered appropriate. Due to the sloping nature of the site, there may be some instances where an exceedance to the number of storeys may occur. Given the WLEP2012 prevails over the Waverley DCP 2022, a control has been included in the SSDCP which speaks to this matter.

Statutory pathway

Following the introduction of the Housing State Environmental Planning Policy (SEPP) in late 2021, seniors housing developments with capital works costs in excess of \$30 million qualify to undertake the State Significant Development (SSD) pathway.

Therefore, any future development application that meets this requirement would be determined by the Department of Planning and Environment or in some circumstances the Independent Planning Commission if:

- 50 or more 'unique' public objections have been made to the Department of Planning and Environment at the time that it exhibited the proposed development, or
- A reportable political donation has been made by the applicant, or
- An objection to the proposed development has been made to the Department of Planning and Environment by the relevant local Council.

Council's role would be to provide submissions on the process.

The SSD pathway also has implications on the SSDCP. Development Control Plans are not prescribed as applying to SSD applications. The Department of Planning and Environment provides the following advice:

Development Control Plans do not generally apply to State Significant Development (SSD). However, the development control plan may be considered to inform the design specifications proposed, for example a comparison of what is proposed versus what is in the development control plan. This information could then be taken into account as part of the assessment of the project.

Specifications that may be otherwise outlined in a Development Control Plan (but for SSD) may be addressed in the SSD Environmental Impact Statement, assessment and engagement process, including post determination conditions as may be relevant.

The relevance of the SSDCP to any site specific assessment would be addressed at the time when a SSD is lodged and Council is invited to provide comment.

Social impact mitigation

At the Council meeting on August 2021, Council requested that social impact mitigation measures be included in the planning proposal, SSDCP or any other planning instrument. As the Local Plan Making Authority, the Department of Planning and Environment (DPE) did not include any measures in the finalisation of both planning proposals, other than the inclusion of the requirement for 10% Affordable Housing to be provided on the Birrell Street Sites.

At the Strategic Planning and Development Committee meeting on 6 September 2022, Council resolved to adopt Social Impact Assessment Guidelines and include the Guidelines and associated controls into the Waverley Development Control Plan which relate to a project of this nature and size. In addition, under the State Significant Development (SSD) pathway, a social impact assessment is required to be undertaken.

99 Birrell Street, Waverley

All lots within the area subject to the SSDCP are under ownership of Uniting except 99 Birrell Street. Although planning has assumed the site would be developed as a consolidated urban block, it is possible that 99 Birrell Street could be excluded from any future development application. Should this occur, the applicant would be required to address relevant Land and Environment Court planning principles relating to isolated land.

Proposed Heritage Conservation Area

At the Council meeting on 15 February 2022, Council resolved to establish the entire urban block of the subject site discussed in this report as a Heritage Conservation Area (HCA) in Schedule 5 in the WLEP. This resolution resulted in the proposed HCA being included in Council's Heritage Policy Implementation planning proposal which was submitted to the DPE in May 2022. Following an initial review of the planning proposal, the DPE provided Council with a request for a substantial amount of additional work to be completed. Officers are still in the process of completing this additional work, with a view to resubmitting the planning proposal for Gateway determination.

5. Conclusion

As detailed in the report, there is substantial community interest in ensuring any redevelopment of the War Memorial Hospital site is undertaken in a way that respects the significant heritage of the site and the surrounding character of the local area.

In response to the issues raised during the multiple public exhibition periods, a revised SSDCP has been prepared and is recommended for adoption.

6. Attachments

1. Part E7 - Edina Estate [↓](#)
2. Detailed summary of changes [↓](#)

Site Specific Development **E**

PART E7

SITE SPECIFIC DEVELOPMENT

REPORT
PD/5.2/23.05

Subject: Clause 4.6 Variations to Development Standards - Quarterly Report - January-March 2023

TRIM No: A23/0244

Manager: Angela Rossi, Acting Executive Manager, Development Assessment

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

RECOMMENDATION:

That Council notes the clause 4.6 variations to development standards for the period 1 January 2023 to 31 March 2023 attached to the report.

1. Executive Summary

The Department of Planning and Environment (DPE) Planning Circular PS 20-002 requires a quarterly report to be tabled at a Council meeting for information only, outlining development applications where there was a variation to a development standard approved pursuant to clause 4.6 of *Waverley Local Environmental Plan 2012* (WLEP 2012). The determinations have been made by either the Sydney Eastern City Planning Panel, the Waverley Local Planning Panel or by planning officers under delegated authority.

The quarterly report is provided to DPE and is published on an ongoing basis on Council's website.

There were 14 development applications approved with a clause 4.6 variation in the last reporting quarter, for the period 1 January-31 March 2023.

Separately, in 2022 DPE undertook a periodic audit of several NSW councils, including Waverley, to ascertain Council's compliance with the procedural and reporting requirements associated with the use of clause 4.6. The audit found that Council has met all procedural and reporting requirements associated with the use of clause 4.6.

2. Introduction/Background

The NSW planning system provides flexibility in planning controls by providing the ability for a consent authority to vary development standards in certain circumstances. Development standards are contained in the LEP (a statutory planning instrument) and are a means to achieving an environmental planning objective and can be numerical or performance based. Common development standards sought to be varied in the Waverley local government area include height of building, minimum lot size and floor space ratio. The Development Control Plan (DCP) is a non-statutory planning instrument and does not contain development standards.

Some developments may achieve the objectives of development standards, despite non-compliance with the numerical development standard. The planning system provides flexibility to allow these objectives to be met by varying development standards in certain cases.

Clause 4.6 is common to all standard instrument LEPs across all NSW Councils. The objectives of the clause are:

- *To provide an appropriate degree of flexibility in applying certain Development Standards to development, and*
- *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

If an applicant wishes to vary a development standard contained within an environmental planning instrument, such as the WLEP 2012, their development application needs to be supported by a written request for variation pursuant to clause 4.6 of WLEP 2012 outlining why compliance with the relevant development standard is unreasonable or unnecessary in the circumstances of the case.

There are a number of procedural and reporting requirements for councils to ensure transparency and integrity in the planning framework. This report details development applications which approved clause 4.6 variations during the reporting period.

3. Relevant Council Resolutions

Nil.

4. Discussion

Planning Circular PS20-002 contains information about reporting requirements. For example, Council is required to report its (or the Local or Regional Panels') use of clause 4.6 to the Department of Planning and Environment on a quarterly basis. To ensure transparency and integrity in the planning framework, and consistency with Planning Circular PS 20-002, quarterly reporting to a Council meeting is also required.

The Clause 4.6 Variation Register for the quarter between January to March 2023 is attached to this report.

5. Financial impact statement/Time frame/Consultation

There are no financial implications relating to this report.

6. Conclusion

This report satisfies the requirement to report to Council quarterly on clause 4.6 variations to development standards.

7. Attachments

1. Clause 4.6 Variation Register - January-March 2023 [↓](#)

REPORT
PD/5.3/23.05

Subject: Net Zero Community Emissions Target - Programs

TRIM No: A08/1210

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

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

RECOMMENDATION:

That Council:

1. Notes:
 - (a) That the achievement of Council's net zero community target by 2035 remains reliant on emissions offsets to meet the calculated shortfall of Council's current emissions reduction pathway.
 - (b) The consultation and engagement that is occurring with the community and experts on emissions reduction actions to meet the net zero community emissions target.
2. Writes to the NSW Minister for Climate Change, the Hon. Penny Sharp MP, seeking additional and accelerated investment in net zero initiatives to support progress towards meeting Council's net zero community emissions target.
3. Engages stakeholders from the Net Zero Roundtable event to work together to progress and promote the increased acceleration of net zero actions across the Waverley business community.
4. Continues to lead by example in taking all available opportunities and advocating strongly to urgently reduce greenhouse emissions across Council operations and community actions.

1. Executive Summary

This report responds to a Council resolution from September 2022 and outlines current and pending grant opportunities to increase the scale of Council's community greenhouse gas reduction programs. It details recent consultation and potential initiatives to address the calculated shortfall on Council's current emissions reduction pathway towards the net zero community target by 2035.

2. Introduction/Background

In 2019, Waverley declared a Climate and Biodiversity Emergency, acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations.

In March 2022, Council adopted a community greenhouse gas emission reduction target of net zero by 2035, which is enshrined in the Community Strategic Plan and Environmental Action Plan (2022 -2032).

This report outlines:

- Grant and other funding opportunities to increase the scale of Council’s community greenhouse gas reduction programs.
- Officer review of the existing emissions reduction road map through consultation with experts and the community, to revise strategies to assist in meeting the 2035 target, with minimal reliance on carbon offsets.
- Challenges in meeting zero community emissions by 2035 without expanded programs from either Council, other Government agencies or the private sector.

3. Relevant Council Resolutions

| Meeting and date | Item No. | Resolution |
|---------------------------------|--------------|---|
| Council 20 September 2022 | CM/7.7/22.09 | <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes: <ol style="list-style-type: none"> (a) Its declaration of a Climate and Biodiversity emergency. (b) The implementation of current greenhouse gas reduction actions in Table 1 of the report and outlined in the Environmental Action Plan 2022–2032. (c) The urgency of reducing greenhouse gas emissions and the potential shortfall in Council’s current emissions reduction pathway to achieve net zero community emissions by 2035, which could be assisted by actions in Table 2 of the report. 2. Publishes the list of strata energy service consultants attached to the report to support Waverley residents living in apartments to access high-quality advice on energy management and emissions reduction actions. 3. Investigates grant and other funding opportunities to increase the scale of Council’s community greenhouse gas reduction programs and receives a report for the December 2022 Council meeting. 4. Requests the Mayor to convene a round table in December 2022 with key community and business stakeholders seeking: <ol style="list-style-type: none"> (a) Their support and contribution for the net zero by 2035 community target. (b) A commitment to the development and implementation of key strategies that will assist in meeting the 2035 target. 5. Requests officers to review the existing roadmap and develop it further with more detail and more ambitious timelines to achieve community target of net zero by 2035 |

| | | |
|--|--|--|
| | | <p>by June 2023 as follows:</p> <p>(a) By arranging a series of working groups with expertise in the field of climate science, active transport, solar and battery power infrastructure, electric vehicle (EV) infrastructure, community activists, residents, representatives from state and federal government, Council officers, interested Councillors, First Nations custodians and other stakeholders (with the first meeting to occur no later than February 2023).</p> <p>(b) The working groups are to:</p> <p>(i) Make recommendations for the further development of the roadmap that incorporates a holistic approach across all relevant aspects of Council's jurisdiction, including Local Environmental Plan and Development Control Plan amendments, active transport initiatives, EV charging infrastructure, solar on multi-unit dwellings etc.</p> <p>(ii) Consider, specifically, whether the plan will ensure our Council area achieves net zero by 2035, with minimal reliance on carbon offsets.</p> <p>6. Officers invite interested Councillors to an informal workshop as soon as practicable to identify how they can contribute towards achieving our goals and commitments.</p> |
|--|--|--|

4. Discussion

Relevant grants to increase the scale of Council's community greenhouse gas reduction programs.

A list of potential grant opportunities is summarised in Table 1, of which many require matched funding.

Table 1. Grant funding opportunities for EAP 2022-23.

| Grant | Grant recipient | Opportunity | Status |
|--|---|---|--|
| BUILT ENVIRONMENT | | | |
| Solar for Low Income Households (NSW Government) | Community who: <ul style="list-style-type: none"> Receive the Low Income Household Rebate Hold a valid Pensioner Concession Card/Veteran Card Are homeowners currently without a solar PV system | Households receive a 3 kW solar PV system in lieu of a Low Income Household Rebate. | Not available in Waverley until mid-2023 |
| Small scale renewable energy scheme (SRES) (Clean Energy Regulator) | Residents and businesses installing renewables (photovoltaics, solar hot water, air source heat pumps) | This reduces the installation cost of solar. | Currently available and well utilised. |

| | | | |
|--|---|---|--|
| Community Battery Grants Program (ARENA) | AusGrid (Distributed Network Service Providers) | AusGRID is a recipient of funding to install a community battery in Waverley. | Ausgrid will be consulting on possible locations models for a community battery. |
| Community Battery Grants Program (ARENA) | Households, businesses and other | Stream B community battery grant | Applications close in June 2023 |
| Energy Saving Certificates (NSW Government) | Households and businesses | The Energy Savings Scheme provides financial rebates for energy efficiency upgrades. <ul style="list-style-type: none"> • LED lighting • Heat pump and solar HWS • HVAC upgrades (business only) | Open |
| Environmental Upgrade Finance | Businesses | EUF offers green business loans for environmental upgrades. The loans are low interest and paid back through Waverley Council rates. 12 months into a pilot at Waverley Council, there has been zero uptake. | Open |
| ELECTRIC VEHICLES | | | |
| Intellihub Street Power Pole EV Charger with Grid Integration project Australian Renewable Energy Agency (ARENA) | Council is an indirect beneficiary of a grant won by Intellihub | Intellihub is installing 5-10 public EV pole chargers in Waverley. | Underway |
| Electric Vehicle Fast Charging Grants (NSW Government) | Charge point operators (CPOs) | Provides co-funding to CPOs to construct fast charging stations across the state. | Underway |
| Stamp duty of up to \$3000 waived for electric vehicles (NSW Government) | Community (households or businesses) | All new or used light electric vehicles (up to and including \$78,000) are exempt from up to \$3000 stamp duty. | Open |
| ACTIVE TRANSPORT | | | |
| Get NSW Active (NSW Government) | Councils | Funding for projects that create safe, easy and enjoyable walking and cycling trips. | Grant submission made |

Council is a partner of the ARENA-Intellihub pilot grant, which was announced in December 2022. This pilot relates to the installation of 50 7.5 kW chargers on street side power poles within the Ausgrid network area and in partnership with six local councils. As part of this project, it is anticipated that approximately 10-20

locations throughout the Eastern Suburbs are expected to be selected. Engagement with Council's Traffic Team for future Traffic Committee approval will commence early this year.

Council has consulted Ausgrid to submit a joint application to the new Commonwealth Community Batteries grant program in January-February 2023. Council is also investigating the installation of behind the meter (BTM) batteries with our Energy Retailer, Zen Energy, at Council sites. Zen Energy would use these batteries to reduce the peak demand for these sites, which would save Council and Zen Energy electricity network charges and enable higher levels of renewable electricity in the grid.

Residents may apply for the other grant opportunities listed and will be promoted and communicated to our community through existing channels. While grants may support uptake of lower emissions technologies, they are unlikely to support the scale of emission reductions required for net zero community emissions by 2035.

Consultation timeline

Council officers have consulted with experts and members of the community since August 2022 on opportunities for accelerating Council action to achieve net zero emissions, including the steps in Table 2.

Table 2. Consultation timeline since August 2022.

| | |
|--------------|--|
| 28 September | Consultative review of CM/7.7/22.09 by industry experts at Atlassian, Enosi Australia and ROEV |
| 19 October | Sustainable Expert Advisory Panel meeting review of Council's emission reduction pathway. Strengthening Waverley's Development Control Plan (WDCP) to capture emission reduction opportunities was strongly supported |
| 27 November | Waverley hosted the first regional Community Climate Summit which enabled broad and in-depth discussion with Federal, State and Local leaders as well as leading experts including John Grimes, Smart Energy Council, Tim Buckley, Climate Energy Finance, Beyond Zero Emissions, Kirsten McDonald, Electrify 2515 and also collected over 100 ideas for reducing emissions from Waverley residents |
| 7 December | Adoption of strengthened Waverley Development Control Plan 2022 requiring all homes to achieve future all electric capacity and power by renewable energy, no new gas stoves, gas ovens and gas space heating in residential development and new developments to provide EV charging and or supporting power infrastructure. Council's new requirements garnered support from leading organisation including the Australian Sustainable Built Environment Council, the Green Building Council and Doctors for the Environment. |
| January | Promotion of Get Green Power Campaign, to encourage residents to eliminate emissions through voluntary purchase of renewable energy through their electricity retailer |
| 28 February | Councillor briefings on EV charging infrastructure |
| 17 March | Mayoral forum with Local Business and Community Leaders |
| 7 March | Go Electric Homes information session – Bondi Pavilion |
| 17 March | Mayoral Net Zero forum with Local Business Leaders, which identified key areas of collaboration, where Council can strategically support further action, including better communicating net zero concepts and solutions to the community, showcasing net zero actions of our leading businesses, better supporting Small to Medium Enterprises (SME) to take action and addressing travel challenges for workers in our commercial precincts. |
| 4 April | Go Electric EV in Apartments information session – hosted with Woollahra Council |
| 2 May | Go Electric Solar on Apartments information session – hosted with Randwick Council |

The results of consultation undertaken by Council staff at the 27 November 2022 community climate summit are outlined in Figure 1 below.

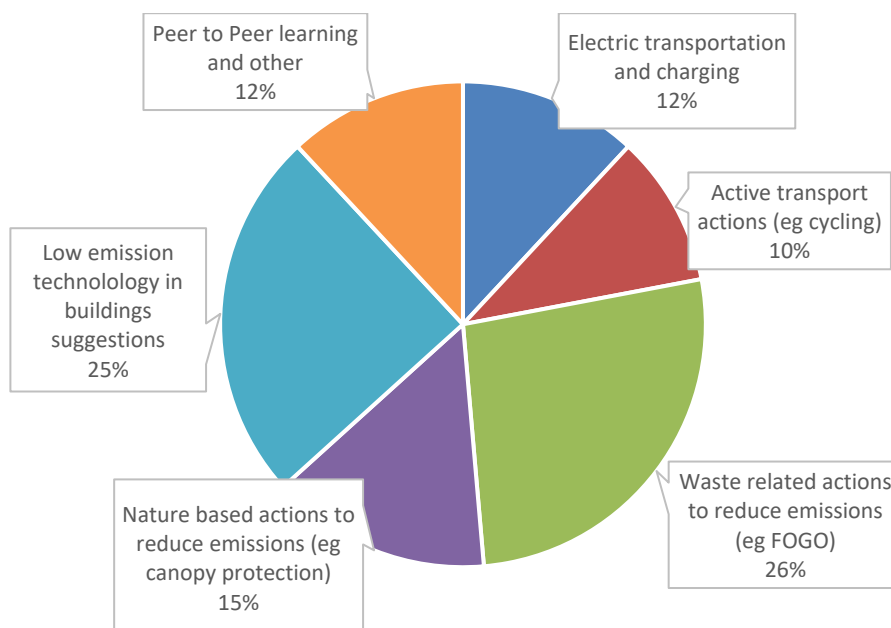


Figure 1. Community suggestions for Council support for achieving net zero emissions.

Revised programs to assist in meeting the 2035 target

Following consultation, a number of activities have been identified to accelerate the reduction of community emissions:

- Increasing low emission technology and energy efficiency in private property, specifically supporting solar, batteries, replacing gas with electric appliances, and electric vehicle charging,
- Increasing active transport and the electrification of transportation, including expanded cycleways and additional public EV chargers.
- Reducing emissions from waste and recycling.
- Ensuring natural cooling through urban greening and vegetation protection.
- Support SMEs to assess and address emission reduction opportunities.
- Support Strata buildings to assess and address emissions reduction opportunities.

Council programs in support of these activities are currently underway, but could go further. For example, the update of the Waverley Development Control Plan in December 2022 includes ambitious controls around air quality, support for all electric homes, requirements for EV charging and improved thermal comfort requirements and vegetation protection will assist with accelerating progress to net zero in new developments. Expanding the financial support currently provided through the Building Futures program, by trialling rebates will enable SMEs and smaller strata buildings to access professional advice and technologies.

Achieving net zero emissions by 2035 is feasible but highly ambitious. To achieve the rate of transition necessary will require stakeholders from all levels of government and the private sector to deliver programs that assist the local community to reduce their emissions. Without highly ambitious actions and programs in the short term, achieving net zero would require that emissions offsets are purchased.

Action could be accelerated and expanded, with additional grant resources as proposed in Table 3.

Table 3. Greenhouse gas emission reduction programs and costings.

| Focus Area | Action | Milestones by 2035 | Estimated annual cost (\$/year) |
|-----------------------------|---|--|--|
| Built environment | Built environment Sustainability support and Incentive Rebates | <ul style="list-style-type: none"> Work with ~780 apartment buildings to install EV charging infrastructure in their common area carparks. Engage 15,000 households to electrify cooking, heating and hot water. | \$700,000 |
| | Expanded Building Futures program incorporating support for Solar or batteries for small strata, Businesses and Renters | <ul style="list-style-type: none"> Work with 160 of the highest electricity consumers to reduce greenhouse emissions by 20% through Building Futures Engage 1000 single dwelling rental properties and their landlords to install solar. Engage a minimum of 200 strata buildings (out of a total of 1700) to install solar and/or batteries. Engage a minimum of 240 small businesses (of a total of 1200) to install solar and/or batteries. | \$400,000 |
| Active Transport | Enhanced cycling support | <ul style="list-style-type: none"> Implementation of the Active Transport Strategy for walking and cycling | Part costed in the LTFP with potential for state grant funding |
| Electric vehicle incentives | EV public charging stations | <ul style="list-style-type: none"> Installation of a comprehensive EV charging network by 2035 See electric vehicle rebates above | Part costed in the LTFP with future feasibility reliant on state and federal grant funding |

5. Financial impact statement/Time frame/Consultation

The additional activities outlined in Table 2 are reliant on expanded funding when and if available. Council will continue to strategically support further action to accelerate Waverley based projects to support the achievement of net zero community emissions through our programs and currently available financial resources. However, based on consultation and research to date, even with the successful delivery of the above programs and potential grants, the achievement of net zero community emissions by 2035 is still dependent on the purchase of some emission offsets.

The availability of expanded or new grant opportunities is required to accelerate Waverley-based projects to support the achievement of net zero community emissions.

6. Conclusion

The achievement of net zero community emissions is challenging and requires collaborative and coordinated action by all levels of government, businesses as well as motivation and implementation by

private individuals. Waverley's new Development Control Plan is a powerful tool for guiding new developments towards achieving net zero. However, Council lacks leverage to retrofit and reorientate existing energy, transport and waste systems and infrastructure. Supporting a financially feasible program requires ongoing openness to technology opportunities, well supported engagement, and education with the community on their role and unwavering commitment to taking all available opportunities to reduce emissions in our community.

7. Attachments

Nil