



W A V E R L E Y
C O U N C I L

STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

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

7.30 PM, TUESDAY 4 JULY 2023

Emily Scott
General Manager

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Delegations of the Waverley Strategic Planning and Development Committee

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

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

Statement of Ethical Obligations

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

Live Streaming of Meeting

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

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6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/23.07



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 June 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 6 June 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 - 6 June 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, 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 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 7.33 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 Nemes 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.

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

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.

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

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.

Cr Murray was not present for the votes on this item.

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.

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

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.

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

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.

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

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:

‘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

Seconder: 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.

.....
SIGNED AND CONFIRMED
CHAIR
4 JULY 2023

REPORT
PD/5.1/23.07

Subject: 5 Tamarama Street, Tamarama - Rezoning

TRIM No: PP-4/2022

Manager: George Bramis, Executive Manager, Urban Planning

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

RECOMMENDATION:

That Council:

1. Approves the following amendments to the *Waverley Local Environmental Plan 2012* in respect of 5 Tamarama Street, Tamarama, known as Lot 1 in DP 1188291:
 - (a) Amend the land use zone from R3 Medium Density Residential to R2 Low Density Residential.
 - (b) Amend the floor space ratio from 0.6:1 to 0.5:1.
 - (c) Amend the maximum building height from 9.5 m to 8.5 m.
2. Requests the Department of Planning and Environment to finalise the amendments

1. Executive Summary

The NSW Department of Planning and Environment has advised that it supports the planning proposal to downzone 5 Tamarama Street, Tamarama. On 5 April 2022, Council resolved to amend the *Waverley Local Environmental Plan 2012* (WLEP) by changing the land use zone from Zone R3 Medium Density Residential to Zone R2 Low Density Residential.

The proposal relates to a 368 sqm rectangular-shaped parcel of land formerly part of 20 Illawong Avenue, Tamarama. The legal description of the site is 5 Tamarama Street, Tamarama, which on 15 September 2022 was registered for subdivision under Lot 1 in DP 1188291 (see Attachment 4).

In accordance with WLEP, the land is zoned R3 Medium Density Residential, has a maximum height of 9.5m and a maximum floor space ratio of 0.6:1. The intended outcomes of the planning proposal are as follows:

1. Amend the zoning to R2 Low Density Residential.
2. Amend the floor space ratio (FSR) applying to 0.5:1.
3. Amend the height of the building's development standard to 8.5 m.

2. Introduction/Background

The subject area has had a history of being zoned as Low Density Residential. The existing built form and road network suggest that the R2 Low Density Residential zone is the most appropriate for the site. Prior to the implementation of the Standard Instrument and changing of zoning codes in the WLEP 2012, the subject site was zoned 2(a) Low Density Residential, with the adjacent lot (forming the rest of the original lot pre-subdivision zones) as 2(b) Medium Density Residential.

In 2012 when the WLEP was implemented, the subject lot, which formed part of the larger lot (20 Illawong Ave), was zoned as R3 Medium Density Residential.

In 2012, a development application was lodged (DA-125/2012) which sought alterations and additions to the multi-storey residential flat, including two new penthouses, underground car parking and a new three-storey block of five apartments and a land subdivision to create two new lots were subsequently approved.

Table 1. Timeline of the proposal.

Time	Event
4 March 2022	Subdivision certificate was lodged with Council relating to the subject site, which had been advertised for sale. Community members raised concerns that the site could permit the development of a residential flat building due to the R3 Medium Density Residential zoning of the land.
5 April 2022	Council resolved to prepare a planning proposal to rezone the site.
5 August 2022	A Section 3.22 application for an expedited amendment to the Waverley LEP 2012 relating to the site was lodged by Council.
27 October 2022	The Department issued a letter to Council, requesting withdrawal of the section 3.22 application, as the proposal, which seeks to reduce the development potential of the site, should be subject to community consultation as part of the planning proposal process. Council officers subsequently withdrew the application.
29 November 2022	A planning proposal seeking the same LEP amendments relating to the site as the previous section 3.22 application was lodged by Council for Gateway determination.
7 December 2022	The Department advised Council that the planning proposal needed further information. The proposal was discontinued and did not proceed.
17 January 2023	A revised planning proposal (PP-4/2022) was lodged by Council to the Department of Planning and Environment (Attachments 1 and 2).
1 March 2023	Council received a Gateway determination from the Department of Planning and Environment (Attachment 2).
12 April 2023	The planning proposal was exhibited from 12 April 2023 to 10 May 2023.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 April 2022	PD/5.5/22.04	That Council: <ol style="list-style-type: none"> 1. Supports a planning proposal for the property at 7B and 5 Tamarama Street (legal description being Strata Plan 1737) to rezone the land from R3 to R2, with a maximum height of 8.5 m and FSR of 0.5:1 to match the surrounding R2 zone. 2. Forwards the planning proposal to the Department of Planning and Environment (DPE) for Gateway Determination.

4. Discussion

The planning proposal for 5 Tamarama Street, Tamarama, seeks to amend the Waverley LEP 2012 in relation to the subject site as identified in Table 2.

Table 2: Existing and proposed amendments to WLEP 2012.

WLEP 2012 Provision	Current Planning Controls	Planning proposal
Zone	R3 Medium Density Residential	R2 Low Density Residential
Permissible uses	Dwelling House, Dual Occupancy, Multi-Dwelling Housing, Manor House, Residential Flat building	Dwelling House, Dual occupancy
Additional Permitted Use	Nil	Nil
FSR	0.6:1	0.5:1
Height	9.5 m	8.5 m

Part of the intended outcome of this planning proposal is to ensure that any redevelopment of the subject site is consistent with the surrounding Low Density Residential character of Tamarama Street and also meets the expectation of the local community that future development would not unreasonably compromise their residential amenity.

The planning proposal aims to accurately reflect the actual development potential of the site, providing greater clarity to both the community and industry regarding feasible development options. Additionally, the proposal ensures that the zoning and development standards align with those of neighbouring lots along the street, promoting consistency and coherence in the area.

5. Consultation

The public exhibition of this planning proposal took place over four weeks from 12 April 2023 to 10 May 2023. Notification of the public exhibition occurred through the following means:

- Letter notification to the landowner of 5 Tamarama Street, Tamarama.
- A Have Your Say page.
- Notice to the Precinct Committees.

Council has not been authorised as the local plan-making authority. This means that Council will use community feedback received on the Proposal and other accompanying documents available during the public exhibition to make a recommendation to DPE to finalise the Proposal.

A total of 11 submissions were received from members of the community, including Tamarama Street and Illawong Avenue. Table 6 summarises the feedback received:

Table 3: Community submissions.

Community comment	Number of Submissions
Amendment to Zoning from R3 to R2 should be refused	1
Amendment to Zoning from R3 to R2 should be supported	10

Community comment

- The subject site should be consistent with the rest of the properties on Tamarama Street.

- Future development with an R3 zoning would change the character and have a negative impact on the surrounding neighbourhood.
- Significant impact on traffic and overshadowing if any future development happens in Medium Density Residential.

6. Conclusion

The planning proposal would amend the Waverley LEP2012 to zone the subject area from R3 Medium Density Residential to R2 Low Density Residential which is the appropriate zoning given the context and location of the subject site.

The subject area has a long history of being designated for Low Density Residential and the existing built form and road network suggest that an R2 Low Density Residential zone is most appropriate. The R2 Low Density Residential zone permits a range of residential uses that reflect the general character of the locality and provide a density that is more compatible with the existing infrastructure.

The planning proposal is consistent with Eastern City District Plan and Waverley Local Strategic Planning Statement and is recommended for adoption.

7. Attachments

1. Planning proposal [↓](#)
2. Gateway determination [↓](#)
3. Proposed mapping [↓](#)
4. Registered plan [↓](#)



PLANNING PROPOSAL

5 Tamarama Street, Tamarama

Rezoning from R3 (Medium Density Residential) to R2 (Low-Density Residential) in Waverley Local Environmental Plan 2012 and Amendment to Floor Space Ratio and Building Height

Planning Proposal 5 Tamarama Street, Tamarama

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REPORT
PD/5.2/23.07

Subject: Coastal Reserves Plan of Management - Round 1 Consultation Outcomes

TRIM No: A22/0322

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the community feedback from Round 1 of the consultation on the Coastal Reserves Plan of Management, as set out in the attachment to the report.
2. Notes that officers will prepare a further report to Council seeking approval to commence Round 2 of the community consultation and engagement activities to test and receive feedback on key ideas to be included in the draft Plan of Management.

1. Executive Summary

The purpose of this report is to inform Council of the feedback results from the Round 1 Community Consultation for the Coastal Reserves Plan of Management as summarised in the attached report – Refer Attachment 1.

2. Introduction/Background

Council's Community Strategic Plan 2018-2029 details the following goals for our open spaces:

- 3.1 – Improve health and quality of life through a range of recreational opportunities and quality open spaces.
- 3.2 – Expand the network of parks and open spaces, sporting and recreational facilities.

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks plans of management. A plan of management is a document that defines the value, use, management practices, and intent for the public purpose for which the land has been reserved.

There is an existing Coastal Reserves Plan of Management (PoM). However, it was produced in 1993. Due to its age, the changes to the reserves and the way that the community engages with the reserves, and that a new Act now regulates Crown lands, a new Coastal Reserves PoM needs to be produced.

The *Crown Land Management Act 2016* (CLM Act) came into effect in June 2018. This legislation requires Council to update all our plans of management by June 2023. In October 2020, Council resolved to update a priority list of Plans of Management (PoM) to comply with the new CLM Act. The Coastal Reserves Plan of Management is the next PoM to be developed.

In April 2021, Council approved the OSRS. The OSRS helps to understand the priorities for our parks to deliver quality greenspace and community recreation outcomes, as well as provide direction in their management. In addition, the recent Inclusive Play Study has further defined how we plan and upgrade our play spaces. These strategies are based on community feedback and independent expert advice. Both these strategies are the main sources of direction for the development of the Coastal Reserves Plan of Management. Preliminary ideas and opportunities for the Coastal Reserves Plan of Management are based on these source documents.

A Communications and Engagement Strategy has been developed for the new Coastal Reserves Plan of Management, which includes three stages of stakeholder and community consultation. These stages are:

- Round 1 – Gathering Ideas. To understand how the individual reserves are used and valued by the community.
- Round 2 – Develop ideas and consult with the community.
- Round 3 – Draft PoM placed on Public Exhibition (42 days).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 April 2021	CM/7.6/21.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the feedback received on the draft Open Space and Recreation Strategy during the public exhibition period between September and November 2020. 2. Adopts the Open Space and Recreation Strategy attached to the report (Attachment 1) subject to the following amendment: <ol style="list-style-type: none"> (a) Page 216 of the attachments under separate cover, after the first paragraph – Insert the following: <p style="margin-left: 40px;">‘Section 2 of the NSW <i>Constitution Act 1902</i> recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and have made, and continue to make, a unique and lasting contribution to the identity of the State.’</p>
Council 20 October 2020	CM/7.6/20.10	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to section 3.23 of the <i>Crown Lands Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report. 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands.

		<ol style="list-style-type: none"> 3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>. 4. Updates the plans of management as prioritised in the report. 5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change. 6. Writes to the Crown Lands Area Manager requesting them to: <ol style="list-style-type: none"> (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands. (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club. 7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work. 8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.
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4. Discussion

The *Crown Land Management Act 2016* came into effect in 2018. The NSW Government gave local councils, who are crown land managers, three years to update all their plans of management. This was to be completed by June 2021. The Department of Planning has given a further extension for councils to meet the requirements of the Act.

In CM/7.6/20.10, Councillors were presented with a prioritised list of plans of management to be developed in the 2021–2023 period. Recently we have developed the following PoMs:

- Williams Park and Hugh Bamford PoM (completed).
- Bondi Park PoM (completed).
- Draft Waverley Park PoM (public exhibition completed, to be reported to Council for adoption).
- Draft Bronte Park and Beach PoM (in preparation for public exhibition – August/September 2023).
- Draft Tamarama Park PoM (In preparation for public exhibition – October/November 2023).

The outstanding plans of management to be completed are two generic PoMs. Generic PoM are plans where parks and reserves are categorised on their similar features, uses and management requirements. For Waverley's remaining PoM the parks and reserves are combined into two groups of reserves:

- Coastal Reserves Plan of Management (CR PoM).
- Local Parks Plan of Management

We have now started developing the CR PoM.

What reserves are included in the Coastal Reserves PoM

The new Coastal Reserves Plan of Management will include the following reserves and parks:

1. Clarke Reserve (Crown land).
2. Jensen Avenue Reserve (community land).
3. Tower Street Reserve (community land).
4. Diamond Bay Reserve (community land).
5. Eastern Reserve (Crown land).
6. Weonga Reserve (Crown land).
7. Rodney Reserve (Crown land).
8. Raleigh Reserve (Crown land).
9. Ben Buckler Park and Ray O’Keefe Reserve (Crown Land).
10. Hunter Park (Crown land).
11. Marks Park (Crown land).
12. Gaerloch Reserve (Crown land).
13. Calga Reserve (community land).

CR PoM – Round 1 community consultation findings

Round 1 Community Consultation was open from 21 October 2022 to 20 November 2022.

The aim was to:

- Communicate with a broad range of stakeholders to develop interest and understanding of the project.
- Capture visitation data so the draft PoM is reflective of each reserve’s usage.
- Council ‘informed and consulted’ the public throughout the engagement process. The feedback gathered in this phase will inform the development of the Coastal Reserves Plan of Management.
- A range of methods were used to maximise opportunities for community participation. There were over 1,000 interactions with the engagement campaign, detailed in the table below alongside key data.

Table 1. Consultation methods and responses.

Method	Overview	Date	Response
Have Your Say website	Council’s Have Your Say Waverley website had a dedicated page for this project: haveyoursay.waverley.nsw.gov.au/coastal-reserves-plan-management	21 Oct – 20 Nov	1,371 visits to the page 482 submissions (397 survey submissions) (85 ideas)
Social media posts (Facebook) Appendix A	Post 1: Launch of consultation Post 2: ‘What’s your favourite coastal park?’	4 Nov 13 Nov	Total: 1,540 reach 44 engagements
Social media posts (Instagram) Appendix A	Post 1: Launch of consultation Post 2: ‘What’s your favourite coastal park?’	3 Nov 13 Nov	Total: 3,600 reach 132 likes

Waverley Weekly e-newsletter Appendix B	Explained the project and directed people to the HYS page	27 Oct	6,917 recipients 57 clicks
Have Your Say e-newsletter	Sent when the project was launched on Have Your Say Waverley	21 Oct	13 recipients 12 opens 3 clicks
Posters Appendix C	1-2 posters were placed in each of the 13 reserves	From 31 Nov	90 QR scans
Letterbox drop	Over 8,000 letters were dropped to residents and businesses around the 13 parks and reserves, with a paper survey included in the envelope.	26 Oct	219 QR scans 42 paper survey submissions

During the consultation period, 489 submissions were received via the questionnaire, online ideas tool and email.

Summary of findings

Overall, feedback indicated each park and reserve needs clear signage of the rules of the park, doggy bags, improved bins, and clear maintenance schedules. There were also requests for more seating and footpaths in a number of reserves, for drainage issues to be addressed, and for improved access and signage for rock climbers.

Park usage and visitation

Walking was the most popular activity in each park and reserve, followed by dog walking and sightseeing. Walking was also the most common way people got to each park or reserve.

Most people visit the parks and reserves for 30 minutes to two hours and visit daily or once a week.

Rock climbing

Throughout the surveys, ideas and in a submission from Australian Climbing Association NSW, there were regular themes about providing safe access for rock climbing as a recreational sport along the coastal reserves. There were concerns that Council does not take the sport seriously and has made it more unsafe by removing access completely. These submissions asked for:

- Better and safe access so they don't have to climb over the fencing.
- Signage explaining what they do (to help with law enforcement and residents).
- Acknowledgement of their sport and the need for community education.

Park maintenance

Parks and reserves need improved drainage and regular maintenance, including Eastern, Rodney, Raleigh, Ben Buckler, and Hunter reserves.

Seating and shade

More seating is needed in the majority of the parks and reserves including Clarke, Tower Street, Diamond Bay, Eastern, Weonga, Ben Buckler, Hunter, Marks Park, and Calga Reserve. There were also some requests for more shade in reserves such as Clarke, Diamond Bay and Marks Park.

5. Financial impact statement/Time frame/Consultation

Round 2 consultation and engagement will include a range of advertising and engagements activities in accordance with our Engagement Strategy, including promotion by on-site posters, letter box drops and emails inviting residents to Have Your Say page, e-newsletter, website and social media postings. Feedback will be sought through an online survey. Face-to-face consultation will include stakeholder meetings with Access and Inclusion Advisory Panel, Reconciliation Action Plan Committee, Precincts, Sydney Water, schools, sporting clubs and other community groups and stakeholders who use the parks and reserves.

To develop the CR PoM, a number of studies need to be produced to provide key information for the draft CR PoM and Action Plan, including:

- Native title advice.
- Heritage Study and Interpretation Strategy.
- Geotechnical reports at Rodney Reserve.
- Universal Access Study.

The above project costs will be covered by the 2023–24 Parks Planning and Design budget.

6. Conclusion

The three engagement processes are designed to provide community input into the Coastal Reserves Plan of Management are vitally important for the future management of Waverley's coastal reserves.

The initial feedback received in Round 1 is consistent with consultation findings and outcomes of the adopted Open Space and Recreation Strategy which forms the overarching plan to the CR PoM.

The Open Space and Recreation Strategy, and other relevant strategies, along with community feedback received will be used to generate the key ideas to be presented to Council prior to Round 2 community consultation.

7. Attachments

1. Coastal Reserves Plan of Management - Round 1 Consultation - Summary Report [↓](#)

REPORT

PD/5.3/23.07



Subject: Sustainability Expert Advisory Panel Meeting - 15 March 2023 - Minutes

TRIM No: A22/0310

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

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

RECOMMENDATION:

That Council notes the minutes of the Sustainability Expert Advisory Panel meeting held on 15 March 2023 attached to the report.

1. Executive Summary

The purpose of this report is to note the minutes of the Sustainability Expert Advisory Panel meeting held on 15 March 2023.

2. Introduction/Background

Council refreshed the Sustainable Expert Advisory Panel in 2022 and endorsed the current Terms of Reference.

The Sustainability Expert Advisory Panel (SEAP) aims to:

- Work with Council to promote sustainable practices, focusing on the Waverley Community Strategic Plan and Environmental Action Plan.
- Assist Council and the community to implement and achieve the environmental targets of the EAP.
- Assist Council to integrate environmental sustainability into Council policy, plans and operations.

Members of the SEAP listed in the attached minutes were appointed by Council in August 2022.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 2 August 2022	PD/5.2/22.08	That Council appoints the following community members to the Sustainability Expert Advisory Panel (SEAP) until the end of the Council term in September 2024: <ol style="list-style-type: none"> 1. Danny Cameron. 2. Stephanie Carrick. 3. Anthea Fawcett. 4. Corinne Mullet.

		<ol style="list-style-type: none"> 5. Robin Mellon. 6. Charles Scarf.
Strategic Planning and Development Committee 5 April 2022	PD/5.4/22.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Changes the name of the Environmental Sustainability Advisory Committee to the Sustainability Expert Advisory Panel. 2. Adopts the terms of reference for the Sustainability Expert Advisory Panel attached to the report. 3. Invites expressions of interest for the appointment of community sustainability experts to take place in April 2022.

4. Discussion

The minutes have been confirmed by Committee members via email.

5. Financial impact statement/Time frame/Consultation

The operations and administration of the SEAP requires the commitment of Councillor, volunteer and staff resources and any relevant costs are included in Council's operational budget.

6. Conclusion

The minutes of the Sustainability Expert Advisory Panel meeting held on 15 March 2023 are attached to this report.

7. Attachments

1. SEAP - 15 March 2023 - Minutes [↓](#)

