



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 5 DECEMBER 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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5. Reports

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6. Urgent Business

7. Meeting Closure

**CONFIRMATION OF MINUTES
PD/4.1/23.12**

Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 7 November 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 7 November 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

Attachments

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



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

Present:

Councillor Paula Masselos (Mayor) (Acting Chair)	Lawson Ward
Councillor Sally Betts	Hunter 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 Elaine Keenan	Lawson Ward
Councillor Steve Lewis	Hunter Ward
Councillor Tim Murray	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

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

At the commencement of proceedings at 8.28 pm, those present were as listed above, with the exception of Cr Lewis who arrived at 8.48 pm during item PD/5.3/23.11.

Crs Fabiano, Goltsman, Keenan, Lewis, Murray, Nemesh and Wy Kanak attended the meeting by audio-visual link.

Due to the chair, Cr Lewis being unable to chair the Committee, the Committee elected Cr Masselos as acting chair of the Committee for this meeting.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

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.

The Chair read the following Acknowledgement of Indigenous Heritage:

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

There were no apologies.

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 P Seidler – PD/5.2/23.11 – Planning Proposal – 34 Flood Street, Bondi – Post-Exhibition.
- 3.2 E Whitney (on behalf of Meriton) – PD/5.2/23.11 – Planning Proposal – 34 Flood Street, Bondi – Post-Exhibition.

4. Confirmation of Minutes

PD/4.1/23.11 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 5 September 2023 (SF23/18)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Kay

That the minutes of the Strategic Planning and Development Committee meeting held on 5 September 2023 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

5. Reports

PD/5.1/23.11 Draft Planning Agreement Policy (Amendment No. 5) - Exhibition (SF23/1066)

MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report.
2. Officers prepare a report to Council following the exhibition period.

AMENDMENT

Mover: Cr Betts

Seconder: Cr Kay

That clause 1 be amended to read as follows:

‘Publicly exhibits the draft Planning Agreement Policy (Amendment No. 5) attached to the report, subject to the following amendments:

- (a) Page 25 of the agenda, clause 2.5 – Delete the third dot point: “When there are no obvious infrastructure upgrades in the vicinity of a development or where these are already being funded as part of the LTFP.”
- (b) Page 25 of the agenda, clause 2.5 – Delete the fifth dot point: “When a developer or community feedback supports greater funds being used for AH.”

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Fabiano, Gray, Keenan, Masselos, Murray and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Fabiano, Gray, Keenan, Masselos, Murray

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

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

PD/5.2/23.11 Planning Proposal - 34 Flood Street, Bondi - Post-Exhibition (PP-1/2023)

Council dealt with this item in closed session.

MOTION

Mover: Cr Gray

Seconder: Cr Keenan

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to list 34 Flood Street,

Bondi (Lot 1 DP 1094020), as a local heritage item in the *Waverley Local Environmental Plan 2012* (WLEP), and the submissions received during public exhibition, to the Department of Planning and Environment (DPE) with a recommendation to proceed to finalisation and gazettal.

2. Requests the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.
3. Notifies the owner of 34 Flood Street of Council's decision.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1.

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

UNANIMOUS DECISION

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to list 34 Flood Street, Bondi (Lot 1 DP 1094020), as a local heritage item in the *Waverley Local Environmental Plan 2012* (WLEP), subject to officers considering the emails and attachments referred to in the representations from members of the public, and the submissions received during public exhibition, to the Department of Planning and Environment (DPE) with a recommendation to proceed to finalisation and gazettal.
2. Requests the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.
3. Notifies the owner of 34 Flood Street of Council's decision.

Division

For the Motion: Crs Betts, Burrill, Fabiano, Goltsman, Gray, Kay, Keenan, Masselos, Murray, Nemes and Wy Kanak.

Against the Motion: Nil.

P Seidler and E Whitney (on behalf of Meriton) addressed the meeting.

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

PD/5.3/23.11 Housing State Environmental Planning Policy - Submission (SF23/4362)

MOTION

Mover: Cr Masselos
Second: Cr Keenan

That Council approves the submission to the NSW Department of Planning and Environment attached to the report (Attachment 4) on proposed amendments to the Housing State Environmental Planning Policy relating to in-fill affordable housing.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council approves the submission to the NSW Department of Planning and Environment attached to the report (Attachment 4) on proposed amendments to the Housing State Environmental Planning Policy relating to in-fill affordable housing, subject to officers considering Councillors' feedback at the meeting.

PD/5.4/23.11 Eastern Suburbs Electric Vehicle Infrastructure Strategy - Adoption (A11/0853)

MOTION / DECISION

Mover: Cr Gray
Seconder: Cr Keenan

That Council:

1. Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report.
2. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.

PD/5.5/23.11 Waverley Park Plan of Management - Adoption (SF23/3536)

MOTION / UNANIMOUS DECISION

Mover: Cr Gray
Seconder: Cr Fabiano

That Council:

1. Notes the feedback on the draft Waverley Park Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Waverley Park Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

6. Urgent Business

There was no urgent business.

7. Closed Session

PD/7/23.11 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Fabiano

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/5.2/23.11 Planning Proposal - 34 Flood Street, Bondi - Post-Exhibition

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 the council is conducting (or proposes to conduct) business.

PD/7.1/23.11 CONFIDENTIAL REPORT - Boot Factory and Mill Hill Community Centre and Tamarama Surf Life Saving Club - Project Update

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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 9.06 pm, Council moved into closed session.

PD/7.1/23.11 CONFIDENTIAL REPORT - Boot Factory and Mill Hill Community Centre and Tamarama Surf Life Saving Club - Project Update (A23/0385)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
 Seconder: Cr Keenan

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)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the project update on the Boot Factory and Mill Hill Community Centre (including Norman Lee Place) and Tamarama Surf Life Saving Club, as set out in the report.
3. Notes that the quarterly budget review (Q1) will detail the proposed funding strategy to address the financial impacts of the projects.
4. Holds an urgent Councillor briefing to discuss the proposed Q1 funding strategy.

8. Resuming in Open Session

PD/8/23.11 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council resumes in open session.

At 9.30 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 9.32 PM.

.....
SIGNED AND CONFIRMED
CHAIR
5 DECEMBER 2023

REPORT
PD/5.1/23.12

Subject: Planning Proposal - Council Advertising on Public Domain Assets

TRIM No: PP-2/2023

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

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

RECOMMENDATION:

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets 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* to amend the *Waverley Local Environmental Plan 2012*.
4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process.

1. Executive Summary

Council is seeking to upgrade some of its public domain assets, inclusive of bus shelters, and erect multi-functional communications panels. These upgrades include the provision of digital advertising.

Under the *Waverley Local Environmental Plan 2012* (WLEP), 'signage' and 'advertising structure' are land use terms that are not currently permissible in any of the land use zones. In addition, the Industry and Employment State Environmental Planning Policy (SEPP) provides provisions for permissibility (both with and without consent) for this type of signage in some location. However, not in all the locations desired by Council. Consequently, a planning proposal has been prepared to implement changes to the WLEP to allow signage to be erected as exempt development by Council (or a party acting on behalf of Council).

This report responds to a resolution of Council to prepare the planning proposal in April 2023. The planning proposal is attached to this report (Attachment 1).

2. Introduction/Background

At its meeting on 17 May 2022, Council resolved to investigate opportunities for bus shelter upgrades, including advertising installations. The subsequent findings of the investigation included the need to prepare a planning proposal to facilitate further opportunities for the provision of public domain infrastructure, inclusive of upgraded bus shelters and communications panels with advertising.

Consequently, a report detailing the findings was presented to the Strategic Planning and Development Committee on 4 April 2023.

The preparation of the proposal implements the Council resolution, and the report provides a summary of feedback provided by the Waverley Local Planning Panel and how this feedback has been addressed in the updated planning proposal.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 4 April 2023	PD/5.6/23.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Prepares a planning proposal to insert exempt provisions for advertising into the <i>Waverley Local Environmental Plan 2012</i>, provided that the advertising: <ol style="list-style-type: none"> (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.

4. Discussion

A report was presented to the Waverley Local Planning Panel on 23 August 2023 seeking advice on the preparation of a planning proposal to insert exempt provisions for advertising into WLEP. The minutes from the meeting are attached to this report (Attachment 2). Responses to the issues raised are addressed in Table 1 and reflected in the updated planning proposal.

Table 1. Response to advice from the Waverley Local Planning Panel.

Matter	Response
<p>1. Council be informed of the recent City of Sydney experience with advertising.</p>	<ul style="list-style-type: none"> • Council officers are aware of the issues surrounding the rollout of advertising in the City of Sydney. • Whilst the bus shelter advertising will be of a similar size as existing advertising panels, following feedback from the WLPP, provisions have been included in the updated planning proposal around the maximum size of structures which communications panel advertising can be present on. These size restrictions are narrower than what was implemented in the City of Sydney. • In addition, provisions around sizing and their relationship with pedestrians, cyclists, drivers and other uses on the footpath (such as outdoor dining) has been included in the updated planning proposal. • A separate process will select the location of multi-functional communication panels and will be determined by Council.
<p>2. Council to confirm that exempt provisions can be used if the use is prohibited in the zone.</p>	<ul style="list-style-type: none"> • The proposal is not inconsistent with what exists in other Council's LEPs where the use is prohibited but permissible as exempt development within the relevant schedule. The SEPP provides general requirements for exempt development and none of these requirements relate to land use permissibility. The provisions in the LEP essentially serve as an extension of the Code SEPP and as long as the proposed exempt development aligns with the requirements of the SEPP it is deemed appropriate.
<p>3. Include further details of the public benefit for the communications panel advertising.</p>	<ul style="list-style-type: none"> • Further details in the updated planning proposal have been included.
<p>4. For communications panel advertising, further consideration of:</p> <ul style="list-style-type: none"> • size restrictions, • access requirements for outdoor dining, access for people with disabilities, • locations to avoid hindering sight lines, and • separation distance to avoid clustering and 	<ul style="list-style-type: none"> • Provisions were already included around size restrictions. Furthermore, provisions have been included regarding access requirements, sight lines and separation distances in the updated planning proposal.

limit the number to avoid proliferation.	
5. The panel being unable to address site specific and strategic merit based on lack of information about locations for communications panels advertising.	<ul style="list-style-type: none"> This has been addressed and responded to further in Part 3 of the updated planning proposal, specifically by including prescribed zones in which the communications panel advertising can be present with. This includes commercial zones only (E1, E2 and MU1 zones).

5. Financial impact statement/Time frame/Consultation

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the preparation of the planning proposal.

It is estimated that this amendment to the WLEP will be completed by mid-2024.

Public exhibition is likely to include at minimum a display on the Council's website. The Gateway determination issued by DPE will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway determination for the proposal. The planning proposal authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

6. Conclusion

Following the resolution of Council in April 2023, a planning proposal to implement changes to the WLEP was prepared and reported to the WLPP. Council Officers have made several changes to the planning proposal in response to advice received at the WLPP meeting and are now seeking a resolution of Council to submit the planning proposal to the DPE for a Gateway determination.

7. Attachments

1. Planning proposal - Council advertising [↓](#)
2. WLPP - 23 August 2023 - Minutes [↓](#) .

REPORT
PD/5.2/23.12

Subject: Planning Proposal - Dwelling Density

TRIM No: PP-3/2023

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

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

RECOMMENDATION:

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to prevent the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones 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* to amend the *Waverley Local Environmental Plan 2012*.

1. Executive Summary

The planning proposal (Attachment 1) seeks to preserve the existing residential dwelling density and prevent the further loss of dwellings within parts of the Waverley local government area (LGA) that are best suited to accommodate density. Specifically, the planning proposal proposes to amend the *Waverley Local Environmental Plan 2012* as follows:

- Prohibit 'dwelling houses' and 'attached dwellings', and amend objectives in the R3 and R4 zones.
- Introduce a new local provision (cl 6.17) to prevent the further reduction of dwelling numbers in R3 and R4 zones.
- Add cl 6.17 to cl 4.6(8)(b) to prevent contravening the reduction of existing residential dwelling density.

'Residential dwelling density' refers to the number of residential dwellings across one site. It does not relate to the gross floor area (GFA) of buildings containing dwellings, bedroom numbers or the number of occupants that any dwelling is capable of containing.

2. Introduction/Background

An emerging development trend in the Waverley LGA has seen existing medium to high density residential buildings being replaced with large single detached dwellings, large luxury apartments or dual occupancies. This poses an issue for the area due to the loss of often affordable Inter War housing, but also a loss of housing availability generally. In some cases, such as the replacement of two dwelling houses with one dwelling house, or replacement of a residential flat building with one dwelling house, this trend has the

potential to reduce the availability of affordable and diverse housing and change the character of a streetscape.

This trend also challenges Council's strategic planning intent of providing density in the right places, given that the limited R3 and R4 zones should be providing Council the opportunity to maintain and increase its dwelling numbers. An assessment of all the development applications and modifications that reduced dwelling density was studied from 1 January 2017 to 22 November 2022. During this time, a total of 141 dwellings were submitted for removal. On average, Waverley LGA is losing 30 dwellings per year due to this trend—approximately 20% of Waverley's annual housing target.

Without preserving density within the R3 and R4 zones, housing pressures will unreasonably transfer to other zones less suited to increases such as the R2 Low Density Residential zone or business zones.

A new objective was added into the R3 and R4 zones in September 2022, requiring development in those zones 'to increase or preserve residential dwelling density', however, it was found that it may be too tenuous to refuse consent on the sole basis of inconsistency with the objective, especially if this basis were to be challenged in an appeal to the NSW Land and Environmental Court. Supplementary provisions as included within this planning proposal are considered to support and strengthen the existing objective.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/7.6/22.03	EXTRACT That Council: 1. Supports the planning proposal attached to the report to repeal the <i>Waverley Local Environmental Plan 2012</i> and establish the <i>Waverley Local Environmental Plan 2022</i> , subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report). ...

CM/7.6/22.03 supported the addition of the following objective into the R3 and R4 zones: 'to increase or preserve residential dwelling density'.

4. Discussion

This planning proposal seeks to amend the *Waverley Local Environmental Plan 2012* as follows:

Table 1. Proposed changes to WLEP 2012.

Section of the WLEP 2012	Existing	Proposed
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density. Attached dwellings and dwelling houses permitted.	Update objective: To increase or preserve residential dwelling density across the site. Make attached dwellings and dwelling houses prohibited.

Land Use Table – R4 High Density Residential Zone	Attached dwellings and dwelling houses permitted.	Make attached dwellings and dwelling houses prohibited.
Clause 4.6 Exceptions to development standards	No reference of dwelling density in Clause 4.6.	Add 6.17 to Clause 4.6 (8)(b) to prevent contravening the reduction of existing residential dwelling density.
Clause 6.17 Residential Dwelling Density in R3 and R4 zones	No existing clause.	Add a new additional local provision which does not allow for a reduction of dwelling density on a site.

This planning proposal does not intend to prevent a change of use to:

- Non-residential permissible uses in the R3 and R4 zones.
- Types of residential accommodation which are inherently more affordable than traditional self-contained residential flat building units – being boarding houses or co-living housing.
- Types of residential accommodation which meets the specific needs of seniors, people who may be socially disadvantaged or people with a disability - being group homes and residential care facilities.

The proposal amendments will also prevent the amalgamation of two units within an apartment building owned by the same people into one. The cumulative impact of unit amalgamations has the potential to have a significant and irreversible impact on the number of dwellings in R3 and R4 zones. Allowing a piecemeal reduction would not be consistent with the overall intent of the R3 and R4 zones. The Waverley LGA has a large variety of different dwelling typologies ranging from detached homes to modest studio apartments, providing opportunity for anyone owning two units the option to find suitable alternate accommodation in other existing buildings.

Impact on housing affordability

Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller, modest dwellings to meet the growing proportion of small households. The proposal will help to preserve this reasonable stock by preventing modestly sized and often older unit stock (which is inherently more affordable) from being replaced with fewer luxury dwellings, featuring very large floorplates and high-end finishes.

WLPP advice

The planning proposal was referred to the Waverley Local Planning Panel (WLPP) on 22 November 2023 for advice (see Attachment 2). The Panel made the following comments unanimously:

For the reasons outlined in the Council officer's report, the Panel:

- *Agrees the proposal has strategic merit as, if implemented, it will preserve the existing residential dwelling density and prevent the further loss of dwellings/units within parts of the Waverley LGA which are best suited to accommodate density,*
- *Supports the recommendation for the planning proposal to proceed to Gateway Determination and public exhibition,*
- *Advises Council to consider the unintended consequences of the impact of the inclusion of this provision, for example on individuals wishing to age in place. Legal advice should be sought to explore mechanisms to allow for variations in exceptional circumstances, and*

- *Recommends Council make a submission to the NSW Department of Planning to implement the provisions of this planning proposal State-wide through the State Environmental Planning Policy (Housing) 2021.*

The Panel explained that the 'age in place' scenario referred to the instance of an individual who owns and occupies a detached house and owns two one-bedroom investment units in an apartment block, may wish to sell the detached house and move into their two units but would like to combine them into one two-bedroom unit to suit their household needs. Another example may include an instance where a growing family lives in a unit and wishes to purchase and amalgamate with an adjoining unit to increase their dwelling floorplate.

A trade-off regarding size and location is a decision that every household will make at some stage in their life cycle. In circumstances where households are seeking a larger dwelling, then it should be reasonably expected that they purchase a larger dwelling, rather than reduce the stock of available and affordable housing.

The R3 and R4 zones in Waverley LGA are critical to achieving Council's Housing Strategy, accounting for 41% of all residential-zoned land. The R3 and R4 zones are expected to accommodate a growing population and assist Council in achieving its established dwelling targets.

It is important to recognise that strategy and policy development must be done at the aggregate level—to achieve strategic goals—and often necessitates blunt instruments which may not accommodate every possible scenario, but nevertheless provide certainty and equity to all involved in the development process.

Other considerations

Mechanisms to allow for variations in exceptional circumstances as advised by the WLPP have been explored. The primary challenge with permitting variations in exceptional circumstances stems from the fact that development consent runs with the land, rather than the applicant or owner, and can therefore be exploited by developers. Table 2 explores some examples of this, alongside other tested mechanisms.

Table 2. Scenario analysis.

Exception mechanism	Developer loophole or issue
Allow for the amalgamation of two units into one per DA, but not the amalgamation of more than two.	The developer lodges numerous separate DAs seeking to amalgamate units repeatedly until the significant reduction that they are seeking has been achieved.
Allow for the amalgamation of units if the applicant intends to be an owner occupier and is downsizing or growing their household size.	The concept of an occupier is not a relevant consideration that could be implemented in a development consent.
Allow for the amalgamation of two units into one, a maximum of one time per residential flat building.	This is mechanism will allow for one household to amalgamate to meet their housing needs, however, it addresses a short term need and only benefit those who are first.
Allow for the amalgamation of units if the applicant intends to own the site in perpetuity.	The sale of property cannot be restricted where Council does not have an interest.

<p>Allow for the amalgamation of two units into one for a period of time, for example 5 years. After 5 years the applicant will need to re-apply to Council via DA to extend a further 5-years. If they do not re-apply or if Council refuses their Development Application then they will be required by the original consent to physically revert the space back to two separate units.</p>	<p>This mechanism will result in confusion and uncertainty. It may increase the workload for Council’s Compliance team who will be required to follow-up the status of affected sites every 5 years and enforce Orders where compliance is not met. Reverting after 5 years is unsustainable building-wise, and could create financial problems for the individuals and related strata schemes.</p>
<p>Permit a variation via clause 4.6 of the WLEP 2012.</p>	<p>A variation via clause 4.6 can only be supported by a consent authority if the objectives associated with the numerical standard are met. In order to ensure that only an individual intending to be an owner-occupier who is downsizing or growing their family is able to vary the proposed standard, the objectives would have to be revised to permit some applicants over others to vary the control pending personal circumstances. As development consent runs with the land rather than the applicant/owner at the time of DA lodgement, it would be challenging for the consent authority to ascertain whether such an objective relating to the personal circumstances of the applicant would be met by the proposal as the applicant’s circumstances could change or they could sell the property.</p> <p>Further, permitting a variation via clause 4.6 will allow developers who appeal to the NSW Land and Environment Court a greater chance at varying the proposed provisions. If a Clause 4.6 variation is not permitted (as currently proposed), even the LEC cannot approve a variation.</p>

Providing exceptions to these broad rules for rare or unlikely circumstances would create loopholes that could be exploited.

This planning proposal is considered appropriate and robust under the site-specific and strategic merit tests and is required for Council to achieve its broader strategic vision to increase the availability of housing generally, promoting housing affordability, housing diversity and maintain existing stock of affordable housing. Given the ability for developers to exploit a variety of considered exception mechanisms and the lack of a reasonable alternative solutions, it is not realistic or appropriate to provide exceptions and officers have prepared the planning proposal on this basis.

Complying development certificate Pathway

Under the complying development certificate (CDC) pathway, development must not result in any additional bedrooms or gross floor area in the building. The amalgamation of units is likely to produce an increase in gross floor area, so applicants would still need to pursue a DA pathway rather than a CDC, resulting in the provisions introduced under this planning proposal to apply and preventing the amalgamation.

Further, a residential flat building cannot be demolished or be subject to a change of use under a CDC, so developers will not be able use the *State Environmental Planning Policy (Exempt and Complying Development) 2008* as a loophole around the proposed provisions.

HAC advice

The planning proposal was presented to the Waverley Housing Advisory Committee (HAC) on 22 November 2023, where positive feedback was received on the matter. Detailed minutes from the recent HAC meeting will be reported to Council in early 2024 after the next HAC meeting, as required under the HAC Terms of Reference.

Strategic merit

This planning proposal is considered to have strategic merit as it would support the objectives of the R3 and R4 zones and achievement of housing targets outlined in the Waverley Local Housing Strategy.

Site-specific merit

This planning proposal will not result in an adverse natural environment, economic or social impacts, nor have a negative impact on existing or future uses of the affected sites, passing the site-specific merit test.

5. Financial impact statement/Time frame/Consultation

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

It is estimated that this amendment to the WLEP will be completed by mid-late 2024.

Public exhibition is likely to include at minimum a display on the Council's website. The Gateway determination issued by DPE will specify the level of public consultation that must be undertaken in relation to the planning proposal. Pursuant to division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway determination for the proposal. The planning proposal authority (PPA) must consider any submissions made concerning the proposed instrument and the report of any public hearing.

6. Conclusion

The planning proposal (Attachment 1) is expected to help to preserve existing residential dwelling density and prevent the further loss of dwellings/units within parts of the Waverley LGA that are best suited to accommodate density. It is recommended that the planning proposal proceed to DPE for Gateway determination.

7. Attachments

1. Planning proposal - Dwelling density [↓](#)
2. WLPP - 22 November 2023 - Minutes [↓](#) .

REPORT
PD/5.3/23.12

Subject: Subsidised Lease Program

TRIM No: A23/0388

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

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

RECOMMENDATION:

That Council:

1. Officers prepare a draft policy on the implementation of the Subsidised Lease Program.
2. Notes that the Subsidised Lease Program would complement and not compete with other more conventional approaches to increasing affordable housing stock.

1. Executive Summary

Council has had difficulty in adding affordable housing stock to our portfolio given high property prices in the Waverley local government area (LGA) with no new stock added to the program since 2016.

Compared to traditional approaches such as obtaining dedicated affordable housing via voluntary planning agreements (VPAs), developing affordable housing with a community housing provider (CHP) or purchasing apartments off the market, the Subsidised Lease Affordable Housing Program (Subsidised Lease Program) presents an innovative, low-cost and efficient way to rapidly add affordable housing to our affordable housing program.

Initial modelling demonstrates that a Subsidised Lease Program could add between 6 to 13 dwellings to Council's affordable housing program. This approach would complement, not compete, with the existing program and traditional approaches to adding affordable housing stock, such as purchasing or developing apartments. If this approach is supported by Council, officers will develop a draft policy that would govern the operation of the program and report this back to Council for exhibition.

2. Introduction/Background

At the Strategic Planning and Development Committee meeting on 3 May 2022, the Social and Affordable Housing Review Project - Findings and Recommendations (PD/5.2/22.05) report was presented to Council. The unanimous Council resolution included a decision to: 'pursue additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models that may present themselves in the affordable housing space.' The Social and Affordable Housing Review consultant report spoke to the potential for a program of subsidising leases to increase affordable housing stock in the short term, which could be funded via recurrent income:

Continue to explore establishment of alternate recurrent funding through the planning system (for example, contributions from commercial floorspace to provide recurrent lease income for Council that may be used for affordable housing delivery.

The Local Housing Strategy (CM/7.6/21.10) also includes an action to ‘investigate and implement new housing delivery models to maximise the provision of affordable housing.’

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 3 May 2022	PD/5.2/22.05	<p>That Council:</p> <ol style="list-style-type: none"> <li data-bbox="608 443 1412 584">1. Notes the findings and recommendations of the Social and Affordable Housing Program and Portfolio Review Report prepared by SGS Economics and Planning attached to the report. <li data-bbox="608 622 1412 763">2. Updates the Affordable Housing Program Tenancy Policy to target highest priority households that are in severe housing stress to maximise the social outcomes achieved from Council’s affordable housing portfolio. <li data-bbox="608 801 1412 1077">3. Endorses the award of a new contract to a community housing provider to manage Council’s social and affordable housing tenancies following a tender process, with the new contract to reframe maintenance responsibilities and contain a robust performance management framework to ensure improved outcomes for tenants and Council, with a report to be prepared to Council to endorse the award of the contract. <li data-bbox="608 1115 1412 1323">4. Continues to support the funds raised through voluntary planning agreements to be paid into the Affordable Housing Contributions Reserve to be used to fund additional housing to expand Council’s affordable housing portfolio only, in accordance with the Planning Agreement Policy. <li data-bbox="608 1361 1412 1637">5. Endorses entering a new partnership with a community housing provider to deliver additional housing stock under a delivery contract via an open tender process, noting that the partnership will allow Council to leverage off a community housing provider’s access to significant State and Federal funding to increase Council’s affordable housing portfolio, with a report to be prepared to Council to endorse the award of the contract. <li data-bbox="608 1675 1412 1861">6. Pursues additional opportunities outside of the community housing provider delivery contract to further increase housing stock, including regional partnerships or alternative models, such as co-operative housing, that may present themselves in the affordable housing space. <li data-bbox="608 1899 1412 2040">7. Notes that Council submitted the Affordable Housing Contributions Scheme to the Department of Planning and Environment in April 2021, with a decision expected by mid-2022.

		<p>8. Notes that it is proposed to retain vacant units in the portfolio to be used to temporarily house tenants from those units in the greatest need of refurbishment to allow for the asset management backlog to be addressed, with this only taking place if the vacant unit is in a satisfactory condition and meets the tenants' needs.</p>
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4. Discussion

Council has had difficulty in adding affordable housing stock to the property portfolio given high property prices in the Waverley LGA. Since the acquisition of four apartments in North Randwick in 2016, in partnership with Bridge Housing, we have added no new stock to our portfolio.

Compared to traditional approaches such as obtaining dedicated affordable housing via VPAs, developing affordable housing with a CHP or purchasing apartments off the market, the Subsidised Lease Program presents an innovative, low-cost and efficient way to rapidly add affordable housing to our affordable housing program.

The Whitten Lane commercial office floorspace was negotiated as a VPA with a developer in 2020 (CM/7.12/20.02), with the net rental income being hypothecated to the public purpose of affordable housing. The Whitten Lane VPA report discussed how the funds for the commercial revenue would be used towards a public purpose:

One innovative delivery model that is being currently considered is hypothecating net revenue from recurrent income sources, such as commercial tenancies to subsidise market rate rental properties to make them affordable (in perpetuity)...While subsidising market rate housing is more achievable than purchasing new stock (given there is no need for a significant upfront capital cost), the key issue with subsidising rental housing is that a sustainable recurrent source of funding is required. This is where the net revenue from commercial leasing would play a role. Using this approach, this VPA could add over 20 affordable rental dwellings to our affordable housing portfolio, effectively in perpetuity. In contrast, our current approach to affordable housing delivery would only allow the purchase of up to one affordable rental dwelling every four years based on net revenue.

As the commercial floorspace at Whitten Lane is being occupied and rental income is being generated, there is now an opportunity to implement a Subsidised Lease Program.

It is important to note that the Subsidised Lease Program does not compete, but rather complements, the work being undertaken on the Subregional Affordable Housing Collaboration, or any other more traditional strategy to acquire new stock, such as developing or purchasing property. While the Collaboration project may take up to 5 years to deliver housing stock, the Subsidised Lease Program by contrast could deliver new stock within months, subject to Council support.

At this stage, the Subsidised Lease Program is envisaged to work as follows:

1. Council leases private dwellings off the open rental market.
2. Dwellings are sub-leased to tenants as part of our affordable housing program.
3. The number of dwellings in the program is limited by the level of subsidy (depending on whether the dwelling/s are leased to key workers or low income tenants) and the net rental revenue from Whitten Lane.
4. Lease term: 3-5 years may be an ideal lease term that provides continuity of service.
5. Dwelling type: 1-2 bedroom apartments have been considered as part of the modelling exercise.
6. Location: Anywhere in the Waverley LGA, but it may be possible that units located in suburbs bordering our LGA could be appropriate.

7. Tenants: The Community Programs team would determine the appropriate tenants, based on their demand list.
8. Management: The SLP is envisaged to be managed by a CHP, just like the rest of the Waverley Affordable Housing Program.

Table 1 outlines how many dwellings could hypothetically be delivered as a part of the Subsidised Lease Program. Modelling has been completed based on 1 and 2 bedroom apartments and also for a subsidy of 30% below market rent: the traditional subsidy, as well as a higher subsidy for low income workers. The modelling demonstrates that between six and 13 dwellings could be subsidised annually, depending on the size of the dwelling and subsidy.

Table 1. Subsidised dwelling numbers.

Type of dwelling/subsidy	Number of dwellings
1 BR unit, Moderate income - 'key workers', 'essential workers'	13
2 BR unit, Moderate income - 'key workers', 'essential workers'	11
1 BR unit, Low income households	7
2 BR unit, Low income households	6

Feedback from Housing Advisory Committee

The Subsidised Lease Program was presented and discussed at the August 2023 Housing Advisory Committee (HAC) meeting for early feedback. The program was also discussed at the November 2023 HAC meeting. The feedback from the HAC was supportive of this approach as a complement to traditional approaches for offering social and affordable housing. Detailed feedback was provided from the August HAC on considerations regarding dwelling sizes (bedrooms) and who the target tenants might be (suitable for victims of domestic violence). This feedback, as reported to Council in a separate report to the Strategic Planning and Development Committee on 5 December 2023, will be considered in the development of a policy.

5. Financial impact statement/Time frame/Consultation

It is envisaged that the Subsidised Lease Program would be funded by the net rental revenue generated by the Whitten Lane commercial office floorspace, which generates approximately \$200,000 towards the Affordable Housing Contributions Reserve annually.

It is estimated that a draft policy will be reported back to Council in early 2024.

6. Conclusion

Initial modelling has demonstrated that a Subsidised Lease Program could add between six to 13 dwellings to Council's affordable housing program. This approach would complement the existing program and would not compete with more traditional approaches to adding affordable housing stock, such as purchasing or developing apartments. If this approach is supported by Council, officers will develop a draft policy that would govern the operation of the program and report this back to Council for exhibition.

7. Attachments

Nil.

REPORT
PD/5.4/23.12

Subject: Housing Advisory Committee Meeting - 29 August 2023 - Minutes

TRIM No: SF23/4556

Manager: George Bramis, Executive Manager, Urban Planning, Policy and Strategy

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

RECOMMENDATION:

That Council notes the minutes of the Housing Advisory Committee meeting held on 29 August 2023 attached to the report.

1. Executive Summary

The Housing Advisory Committee (HAC) held a meeting on 29 August 2023 where a number of housing matters were discussed. Attachment 1 contains the minutes of the meeting. It is recommended that Council notes the minutes.

2. Introduction/Background

The HAC is an advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the HAC means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The role of the Housing Advisory Committee is to assess, consider and provide perspectives and comment/advice/recommendations to Council staff and Council on a range of matters relating to social and affordable housing. The General Manager may also place before the Committee other matters as they think fit where the HAC's input may add value.

The HAC currently comprises the Mayor, two other Councillors, five experts in social and affordable housing who have a demonstrated knowledge of the local area, and one community representative who has a skillset relating to social and affordable housing.

Clause 8.4 of the HAC's Terms of Reference requires the minutes from a HAC meeting to be reported to Council for noting prior to publication on Council's website.

3. Relevant Council Resolutions

Nil.

4. Discussion

The 29 August 2023 HAC meeting was held in person in the Queens Park Room, with a hybrid/online option for members who could not attend in person. Each member was provided with a briefing pack prior to the meeting with a summary of the agenda items.

The feedback and comments provided during the HAC meeting will inform the progression of the Council projects discussed.

Clause 8.4 of the HAC's Terms of Reference states that the 'minutes must be confirmed by the Committee at the next available Committee meeting, and subsequently reported to Council for noting and then published on Council's website.'

The minutes from the 29 August 2023 meeting were confirmed by the HAC at the most recent meeting held on 22 November 2023. After being noted by Council, the minutes will be published on Council's website.

5. Financial impact statement/Time frame/Consultation

There are no direct financial impacts as a result of the 29 August 2023 HAC meeting.

There are no timing implications or consultation requirements as a result of the HAC.

6. Conclusion

It is recommended that Council notes the minutes of the HAC meeting on 29 August 2023.

7. Attachments

1. HAC - 29 August 2023 - Minutes [↓](#) .

REPORT
PD/5.5/23.12

Subject: Clause 4.6 Variations to Development Standards - Quarterly Report - July-October 2023

TRIM No: A23/0244

Manager: Angela Rossi, Executive Manager, Development Assessment

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

RECOMMENDATION:

That Council notes:

1. The clause 4.6 variations to development standards for the period 1 July 2023 to 31 October 2023 attached to the report.
2. That from 1 November 2023, the Department of Planning and Environment (DPE) no longer requires councils to report clause 4.6 variations to development standards or submit quarterly reports, as this information will be extracted directly from the NSW Planning Portal and published by the DPE for all NSW councils.

1. Executive Summary

The Department of Planning and Environment (DPE) Planning Circular PS 20-002 required 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 has been provided to DPE and is published on an ongoing basis on Council's website.

There were 33 development applications approved with a clause 4.6 variation in the last reporting quarter, for the period 1 July to 30 September 2023.

On 1 November 2023, Planning Circular PS 20-002 was repealed. From 1 November, quarterly reporting to Council meetings is no longer required. The DPE has made a publicly accessible register on the NSW Planning Portal that displays all clause 4.6 variation requests across NSW. It will display the most up-to-date information from the NSW Planning Portal. Users will be able to see all variation requests under assessment and/or determined from 1 November 2023 across the state and for each Council.

Given there is no requirement for quarterly reporting from 1 November 2023, the attached clause 4.6 register also includes a further 10 development applications that were approved with a clause 4.6 variation in the period of 1 October-31 October 2023.

Quarterly reporting of clause 4.6 variations to Council will therefore no longer occur. Notwithstanding, this information is publicly accessible on the NSW Planning Portal.

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

The now repealed 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 July to September 2023, plus for October 2023 is attached to this report.

From 1 November 2023, this reporting is no longer required as the same information will now be made available from the DPE via the NSW Planning Portal.

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.

On 1 November 2023, Planning Circular PS 20-002 was repealed and therefore quarterly reporting to Council meetings is no longer required. The DPE has made a publicly accessible register on the NSW Planning Portal that displays all clause 4.6 variation requests across NSW. It will display the most up-to-date information from the NSW Planning Portal. Users will be able to see all variation requests under assessment and/or determined from 1 November 2023 across the state and for each Council.

It is proposed that this report will be the final quarterly reporting of clause 4.6 variations tabled at a Council meeting. However, this information is publicly accessible on the NSW Planning Portal.

7. Attachments

1. Clause 4.6 variations register - July-October 2023 [↓](#) .

REPORT
PD/5.6/23.12

Subject: Strata Parking Area Agreements

TRIM No: A16/0667

Manager: Sunil Kushor, Executive Manager, Compliance

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

RECOMMENDATION:

That Council does not proceed with strata parking area agreements due to the low interest from owners corporations.

1. Executive Summary

This report outlines the history of a proposal to develop a draft strata parking area agreement and to discuss whether this service should be provided.

2. Introduction/Background

In November 2016, the *Strata Schemes Management Act 2015* commenced, permitting councils to enter into agreements with strata and community schemes to enforce parking restrictions on common property. This legislation was incorporated into the *Local Government Act* under section 650A.

At the 15 November 2016 Council meeting, it was resolved to further investigate the provisions of the *Strata Schemes Management Act 2015* and the *Local Government Act 1993* as they apply to the management of unauthorised parking on private property through a commercial arrangement between Council and an owners corporation.

In March 2017, 35 strata managers were invited to participate in an online survey. The seven strata managers who completed the survey manage 70 buildings throughout the local government area, equating to a potential of 500 parking spaces.

In June 2017, these respondents were invited to take part in a focus group to further explore the implications and expectations of a parking agreement.

On 8 August 2017, Council considered a report detailing the results of the investigation and consultation. Council resolved to conduct a trial of strata/community parking area agreements for a period up to six months.

On 1 December 2018, Council entered into a trial with the owners corporation of 29-31 Paul Street, Bondi Junction, for the common property, which comprised eight visitor parking spaces. One infringement was issued during the six-month trial period.

At the Operations and Community Services Committee meeting on 6 July 2021, Council received a report detailing the outcomes of the strata parking area agreement trial. At this meeting, Council resolved that officers develop guidelines and present them to the Combined Precincts for their consideration and that officers report back to Council.

The draft guidelines were presented at the Combined Precincts meeting on 2 March 2023.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations and Community Services Committee 6 July 2021	OC/5.3/21.07	<p>That:</p> <ol style="list-style-type: none"> 1. Council officers develop guidelines for strata/community parking area agreements, including the basis and process for establishing fees. 2. Council presents the draft guidelines to the Combined Precincts for their consideration and feedback. 3. Following the preparation of the guidelines, Council officers prepare a report to Council on the draft guidelines, noting that any fee to be implemented through such arrangements would be required to be publicly exhibited.
Council 8 August 2017	CM/7.12/17.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Conducts a trial of strata/community parking area agreements for a period of up to six months with owners corporations. 2. Receives a report on the outcomes of the strata/community parking area agreement trial.
Council 15 November 2016	CM/8.2/16.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Investigates the new provisions of the Strata Schemes Management Act 2015 and the Local Government Act 1993 as they apply to the management of unauthorised parking on private property through a commercial arrangement between a local council and an owners corporation. 2. Identifies the feasibility of whether it should and can provide this service to owners corporations, and how the service could operate, considering staff resources and priorities. 3. Identifies how a similar service could operate for Company Title Home Units. 4. Receives a report on the above matters.

4. Discussion

Officers have developed draft guidelines for strata parking area agreements (Attachment 1). These guidelines are heavily based on guidelines for councils published by Office of Local Government.

The primary purpose of the Guidelines is to assist Council officers and inform applicants regarding the assessment of strata parking area agreement applications from owners corporations.

Since the initial trial of strata parking area agreements, officers have only received one expression interest to enter into an agreement.

Given the low interest from owners corporations, it is recommended that Council does not proceed with strata parking area Agreements. However, should Council wish to proceed it is recommended that Council publicly exhibits the draft guidelines attached to the report.

5. Financial impact statement/Time frame/Consultation

Parking agreements are a commercial arrangement that are not cost neutral. Therefore, it is appropriate for Council to require a fee for the servicing of a parking agreement.

The cost cannot be reliably offset by infringement revenue as evidenced by only one infringement being issued during the trial period.

Therefore, the following fees are recommended for the investigation, implementation and continued monitoring of premises that enter into strata parking agreements.

- Application and assessment: \$250 per application.
- Annual fee for service: \$2,920 per parking space per year.

The above fee is based on current staff pay and overhead rates for the reasonable time taken to patrol an area on foot.

The cost to manufacture and install new signage would be covered by the owners corporation. Council would supply and install these signs with the cost determined by assessment for each location.

6. Conclusion

Based on the limited interest from owners corporations, it is not recommended that Council considers offering this service. However, should Council wish to proceed it may resolve to exhibit the draft Strata Parking Area Agreement Guidelines for community feedback.

7. Attachments

1. Draft Strata Parking Area Agreement Guidelines [↓](#) .

REPORT

PD/5.7/23.12



Subject: Urban Greening and Cooling Strategy - Adoption

TRIM No: A23/0489

Manager: Sam McGuinness, Executive Manager, Environmental Sustainability

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

RECOMMENDATION:

That Council adopts the Urban Greening and Cooling Strategy attached to the report.

1. Executive Summary

A draft Urban Greening and Cooling Strategy, developed with support from the NSW Government's Greener Neighbourhoods grant program, was exhibited between 7 September to 6 October 2023. It proposes actions to extend Council's current canopy and shrub target of 29% by 2029 to 35% by 2032. Community response to the strategy was overwhelmingly positive. Minor changes to the draft strategy have been made to reflect community ideas and suggestions and ensure the strategy actions are practicable and effective.

2. Introduction/Background

As global and local temperatures continue to rise due to climate change, Council's ability to protect and enhance greening on both public and private land is critical to managing an effective local response to the Climate and Biodiversity Emergency. This is because trees and vegetation deliver localised cooling through shade and evapotranspiration. Vegetation also provides biodiversity habitat and food, improved air quality, absorption of carbon, rainfall and stormwater and thereby contributes to enhanced climate resilience.

An Urban Greening and Canopy strategy was first proposed as part of the Waverley Local Strategic Planning Statement (2020-2036) under Planning Priority 16: Resilient City (page 74). While Council had a target of 29% Canopy and Shrub Cover by 2029, there was no consolidated strategy to detail how the target can be met. This strategy sets goals and actions to protect and increase the amount of canopy and vegetation cover in Waverley to 35% by 2032, on both public and private land, and will enhance our climate resilience, sustain our local biodiversity and support healthy, liveable neighbourhoods.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 September 2023	PD/5.6/23.09	That Council: <ol style="list-style-type: none"> 1. Publicly exhibits the draft Urban Greening and Cooling Strategy attached to the report for 28 days. 2. Officers prepare a report to Council following the exhibition period.

<p>Council 25 May 2021</p>	<p>CM/6.4/21.05</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that Council: <ol style="list-style-type: none"> (a) Has declared a climate and biodiversity emergency. (b) Is a signatory to the National Climate Emergency, which was launched at the National Climate Emergency Summit in 2020. (c) Has substantial programs to help mitigate carbon emissions and address climate change which focus on the community. (d) Has resolved to receive a report on joining the United Nations Race to Zero campaign. 2. Recognises that: <ol style="list-style-type: none"> (a) There is a need to advance and accelerate mobilisations to address the climate emergency and support the restoration of a safe climate. (b) In the wake of an unprecedented year of bush fires, floods and pestilence, Council has a leadership role in developing and implementing locally based solutions to mitigate and reduce carbon. 3. Investigates: <ol style="list-style-type: none"> (a) Declaring new targets for the reduction of carbon emissions by becoming net zero by 2030 so that Council will have a 100% reduction on scope 1 and 2 greenhouse gas emissions based on 2003/2004 levels. (b) This target becoming a key priority of Council's activities and incorporated into the draft 2021-22 Operational Plan that is currently on exhibition, and that the next Environmental Action Plan and the Long Term Financial Plan budgets are updated accordingly to achieve this.
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4. Discussion

The proposed Urban Greening and Cooling Strategy extends our current target from 29% Green Cover (canopy and understorey vegetation, e.g. shrubs) to 35% canopy and understorey by 2035, with differentiated goals and targets for Streets, Parks and private property.

This Strategy forms part of Council’s Resilience framework, which responds to systemic resilience challenges across key functions of Council: Sustainability, Planning, Infrastructure, Emergency Preparedness and Community programs. A Climate Resilience and Adaptation Plan is in development to address and reduce vulnerabilities for a broad range of risks will include further actions to adapt to localised heat impacts, such as heat resistant materials for Capital Works, supporting vulnerable residents in extreme events and mitigating risks for outdoor staff.

An internal working group has been formed to enhance coordination in the DA approvals process related to Canopy and Greening, an Urban Ecology meeting has progressed measures to optimise community awareness of opportunities to support the goals of the strategy and a working group to consolidate climate ready species list has been formed. In addition, Key Performance Indicators (KPIs) have been adopted in Executive work plans across four directorate to ensure accountability for implementation of the strategy actions. This includes an annual update to Council on strategy progress by the Director of Planning, Sustainability and Compliance.

Community consultation

Community consultation on the draft strategy was undertaken for 28 days between 7 September and 6 October 2023 via an online survey on the Have Your Say page and received 60 responses. The survey asked respondents if they:

- Supported the Strategy?
- Supported the protection and enhancement of urban vegetation to provide cooling in Waverley?
- Would you like to see more vegetation in Waverley?
- Supported the specific goals of the strategy:
 - Goal 1: Protect, restore and repair public trees and green space.
 - Goal 2: Foster and value protection of vegetation on private land.
 - Goal 3: Activate community stewardship for trees and greening.
 - Goal 4: Safeguard our trees and vegetation assets.

Space was also available for additional comments. Council also received 5 written submissions. Respondents were also invited to nominate their favourite trees in Waverley, to share appreciation and awareness of different values of trees, including cultural, commemorative, botanic, scientific, ecological or visual. There were 62 trees tagged by 11 different contributors. The following table summarises the key Have Your Say submissions.

Table 1. Overview of consultation for strategy, objectives and goals.

Question	Yes	No	Other
Do you support the draft Urban Greening and Cooling Strategy?	56 (93%)	3 (5%)	1 (2%)
Do you support the protection and enhancement of urban vegetation to provide cooling in Waverley?	57 (95%)	3 (5%)	0
Over time, would you like to see more vegetation in Waverley?	57 (95%)	3 (5%)	0

Themes and responses

There was significant community support for the Strategy with 96% of respondents supporting all goals – only three respondents did not support the strategy or goals, citing concerns regarding pre-existing views,

species selection and property concerns. Several key issues emerged from the Have Your Say survey and other stakeholder submissions. The below table summarises these comments into themes and provides comments on how community input was responded to in the amended strategy.

Table 2. Table of feedback and responses.

Theme	Number	Commentary	Response
Biodiversity support	32	Submissions addressed biodiversity or nature benefits or issues. This reflects the framing of the strategy as a response to the Biodiversity Emergency, and confirms that strategy actions support Nature Positive outcomes, which refers to the regeneration of natural systems.	The importance of native vegetation to support healthy ecological systems is further strengthened by including damage to remnant vegetation under the compliance reporting action. In addition, guidance for managing fauna relocations has been sought for inclusion in the tree management guidelines.
Increase targets	13	Feedback proposed increasing the targets in the strategy, planting faster, increasing coverage or more general references.	The draft strategy has been costed within current budgetary cycles. The review of the strategy in 2027 will consider whether it is feasible to increase the shrub and canopy targets, based on progress.
Species suitability	21	Submissions concerned species suitability of local trees and vegetation, for different locations and purposes. Due to Waverley's coastal topography, sandy soils and density, canopy trees are not appropriate in all areas.	The strategy has an action to address species suitability which has been strengthened to prioritise climate ready species and selections. The harmonisation of Council species lists is also listed as an action.
Strengthen protections	14	Comments referred to strengthened protections for trees or concerns about how DA approvals were being applied, including post occupancy.	The strategy does not strengthen protections but is focussed on correct implementation of current planning controls. Conditions of consent have been reviewed and updated to reflect current development controls and tree management guidelines, through the formation of a DA working group.
Water quality/resources	13	Comments referenced the link between sustainable water management and supporting vegetation, including water quality.	Improved irrigation and maintenance of trees on public land (streets and parks) will be considered in future based on available funds.
Decrease permeability/maximise cooling	19	Comments referenced the need for cooling and increased permeability in a highly dense, and noted challenges presented by development pressures.	New data from the state government will be uploaded to Council GIS database to enable Certifiers and Compliance officers to enable greater transparency and monitoring of greening and permeability targets.
Support green roofs and walls	5	Comments recommended greening rooftops and walls and supporting building	Council recently held a webinar on correct development pathways for green roofs and will continue to build educational materials and

		integrated vegetation.	opportunities under the strategy.
Valuation of natural assets	10	Comments noted the economic value of trees and vegetation and or suggested incentives for better managing urban vegetation	The strategic Planning team is exploring options to support management of canopy trees on private land through incentives, and pathways to protect deep soil on private land.
Support for community gardens and compliant verge gardening	11	Comments voiced support for additional community gardens and related resources, and general community benefits and interest in greening programs. Concerns about non-compliant verge gardens were also raised.	Reference to bushcare and volunteer gardening programs have been added as an opportunity for community participation and support for best practice verges has been specified under the community stewardship goal. Actions to improve education around verge gardening is in development.
Tree removals/ private land concerns	15	Comments related to concerns around tree removals on private land. These comments cover a broad range of issues relating to planning, sustainability, and compliance.	A new action to explore refunds once a private tree replacement has reached 3 metres has been included, in order to incentivise tree commensurate replacements through the TPO process.

Based on this consultation and feedback a number of changes have been made to the amended Strategy as shown in Attachment 1. These changes from the draft that was exhibited are shown as mark ups in pale green. The other change that has been made is that actions are now numbered for tracking purposes.

A strategy review is proposed after five years (2027) to adjust or strengthen the targets and actions after determining progress, which would be reported annually via Council's State of the Environment report.

5. Financial impact statement/Time frame/Consultation

The draft Strategy was peer reviewed to ensure the targets were achievable. Estimated costs to meet the targets is calculated at \$3.5 million over 8 years, using standard rates for planting and establishment of >500 trees per annum (45 litres) in Streets and Parks.

Analysis of the current forward budget for related Council activities is \$4.83 million, and state government grants for tree planting are likely to be forthcoming. Therefore, additional funds for tree planting and vegetation are not required to meet the targets, however additional resources for irrigation and establishment have been requested to ensure the survivability of new trees to meet the targets.

6. Conclusion

The Urban Greening and Cooling Strategy will protect and enhance greening on both public and private land as an effective local response to increasing temperatures caused by climate change. It will ensure Waverley's public parks, streets and private properties retain and increase vegetation cover enhancing regional climate resilience, and ensuring healthy, nature positive neighbourhoods into the future. It is recommended that Council adopt the Strategy as amended.

7. Attachments

1. Urban Greening and Cooling Strategy [↓](#) .

REPORT
PD/5.8/23.12

Subject: Tamarama Park and Beach Plan of Management - Adoption

TRIM No: A21/0475

Manager: Nikolaos Zervos, Executive Manager, Infrastructure Services

Director: Sharon Cassidy, Director, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the feedback on the draft Tamarama Park and Beach Plan of Management received during public exhibition, as set out in the report, and that no substantial changes have been required to the draft Plan of Management as a result of the consultation.
2. Adopts the Tamarama Park and Beach Plan of Management attached to the report (Attachment 1) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

1. Executive Summary

A plan of management is a document that defines the value, use, management practices and intent for the broad public purpose for which the land has been reserved. On 20 October 2020, Council resolved (CM/7.6/20.10) to update the Tamarama Park and Beach Plan of Management (PoM) in response to changes made in 2018 to the *Crown Land Management Act 2016* (CLM Act).

On 7 June 2023, in accordance with section 70B of the *Crown Land Management Regulation 2018*, the Minister for Lands and Property (the Minister) provided written consent for Council to adopt the Tamarama Park and Beach PoM, following a successful public exhibition process, subject to inclusion of amendments requested by Crown Lands (Attachment 3).

The plan was publicly exhibited for 42 days from 22 September to 5 November 2023 to provide the community with the opportunity to review the draft and provide further feedback. A summary of consultation findings is attached to this report (Attachment 2).

Community feedback and ideas received were in line with what the community told us in early rounds of consultation and are reflected in the draft PoM and Masterplan. Feedback received has not required any substantive changes to the PoM, with a majority of respondents supporting each amendment.

The PoM, with non-substantial amendments (minor editorial corrections) highlighted, is attached to the report (Attachment 1).

Should Council wish to substantially amend the PoM following exhibition, it will need to be resubmitted to the Minister for review and receive written consent to re-exhibit and adopt the amended PoM.

The community have expressed their support for the plan and it is therefore recommended that Council adopt the PoM attached to this report in accordance with section 40 of the *Local Government Act 1993* and lodge a copy of the adopted PoM with the NSW Department of Planning and Environment – Crown lands.

2. Introduction/Background

Tamarama Park and Beach comprises both Crown land and community land. Council is the Crown land manager for the land.

The CLM Act, which commenced on 1 July 2018, introduces significant changes to the management of Crown land in NSW. The Act directs that plans of management must be produced for all Crown Land managed by Crown Land Managers (CLM). The Act also directs that councils will now manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act).

Parts of Tamarama Park and Beach are classified as ‘community land’ under the LG Act, meaning that Council is required to have plans of management for this land.

The draft TPB PoM is fully aligned with the new CLM Act, and the LG Act. Initial consultation conducted in the first half of 2022 provided information about how the public uses the park and beach, tested ideas for enhancement and received feedback from the community about the park. All this information has been built into the draft TPB PoM that was placed on public exhibition. The plan’s vision and objectives have been underpinned by community aspirations. A comprehensive Action Plan has been developed within the PoM.

The plan was placed on public exhibition from 22 September to 5 November 2023 and was supported in the majority. A summary of consultation findings is attached to this report (Attachment 2).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 July 2022	CM/7.2/22.07	That Council: <ol style="list-style-type: none"> 1. Officers prepare a draft Plan of Management for Tamarama Park and Beach based on the results and recommendations of the Stage 1 community consultation attached to the report, including the following key consultation points: <ol style="list-style-type: none"> (a) No shade structures to be installed in the upper gully and limit new seating. (b) Off-leash dog area to be constrained. (c) Limit footprint of pathway up to Birrell Street. (d) Limit development on access to the waterfall. 2. Officers prepare a report to Council on the draft Tamarama Park and Beach Plan of Management and Stage 2 community consultation.
Council 20 October 2020	CM/7.6/20.10	That Council: <ol style="list-style-type: none"> 1. Pursuant to section 3.23 of the <i>Crown Lands</i>

		<p><i>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.</p> <ol style="list-style-type: none"> 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands. 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

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks' plans of management. 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 Inclusive Play Study further defines how Council plans and upgrades play spaces.

All the preliminary ideas presented in Stage 1 of the Tamarama Park and Beach PoM consultation were identified through these existing Council strategies. The strategies are based on community feedback and independent expert advice. The ideas presented in Stage 1 were tested and affirmed through the consultation process, which was extensive in reach and engagement, featuring one online webinar providing detailed overviews of all components of the engagement, an online meeting to enable respondents to provide direct feedback to council, and utilisation of the Have your Say platform to conduct both short form and detailed surveys.

Public exhibition

The draft plan was provided to Crown Lands for approval on 25 November 2022. On 06 June 2023, the draft plan was approved by Crown Lands to proceed to public exhibition, subject to completion of the amendments listed in Attachment 3 which was issued via email notification to Councillors on 18 September 2023, prior to public exhibition.

The plan was publicly exhibited for 42 days from 22 September to 5 November 2023 to provide the community with the opportunity to review the draft and provide further feedback. A summary of consultation findings is attached to this report (Attachment 2).

A range of engagement methods were used to maximise the opportunity for community participation. The methods used align with the IAP2 model for community engagement which has been adopted by Waverley Council including:

- Have Your Say website – 43 page views, 32 visitors, two project followers.
- Media release via Council's website.
- Online survey – 31 submissions.
- On-site poster – 12 posters displayed at each park entrance.
- Flyer drop with QR code link to project - Issued to approximately 3,088 properties,
- Social media posts - Facebook reach 12,000, likes = 11 and Instagram reach 7,540, likes = 43.
- Mail & Email notifications – Stakeholders, precincts and contributors to earlier rounds of consultation.
- Have Your Say engagement e-newsletter – over 6000 recipients.
- Waverley Weekly e-newsletter - 6,946 recipients

The aim of the public exhibition was to inform the public of the draft Plan of Management, including the vision, directions, master plan and action plan.

Respondents were asked to confirm whether they had read the draft plan, whether they support the draft plan and whether the master plan and related action plans achieve the key objectives of the draft PoM.

Respondents were then asked to provide any additional comments, feedback or areas of improvement and concern. The open format of this question allowed respondents to comment on a range of issues, many of which had already been addressed in the plan.

Summary of feedback and key ideas

There was general community support for the overarching vision of the plan and the key ideas, with 90.6% (29 out of 32 respondents) of survey respondents supportive of the plan of management.

Key findings from the public exhibition were in line with what the community told us in the previous consultation and have been addressed in the PoM Action plan.

Key findings from the public exhibition consultation were:

- There was general community support for the overarching vision of the plan and the key ideas (90.6% 29 out of 32 online survey responses).
- All PoM themes were majority supported by the Community on average 61.5% support, 31% neutral and 7.5% unsupportive.
- Management and Maintenance actions in the draft PoM was the most supported theme (66.67% 20 of 30 respondents)
- Getting to and around the park is important to the community (64.25% 20 of 31 responses) – with access improvements to the gully getting six mentions and universal access improvements four mentions along the same theme.
- Enhancing the Environment was an equally important theme amongst the community (64.52% 20 of 31 respondents) – in particular support for ongoing revegetation works while balancing the needs of park users and maintaining important views and vistas down the gully.

Feedback related to the support of individual action plans also received general community support, with each identified action plan receiving a majority of support by respondents. Responses in relation to the individual action plans are summarised in the table below.

Table 1. Responses to individual action plans.

Action Plan		Number and percentage of responses			Written comments received
		Yes	Neutral	No	
6.2	Getting to and around the park	20 (64.5%)	8 (25.8%)	3 (9.7%)	8
6.3	Playing and relaxing	18 (58%)	8 (25.8%)	5 (16.2%)	16
6.4	Enhancing the environment	20 (64.5%)	8 (25.8%)	3 (9.7%)	10
6.5	Community culture and heritage	18 (60%)	10 (33.3%)	2 (6.7%)	8
6.6	Management and maintenance	20 (66.6%)	9 (30%)	1 (3.3%)	9
6.7 & 6.8	Community land management and land categorisation	18 (60%)	12 (40%)	0 (0%)	2
6.9	Leases and licences	17 (56.7%)	11 (36.7%)	2 (6.6%)	6
6.1.2	Master plan and action plan	18 (60%)	10 (33.3%)	2 (6.7%)	17

Written responses were accepted as part of the survey process in relation to the identified action plans, with the greatest volume of responses centred on playing and relaxing (section 6.3), and the Master plan and action plan (item 6.1.2).

Council also received three during the public exhibition phase, including a collective feedback from the South Bondi/Tamarama Precinct.

Written feedback received in the online survey and emails were collated and categorised under the relevant themes of the draft PoM. The key ideas that arose from the combined responses received from the online survey and written responses were:

- Design and setting:
 - Maintaining 'natural' feel of Tamarama Gully and minimising built elements (six mentions).
- Getting to and around the park:
 - The need for remediation of stair access in and around Tamarama Park and Gully (six mentions).
 - Improvement to universal accessibility (four mentions).
- Playing and relaxing
 - Support for dog off-leash area (two mentions).

- Enhancing the environment:
 - General support to sensitively manage revegetation works in the gully (four mentions).
- Community, culture and heritage:
 - Support for increased interpretation of the sites including environmental, indigenous and post colonisation history themes (five mentions).
- Management and maintenance:
 - Sensitively managing public lighting in the park and gully (two mentions).
 - Support for the current management of volleyball activities (four mentions).
- Leases, licences and other estates:
 - Support for kiosk (three mentions).
- Compliance:
 - Better management and enforcement of dog off-leash breaches (seven mentions).
 - Desire for better enforcement of regulations in relation to antisocial behaviour – noise and alcohol consumption (three mentions).
 - Increased park surveillance and ranger patrols (two mentions).

These key ideas were in line with what the community told us in the previous consultation and therefore have been addressed in the Action plan.

Previous consultation has indicated that the community highly values the natural environment offered by Tamarama Park and Gully and wish to see the natural environment preserved and enhanced. In terms of infrastructure, the community generally supports the improvements to access around the park, while minimising any encroachment on the green space.

5. Financial impact statement/Time frame/Consultation

The ongoing preparation of PoMs is funded annually under the Capital Works program. This project is within budget.

It is intended that the implementation of the Plan of Management will be included in the Long Term Financial Plan with ongoing maintenance from the Operational Plan and major upgrades funded from future Capital Works Programs.

Once the PoM is formally adopted by Council, officers will update the community and respond directly to residents and stakeholders who have provided feedback through the course of the PoM development.

6. Conclusion

Council resolved to draft a Plan of Management for Tamarama Park and Beach. The Plan of Management has now been prepared drawing on two rounds of community engagement. The community have expressed their support for the plan and it is therefore recommended that the Tamarama Park and Beach Plan of Management be adopted by Council. On adoption of the Plan, a copy will be issued to the Minister for Lands and Property and Department of Planning and Environment – Crown Lands.

7. Attachments

1. Tamarama PoM Highlighted Version 30 November 2023 [↓](#)
2. Public exhibition summary report [↓](#)
3. Table of amendments [↓](#) .

