



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

## COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at the Boot Factory, Spring Street, Bondi Junction at:

**7.00 PM, TUESDAY 10 DECEMBER 2024**

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

Emily Scott  
**General Manager**

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## **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 Meetings**

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 Mayor will 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 Mayor will 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/Leaves of Absence

## 2. Declarations of Pecuniary and Non-Pecuniary Interests

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## 9. Questions with Notice

Nil

## 10. Urgent Business..... 222

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The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

CM/11.1/24.12	CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Funding Strategy
CM/11.2/24.12	CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services - Negotiation Phase Outcome
CM/11.3/24.12	CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update
CM/11.4/24.12	CONFIDENTIAL REPORT - Shop 1, 276 Bronte Road, Waverley - Lease
CM/11.5/24.12	CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2025
CM/11.6/24.12	CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion First Floor Bar and Catering Services
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**12. Resuming in Open Session ..... 226**

**13. Meeting Closure**

## **OBITUARIES CM/3/24.12**

**Subject:** Obituaries  
**Author:** Emily Scott, General Manager



The Mayor will ask Councillors for any obituaries.

*Council will rise for a minute's silence for the souls of people generally who have died in our Local Government Area.*

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/24.12



**Subject:** Confirmation of Minutes - Council Meeting - 26 November 2024

**TRIM No:** A23/0761

**Manager:** Natalie Kirkup, Governance Officer

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### RECOMMENDATION:

That the minutes of the Council meeting held on 26 November 2024 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 Council meetings must be confirmed at a subsequent meeting of Council, in accordance with section 375 of the *Local Government Act 1993*.

### Attachments

1. Council Meeting Minutes - 26 November 2024



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 26 NOVEMBER 2024**

**Present:**

Councillor Will Nemesh (Mayor) (Chair)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Michelle Stephenson	Bondi Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson 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 7.00 pm, those present were as listed above.*

*Cr Wy Kanak attended the meeting by audio-visual link.*

*At 9.25 pm, following the vote on item CM/7.14/24.11, the meeting adjourned for a short break.*

*At 9.37 pm, the meeting resumed.*

*At 10.41 pm, following the vote on item CM/8.1/24.11, the meeting adjourned for a short break.*

*At 10.50 pm, the meeting resumed.*

## **PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

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

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

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.*

### **1. Apologies/Leaves of Absence**

There were no apologies.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and none were received.

### **3. Obituaries**

Barbara Armitage

Julia Hatsatouris

*Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.*

*P Pearce and S Betts addressed the meeting.*

### **4. Addresses by Members of the Public**

4.1 P Pearce – Obituaries – Barbara Armitage.

4.2 S Betts – Obituaries – Barbara Armitage and Julia Hatsatouris.

4.3 M Goldman (on behalf of the NSW Jewish Board of Deputies) – CM/6.1/24.11 – Development of Local Government Antisemitism Strategy.

4.4 S Hollis (on behalf of Sydney Jewish Museum) – CM/6.1/24.11 – Development of Local Government Antisemitism Strategy.

4.5 C Fisher (chief petitioner) – CM/7.16/24.11 – Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.

4.6 M Benson – CM/7.16/24.11 – Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.

- 4.7 L Martin (chief petitioner) – CM/7.17/24.11 – Petition – Blair Street (South Side), North Bondi – Resident Parking Scheme.
- 4.8 J Roach – CM/8.1/24.11 – Small Business Support – Outdoor Dining.
- 4.9 E Constantinou – CM/8.1/24.11 – Small Business Support – Outdoor Dining.
- 4.10 E Constantinou – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.11 A Brooks (on behalf of Easts Group and Sydney Roosters) – CM/8.2/24.11 – Bondi Junction Masterplan.
- 4.12 D Corbett (on behalf of Street Level Australia) – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.13 G Sher – CM/8.2/24.11 – Bondi Junction Master Plan.
- 4.14 A Ford – CM/8.4/24.11 – Birrell Street and Mackenzie Street Intersection, Bondi Junction – Road Safety Concerns.
- 4.15 P Paul – CM/8.4/24.11 – Birrell Street and Mackenzie Street Intersection, Bondi Junction – Road Safety Concerns.
- 4.16 G Wilson – CM/8.5/24.11 – Bondi Park Basketball Court.
- 4.17 J Bendeich – CM/8.6/24.11 – Investment Policy.
- 4.18 B Scaffidi – CM/11.2/24.11 – CONFIDENTIAL REPORT – Tender Evaluation – Bronte Surf Club and Community Facilities Building Upgrade – Head Contractor Services.

#### ITEMS BY EXCEPTION

That the recommendations for the following items be adopted as recommended in the business paper:

#### MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh  
Seconded: Cr Stephenson

- CM/7.4/24.11 Investment Portfolio Report – October 2024.
- CM/7.8/24.11 Resident Parking Scheme Review Committee – Terms of Reference.
- CM/7.11/24.11 Waverley Artist Studios Appointments – 2025-26.
- CM/7.12/24.11 Planning Agreement – 99-101 Hall Street, Bondi Beach.
- CM/7.13/24.11 Planning Agreement – 27-29 Kimberley Street, Vaucluse.
- CM/7.15/24.11 Electric Vehicle Charging Stations – Refined Site Plans.
- CM/7.16/24.11 Petition – 115 Denison Street, Bondi Junction – Electric Vehicle Charging Station.



## 5. Confirmation and Adoption of Minutes

### CM/5.1/24.11 Confirmation of Minutes - Council Meeting - 29 October 2024 (A23/0761)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Spicer

That the minutes of the Council meeting held on 29 October 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

## 6. Mayoral Minutes

### CM/6.1/24.11 Development of Local Government Antisemitism Strategy (A23/0698)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

That Council:

1. Notes the adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism (CM/8.4/21.10).
2. Further notes that officers have been progressing work on a Local Government Antisemitism Strategy that can be utilised by Council and other local governments across Australia (CM/8.4/23.12).
3. Hosts a Mayoral roundtable with the Sydney Jewish Museum, NSW Jewish Board of Deputies and other stakeholders in early 2025 to seek input and feedback on the proposed strategy and action plan.
4. Officers present the strategy to Council for formal adoption following the consultation.
5. Writes to the Sydney Jewish Museum and the NSW Jewish Board of Deputies informing them of this resolution and inviting them to immediately commence discussions with Council on the format and form of the Mayoral roundtable.

#### Background

Waverley Council has a resilient and proud Jewish community with a long and deep connection to our local government area. In October 2021, Council adopted in full the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, which begins as follows: 'Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.'

In the wake of the 7 October 2023 attack on Israel, producing an antisemitism strategy and action plan is even more important for Council to address the rise in prejudice, hate and division directed towards our Jewish residents. By proactively establishing an antisemitism strategy and action plan, Council is sending a clear message that antisemitism in any form will not be tolerated and that our Jewish community should feel safe and valued.

It is anticipated that the antisemitism strategy and action plan that Council endorses and adopts will be utilised more broadly across NSW and Australia. Council is uniquely placed to be a leader in combating antisemitism and setting a national example for social cohesion.

It is essential that through the development of this strategy/action plan that Council engages with Jewish organisations, and it is proposed to hold a Mayoral roundtable in early 2025 with Sydney Jewish Museum and Jewish Board of Deputies to seek feedback and input into Council's proposed strategy and action plan, and to hear directly from these organisations on the lived experience of their membership and community.

The final proposed strategy and action plan will be presented to Council for adoption and will be an opportunity to engage across the industry to promote social cohesion and combat the scourge of antisemitism.

*M Goldman (on behalf of the NSW Jewish Board of Deputies) and S Hollis (on behalf of Sydney Jewish Museum) addressed the meeting.*

#### **CM/6.2/24.11                      Support for Sculpture by the Sea   (A24/0228)**

##### **MOTION**

Mover:            Cr Nemesh

That Council:

1.     Congratulates Sculpture by the Sea on another successful event held this year and in particular David Handley AM (CEO) and Ross Drinnan (Chair).
2.     Congratulates all the artists, volunteers and winners and in particular Elyssa Sykes-Smith, winner of the 2024 Waverley Council Mayor's Prize for her artwork 'Reclaimed Chaos.'
3.     Increases the annual Mayor's prize to \$10,000 (from the current \$5,000), to be funded through the 2024-25 budget process.
4.     Meets at regular intervals with the organisers of Sculpture by the Sea throughout the year and prior to each event to further strengthen the relationship between Council and Sculpture by the Sea.
5.     Writes to Sculpture by the Sea informing them of this motion and resolution.

##### **Background**

Sculpture by the Sea holds significant cultural and social value for the Waverley and broader Sydney community, transforming the iconic Bondi to Tamarama coastal walk into a vibrant outdoor gallery each year. As one of the world's largest free public art exhibitions, it attracts artists and visitors from around the globe, offering an opportunity for locals and tourists to engage with contemporary art in a unique and accessible way. By integrating stunning sculptures with Waverley's natural beauty, the event fosters a deeper appreciation for both art and the environment, making it a quintessential part of Sydney's cultural identity.

This event also strengthens the arts community by providing a platform for local and emerging artists to showcase their work alongside internationally acclaimed creators. It helps nurture Sydney's artistic talent and encourages dialogue about creativity, sustainability and innovation. Additionally, the event creates opportunities for schools and families to participate in art workshops and educational programs, making it a cornerstone for cultural learning and inclusivity within the community. The mix of creativity and education ensures its relevance across generations, inspiring future artists and art enthusiasts.

Economically, Sculpture by the Sea contributes significantly to our tourism and local businesses. Each year, it draws hundreds of thousands of visitors, benefiting local cafés, restaurants and shops in Bondi and

Tamarama. This influx of tourism not only boosts the local economy but also reinforces Waverley's status as a global cultural destination. Furthermore, the event's focus on public art encourages discussions about the importance of preserving public spaces for creative expression, fostering a shared sense of pride and connection within the community.

This year's exhibition was a major success, and I congratulate David Handley AM (Founding CEO and Artistic Director) and Ross Drinnan (Chairman) for their extraordinary leadership. As Mayor, I had the enviable task of selecting the winner of the Mayor's prize. This award has a long proud history, and Council has historically awarded \$5,000 as the prize. The prize has not been increased for some time, and it is fitting that we continue to recognise the importance of the event and the contribution to arts in Waverley and increase the Mayor's prize to \$10,000.

In addition, to further strengthen the relationship between Council and Sculpture by the Sea it is proposed to meet several times throughout the year to talk through upcoming exhibitions and maximise the opportunities for the event and Council. For the months closer to the event, it is essential to work together for a successful exhibition and respect for the local community.

#### **AMENDMENT**

Mover: Cr Lewis

Seconder: Cr Masselos

That the following clause be added to the motion:

'Officers prepare a report to the December Council meeting setting out Council's annual cash and non-cash support for Sculpture by the Sea for the period 2020 to 2024.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

#### **UNANIMOUS DECISION**

That Council:

1. Congratulates Sculpture by the Sea on another successful event held this year and in particular David Handley AM (CEO) and Ross Drinnan (Chair).
2. Congratulates all the artists, volunteers and winners and in particular Elyssa Sykes-Smith, winner of the 2024 Waverley Council Mayor's Prize for her artwork 'Reclaimed Chaos.'
3. Increases the annual Mayor's prize to \$10,000 (from the current \$5,000), to be funded through the 2024-25 budget process.
4. Meets at regular intervals with the organisers of Sculpture by the Sea throughout the year and prior to each event to further strengthen the relationship between Council and Sculpture by the Sea.
5. Writes to Sculpture by the Sea informing them of this motion and resolution.

## 7. Reports

### **CM/7.1/24.11          Annual Report 2023-24 and State of the City Report 2024 (A22/0557)**

#### **MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh

Seconder:   Cr Frazer

That Council notes the Annual Report 2023–24 (Attachment 1) including the State of the City Report 2024 (Attachment 2) attached to the report.

### **CM/7.2/24.11          Quarterly Budget Review (Q1) - September 2024 (SF24/4957)**

#### **MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh

Seconder:   Cr Westwood

That Council:

1. Notes that the Executive Manager, Finance, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2024-25 Operating and Capital budgets in accordance with the attachments to the report.

### **CM/7.3/24.11          Audited Financial Statements 2023-24 (A24/0111)**

#### **MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh

Seconder:   Cr Stephenson

That Council:

1. In accordance with section 419 of the *Local Government Act*, notes:
  - (a) The audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report.
  - (b) The auditor's report on the 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) included in the attachment to the report.
2. In accordance section 420 of the *Local Government Act*, refers any public submissions on the audited 2023-24 Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to the auditor.

**CM/7.4/24.11 Investment Portfolio Report - October 2024 (SF24/3676)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council notes:

1. The Investment Summary Report for October 2024 attached to the report.
2. That the Executive Manager, Finance, as the responsible accounting officer, advises that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

**CM/7.5/24.11 Annual Code of Conduct Complaints Statistics (SF17/2821)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Spicer

That Council notes the statistics on code of conduct complaints about Councillors and the General Manager for 2023–24 attached to the report.

**CM/7.6/24.11 Capital Works Review Committee - Terms of Reference and Councillor Appointments (A24/0993)****MOTION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Capital Works Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Masselos to the Committee until the next mayoral election on 15 September 2026.

**AMENDMENT**

Mover: Cr Fabiano  
Seconder: Cr Wy Kanak

That clause 2 be amended to read as follows:

'Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Wy Kanak to the Committee until the next mayoral election on 15 September 2026.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Adopts the terms of reference for the Capital Works Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Westwood, Cr Frazer and Cr Masselos to the Committee until the next mayoral election on 15 September 2026.

**CM/7.7/24.11 Sustainability and Transport Expert Advisory Panel - Terms of Reference and Councillor Appointments (A24/0996)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Westwood

That Council:

1. Adopts the terms of reference for the Sustainability and Transport Expert Advisory Panel attached to the report.
2. Appoints Cr Westwood (Chair), Cr Merten (Deputy Chair), Cr Fabiano and Cr Townsend to the Committee until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for 28 days for up to six community experts in sustainability and/or transport to be appointed to the Committee.

**CM/7.8/24.11 Resident Parking Scheme Review Committee - Terms of Reference (A02/0750)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council adopts the terms of reference for the Resident Parking Scheme Review Committee attached to this report.

**CM/7.9/24.11 Strategic Property Review Committee - Terms of Reference and Councillor Appointments (A24/0994)**

**MOTION / DECISION**

Mover: Cr Nemesh  
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Strategic Property Review Committee attached to the report.
2. Appoints Cr Nemesh (Chair), Cr Merten (Deputy Chair), Cr Stephenson, Cr Spooner and Cr Frazer to the Committee until the next mayoral election on 15 September 2026.

**CM/7.10/24.11          Surf Life Saving Committee - Terms of Reference and Councillor Appointments (A24/0995)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconder:   Cr Stephenson

That Council:

1.      Adopts the terms of reference for the Surf Life Saving Committee attached to the report, subject to increasing the number of Councillors on the Committee from three to four.
2.      Appoints Cr Nemesh (Chair), Cr Masselos (Deputy Chair), Cr Stephenson, Cr Spicer and Cr Fabiano to the Committee until the next mayoral election on 15 September 2026.

**CM/7.11/24.11          Waverley Artist Studios Appointments - 2025-26 (A23/0398)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconder:   Cr Stephenson

That Council:

1.      Offers the following artists a placement in the Waverley Artist Studios from February 2025 to January 2026:
  - (a)      Kai Wasikowski.
  - (b)      Blake Lawrence.
  - (c)      Josh Harle.
  - (d)      Wona Bae and Charlie Lawler.
  - (e)      Gitte Backhausen.
2.      Offers the following artists a reserve placement in the Waverley Art Studios from February 2025 to January 2026:
  - (a)      Gerwyn Davies.
  - (b)      Zorica Purlija.
  - (c)      Annabelle McEwen.
  - (d)      Jarryd Lynaugh.
  - (e)      Felix Feneley.

**CM/7.12/24.11          Planning Agreement - 99-101 Hall Street, Bondi Beach (SF24/2422)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconder:   Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 99-101 Hall Street, Bondi Beach, offering a total monetary contribution of \$533,200, with \$399,900 (75%) to be allocated to local village streetscape improvements and road safety and traffic calming works within the Bondi and Bondi Beach area, and \$133,300 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**Division**

**For the Motion:**      Crs Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

**Against the Motion:** Nil.

**CM/7.13/24.11          Planning Agreement - 27-29 Kimberley Street, Vaucluse (SF24/4330)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconder:   Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 27-29 Kimberley Street, Vaucluse, offering the dedication of 327.3 sqm of RE1 Public Recreation zoned land to Council in addition to a total monetary contribution of \$218,550, with \$163,921.50 (75%) to be allocated to upgrades to Diamond Bay and Vaucluse parks and reserves and \$54,637.50 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the Agreement and affix the Council seal to the documentation.

**Division**

**For the Motion:**      Crs Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

**Against the Motion:** Nil.



**CM/7.14/24.11          Planning Agreement - 5 Pacific Avenue, Tamarama (SF24/2926)****MOTION / DECISION**

Mover:      Cr Nemesh  
Seconded:   Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 5 Pacific Avenue, Tamarama, offering a total monetary contribution of \$347,519.85, with \$260,639.88 (75%) to be allocated to the Tamarama Park and Beach Plan of Management and Coastal Parks Plan of Management, and \$86,879.96 (25%) to be allocated to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**Division**

**For the Motion:**      Crs Fabiano, Frazer, Lewis, Masselos, Merten, Spicer, Spooner, Stephenson, Townsend and Westwood.

**Against the Motion:** Cr Wy Kanak.

**CM/7.15/24.11          Electric Vehicle Charging Stations - Refined Site Plans (SF24/4371)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded:   Cr Stephenson

That Council installs designated electric vehicle charging parking spaces at the locations set out in the report.

**CM/7.16/24.11          Petition - 115 Denison Street, Bondi Junction - Electric Vehicle Charging Station (SF24/4371)****MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconded:   Cr Stephenson

That Council:

1. Notes:
  - (a) The petition opposing the installation of an electric vehicle (EV) charging station in front of 115 Denison Street, Bondi Junction.
  - (b) That the EV charging station proposed at 115 Denison Street is as an undesignated parking space, such that any vehicle may continue to park at that location.
  - (c) That Ausgrid is the electricity supply authority and is able to install EV chargers on an existing electricity or lighting pole under section 2.124E of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* as exempt development.
2. Supports the provision of an electric vehicle charging station at 115 Denison Street.

*C Fisher (chief petitioner) and M Benson addressed the meeting.*

**CM/7.17/24.11          Petition - Blair Street (South Side), North Bondi - Resident Parking Scheme (A16/0643)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Nemesh  
Seconder:   Cr Stephenson

That Council:

1.      Notes the petition on introducing a resident parking scheme on the south side of Blair Street, North Bondi.
2.      Installs '2P, 8 am–10 pm, Permit Holders Excepted Area 8' parking restrictions on the south side of Blair Street, between Glenayr Avenue and Gould Street, North Bondi.

*L Martin (chief petitioner) addressed the meeting.*

**8.      Notices of Motions**

**CM/8.1/24.11          Small Business Support - Outdoor Dining (A08/0935-02)**

**MOTION / DECISION**

Mover:      Cr Stephenson  
Seconder:   Cr Westwood

That Council:

1.      Immediately amends the footpath dining permit system to not require strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.
2.      Officers prepare a report to Council no later than March 2025 outlining:
  - (a)      Housekeeping amendments to the Waverley Development Control Plan to create consistency with clause 1(a).
  - (b)      A new draft Outdoor Dining Policy and Guideline.
3.      Writes to the following organisations informing them of Council's decision:
  - (a)      Bondi and Districts Chamber of Commerce.
  - (b)      Night Time Industries Association (NTIA).
  - (c)      Independent Bars Association.
  - (d)      Council's Precincts.

*J Roach and E Constantinou addressed the meeting.*

**CM/8.2/24.11      Bondi Junction Master Plan (A24/1055)****MOTION**

Mover:      Cr Nemesh  
Seconder:   Cr Westwood

That:

1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame and budget for a Bondi Junction Vision and Town Centre Master Plan.
2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by:
  - (a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to:
    - (i) Height, bulk and scale of existing building envelopes.
    - (ii) Solar access and overshadowing of public spaces.
    - (iii) Appropriateness of existing commercial heritage listings.
    - (iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.
  - (b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.
  - (c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.
  - (d) An infrastructure funding strategy.
  - (e) Community and stakeholder engagement strategy.
  - (f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.
  - (g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.
  - (h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.
  - (i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.
  - (j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.
  - (k) Quality built form and architectural design excellence.

3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.
4. Council writes to the following people, organisations and groups informing them of this resolution:
  - (a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.
  - (b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
  - (c) The Member for Coogee, Marjorie O'Neill MP.
  - (d) The Member for Vaucluse, Kellie Sloane MP.
  - (e) The Member for Wentworth, Allegra Spender MP.
  - (f) All Council Precincts.
  - (g) Bondi and Districts Chamber of Commerce.
5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT IT NOW READS AS FOLLOWS:

'Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.'

**AMENDMENT**

Mover: Cr Lewis

Seconder: Cr Spooner

That clauses 4 and 5 be deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That:

1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.
2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by:
  - (a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to:
    - (i) Height, bulk and scale of existing building envelopes.
    - (ii) Solar access and overshadowing of public spaces.

- (iii) Appropriateness of existing commercial heritage listings.
    - (iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.
  - (b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.
  - (c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.
  - (d) An infrastructure funding strategy.
  - (e) Community and stakeholder engagement strategy.
  - (f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.
  - (g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.
  - (h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.
  - (i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.
  - (j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.
  - (k) Quality built form and architectural design excellence.
3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.
4. Council writes to the following people, organisations and groups informing them of this resolution:
- (a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.
  - (b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.
  - (c) The Member for Coogee, Marjorie O'Neill MP.
  - (d) The Member for Vaucluse, Kellie Sloane MP.
  - (e) The Member for Wentworth, Allegra Spender MP.
  - (f) All Council Precincts.
  - (g) Bondi and Districts Chamber of Commerce.
5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.

**Division**

**For the Motion:** Crs Fabiano, Frazer, Lewis, Masselos, Merten, Nemesh, Spicer, Spooner, Stephenson, Townsend and Westwood.

**Against the Motion:** Cr Wy Kanak.

*E Constantinou, A Brooks (on behalf of Easts Group and Sydney Roosters), D Corbett (on behalf of Street Level Australia) and G Sher addressed the meeting.*

**CM/8.3/24.11                    3rd Rose Bay (Judean) Scout Group - 60th Anniversary (A24/1040)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Spicer

That Council:

1. Notes that:
  - (a) The purpose of the Scout movement is to contribute to the education of young people in achieving their full physical, intellectual, emotional, social and spiritual potential as individuals, as responsible citizens and as members of their local, national and international communities.
  - (b) Jewish Scouting in Sydney began in 1908.
  - (c) The 3rd Rose Bay (Judean) Troop was established in 1964 and merged with the 2nd North Bondi Scout Troop in November 1989.
2. Congratulates the 3rd Rose Bay (Judean) Scout Group on its 60th anniversary.
3. Directs the Mayor to write to the 3rd Rose Bay (Judean) Scout Group Leader, Leon Waxman, conveying Council's congratulations.

*Cr Wy Kanak was not present for the vote on this item.*

**CM/8.4/24.11                    Birrell Street and Mackenzie Street Intersection, Bondi Junction - Road Safety Concerns (A22/0414)****MOTION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that:
  - (a) The Birrell Street cycleway has now been built and was largely funded by Transport for NSW.
  - (b) Residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:
    - (i) Poor visibility when turning right out of Mackenzie Street into Birrell Street, requiring cars making this right hand turn to sweep into the other side of the road.

- (ii) The garden bed closest to the road on the corner of Birrell and Mackenzie Streets is problematic, as it creates safety issues when trying to make a right hand turn.
  - (iii) Concerns that this location could cause a fatality.
  - (iv) Small sweep for buses turning left into Birrell Street from Bourke Road creating safety concerns and potential damage to parked vehicles.
- (c) Officers are presently conducting a road safety audit of this location.
- 2. Expedites the completion of the road safety audit as a matter of urgency given the serious road safety implications.
- 3. As matter of urgency:
  - (a) Removes the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, southbound.
  - (b) Ensures any planting in the garden beds is low and does not impede vision of drivers.
  - (c) Trials the installation of motorcycle/cycle parking on the corner of Mackenzie and Birrell Streets southbound to help improve visibility and road safety for cars turning right into Birrell Street, and identifies potential spaces to relocate the displaced parking spot.
  - (d) Installs additional line marking in the vicinity to reinforce safe vehicular movements.
- 4. Officers prepare a report with the outcomes of the road safety audit and recommended actions to address any concerns identified, including removal of the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, as a matter of urgency and continues meaningful consultation with residents about the solutions.

**AMENDMENT**

Mover: Cr Townsend  
Seconder: Cr Westwood

That clauses 3(a) and 3(c) be deleted.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

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

**UNANIMOUS DECISION**

That Council:

- 1. Notes that:
  - (a) The Birrell Street cycleway has now been built and was largely funded by Transport for NSW.
  - (b) Residents living near this intersection and in Mackenzie Street have written to Council with serious road safety concerns as a result of the cycleway including:
    - (i) Poor visibility when turning right out of Mackenzie Street into Birrell Street, requiring cars making this right hand turn to sweep into the other side of the road.

- (ii) The garden bed closest to the road on the corner of Birrell and Mackenzie Streets is problematic, as it creates safety issues when trying to make a right hand turn.
  - (iii) Concerns that this location could cause a fatality.
  - (iv) Small sweep for buses turning left into Birrell Street from Bourke Road creating safety concerns and potential damage to parked vehicles.
- (c) Officers are presently conducting a road safety audit of this location.
- 2. Expedites the completion of the road safety audit as a matter of urgency given the serious road safety implications.
- 3. As matter of urgency:
  - (a) Ensures any planting in the garden beds is low and does not impede vision of drivers.
  - (b) Installs additional line marking in the vicinity to reinforce safe vehicular movements.
- 4. Officers prepare a report with the outcomes of the road safety audit and recommended actions to address any concerns identified, including removal of the garden bed closest to the road at the intersection of Birrell and Mackenzie Streets, as a matter of urgency and continues meaningful consultation with residents about the solutions.

*A Ford and P Paul addressed the meeting.*

**CM/8.5/24.11          Bondi Park Basketball Court (A20/0503)**

**MOTION**

Mover:      Cr Stephenson  
Seconder:   Cr Nemesh

That Council:

1. Investigates the feasibility, including risks, costs and the approval process, of providing a full-size basketball court or two half-courts north of Bondi Pavilion close to the children's playground.
2. Officers prepare a report to the March 2025 Council meeting on the outcomes of the investigation.

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

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

**UNANIMOUS DECISION**

That Council:

1. Investigates the feasibility, including risks, costs and the approval process, of providing a full-size basketball court or two half-courts north of Bondi Pavilion close to the children's playground.
2. Officers prepare a report to the March 2025 Council meeting on the outcomes of the investigation, including an estimate of costs to plan and construct a full-size basketball court or two half-courts.



*G Wilson addressed the meeting.*

**CM/8.6/24.11 Investment Policy (A05/0197)**

**MOTION / DECISION**

Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Notes that it must maintain an investment policy that complies with the *Local Government Act 1993* (NSW) and Ministerial Investment Order and ensure it or its representatives exercise care.
2. Amends part of clause 4.2(e) of the Investment Policy as follows:
  - (a) Delete the following paragraph: ‘When there is no availability of Green, ESG, or socially responsible investment options compliant with legislation and investment policy guidelines or exposures to non-fossil fuel banks are at policy limits, Council will source the most prudent investment choice at the time regarding the time horizon of funds, the credit quality of the institution and overall investment return.’
  - (b) Add the following paragraph in its place:

‘When making investment decisions, Council may consider institutions that adhere to ESG principles, where:

    - The investment complies with Council’s Investment Policy, and
    - The rate of interest is within 0.05% favourable to Council relative to alternative options available at the time, and
    - The credit rating of the investment is comparable to alternative options available at the time.

Any ESG investment considerations will be subject to Council’s overall investment strategy objectives of optimising its return on investment of surplus funds in a prudent and measurable manner.’

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

**Division**

**For the Motion:** Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

**Against the Motion:** Crs Fabiano, Masselos, Merten, Spooner and Wy Kanak.

*J Bendeich addressed the meeting.*

**CM/8.7/24.11 RESCISSION MOTION - PD/5.1/24.11 - Planning Agreement Policy (Amendment No. 5) - Adoption (SF23/1066)**

**MOTION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council rescinds resolution PD/5.1/24.11 – Planning Agreement Policy (Amendment No. 5) – Adoption,

passed at the Strategic Planning and Development Committee meeting on 12 November 2024.

**FORESHADOWED MOTION (LAPSED)**

Mover: Cr Masselos

That Council adopts the original Planning Agreement Policy (Amendment No. 5) attached to the report of the Strategic Planning and Development Committee meeting agenda on 12 November 2024.

THE MOTION WAS PUT AND DECLARED LOST.

**9. Questions with Notice**

There were no questions with notice.

**10. Urgent Business**

**CM/10.1/24.11 Councillor Conduct and Meeting Practices - Submission (A24/0899)**

*The Chair ruled that this item was urgent.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council deals with this item as urgent business.

**MOTION**

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council approves the submission to the Office of Local Government attached to the report (Attachment 2) on the Councillor Conduct and Meeting Practices Discussion Paper.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF NEW CLAUSES 1–3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED UNANIMOUSLY.

**UNANIMOUS DECISION**

That Council approves the submission to the Office of Local Government attached to the report (Attachment 2) on the Councillor Conduct and Meeting Practices Discussion Paper, subject to the following amendments:

1. Page 27 of the urgent business, clause 14, fourth dot point – Amend to read as follows:

‘Standing when the Mayor enters the meeting room. The aim should be to make meetings more accessible, collaborative and representative.’

2. Page 26 of the urgent business, clause 7, third sub-point – Amend to read as follows:

‘Should not include current councillors or any former councillor who has been the subject of a Code of Conduct investigation that has determined that there has been a breach of the Code of Conduct and made a recommendation that the respondent to the complaint be formerly censured for the

breach under section 440G of the *Local Government Act 1993*.'

3. Page 25 of the urgent business, clause 6 – Add the following dot point:

'Councillors should have to declare if they are employed by a property developer or if they derive income or remuneration from a property developer.'

## 11. Closed Session

### CM/11/24.11 Closed Session

#### MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Nemesh

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:

CM/11.1/24.11 CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome

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.

CM/11.2/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Head Contractor Services

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.

CM/11.3/24.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services

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 11.02 pm, Council moved into closed session.*

**CM/11.1/24.11            CONFIDENTIAL REPORT - 2A Edmund Street, Queens Park - Negotiation Phase Outcome (A24/0298)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder:     Cr Stephenson

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 outcome of the negotiation phase of the tender for construction services for the 2A Edmund Street Social Housing Project, as set out in the report.
3. Declines to enter into contract for the construction of a social housing building at 2A Edmund Street, Queens Park.
4. Officers investigate Option 2, as set out in the report, for the future of the site, with a report to be prepared to Council no later than March 2025, which also considers key worker housing for Council staff at the site as part of the Affordable Housing Program.

**CM/11.2/24.11            CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Head Contractor Services (A24/0750)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder:     Cr Stephenson

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. Declines to accept any of the tenders for head contractor services for the Bronte Surf Life Saving Club and Community Facilities Upgrade, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market with an open tender process.

4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the top two ranked tenderers with a view to entering into a contract for head contractor services to allow negotiation and value engineering on key elements of the project to bring it to an appropriate budget.
5. Officers prepare a report to Council detailing the outcomes of the negotiation prior to executing the contract.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.
7. Notes that a further report will be considered by Council at its meeting on 10 December 2024 on the funding strategy to enable delivery of this project.

*B Scaffidi addressed the meeting.*

**CM/11.3/24.11                      CONFIDENTIAL REPORT - Tender Evaluation - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services (A24/0641)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder:    Cr Stephenson

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. Declines to accept any of the tenders for project management services for the Bronte Surf Life Saving Club and Community Facilities Upgrade, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market with an open tender process.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the top ranked tenderers with a view to entering into a contract for the project management services, as these tenderers scored highly and had quality submissions, with the issues of resourcing and contract departures to be clarified during negotiations.
5. Officers prepare a report to the December Council meeting detailing the outcomes of the negotiation prior to executing the contract.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

**12. Resuming in Open Session****CM/12/24.11                      Resuming in Open Session****MOTION / UNANIMOUS DECISION**

Mover:        Cr Nemesh  
Seconder:    Cr Stephenson

That Council resumes in open session.

*At 11.22 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.*

**13. Meeting Closure****THE MEETING CLOSED AT 11.26 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**10 DECEMBER 2024**

:

## MAYORAL MINUTES CM/6/24.12

**Subject:** Mayoral Minutes  
**Author:** Mayor of Waverley, Cr Will Nemesh



Mayoral minutes are permissible at Waverley Council meetings under the Waverley Code of Meeting Practice. Clauses 9.7–9.11 of the Code state:

*Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.*

*A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.*

*A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.*

*A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.*

*Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.*

## REPORT CM/7.1/24.12



**Subject:** Excluded Business

**TRIM No:** SF24/5716

**Manager:** Emily Scott, General Manager

**Director:** Emily Scott, General Manager

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### RECOMMENDATION:

That Council notes that the General Manager excluded a notice of motion from Crs Lewis, Spooner, Merten and Masselos from the November Council meeting agenda, in accordance with clause 3.22 of the Code of Meeting Practice.

#### 1. Executive Summary

Crs Lewis, Spooner, Merten and Masselos lodged a notice of motion for the November Council meeting that was, in the General Manager's opinion, unlawful. The notice of motion was therefore not included in the agenda. In accordance with the Code of Meeting Practice, the General Manager is required to report to the next Council meeting on any business she has excluded from the previous month's agenda on the basis of it being unlawful.

#### 2. Introduction/Background

Clause 3.22 of the Code of Meeting Practice states that:

*'The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.'*

#### 3. Relevant Council Resolutions

Nil.

#### 4. Discussion

Crs Lewis, Spooner, Merten and Masselos lodged a notice of motion for the November Council meeting regarding a Code of Conduct complaint. Clause 12.1 of the Procedures for the Administration of the Code of Conduct states that:

*Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.*

The General Manager did not include the motion in the agenda because it was, in her opinion, unlawful.



**5. Financial impact statement/Time frame/Consultation**

The Councillors who lodged the notice of motion were advised of the General Manager's decision before the agenda was issued.

**6. Conclusion**

The General Manager is required to report to Council where she has excluded business from a Council meeting agenda. This report satisfies that requirement.

**7. Attachments**

Nil.

## REPORT CM/7.2/24.12



**Subject:** Audit, Risk and Improvement Committee - Independent Membership Extension

**TRIM No:** SF24/5540

**Manager:** Richard Coelho, Executive Manager, Governance

**Director:** Tara Czinner, Director, Corporate Services

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### RECOMMENDATION:

That Council:

1. Extends the term of John Gordon as an independent member of the Audit, Risk and Improvement Committee to 17 September 2027 and appoints him Chair of the Committee.
2. Extends the term of Elizabeth Gavey as an independent member of the Committee to 31 December 2025.
3. Extends the term of Sheridan Dudley as an independent member of the Committee to 15 August 2027.

#### 1. Executive Summary

The term of the three independent members of Council's Audit, Risk and Improvement Committee (ARIC) ends on 31 December 2024. Having completed satisfactory performance assessments, this report seeks Council's approval to extend the term of the current independent members and appoint a new chair of the committee from their number. The recommended extensions and the appointment of the chair are as follows:

- John Gordon be appointed as Chair of the committee to 17 September 2027 (serving an 8-year term in total).
- Elizabeth Gavey be extended to 31 December 2025 (serving a six-year term in total).
- Sheridan Dudley be extended to 15 August 2027 (serving a four-year term in total).

#### 2. Introduction/Background

John Gordon and Elizabeth Gavey were appointed to the ARIC by Council in September 2019, with Ms Gavey serving as chair of the committee throughout her term. Sheridan Dudley was appointed to the ARIC by Council in August 2023 to replace Kath Roach, who resigned in October 2022. All three appointments end on 31 December 2024.

Before extending an independent member's term, Council must undertake an assessment of the member's performance, which includes considering the views of the General Manager and any Councillor member of the Committee. The assessment must also consider whether the person's skills, knowledge and experience align with the eligibility criteria under the *Local Government (General Regulation) 2021* (the Regulation).

The terms of reference (ToR) set out the length of term independent members can serve on the ARIC. Initially, members may be appointed for up to a four-year term, and extended or reappointed for one further term, but the total period of continuous membership cannot exceed eight years. The chair of the committee is to be rotated every five years, with an option for Council to extend their term as chair up to the maximum eight years. To preserve the Committee's knowledge of Council, ideally no more than one member should retire from the Committee because of rotation in any one year.

The recommendation to extend the independent members by the stated time frames, and to appoint a new chair, complies with the ToR.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 August 2023	CM/7.4/23.08	That Council appoints Sheridan Dudley as an external independent member of the Audit, Risk and Improvement Committee until 31 December 2024.
Council 8 December 2020	CM/7.3/20.12	That Council confirms the appointment of Elizabeth Gavey, Kath Roach and John Gordon as members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024.
Council 17 September 2019	CM/7.15/19.09	That Council: <ol style="list-style-type: none"> <li>1. Appoints Elizabeth Gavey, Kath Roach and John Gordon as the external independent members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024, with their appointments beyond 31 December 2020 being subject to Council being satisfied with their performance at a performance review to be conducted in or prior to December 2020.</li> <li>2. Appoints Elizabeth Gavey as Chair of the Committee during the period of her appointment.</li> </ol>

### 4. Discussion

The end of the independent members' appointments coincided with the new term of Council. Given this, it is preferable to extend the existing members rather than run an expression of interest to appoint new members. This will provide continuity and a level of confidence in the ARIC for the new Council. An expression of interest process for new members will be undertaken in the new term.

The General Manager and the Director, Corporate Services (in lieu of the Councillor member), have conducted a performance review of the three independent members and are of the opinion that:

- John Gordon meets the criteria for appointment as Chair of the committee, as set out in section 216D of the Regulation.
- Elizabeth Gavey and Sheridan Dudley continue to meet the criteria for appointment as an independent member, as set out in section 216E of the Regulation.
- The independent members:

- Have proven to possess a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of Council and the environment in which Council operates.
- Have strong accounting or related financial management experience, with an understanding of accounting and auditing standards in a local government environment.
- Have sufficient understanding of Council's financial reporting responsibilities to contribute to the Committee's consideration of Council's annual financial statements.
- Overall, add considerable value to the ARIC.

The General Manager and the Director, Corporate Services, therefore recommend that Council extends the terms of the independent members as follows:

- John Gordon to be extended to 17 September 2027 (serving an 8-year term in total) and to be appointed as Chair of the Committee, to rotate the Chair.
- Elizabeth Gavey to be extended to 31 December 2025 (serving a six-year term in total).
- Sheridan Dudley to be extended to 15 August 2027 (serving a four-year term in total).

## **5. Financial impact statement/Time frame/Consultation**

There are no unbudgeted costs to Council in extending the appointment of the three independent members, including the remuneration for their services to the ARIC.

The time frames of the independent members' appointments are set out in the report. New members will be sought this Council term by an expression of interest process.

The independent members have each agreed to the extension of their terms and the rotation of the Chair.

## **6. Conclusion**

This report recommends that Council extends the term of the independent ARIC members, appointing John Gordon as the new Chair.

## **7. Attachments**

Nil.

**REPORT**  
**CM/7.3/24.12**

**Subject:** Council Resolutions - Status Update

**TRIM No:** SF22/3521

**Manager:** Richard Coelho, Executive Manager, Governance

**Director:** Tara Czinner, Director, Corporate Services

**RECOMMENDATION:**

That Council notes the status of outstanding resolutions from February 2018 to October 2024, as set out in the attachment to the report.

**1. Executive Summary**

This report provides an update on the status of outstanding Council resolutions from February 2018 to October 2024.

**2. Introduction/Background**

Officers now report to Council every quarter on the status of all outstanding Council resolutions.

**3. Relevant Council Resolutions**

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services Committee 5 March 2024	FC/5.1/24.03	<p>That Council:</p> <ol style="list-style-type: none"><li>Notes the status of outstanding Council resolutions from February 2018 to December 2023, as set out in the attachment to the report.</li><li>Officers include the date of comment in the 'comments' column for new comments in future status updates.</li></ol>

**4. Discussion**

The attachment to this report contains all outstanding Council resolutions from February 2018 to October 2024. It covers resolutions from mayoral minutes, notices of motion and officer reports passed at both Council and Council Committee meetings (the Finance, Operations and Community Services Committee and the Strategic Planning and Development Committee).

The status and comments for each resolution have been supplied by the Executive Leadership Team (ELT) and their respective departments. As requested at the Finance, Operations and Community Services Committee meeting on 5 March 2024, new comments are now dated and replace previous comments.

In the period February 2018 to October 2024, Council passed 2,225 resolutions, comprising 406 notices of motion, 118 mayoral minutes and 1,514 officer reports. Of the 2,225 resolutions, officers have implemented 2,135 resolutions (95%), and 90 remain active. The 90 active resolutions comprise eight mayoral minutes, 37 notices of motion and 41 officer reports.

A table of all resolutions, including finalised resolutions, from February 2018 onwards is now available on Council's website and will be regularly updated. It does not include comments or status.

## **5. Financial impact statement/Time frame/Consultation**

### **Financial**

There has been no additional cost to Council in preparing this report.

### **Time frame**

This report covers the period February 2018 to October 2024.

### **Consultation**

The comments and status updates have been provided by ELT.

## **6. Conclusion**

This report provides an update on all outstanding Council resolutions from February 2018 to October 2024. It is recommended that Council notes the status of the outstanding resolutions.

## **7. Attachments**

1. Outstanding resolutions - February 2018 to October 2024 [↓](#)

Resolution Tracking Sheet							
Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council	19/06/2018	Mayoral Minute	CM/5.1/18.06	Compliance (SF18/215)	1. Council undertakes a review of its compliance functions and gives consideration to: (a) Multi-skilling some or all parking rangers to undertake general ranger duties. (b) Provides recommendations for improvement in compliance functions; in particular, for: (i) Illegal backpacker premises. (ii) Non-compliant building works. (iii) Works approved by a private certifier. 2. The report to Council can be presented in parts if deemed appropriate by the General Manager, and should provide input into Council’s accommodation strategy related to compliance staffing and resource requirements.	PS&C	8/10/2024 A review of the operations of the new Compliance Department is underway, including the matters raised in this resolution.
Council	19/06/2018	Notice of Motion	CM/8.6/18.06	Shopping Trolleys - Removal from Bondi Junction (A04/2081)	1. Requires the Mayor and General Manager to meet with the management of Aldi, Coles and Woolworths to discuss their responsibilities in relation to the removal of shopping trolleys from the Bondi Junction shopping area. 2. Requests that the operators ensure brake locking on all trolleys from both Eastgate and Westfield shopping centres to stop customers taking trolleys out onto the streets, which are blocking pathways and the entrances to Bondi Junction train station. 3. Requests that the collection of dumped trolleys be increased to reduce the number left across the Bondi Junction area, and that trolley removers actually collect trolleys from all locations, including those in less obvious places such as pedestrian-only areas. 4. Considers impounding abandoned shopping trolleys in the public domain as necessary	PS&C	8/10/2024 1.To be actioned 2. To be actioned 3. To be actioned 4. In progress
Council	21/08/2018	Notice of Motion	CM/8.9/18.08	Investigate Overnight Parking in Wellington Place Car Park (A02/0146)	1. Notes the report to Council’s Operations Committee on 4 March 2014, and the resolution of the Committee for the matter to be deferred. 2. Officers further investigate the operation of the Wellington Place Car Park, Bondi and its relationship to the adjoining property at 46-48 Ocean Street (north), including document research and consultation with Housing NSW and the residents of 46-48 Ocean Street, to determine: (a) Any conditions in the original development consent or elsewhere for: i. overnight parking to not be permitted from 10pm - 8am. ii. no resident parking being permitted. (b) How overnight parking and/or resident parking could be facilitated in relation to existing conditions of consent, and whether any conditions of consent need to be varied or deleted. (c) Whether extended hours of operation are warranted for the car park, and what may be the up-take of users for overnight parking. 3. Officers prepare a report for Council consideration.	A&O	2/12/2024 On hold until long standing property issue related to the building being built over neighbours boundary is resolved.
Council	27/09/2018	Mayoral Minute	CM/5.3/18.09	Shopping Trolleys (A04/2081)	That Council reports on the current policies and progress in the control of shopping trolleys on Waverley streets and public places. Emphasis to be placed on outcomes to minimise the number of shopping trolleys being left in the public domain especially in Bondi Junction, Bondi Beach and Rose Bay.	PS&C	8/10/2024 The current Shopping Trolley Management Policy is due for review. Several targeted impounding activities have taken place in recent months relating to shopping trolleys as part of the review process.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council	11/12/2018	Notice of Motion	CM/8.2/18.12	York Road Pedestrian Crossing/Refuge (A03/0892)	<p>1. Investigates options for pedestrian crossings or pedestrian refuges along York Road.</p> <p>2. Consults with relevant stakeholders including the Centennial Park Trust, Randwick Council and the City of Sydney.</p> <p>3. Sends a delegation of the Mayor and Ward Councillors to meet with the Minister to discuss the safety issues for pedestrians and the installation of additional pedestrian crossings / refuges in York Road.</p> <p>4. Officers report to Council on options and timelines.</p> <p>5. Notes that:</p> <p>(a) York Road is a sub-arterial road and RMS and Council share responsibility.</p> <p>(b) A number of years ago, residents raised similar concerns and Council Officers undertook a pedestrian safety audit/study. As a result of this study, pedestrian and vehicle safety devices were constructed. A number of kerb blisters and centre refuges were constructed adjacent to the Centennial Park entry gates to allow pedestrians to safely cross York Road. A total of four refuges were constructed.</p> <p>(c) As the crossing points did not meet the ‘RMS warrant’ for a pedestrian crossing, RMS would not allow the installation of pedestrian crossings. In addition, a speed hump was constructed on York Road north of York Place, a roundabout constructed at the Birrell Street intersection, a centre barrier kerb constructed on the bend between Ashton Street and Queens Park Road, and Ashton Street closed at York Road to north bound traffic.</p> <p>(d) Council officers affirm that RMS would not support additional works at this location.</p>	A&O	<p>Under investigation including consideration of the redevelopment of Moriah Collage, the recent signal installations at the Bus depot and the existing treatments. Draft designs for mid block crossings will be presented to WTC in early 2024.</p> <p>22/05/2024 Concept designs near complete. Community and partner consultation process in planning. Report to WTC/Council in 2nd half of 2024.</p> <p>30/09/2024 Funding being sought through SLRIP. Potential to use Sub-Delegation for project approval. [Recommended]</p> <p>02/12/2024 Concept designs completed. Community consultation in early 2025.</p>
Council	18/06/2019	Mayoral Minute	CM/5.2/19.06	Affordable Housing SEPP (A19/0408)	That Council undertakes an audit of buildings in Waverley that have made use of the Affordable Housing SEPP to ascertain if the aims of the SEPP are being achieved in terms of tenancy, demography and usage, and consideration be given to aspects of enforcing compliance.	PS&C	<p>8/10/2024 Audit of buildings being incorporated into departmental work programme.</p>
Council	16/07/2019	Report	CM/7.7/19.07	Petition - Burge Street, Vaucluse - Pedestrian and Vehicle Safety (A03/0542)	<p>1. Refers the petition on improving safety conditions for motorists and pedestrians in Burge Street, Vaucluse, to the Executive Manager, Creating Waverley, for appropriate action.</p> <p>2. Receives the petition and investigates a design and public consultation process in Burge Street and adjacent streets to improve safety conditions for motorists, residents and pedestrians.</p> <p>3. Informs all petitioners of this resolution.</p>	A&O	<p>09/10/2024 Under investigation by Integrated Transport Team. Available crash statistics do not show a history of collisions in this location.</p>
Council	16/07/2019	Report	CM/7.8/19.07	Petition - Darling Street, Bronte - Installation of 'No Stopping' Restrictions (A02/0637-02)	<p>1. That Council receives the petition and officers review road and pedestrian conditions at the intersection of Darling Street, Andrew Street and Ashley Street with reference to the movement of garbage trucks, and report back to Council on options to improve pedestrian safety and increase resident parking.</p> <p>2. Informs all petitioners of this resolution.</p>	A&O	<p>09/10/2024 Under investigation by Integrated Transport Team. Exploring progress on this item via the Temporary Delegation.</p>
Council	10/10/2019	Notice of Motion	CM/8.3/19.10	Child Car Seat Check Days (A13/0640)	<p>1. Submits an application for funding to Roads and Maritime Services (Transport) to host two free child car seat safety check days during the 2019–20 financial year.</p> <p>2. Receives a report, following determination of the funding application, providing additional details on the free child car seat safety check days, including the proposed schedule and location, and confirming measures to promote the event and process applications.</p> <p>3. Receives a follow-up report outlining outcomes of the free child car seat safety check days, including details of attendance and interest in the program. The report should also identify options for future programs in subsequent financial years, including the continuation of the child car seat safety check days and the costs involved in expanding the program to include a voucher scheme for child car seat installation.</p>	PS&C	<p>8/10/2024 Discussions underway with RMS on funding opportunities to run the safety check days.</p>
Council	10/10/2019	Notice of Motion	CM/8.9/19.10	Warners Avenue, Bondi Beach - 15 Minute 'Drop In' Zone (A02/0637-02)	<p>1. Notes that a new single ‘P 15 mins’ ‘drop in’ parking space has recently been endorsed by Council outside the Blair Street Dairy cafe at 27 Blair Street.</p> <p>2. Investigates converting the two to three parking spaces (14 metres) in Warners Avenue, outside 100 Glenayr Avenue (the Organic Republic Bakery), currently signposted ‘2P 8 am–10 pm permit holders excepted Area 8’, into a ‘drop in’ zone ‘P 15 mins 8 am–12 pm’, together with ‘2P 12 pm–10 pm permit holders excepted Area 8’ outside the ‘drop in’ zone times.</p> <p>3. Officers consult business owners and local residents within 50 metres of the site on the above proposal and prepare a report for the Waverley Traffic Committee’s consideration.</p>	A&O	<p>09/10/2024 Under investigation by Integrated Transport team</p>



Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council	02/06/2020	Notice of Motion	CM/8.1/20.06	Animal Registration Fees (A06/0149)	1. Notes the surge in animal adoptions during the coronavirus period. 2. Notes that animal registrations are statutory fees and charges and are set by NSW State Government. 3. Writes to the Minister for Local Government, the Hon Shelly Hancock MP, requesting the State Government review and reduce the statutory fees and charges associated with animal adoption. 4. Investigates the allocation of up to \$20,000 from the fees collected from the registration of animals within the Companion Animals Act to deliver obedience training of animals adopted by Waverley residents.	PS&C	17/6/2024 To be completed in Q1 of 2024/25 Financial Year
Strategic Planning and Development Committee	01/08/2020	Report	PD/5.6/20.12	Mackenzies Bay Dogs Off-leash Trial - Consultation Outcomes (A20/0275)	1. Notes the outcomes of the community consultation as mainly supporting an off-leash dog area at Mackenzies Bay. 2. Endorses Option 3 outlined in the report, including: (a) Maintaining the dog prohibition at Mackenzies Bay. (b) Installing new signage. (c) Increasing ranger surveillance of the area, while monitoring work health and safety processes. (d) Launching an education campaign to inform the community about the dog prohibition. 3. Officers investigate the opportunity to provide an off-leash dog area with water play at a suitable location to address the shortage of off-leash areas in the Bondi Basin.	A&O	09/10/2024 1. Noted. 2. Finalised. Dogs prohibited at Mackenzies Bay, signage installed and rangers briefed, education campaign complete. 3. Investigation underway. Marks Park most appropriate location - to be tested via Coastal Reserves PoM
Council Meeting	16/02/2021	Report	CM/7.8/21.02	Petition - Mackenzie Street Basketball Ring (A03/0738)	1. Refers the petition to keep the Mackenzie Street basketball ring to the Director, Planning, Environment and Regulatory, for appropriate action. 2. Officers report back to Council on the action taken on the petition.	PS&C	To be completed in 2023/24 Financial Year
Council Meeting	16/02/2021	Notice of Motion	CM/8.4/21.02	Dark Skies (A21/0060)	1. Identifies dark sky principles and strategies to be included in an updated Creative Lighting Strategy for our own works and on private land. 2. Considers joining the International Dark Sky Association and establishing a Dark Sky Reserve along its coastal margins and in its parks. 3. Considers the inclusion of dark skies actions to the upcoming Environmental Action Plan.	PS&C	17/6/2024 1. Creative Lighting Strategy is still to be updated. Update 31/5/23 - Review and update of Creative Lighting Strategy is subject to priorities within the Urban Design Team and will be undertaken based on resource availability. 3. Dark skies is a consideration in the updated Environmental Action Plan
Strategic Planning and Development Committee	20/04/2021	Report	CM/7.7/21.04	Cemetery Foundation (A02/0658-06)	1. Establishes a charitable foundation for Waverley Cemetery and South Head Cemetery, as set out in Option 1 of the report. 2. Officers, prior to establishing the Foundation, prepare a further report on its structure for the consideration of Council.	A&O	8/10/2024 The establishment of a foundation not resourced in the current financial year.
Council Meeting	25/05/2021	Notice of Motion	CM/8.1/21.05	40 km/h Pedestrian Zone - Bondi Beach (A18/0579)	1. Commences plans to extend the current 40 km/h pedestrian zone in Bondi Beach to cover the area: (a) Up to but not inclusive of Bondi Road. (b) Up to but not inclusive of Wellington Street. (c) Up to and including a section of Blair Street at an appropriate location. (d) Inclusive of the Ben Buckler streets of Hastings Parade, Bay Street, Brighton Boulevard and Ramsgate Avenue. 2. Contacts Transport for New South Wales at the appropriate time to seek support and funding for this project. 3. Notes that a local area traffic management study is planned to commence in the second half of 2021.	A&O	The Bondi Local Area Traffic Management study led by consultants in on-going. 40 km/h zone being explored. Further collaboration with TfNSW will be required.  08/10/2024 The Bondi Local Area Traffic Management study has been concluded. Further work in terms of designing potential traffic calming devices in support of a speed zone change, and collaboration with TfNSW is ongoing.  02/12/2024 community consultation planned for early 2025 for both the study and solutions opportunities.
Council Meeting	25/05/2021	Notice of Motion	CM/8.2/21.05 I	Intersection Improvements - Bondi and North Bondi (A03/0042-04)	1. Recognises the importance of public bus transport for residents of the Eastern Suburbs. 2. Prepares designs for the intersection of O'Brien/Hall and Glenayr, Bondi, and for the intersection of Mitchell/Hardy and Murriverie, North Bondi, to improve: (a) Bus transit through the respective intersections. (b) Pedestrian safety outcomes. (c) Traffic calming. (d) And increase footpath space for outdoor seating for adjacent shops where appropriate.	A&O	09/10/2024 O'Brien/Hall concepts being developed through the LATM. The other intersections are under investigation by Intergrated Transport team.  02/12/2024 O'Brien/Hall concepts in development. Potential to consider adjacent intersection on O'Brien that have been raised as concerns.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Strategic Planning and Development Committee	06/07/2021	Report	PD/5.1/21.07	Motorcycle and Scooter Parking Strategy and Action Plan (A17/0142)	1. Council notes that 8.2% of vehicle registrations in Waverley are for motorcycles and that approximately five motorcycle or scooter parking bays can be accommodated in a standard 5.5 m car parking space. 2. Council approves the preparation of a Motorcycle Parking Strategy and Action Plan to increase the provision of designated free parking for motorcycles and scooters in and adjacent to metered areas to an adequate level. 3. The Motorcycle Parking Strategy and Action Plan prioritise the provision of increased motorcycle and scooter parking by (in order of preference): (a) Converting spaces within the regulatory 10 m ‘No Stopping’ areas at unsignalised intersections as per RMS TTD 2014/005 (Attachment 1 of the report), which allows Councils to convert some of the ‘No Stopping’ area to a parking space where it is safe and feasible to do so. (b) Converting remnant spaces in lengths of kerbside parking that cannot accommodate a vehicle parking space, which requires a minimum of 5.5 m in length. (c) Providing motorcycle and scooter parking spaces in off-street Council-owned parking stations, in particular making use of currently unused and remnant space.	A&O	21/05/2024 Under consideration by Integrated Transport team
Council Meeting	20/07/2021	Notice of Motion	CM/8.1/21.07	Vibrations from Demolition Sites (A21/0364)	1. Officers prepare an urgent report into the reasons for recent collapses and excessive construction vibration levels at Bondi and other Waverley construction sites. The report should include a list of all current conditions that are placed on large-scale development, construction and demolition so Councillors can assess whether any further standard conditions should be included. 2. Investigates and prepares a report on how to reduce the risks to neighbouring properties during excavation, demolition and construction works, including the following: (a) Implementing processes for improved assessment and management of development sites in the Bondi sands area. (b) Considering the inclusion of provisions in all DA conditions of consent for the Bondi basin requiring placement of monitors at 3 metre intervals along all site boundaries prior to commencement of any work, for the purpose of detecting and measuring vibrations and any ground movement, all to be inspected by Council on a daily basis during demolition and excavation, cost of inspections to be included in fees, and potential for movement to be subject of stop work provisions while solutions are resolved. (c) Considering the inspection of all construction certificates as lodged and before any work begins on site to verify engineering requirements for demolition and excavation, particularly regarding safety of neighbouring properties, and to establish credentials of private certifiers, and listing on the Services NSW register.	PS&C	1. To be action by December 2024.
Council Meeting	23/09/2021	Adoption of Minutes	CM/5.2.1/21.09	Adoption of Minutes - Waverley Traffic Committee Meeting - 26 August 2021 - TC/C.01/21.08 - Grafton Street, Bondi Junction - Bicycle Shared Path (SF21/4020)	That Council: 1.Installs shared path signage and blue shared path lines with associated text and symbols to the edge of footpath on the northern side of Grafton Street between Adelaide Street and the proposed commuter bicycle cage within Transport for NSW land beneath Syd Einfeld Drive on the western side of Grosvenor Street, Bondi Junction. 2.Reinstates shared path signage and installs blue shared path lines with associated text and symbols to the existing shared path beside Syd Einfeld Drive between Oxford Street and Adelaide Street. 3.Provides a kerb ramp to the north-eastern side of the roundabout at the intersection of Adelaide Street and Grafton Street to facilitate on-road bicycle riders to access the existing shared path. 4.Installs cyclist dismount signs at the zebra crossing at the north side of the roundabout at the intersection of Adelaide Street and Grafton Street. 5.Refers the proposal of changing the existing pedestrian-only lantern lens covers to combined pedestrian and bicycle lantern lens covers at the intersections of Graton Street/Grosvenor Street to Transport for NSW for assessment. 6.Installs a cyclist dismount sign at the termination of the shared pathway north of Oxford Street. 7.Officers investigate improving the safety of the zebra crossing to the north of the roundabout at the intersection of Adelaide Street and Grafton Street, including consideration of a raised crossing and additional lighting, with a report to be prepared for the Traffic Committee.	A&O	09/08/2024 Grant funding received for FY 24/25 to complete the detailed design for the new shared path on Grafton St between Adelaide St and Grosvenor St, as well as crossing and intersection upgrades.  02/12/2024 Design concepts being further developed.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	26/10/2021	Notice of Motion	CM/8.1/21.10	Bronte Park and Beach - Primary Access Point (A16/0168)	<p>1. Notes that the Bronte Park and Beach Plan of Management recognises issues of accessibility and makes provision for paths to be regraded to meet accessibility standards.</p> <p>2. Notes that community representation has indicated concerns that entrance paths into Bronte Park from Bronte Road are inadequate and inconvenient, and not wide enough for a reasonable volume of pedestrian traffic.</p> <p>3. Develops design options for:</p> <p>(a) Improving and making compliant with AS1428 Australian Standards for Access and Mobility the shared way access path from the Bronte Village Centre and bus terminal into Bronte Park and onto the promenade.</p> <p>(b) Widening paths within the park to enable a good flow of pedestrians and address bottlenecks during peak times.</p> <p>(c) A separate entrance path into Bronte Park opposite the pedestrian crossing.</p> <p>4. Officers report to Council on design options, program and funding implications.</p> <p>5. Notes that construction funding would be considered in the development of future Capital Works budgets.</p>	A&O	<p>02/12/2024</p> <p>1. Noted</p> <p>2. Noted</p> <p>3. (a-c) Investigation in progress. Concept developed and reviewing in context of Bronte SLSC redevelopment which requires compliant access from the nearest accessible parking bays.</p> <p>4. To be reported once 3 complete</p> <p>5. Noted</p>
Council Meeting	26/10/2021	Notice of Motion	CM/8.8/21.10	DA Tracker - Enhancing Planning Transparency (A21/0500)	<p>That Council investigates, subject to considering issues of intellectual property and copyright in relation to third party documents in addition to compliance with the Privacy and Personal Information Protection Act 1998:</p> <p>1. Options to upload more development-related information to its DA Tracker, including:</p> <p>(a) Geotechnical and other engineering reports.</p> <p>(b) Construction management plans.</p> <p>(c) Construction certificates.</p> <p>(d) Construction zone permits.</p> <p>(e) Occupation certificates.</p> <p>2. Mechanisms to identify differences in design and development controls that have occurred in the progress of a development application from approval to eventual occupation.</p>	PS&C	<p>17/6/2024</p> <p>To be completed by June 2025</p>
Council Meeting	15/02/2022	Mayoral Minute	CM/6.1/22.02	Bondi Pavilion Amphitheatre (A15/0272)	<p>1. Notes:</p> <p>(a) Resolution CM/8.3/20.10, which called for an investigation into the feasibility of modifications to the landscape plan for the Bondi Pavilion courtyard, including, among other things, the incorporation of a heritage-sympathetic amphitheatre landscape feature within the courtyard.</p> <p>(b) Resolution CM/7.11/21.04, which deferred the decision on a landscaped amphitheatre within the courtyard of the Bondi Pavilion until after the completion of the restoration of the Bondi Pavilion.</p> <p>(c) That the Bondi Pavilion is near completion and should be handed back to Council from Buildcorp in May this year.</p> <p>2. Undertakes an initial consultation with key stakeholders, including industry experts, the Arts and Culture Advisory Committee and local practitioners, to determine a process for the investigation that will help identify best practice principles and background for the progression of the amphitheatre project.</p> <p>3. Officers prepare a report to Council detailing the outcomes of the initial consultation and an investigation plan to address the following:</p> <p>(a) Suitable location within the Bondi Pavilion courtyard for a new amphitheatre, including a sunken item, that is below the west-east view corridor to Bondi Beach.</p> <p>(b) Heritage considerations.</p> <p>(c) Business casing the opportunity provided by an amphitheatre, including how it may supplement the arts and community program and revenue stream.</p> <p>(d) A community consultation program.</p> <p>(e) Design, estimated costs and potential timeline.</p> <p>(f) Identification of potential funding sources for the design and construction of the amphitheatre.</p>	A&O	<p>Initial consultation with the Arts and Culture Advisory Committee on the proposed consultation approach took place in August 2022.</p> <p>Heritage advice received on various options that have been proposed.</p>
Council Meeting	15/02/2022	Notice of Motion	CM/8.8/22.02	Liquor Licences (A17/0067)	<p>1. Council officers prepare a report on the statistics of liquor licences and liquor applications in Waverley, particularly Bondi, as part of a report on Council’s capacity to assist the community in the process of making more informed public submissions on liquor applications related to the consent authority, the NSW Independent Liquor and Gaming Authority (ILGA).</p> <p>2. The report is to outline how Council officers can engage with, and help the community engage with, the National Drug and Alcohol Research Centre’s resources in informing public and Council submissions to NSW ILGA liquor applications and related actions to ameliorate anti-social behaviour and violence associated with unregulated alcohol consumption.</p>	PS&C	<p>27/6/2024</p> <p>To be completed in 204/25 Financial Year</p>

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	17/05/2022	Mayoral Minute	CM/6.1/22.05	Walking to School - Safe Routes (A04/0668)	1. Notes that: (a) Victoria Walks, an evidence-based health promotion charity, cites a dramatic decline in Australian school children walking to school since the 1970s, when 40% of children walked, in 1994 it was 24% and in 2021 it is thought to be as low as 15%. (b) The benefits of school students walking to school are significant, including improved physical and mental health, increased exercise, maintenance of healthy weight, improved confidence and independence in children, and reduced traffic congestion on roads. (c) Many schools in Waverley require students to cross busy main roads 2. Investigates: (a) The establishment of a series of safe walking routes to schools. (b) The types of safety and traffic signage to facilitate safely crossing busy streets and roads. (c) The traffic speeds and any adjustments that may be required to facilitate safe walking routes. (d) Consultation needs of key stakeholders, such as school principals, P&C associations, police and the broader community, and develops an outreach and community consultation strategy. (e) A time frame that will ensure successful stakeholder buy-in and implementation. (f) The required budget necessary for successful implementation and a funding source, including potential State and Federal grant funding. (g) Existing resources available through the NSW Government and other State and Territory governments. 3. Receives a report on the proposed Walking to School study addressing the identified elements in clause 2, the recommended project plan and required funding.	A&O	21/05/2024 Engaging with local schools. Working toward catered workshops. Work also to be rolled into Walking Strategy  30/09/2024 Have undertaken two workshops (Bondi Beach Public School, Bronte Public School). Have received Get NSW Active Grants for crossings at Warners/Gould & Mitchell St/Blair St  02/12/2024 Workshops have supported the application for a Get Active NSW grant to enhance a crossing at Hewett St & Alfred St
Council Meeting	17/05/2022	Notice of Motion	CM/8.1/22.05	Queens Park Laneway Safety (A22/0153)	1. As a precursor to investigating a program of changes to laneways across Waverley, investigate measures to reduce vehicle speed and volumes, as well as improving the safety of pedestrians, in the laneways of Queens Park such as: (a) Introducing speed limiting devices, including raised thresholds and different surface treatments of the lane. (b) Introducing 10 km/h shared zones. 2. Uses Alt Lane, Queens Park, to trial the recommended changes from the above investigation following community consultation, a Councillor briefing, and then a report to the Waverley Traffic Committee. 3. Notes that speed and volume counts are currently underway in Alt Lane. 4. Alerts the NSW Police to the unsafe speeding and illegal 'wrong way' vehicular movement alleged to be occurring in Alt Lane, and raises these matters for review at the next community precinct safety committee of the Eastern Suburbs Police Area Command. 5. Conducts an education program about the Street Play program for residents whose properties adjoin laneways in Waverley.	A&O	09/10/2024 TFNSW advice on Speed limit changes sought. TfNSW would prefer a holistic proposal be presented by Council on the introduction of 10km/h zones in lanes. Officers are working on this proposal with TfNSW. Alt Lane can still be a trial to this proposal.
Council Meeting	17/05/2022	Notice of Motion	CM/8.3/22.05	Raised Pedestrian Crossings - Dover Heights (A14/0145)	1. Investigates installing a raised pedestrian crossing: (a) In Blake Street, Dover Heights, at the Military Road intersection. (b) Opposite Dudley Page Reserve, Dover Heights. 2. Identifies a funding source for the construction of the raised pedestrian crossings. 3. Receives a report with recommendations and an implementation timeline.	A&O	09/08/2024 Both crossings approved by WTC. Construction to be scheduled in FY 2024/25  02/12/2024 Crossing installed at Military Rd to be refined.
Council Meeting	21/06/2022	Report	CM/8.5/22.06	North Bondi Sea Level Rise Sign (A08/1036)	That Council reinstates the sea level rise sign at North Bondi with updated text in a suitable nearby location, funded from the signage budget in the 2022–23 Capital Works Program.	A&O	02/12/2024 On Hold - No budget available this year and lower priority compared to park entry and hazard warning signage required across multiple parks and coastal reserves. Will be added to 2025/26 Capital Works budget bid.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	19/07/2022	Notice of Motion	CM/8.4/22.07	Beaumont Street, Rose Bay - Traffic Calming (A03/0569)	<ol style="list-style-type: none"> <li>Notes that the 85th percentile traffic speeds in Beaumont Street, Rose Bay, are higher than a desirable 40 km/h.</li> <li>Notes that Beaumont Street is narrow, windy and steep, with a single travel lane for most of its length.</li> <li>Investigates the introduction of a reduced speed limit, such as 30 km/h, and traffic calming measures, including speed humps and other solutions, to decrease the speed of traffic in Beaumont Street to significantly improve the safety of pedestrians, especially children, and to reduce the incidence and potential for cars to be sideswiped and to be involved in an accident because of excess speed.</li> <li>Officers prepare a report to the next Waverley Traffic Committee with options and recommendation.</li> </ol>	A&O	<p>11/10/2024</p> <p>Assessment of implementing traffic control devices such as speed humps for Beaumont Street to be undertaken</p>
Council Meeting	20/09/2022	Report	CM/7.8/22.09	Electric Vehicle Chargers in Waverley Library Car Park (A11/0853)	<ol style="list-style-type: none"> <li>Treats the attachment to 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 attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</li> <li>Subject to technical constraints, enters into a licence agreement with Tesla to install six electric vehicle ultra-fast chargers in the Waverley Library car park, as set out in the attachment to the report.</li> <li>Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.</li> <li>Promotes the installation of the six chargers at the Library via all of Council's social media channels and all other communication channels, including a formal launch of the chargers.</li> <li>Considers including a face-to-face education program for the community to educate them on the benefits of electric vehicles.</li> </ol>	PS&C	Contract has been executed. Staff are currently working through the technical details of the proposal with Tesla Engineers.
Council Meeting	18/10/2022	Report	CM/7.6/22.10	Petition - Leichhardt Street, Bronte/Waverley - Safety Improvements (A03/0042-04)	<ol style="list-style-type: none"> <li>Refers the petition requesting safety improvements to Leichhardt Street, Bronte/Waverley, from Macpherson Street to Varna Street, to the Director, Assets and Operations, for consideration.</li> <li>Officers prepare a report to Council on the consideration of the petition</li> </ol>	A&O	<p>21/05/2024</p> <p>Works on the Macpherson Street Roundabout scheduled for later 2024</p> <p>09/10/2024</p> <p>Improvements to the Macpherson Street &amp; Leichhardt Street roundabout have been completed. Integrated transport team officers are investigating options for Leichardt St.</p> <p>02/12/2024</p> <p>Initial public consultation to inform concepts in progress.</p>
Council Meeting	18/10/2022	Notice of Motion	CM/8.1/22.10	West Oxford Street and Mill Hill Conservation Zone - Local Area Traffic Study (A14/0193)	<ol style="list-style-type: none"> <li>Notes that: <ol style="list-style-type: none"> <li>The development at 194 Oxford Street and 2 Nelson Street, Bondi Junction, has now been approved for more than 90 units.</li> <li>There will be a commensurate increase in vehicles and consequently traffic as a result of this development.</li> <li>The intersection of York Road and Oxford Street is a very busy intersection in Bondi Junction, being one of the main entries into Waverley.</li> <li>Residents are anecdotally reporting an increase in traffic on their local streets given the perceived impact of the separated cycleway.</li> <li>The local area traffic study for Bondi Junction is scheduled for delivery in the 2023–24 financial year.</li> </ol> </li> <li>Seeks to: <ol style="list-style-type: none"> <li>Extend the Bondi Junction Local Area Traffic study into the Mill Hill conservation zone to include the area bounded by Oxford Street, York Road, Birrell Street, Bronte Road and Grafton Street.</li> <li>Consider the impact of the new development on local traffic.</li> </ol> </li> <li>Receives a report that considers potential options to address identified local traffic issues.</li> </ol>	A&O	<p>09/10/2024</p> <p>The local area traffic study for Bondi Junction is scheduled to commence in the 2024-25 financial year.</p>

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	18/10/2022	Notice of Motion	CM/8.4/22.10	Bondi Road Beautification (A03/0586)	1. Notes that from the corner of Penkivil Street to Wellington Street on Bondi Road, Bondi, there is a minimal amount of greenery. 2. Officers, as part of the Local Village Beautification program evaluation and report to Council scheduled for the December 2022 Council meeting, investigate increasing the number of suitable trees, tree planters, hanging baskets and/or planter boxes along the route to provide shade and soften the surrounding areas from the hard surfaces. 3. Notes the General Manager's comment that tree planting is not easily facilitated in the Bondi Road corridor due to awnings, heavy bus movements within the zone and the need for sightlines not to be obstructed. However, officers will still aim to maximise the greening program in this section of Bondi Road.	A&O	2/12/24 To be considered in report to Council now scheduled for in 2025
Council Meeting	18/10/2022	Notice of Motion	CM/8.7/22.10	Affordable Housing - Purchase of Stock (A07/0597)	1. Develops criteria for the purchase of affordable housing to increase Council's affordable housing stock. 2. Investigates options to engage a buyer's agent to investigate and provide recommendations to Council of suitable properties for Council to purchase. 3. Continues to work to establish a partnership with a community housing provider to facilitate the provision of affordable housing. 4. Officers prepare a report on the above actions for the December 2022 meeting of the Finance, Operations and Community Services Committee.	PS&C	17/6/2024 1. Council resolved at its December 2023 SPDC meeting to support the preparation of a policy and guideline for a subsidised lease program. 2. Councillors briefed in May 2024 on affordable housing options and a subsidised lease program draft policy. 3. Councils to consider a report on a draft subsidised lease program at its June Council meeting.
Finance, Operations and Community Services Committee	01/11/2022	Report	FC/5.5/22.11	Thomas Hogan Reserve - Drainage (SF22/4259)	1. Investigates the options set out in the report to improve drainage and mitigate flooding at Thomas Hogan Reserve as part of a future Floodplain Risk Management Study and Plan. 2. Includes these stormwater management solutions for Thomas Hogan Reserve in the Local Parks Plan of Management when it is reviewed in 2023–24. 3. In the short-term: (a) Raises the gravel path at Thomas Hogan Reserve to ensure the footpath link remains viable for pedestrian use in wet conditions but does not impede water flow out of the central basin. (b) Continues to assess the central basin grass areas of the park and close this area to public access as required until conditions are suitable for returfing works to be completed.	A&O	02/12/2024 1. Pending Floodplain Risk Management Study and Plan. 2. Pending future PoM 3. (a) Works completed. 3. (b) No budget available this year for short-term solution to regrade park to trap water and raise central grass area. Will be added to 2025/26 Capital Works budget bid.
Council Meeting	15/11/2022	Notice of Motion	CM/8.2/22.11	Council Meetings - Addresses by Members of the Public (A22/0057)	1. Investigates allowing: (a) Members of the public to address Council and Committee meetings by audio-visual link. (b) Councillors to ask questions of members of the public at the end of their address. 2. Officers prepare a report to Council on the outcome of the investigation.	CS	A report recommending a trial of both practices is being considered at the Council meeting on 27 June 2023
Council Meeting	15/11/2022	Notice of Motion	CM/8.10/22.11	Diamond Bay - One-Way Traffic (A03/0042-04)	Investigates introducing a one-way traffic route for Diamond Bay Road, Craig Avenue and Isabel Avenue, Vaucluse, by: 1. Surveying residents. 2. Officers preparing a report for Council.	A&O	21/05/2024 Draft survey questions have been developed and circulated for comment. Work is on-going.  09/10/2024 Survey has been administered. Next steps are on-going.  02/12/2024 Consultation report being finalised. Next steps to be reported to Council in early 2025
Council Meeting	27/06/2023	Report	CM/7.6/23.06	Council Meetings - Addresses by Members of the Public by Audio-Visual Link (A22/0057)	1. Trials the following practice at Council and Council Committee meetings for a minimum of three months allowing members of the public to address meetings by audio-visual link. 2. Officers prepare a report to Council following the trial.	CS	Trial commenced October 2023 Council meeting. Using Zoom's waiting room feature, we will admit each speaker to the meeting—along with any other speakers registered for the same item—when it is their turn to speak.
Council Meeting	27/06/2023	Report	CM/7.12/23.06	Bus Driver Amenity Facilities - Licence to Transdev John Holland Buses - Post-Exhibition (A22/0152)	1. Grants three licences to Transdev John Holland Buses (Aust) Pty Ltd for eight years for the use of bus driver amenities at the following locations on the terms and conditions set out in the report: (a) South Head Cemetery, Old South Head Road, Vaucluse. (b) North Bondi Terminus, Campbell Parade, North Bondi. (c) Bronte Tram Shed, Bronte Road, Bronte. 2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.	A&O	8/10/2024 Bronte & North Bondi licenses have been signed. The old South Head Rd license can be signed once the Old South Head Cemetery POM has been adopted.



Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	27/06/2023	Report	CM/11.2/23.06	CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)	<p>1. Treats the report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.</p> <p>2. Sells the land in Osmund Lane, Bondi Junction, identified in the report as Option 2 with zero floor space ratio, to Westgate Bondi Junction Pty Ltd for the negotiated price set out in the report as part of the development of 194–214 Oxford Street and 2 Nelson Street.</p> <p>3. Authorises the General Manager and the Mayor to execute, and affix Council’s seal to, the contract for sale and any other documentation to finalise the matter.</p> <p>4. Notes that the local community was consulted and was generally supportive of the sale of Osmund Lane.</p>	A&O	<p>8/10/2024</p> <p>Council solicitors issued sales contract 13/6/24. Infrastructure Services are completing road closure process.</p>
Finance, Operations and Community Services Committee	04/07/2023	Report	FC/5.1/23.07	Petition - 56-58 Lamrock Avenue, Bondi Beach - Driveway Parking (A14/0127)	<p>1. Refers the petition to remove the ‘No Parking’ zone in front of 56–58 Lamrock Avenue, Bondi Beach, to the Executive Manager, Infrastructure Services, for consideration.</p> <p>2. Officers assess the request in line with Council’s Parking Enforcement Protocol and advise the chief petitioner of the outcome, noting that parking across or within driveway hardstands within the public domain is subject to the NSW Road Rules.</p>	A&O	<p>21/05/2024</p> <p>Under investigation by Integrated Transport team</p> <p>08/10/2024</p> <p>Further work has been undertaken, including engagement with the petition lodger. Council is exploring parking enforcement protocol refinements, which may impact feasibility.</p>
Finance, Operations and Community Services Committee	04/07/2023	Report	FC/5.2/23.07	Petition - Hastings Parade, North Bondi - Driveway Parking (A14/0127)	That Council considers the petition requesting a reconsideration of parking enforcement rules in Hastings Parade, North Bondi, as part of a review of the 2006 Parking Enforcement Protocol scheduled for completion by February 2024.	PS&C	Parking Enforcement Protocol under development for future briefing and report to Council in early 2024.
Strategic Planning and Development Committee	04/07/2023	Report	PD/5.2/23.07	Coastal Reserves Plan of Management - Round 1 Consultation Outcomes (A22/0322)	<p>1. Notes the community feedback from Round 1 of the consultation on the Coastal Reserves Plan of Management, as set out in the attachment to the report.</p> <p>2. Notes that officers will prepare a further report to Council seeking approval to commence Round 2 of the community consultation and engagement activities to test and receive feedback on key ideas to be included in the draft Plan of Management.</p> <p>3. Investigates the legal and insurance implications of signage, access and wayfinding for rock climbing and slacklining.</p>	A&O	<p>02/12/24</p> <p>1. Noted</p> <p>2. Noted</p> <p>3. In progress. Advice to be reported to Council with Plan of Managment. Report seeking approval to commence Round 2 consultation post poned to go to March or April 25 meeting for May 25 consultation.</p>
Council Meeting	15/08/2023	Report	CM/11.3/23.08	Confidential Report - Tender Evaluation - ICT Modernisation (A20/0450)	<p>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.</p> <p>2. Declines to accept any of the tenders for technology partner solutions and delivery partner services for the ICT Modernisation Program in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021.</p> <p>3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021, as Council has tested the market and received conforming tenders for both technology and delivery partner.</p> <p>4. In accordance with section 178(3)(e) of the Local Government (General) Regulation 2021, authorises the General Manager or delegate to:</p> <p>(a) Enter into negotiations with the top ranked technology partner and top ranked delivery partner to validate solution design and align implementation and delivery methodologies, with a view to entering into contract with the tenderers.</p> <p>(b) Enter into negotiations with one or more of the tenderers with a view to entering into a contract with the tenderer(s), should the negotiations in clause 4(a) be unsuccessful.</p> <p>5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.</p> <p>6. Notifies tenderers of the decision in accordance with section 179 of the Local Government (General) Regulation 2021.</p>	CS	Delivery Partner negotiations discontinued. Technology Partner negotiations continuing as per revised ICT Strategy roadmap presented to Councillors at briefing to address staff data health and business capability/readiness and designed to control the pace of change; take a risk-based approach to prioritisation, maximise flexibility with the program.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Finance, Operations and Community Services Committee	05/09/2023	Report	FC/5.3/23.09	Barracluff Park - Dog Off-Leash Area and Management (A22/0336)	1. Declares Barracluff Park to be a dog off-leash area between 3 pm and 10 am daily: (a) Except when it has been hired or licensed for sporting activities and community events. (b) Not including the playground and within 10 metres of the playground and community hardcourt area, in accordance with section 13(6) of the Companion Animals Act 1998. 2. Approves an upgrade to the sports field surface in 2023–24 bringing forward \$695,150 currently allocated in the Long Term Financial Plan 6.1 in 2025–26, with a maintenance program to be developed to ensure co-location of uses. 3. Following the 2024–25 winter season, consults the community and sports clubs on the satisfaction of all users, and officers report back to Council	A&O	02/12/24 1. Park signage and website updated with new rules of use. 2. RFT pending award of contract. Works to commence in Feb 25 3. On hold until field renovations completed for winter 25 season
Strategic Planning and Development Committee	05/09/2023	Report	PD/5.3/23.09	Bike Plan Review - Communications and Engagement Plan (A11/0612)	1. Approves the Communications and Engagement Plan for the Waverley Bike Plan review attached to the report. 2. Notes that Transport for NSW grant funding has been received to facilitate the development of a revised Bike Plan. 3. Officers present the Bike Plan and Strategy to Council for approval in April 2024.	A&O	14/08/2024 Draft bike strategy complete. Consultation to be progressed in early 2025.  02/12/2024 Final draft bike strategy complete. Consultation to be progressed in early 2025.
Finance, Operations and Community Services Committee	07/11/2023	Report	FC/5.8/23.11	Miller Street Streetscape Upgrade - Consultation Outcomes (SF23/4280)	1. Develops a concept design for the Miller Street Streetscape Upgrade: (a) Including the renewal of road surfaces, tree treatments, maintaining existing parking spaces and pedestrian safety, and kerb and guttering works. (b) Avoiding design elements such as a cul-de-sac, mid-street median and pocket park, and does not consider narrowing Miller Street in view of community feedback. 2. Officers prepare a report to Council to publicly exhibit the design for 28 days. 3. Officers prepare a report to the Traffic Committee following the exhibition period.	A&O	14/08/2024 Stage 2 consultation undertaken May 2024. Outcomes to be reported to Council
Strategic Planning and Development Committee	07/11/2023	Report	PD/5.1/23.11	Draft Planning Agreement Policy (Amendment No. 5) - Exhibition (SF23/1066)	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.	PS&C	Report scheduled for Oct 2024 SPDC. 16/5 updated 14/08
Council Meeting	21/11/2023	Notice of Motion	CM/8.3/23.11	E-Bikes (A17/0445)	1. Notes that: (a) There are three electric bike hire companies operating in the Waverley local government area (LGA). (b) There appears to be an increase in the number of e-bikes across the Waverley LGA. (c) Operators and users often place their e-bikes on narrow pavements, impeding access by pedestrians, prams and wheelchairs. (d) Share bike customers leave bikes in inappropriate and dangerous locations. (e) Operators do not appear to be collecting e-bikes in potentially dangerous locations quickly enough. (f) There is an increase in the number of complaints received from residents about e-bikes being carelessly parked on footpaths, nature strips and parking spaces creating obstacles that impede pedestrian egress. 2. Officers liaise with e-bike operators to negotiate: (a) More considerate and appropriate locations for the placement of their e-bikes. (b) Faster collection of used bikes. 3. Officers investigate relevant legislation and gaps in the legislation that may assist Council in removing offending e-bikes that are creating a hazard or littering the public domain. 4. Officers prepare a report to Council outlining outcomes of any negotiations and legislative options. 5. Refers this resolution to Council's Access and Inclusion Advisory Panel.	A&O	11/10/2024  2. Council officers continue working with bike share operators to identify areas of concern. Officers have also been working with TfNSW to provide designated parking in Bondi Junction. 3. Officers are inputting into the State's Parliamentary Inquiry into use of e-scooters, e-bikes and related mobility options. The Office of Local Government has provided Councils with guidelines on three classes of items that may be considered unattended. Share bikes falls under Class 2, Shared Services.



Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	21/11/2023	Notice of Motion	CM/8.6/23.11	Continuous Pedestrian Paths of Travel - Accessibility Solutions (A21/0205)	<ol style="list-style-type: none"> <li>Notes Council resolution CM/8.2/21.11 (Accessibility in Waverley) for Waverley to become the most accessible place in NSW.</li> <li>Notes the Disability Inclusion Action Plan (DIAP) 2022–26, which aims to identify what needs to be done to optimise accessibility and inclusion in Waverley.</li> <li>Notes actions from Council's Bondi Junction Pedestrian Access and Mobility Plan (PAMP) 2009 are now finalised.</li> <li>Notes the Waverley People, Movement and Places Study approved by Council in December 2017.</li> <li>Officers prioritise the installation of Tactile Graphic Surface Indicators (TGSIs), known as tactile markers, such as at existing continuous footpath treatments (CFTs) in Waverley, ensuring that installations meet best practice for proper alignment with all desire lines of pedestrian travel, starting with high pedestrian areas in Bondi Junction.</li> <li>Officers, through Council's internal Access and Mobility Working Group: <ol style="list-style-type: none"> <li>Continue to conduct access audits of the Bondi Junction commercial area and villages centres throughout Waverley to plan, prioritise and action improvements to continuous pedestrian paths of travel, including footpaths, kerb ramps, cycleways, continuous footpath treatments, shared paths, shared zones, unsignalised pedestrian crossing, and signalised intersections using a staged approach to create outcomes as soon as possible.</li> <li>Identify areas of concern that fall under the authority of Transport for NSW/the NSW State Government and then make representations, as appropriate, with Councillors being notified.</li> </ol> </li> <li>Officers investigate any funding sources to carry out this work.</li> <li>Officers engage with the Access and Inclusion Advisory Panel on proposals.</li> <li>Officers request design input on the above initiatives from Guide Dogs NSW and other stakeholders in the vision impaired area.</li> <li>Receives a progress report in the first half of 2024 on the above actions.</li> </ol>	A&O	09/10/2024 1. Noted 2. Noted 3. Noted 4. Noted 5 & 6 Review in progress at Glenayr Ave and Birrell St. 6-10. To be progressed
Finance, Operations and Community Services Committee	05/12/2023	Report	FC/7.1/23.12	CONFIDENTIAL REPORT - Seven Ways Reserve - Landscape Maintenance Update (A21/0569)	<ol style="list-style-type: none"> <li>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)(g) of the Local Government Act 1993. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</li> <li>Notes the update on landscape maintenance and flood planning at Seven Ways Reserve, as set out in the report.</li> <li>Receives a further report after the post-occupancy evaluation is undertaken in autumn 2024.</li> </ol>	A&O	02/12/2024 1. Noted 2. Noted 3. On hold. Will commence once litigation proceedings concerning this project are finalised.
Strategic Planning and Development Committee	05/12/2023	Report	PD/5.3/23.12	Subsidised Lease Program (A23/0388)	<ol style="list-style-type: none"> <li>Officers prepare a draft policy on the implementation of the Subsidised Lease Program.</li> <li>Notes that the Subsidised Lease Program would complement and not compete with other more conventional approaches to increasing affordable housing stock.</li> </ol>	PS&C	Draft Policy being prepared to be considered in 2024. Report scheduled for June 24. 13/5 Report prepared and scheduled for late 2024 Updated 14/8
Strategic Planning and Development Committee	05/12/2023	Report	PD/5.5/23.12	Clause 4.6 Variations to Development Standards - Quarterly Report - July-October 2023 (A23/0244)	<ol style="list-style-type: none"> <li>Notes: <ol style="list-style-type: none"> <li>The clause 4.6 variations to development standards for the period 1 July 2023 to 31 October 2023 attached to the report.</li> <li>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.</li> </ol> </li> <li>Officers continue to report on clause 4.6 variations to development standards to Council on a quarterly basis.</li> </ol>	PS&C	Finalised. 12/5/24
Strategic Planning and Development Committee	05/12/2023	Report	PD/5.6/23.12	Strata Parking Area Agreements (A16/0667)	<ol style="list-style-type: none"> <li>Defers this item to a Councillor briefing in the first half of 2024.</li> <li>Officers review and update the draft Guidelines on Strata Parking Area Agreements attached to the report to include a fee structure and calculation methodology.</li> <li>Officers prepare a draft pro forma agreement and operational policy and procedure to be followed by Council staff and strata managers.</li> <li>Notes the document tabled at the meeting titled 'Some Suggested Operational Aspects for a Strata Parking Enforcement Scheme at Waverley Council.'</li> </ol>	PS&C	8/10/2024  1. Briefing to be scheduled in early 2025 2. Guidelines under review 3. In development 4. Tabled information noted

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	20/02/2024	Notice of Motion	CM/8.2/24.02	Complying Development Certificates - Notification (A11/0500)	<p>1. Notes that under the Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation), a complying development certificate (CDC) in NSW is only notified to the occupier (but not the owner) of a neighbouring property if the development at the subject site is to be carried out on a lot that has boundary within 20 metres of a boundary of another lot on which a dwelling is located.</p> <p>2. Further notes that a certifier can issue a CDC from 14 days after the notification period, but such notification does not contain the plans or designs of the CDC.</p> <p>3. Subject to the holding of a Councillor briefing, writes to the Minister for Planning and Public Spaces, The Hon. Paul Scully MP, requesting the following changes to the EP&amp;A Regulation:</p> <p>(a) All metropolitan CDCs be notified to the occupier and owner of neighbouring lots within 40 metres of the boundary of the proposed development lot.</p> <p>Minutes of Council Meeting 20 February 2024</p> <p>This is page 17 of the minutes of the Ordinary Council Meeting held on 20 February 2024</p> <p>(b) All CDC notifications contain the plans and/or the design of the CDC.</p> <p>(c) All CDC plans and/or designs be publicly available and accessible through Council’s website.</p> <p>4. Subject to the holding of a Councillor briefing, further writes to the Members for Vaucluse and Coogee requesting that they support this motion and advocate to the Minister of Planning and Public Spaces on behalf of Council.</p>	PS&C	<p>8/10/2024</p> <p>In progress, to be listed to future briefing of Councillors in earl 2025.</p>
Council Meeting	20/02/2024	Notice of Motion	CM/8.3/24.02	Street Tree Canopy in Parking Lanes (A22/0383)	<p>1. Investigates and identifies roads and residential streets that could be favourable for canopy tree plantings in parking lanes.</p> <p>2. Identifies suitable canopy tree species for Waverley’s roads and residential streets, acknowledging that the ficus in Newland Street and Brisbane Street, Bondi Junction, and in Chesterfield Parade, Bronte, exhibit problems with root invasion and canopy density.</p>	A&O	<p>29/05/2024</p> <p>Report to be prepared in 2024/25 noting that currently, Council officers assess opportunities for tree planting on a street-by-street basis as part of any streetscape upgrade. Our annual tree planting program is focused on planting in parks and grass verges, which allows greatest increase in canopy for investment in tree planting. Suitable species selected and/or proposed for planting are listed in our Street Tree Master Plan.</p>
Council Meeting	20/02/2024	Notice of Motion	CM/8.8/24.02	Military Road Widening (A03/0506)	<p>1. Notes the successful widening of Military Road at identified pinch points, including Military Road at Wentworth Street, North Bondi.</p> <p>2. Notes the engineering solution of constructing culverts involving new dish drains and paving for the parking of vehicles.</p> <p>3. Notes that Council has already prepared concept drawings for further pinch points.</p> <p>4. Investigates:</p> <p>(a) Identifying the location of further pinch points along Military Road.</p> <p>(b) Addressing the suitability of dish drains, parking bays and road widening at the identified pinch points.</p> <p>(c) Summarising the crash history along Military Road.</p> <p>(d) Giving particular consideration to those sections of Military Road between Douglas Parade and Dover Road and Blake Street and Myuna Road and Bulga Road and Kobada Road and Oceanview Avenue and Kobada Road.</p> <p>(e) Including concept drawings at the identified pinch points identified.</p> <p>5. Officers prepare a report to Council by July 2024.</p>	A&O	<p>09/10/2024</p> <p>1 - 3 Noted</p> <p>4. Review in progress.</p>
Council Meeting	20/02/2024	Notice of Motion	CM/8.9/24.02	Weed Removal and Native Planting (A12/0117)	<p>1. Identifies leftover wasteland locations where weeds and rank grasses prevail and where native or indigenous planting could replace mowing or slashing or other weed management practices.</p> <p>2. Investigates what resources would be required to plan and implement a program of weed and grass removal for replacement with native and indigenous plant species.</p> <p>3. Officers prepare a report to Council, including the likely cost, staff training needed to implement a weed removal and native plant replacement program and engagement with interested neighbours to assist in establishment watering and ongoing weeding.</p>	PS&C	<p>A report will be prepared on this resolution.</p>

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Finance, Operations and Community Services Committee	05/03/2024	Report	FC/5.3/24.03	Petition - Speed Hump at 51 York Road, Queens Park (A03/0892)	1. Notes the petition to remove the speed hump in front of 51 York Road, Queens Park. 2. Notes that the speed hump was installed as part of the 40 km/h speed limit changes. 3. Investigates the residents’ concerns about vibrations and road noise. 4. Officers assess in greater detail other potential options to reduce vehicle speeds in this area. 5. Officers prepare a report to the Traffic Committee if action is required.	A&O	09/10/2024 Monitoring of vibration and noise near complete. Analysis on-going.
Finance, Operations and Community Services Committee	05/03/2024	Report	FC/5.4/24.03	Petition - Speed Humps and Reduced Speed Limit at 81-99 Hewlett Street, Bronte (A03/0543)	1. Refers the petition to install speed humps and reduce the speed limit between 81 Hewlett Street and 99 Hewlett Street, Bronte, to the Executive Manager, Infrastructure Services, for consideration. 2. Officers consider measures to slow vehicles, improve pedestrian safety and prevent the narrow lower section of Hewlett Street being used as a ‘rat run’, including those suggested in the petition, and prepare a report to the Traffic Committee if action is required.	A&O	09/10/2024 Integrated Transport team to progress
Strategic Planning and Development Committee	05/03/2024	Report	PD/5.1/24.03	Planning Proposal - Dwelling Density - Exhibition (PP-3/2023)	1. Forwards the planning proposal attached to the report (Attachment 1) to limit the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition, subject to the following amendment: (a) Page 20 of the agenda, ‘Executive Summary’, fourth paragraph – Add a third dot point as follows: ‘Keep dwelling houses and attached dwelling as permissible uses.’ 2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI. 3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI 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.	PS&C	25/9/24  1. PP forwarded to DPHI with requested amendment 2. PP exhibited 3. Plan making authority granted  Further report to Council on submissions received to be scheduled to next available meeting.
Strategic Planning and Development Committee	05/03/2024	Report	PD/5.7/24.03	Draft South Head General Cemetery Plan of Management - Exhibition (A23/0599)	That Council: 1. Publicly exhibits the draft South Head General Cemetery Plan of Management attached to the report for 42 days. 2. Officers prepare a report to Council following the exhibition period.	A&O	8/10/2024 PoM Exhibition period closed, report to Council in December 2024 presenting the feedback recieved and recommending adoption. 2/12/2024 Report deferred to February Strategic Planning Committee meeting.
Council Meeting	19/03/2024	Mayoral Minute	CM/6.1/24.03	CM/6.2/24.03 Bondi Junction Commercial Precinct - Creating a Vision and Place Identity (A16/0262)	1. Council notes existing initiatives to revitalise Bondi Junction, including: (a) The recent interim upgrade of Oxford Street Mall. (b) The design competition to make Bondi Junction a destination, which is being released this month. (c) The Rowe and Oxford Street redevelopment. (d) Complete Streets projects, including the cycleway renewal. (e) The Council resolution to undertake activation strategies in Oxford Street Mall. (f) The recent proposal to amend the Development Control Plan to allow Oxford Street Mall trading hours between 6.00 am and 3.00 am. (g) The recent proposal to designate Bondi Junction as an entertainment precinct. 2. Officers prepare a business case for Council’s consideration to develop a strategic vision and place identity for the Bondi Junction Commercial Precinct that: (a) Facilitates strategic, appropriate and sustainable growth in the commercial centre, including small and medium enterprises, while protecting the residential amenity within the precinct. (b) Creates dynamic and vibrant meeting places, great public spaces and buildings, public art and walkable streets. (c) Enhances the strategic and economic importance of Bondi Junction as a knowledge and innovation precinct and facilitates the growth of 21st century jobs, as per Council’s Innovation Road Map. (d) Accelerates the transition of the precinct to a net zero future by 2035. (e) Identifies various diversified activities specific to certain locations and builds appropriate brand identities, such as: (i) Oxford Street Mall as a family-friendly dining precinct that enhances community safety and promotes a vibrant night-time economy. (ii) Spring Street as an innovation and tech precinct, building upon Council’s Innovation Road Map and resolution on jobs for the 21st century. (f) Showcases environmental excellence and supports and facilitates innovative and sustainable infrastructure, businesses and design. *CONTINUES BELOW	PS&C	14/8/24  1. No action required 2. Business and Community Mayoral Roundtables completed. Councillor Briefing and Report scheduled to next available meeting.

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
					(g) Investigates partnership opportunities to deliver efficient and integrated public transport solutions. (h) Increases the provision of affordable and social housing within the precinct. (i) Protects, enhances, and celebrates our significant local heritage. (j) Examines the suitability of current planning controls in Bondi Junction to facilitate the revitalisation of Bondi Junction as envisaged by this mayoral minute. 3. The business case should include: (a) Consideration of previous policy work and resolutions in respect of the Bondi Junction Commercial Precinct. (b) A key stakeholder and community engagement strategy to assist in the development of the vision and place identity for Bondi Junction. (c) A timeline for the development and implementation of the vision including: (i) Short-term immediate: 2024–2027. (ii) Medium-term: 2027–2035. (iii) Long-term: 2035–2050. (d) Identification of appropriate potential grants and subsidies, including the Uptown Grant Program and grants. (e) A top-line budget estimate that can be incorporated into the Long Term Financial Plan. (f) Officers prepare a report to Council no later than June 2024.		
Council Meeting	19/03/2024	Report	CM/7.2/24.03	Planning Proposal - Waverley Local Environmental Plan - General Update - Exhibition (PP-1/2024)	1. Forwards the planning proposal attached the report (Attachment 1) on a general update to the Waverley Local Environmental Plan 2012 to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination for the purposes of public exhibition. 2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI. 3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI 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. Publicly exhibits the draft Display of Goods on Footpath Policy attached to the report (Attachment 2) for a minimum of 42 days. 5. Officers prepare a report to Council following the exhibition period.	PS&C	PP forwarded to DPHI for gateway. Updated 14/8
Council Meeting	19/03/2024	Notice of Motion	CM/8.5/24.03	Footpath Seating (A08/0935-02)	1. Amends the footpath dining permit system to only prescribe the area available. 2. Officers notify Councillors once the footpath dining permit system process has been amended.	PS&C	20/8/24  1. Completed 21/3/24 2. Councillors notified
Council Meeting	16/04/2024	Report	CM/7.15/24.04	Petition - Ruthven Street, Bondi Junction - Rubber Speed Cushion Removal (A03/0821)	1. The petition to remove the speed cushions adjacent to 90 and 91 Ruthven Street, Bondi Junction. 2. That the speed cushions were installed as part of the 40 km/h speed limit changes. 3. That the speed cushions have reduced speeds by up to 29%. 4. That concept plans for traffic improvements in Ruthven Street, including angle parking, traffic calming, safety treatments and the removal of the speed cushions, will be publicly exhibited in April/May 2024. 5. That the refined designs, incorporating feedback from the community consultation, will be submitted to a future Traffic Committee meeting for consideration. 6. That the speed cushions will remain in place during the consultation and design process.	A&O	09/10/2024 Ruthven Street design and consultation in progress.  02/12/2024 Ruthven Street is currently in consultation. Consultation is between 13 November to 11 December 2024.
Council Meeting	16/04/2024	Notice of Motion	CM/8.2/24.04	Hollow-Bearing Wildlife - Additional Habitat (A10/0741)	1. Notes the importance of mature trees in providing habitat for local fauna. 2. Officers prepare a report to Council that includes the options, feasibility and cost to create additional habitat in the Waverley local government area, such as artificial hollows or nest boxes, to support local fauna.	PS&C	25/9/24  1. No action required 2. Report to be prepared
Strategic Planning and Development Committee	07/05/2024	Report	PD/5.1/24.05	Waverley Development Control Plan 2022 (Amendment No. 3) - Excavation - Adoption (A24/0031)	1. Adopts the Waverley Development Control Plan 2022 (Amendment No. 3) on excavation controls attached to the report. 2. Develops a plain English fact sheet on the amendment for Council’s website and distributes it to the Precincts. 3. Officers prepare a report to Council in 12 months’ time evaluating the changes and improvements.	PS&C	12/6/24  1. DCP Amendment in force 2. Fact sheets to be prepared 3. Spreadsheet implemented for tracking relevant DAs

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Strategic Planning and Development Committee	07/05/2024	Report	PD/5.2/24.05	Waverley Development Control Plan 2022 (Amendment No. 4) - Oxford Street Mall Standard Trading Hours Extension - Exhibition (A16/0262)	1. Publicly exhibits the draft Waverley Development Control Plan 2022 (Amendment No. 4) attached to this report on the extension of standard trading hours in Oxford Street Mall for a minimum of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the Environmental Planning and Assessment Act 1979. 2. Officers prepare a report to Council following the exhibition period. 3. Evaluates the performance of the extended trading hours within two years, with a report to be prepared to Council on the outcome.	PS&C	20/8/24  1. Draft DCP Exhibited 2. Reported to Council (adopted) 3. Future report to be scheduled within 2 years
Council Meeting	21/05/2024	Report	CM/7.5/24.05	Bondi Pavilion - Public Artwork Commission (A24/0024)	That Council awards the commission for the Bondi Pavilion Public Artwork to Alison Page and Shane Youngberry for their work BuriBuri, as set out in Attachments 2 and 3 of the report.	CC&CE	02.10.24 Final negotiations taking place for commision
Council Meeting	21/05/2024	Report	CM/7.7/24.05	Reconciliation Action Plan Advisory Committee Meeting - 27 March 2024 - Minutes and Place Renaming (A14/0173)	1. Notes the minutes of the Reconciliation Action Plan (RAP) Advisory Committee meeting held on 27 March 2024 attached to the report. 2. Notes that the Dawn Reflection Service on 26 January 2024 raised \$1,500 for the GO Foundation. 3. Approves the recommendation of the Gujaga Foundation, and supported by the RAP Advisory Committee, to apply to the Geographical Names Board of NSW to change the names of the following places: (a) Eora Reserve to Dharawal Reserve. (b) Cadigal Place to Gadigal Place. (c) Biddigal Reserve to Birrabirragal Reserve. 4. Advises residents of the Geographical Names Board process of community consultation in adopting a name change should it proceed. 5. Investigates what support can be made available to assist impacted residents in changing their address and officers prepare a report to Council.	A&O	02.10.24 Infrastructure Services undertaking consultation on proposed changes with Geographical Names Board
Council Meeting	21/05/2024	Notice of Motion	CM/8.1/24.05	Nancy and Clyde Street Intersection, North Bondi - Traffic Calming Measures (A20/0069)	1. Investigates the unsafe traffic situation at the intersection of Nancy Street and Clyde Street, North Bondi, to introduce traffic calming measures, including but not limited to the following solutions: (a) Introduction of a roundabout. (b) Resurface the roads at the intersection to provide a clear visual indication of the road layout. (c) Install appropriate give way or stop signs in Nancy Street at the intersection with Clyde Street to clarify right-of-way and help prevent confusion and accidents. (d) Introduce give way or 'No Stopping' signs on Clyde Steet, set back an adequate distance from the corner of Nancy Street, to improve visibility for all drivers approaching the intersection. 2. Officers prepare a report to the Traffic Committee.	A&O	30/09/2024 Investation by Integrated Transport team commenced. Being progressed.
Council Meeting	21/05/2024	Notice of Motion	CM/8.2/24.05	Online Petitions (A08/1339)	1. Notes that the Australian Parliament and NSW Parliament have established mechanisms for online petitions. 2. Investigates methods to provide online petitions to Council, with officers to prepare a report to Council with recommendations no later than the August 2024 meeting of the Finance, Operations and Community Services Committee. 3. Considers as part of the investigation: (a) The suitability of existing/popular online petition platforms. (b) The feasibility and costs of providing online petitions on a Council website similar to the NSW and Federal parliamentary petitions. (c) Whether amendments to Council's Petitions Policy would be necessary.	CS	Under review
Council Meeting	21/05/2024	Notice of Motion	CM/8.3/24.05	Bondi Pavilion - Audio Recording Training Program (A23/0095)	1. Notes: (a) The state-of-the-art recording studios at the Bondi Pavilion that are regularly used by a range of people, including participants in Bondi Wave and other youth programs. (b) That there is an opportunity to grow our young people's skills in audio recording utilising the facilities at the Bondi Pavilion as well. 2. Investigates the establishment of an appropriate audio recording program that attracts a recognised credential in partnership with TAFE, the Australian Film Television and Radio School or other relevant educational institution. 3. Officers prepare a report to Council on the findings, along with next steps.	CC&CE	02.10.24 Investigation / research into NOM being undertaken

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Council Meeting	18/06/2024	Report	CM/7.13/24.06	Draft Planning Agreement Policy (Amendment No. 5) - Exhibition (SF23/1066)	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.	PS&C	20/8/24  1. Draft VPA policy exhibited 2. Submisisons report to be listed to next available meeting.
Council Meeting	18/06/2024	Report	CM/7.14/24.06	Subsidised Lease Program - Exhibition (A23/0388)	1. Publicly exhibits the draft Subsidised Lease Program Policy attached to the report for a minimum of 42 days. 2. Officers prepare a report to Council following the exhibition period.	PS&C	20/8/24  1. Subsidised Lease Policy Exhibited 2. Submission report to be scheduled to next avilable meeting.
Council Meeting	18/06/2024	Report	CM/7.15/24.06	Waverley Local Planning Panel - Appointment of Chair (A13/0229)	That Council appoints the following chairperson and alternate chairpersons to the Waverley Local Planning Panel for a term of three years in accordance with the Minister’s direction attached to the report and section 2.18 of the Environmental Planning and Assessment Act 1979: 1. David Ryan – Chairperson. 2. Jacqueline Townsend – Alternate chairperson. 3. Helen Lochhead – Alternate chairperson.	PS&C	18/7/24  Finalised
Council Meeting	18/06/2024	Confidential Report	CM/11.2/24.06	CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update (A17/0243)	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)(g) of the Local Government Act 1993. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 2. Lodges a request to register Council on title as the registered proprietor of the drainage reserve between Dickson Lane and Belgrave Street, Bronte, noting that officers will prepare a report to Council on the outcome of the application and the potential reopening of the drainage reserve. 3. Officers prepare a report to Council on the classification of the land and permitted use, including the option for use as a public thoroughfare, should Council be registered on title. 4. Authorises the General Manager or delegate to do all things necessary to finalise the matter.	A&O	8/10/2024 Officers have made an application to have Council registered as owner on title. Awaiting confirmation of the outcome. A report to be presented to Council in near future updating Council on the status of the issue and presenting options in relation to the potential reopening of the laneway.  9/11/2024 Council has formally been named as owner on title, update report to go to Council in November.  2/12/2024 Report to December Council meeting updating Council on the status of the issue and make recommendations in relation to whether to reopen the passageway.
Council Meeting	18/06/2024	Confidential Report	CM/11.3/24.06	CONFIDENTIAL REPORT - 28-36 Ebley Street, Bondi Junction - Public-Private Partnership (A24/0432)	1. Treats the report as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. 2. Considers the proposed public-private partnership for the development of 28–36 Ebley Street, Bondi Junction, in its review of the Property Strategy early in the new Council term.	A&O	11/10/2024 2. Consideration to be given in review of strategic property priorities.  2/12/2024 Proposal to be considered by new Stratgic Property Review Committee



Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	16/07/2024	Report	CM/7.11/24.07	Waverley Local Planning Panel - Appointment of Expert Members (A13/0229)	1. Appoints the following expert members to the Waverley Local Planning Panel (WLPP) from 1 July 2024 to 30 June 2027: (a) Kate Bartlett. (b) John Brockhoff. (c) Stephen Davies. (d) Susan Hopley. (e) Kerry Kyriacou. (f) Alison McCabe. (g) David Milliken. (h) Clare Swan. (i) Mary-Lynne Taylor. (j) Gerard Turrisi. (k) Joseph Vescio. (l) Greg Woodhams. 2. Appoints the following expert members to the WLPP from 1 July 2024 to 24 June 2027: (a) Stuart McDonald. (b) Sharon Veale. 3. Appoints Graham Brown as expert member to the WLPP from 1 July 2024 to 1 June 2025.	PS&C	31/7/24  1, 2 & 3 Finalised. Expert members appointed.
Council Meeting	16/07/2024	Report	CM/7.12/24.07	Draft Resource Recovery and Waste Strategy - Exhibition (A20/0005)	1. Publicly exhibits the draft Resource Recovery and Waste Strategy attached to the report for 12 weeks. 2. Officers prepare a report to Council following the exhibition period.	PS&C	25/9/2024  1. Waste Strategy Exhibited 2. Submission report to be listed to next available meeting
Council Meeting	16/07/2024	Notice of Motion	CM/8.1/24.07	Rose Bay Secondary College - Community Access (SF21/372)	1. Notes that the Rose Bay Secondary College has recently written to surrounding residents advising that from April 2024 they would be securing all gates that lead in and out of school grounds to keep the school safe and secure. 2. Notes that for many years there was an informal pedestrian link from Reina Street north around the perimeter of the Rose Bay Secondary College playing field and that this pedestrian link was closed from the commencement of a substantial upgrade to the school in 2004. 3. Notes that Council considered a report in 2006 regarding the walkway, as well as managed community access to the school grounds. 4. Requests the General Manager and Council officers to hold discussions with the Department of Education and Rose Bay Secondary College around options for provision of managed community access to the school grounds.	A&O	02/12/2025 1. Noted 2. Noted 3. Noted 4. Council is preparing a licences proposal for community use to be reported to ELT for consideration.
Council Meeting	16/07/2024	Notice of Motion	CM/8.2/24.07	Bondi Golf Course - Water Overflow (A24/0662)	1. Prepare a short report for the next Council or Committee meeting on options to prevent the flash flooding of rainwater accumulating on the golf course and inundating properties, including 146, 148 and 150 Hasting Parade, by redirecting the excess water to the cliff. 2. Include costs and time frames for a quick solution to the problem in the report.	A&O	02/12/2024 1. Council report prepared for 10 Dec Meeting 2. Hydraulic Engineers assessment and recommendations completed. Council report prepared for 10 Dec Meeting
Council Meeting	16/07/2024	Notice of Motion	CM/8.4/24.07	Sydney 2000 Olympic Games Beach Volleyball Event - Commemoration of 25th Anniversary (A02/0276)	1. Investigates the feasibility of nominating a Blue Plaque or other commemorative plaque at Bondi Beach to commemorate the 25th anniversary of the beach volleyball event held during the Sydney 2000 Olympic Games. 2. Officers prepare a report to Council on the investigation findings, including recommendations for the next steps.	CC&CE	02.10.24 Report expected to be presented to Council early 2025
Council Meeting	20/08/2024	Report	CM/7.3/24.08	Planning Proposal - 50 Botany Street, Bondi Junction - Exhibition (PP-2/2024)	1. Forwards the planning proposal attached to the report (Attachment 1) on 50 Botany Street, Bondi Junction, to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition, with the proposal seeking to: (a) Rezone part of the site from SP2 Telecommunications to R3 Medium Density Residential. (b) Provide a contribution towards affordable housing in line with Council's Affordable Housing Contribution Scheme. (c) Introduce a minimum lot size to part of the site. (d) Remove the heritage listing across the site. 2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI. 3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI 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.	PS&C	25/09/2024  1. Planning Proposal Submitted for Gateway Determination 2. Awaiting Gateway 3. Awaiting Gateway

Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	29/10/2024	Mayoral Minute	CM/6.1/24.08	Support for the Jewish Community - Collaboration with Woollahra Council on Public Artwork (A23/0698)	1. Welcomes the resolution of Woollahra Council passed at its meeting on 28 October 2024 to work with Waverley Council on commissioning a public art installation to represent both councils’ ongoing support for those in our community impacted by the events on 7 October 2023. 2. Requests the Mayor to write to Cr Swan, Mayor of Woollahra, thanking her for the invitation to participate in this joint initiative and immediately commences discussions to facilitate a process moving forward. 3. Officers prepare a report to Council, following initial discussions with Woollahra Council, on the proposed scope, opportunities for public submissions, budget, timeline and consultation process for the art installation. 4. Refers this resolution to the Arts, Culture and Creativity Advisory Committee for its feedback. 5. Informs the NSW Jewish Board of Deputies of this resolution.	CC&CE	2.12.24 Officers are actioning Mayoral Minute and are in active discussions with Woollahra Council on process, scope, budget and timeline to report back to Council.
Council Meeting	29/10/2024	Mayoral Minute	CM/6.2/24.08	Antisemitic Graffiti (A24/0972)	1. Notes: (a) The antisemitic graffiti occurring in the Waverley local government area specifically targeted at the Jewish community. (b) That graffiti is a criminal act of vandalism and antisemitic graffiti is especially nefarious, with 129 instances recorded in the last month. 2. Welcomes the investigation by police taskforce Cadomin to catch the perpetrator(s). 3. Continues to immediately remove the graffiti upon notification. 4. Provides a copy of Council’s register of antisemitic graffiti (which includes the date, time, location of each incident) every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia. 5. In conjunction with the police and other agencies, undertakes an immediate security assessment that includes but is not limited to: (b) Identifying locations of vulnerability. (b) Examining the suitability of installing additional and/or higher specification CCTV cameras in specific locations (c) Other security measures as identified within the security assessment. 6. Officers prepare a report to Council in December with options to implement the recommendations of the security assessment, a budget and a time frame.	A&O	2/12/2024 Reprot being preapred for December 2024 Council meeting.
Council Meeting	29/10/2024	Notice of Motion	CM/8.1/24.10	Pedestrian Amenity (A24/0956)	1. Notes that: (a) There is an existing Council resolution that addresses the process and prioritisation of pedestrian amenity improvements across Waverley, including: (i) Bronte Road from Ebley Street, Bondi Junction, to Victoria Street, Charing Cross (both sides of the road). (ii) Wellington Street, Bondi from Bondi Road to Edward Street (Bondi Public School Side). (b) Delivery of the program is currently underway. (c) A report will be prepared to Council on the Walking Strategy, including the findings of the Safe Walking Routes to School project, in early 2025. 2. Officers include in the report to Council the outcomes of the audit for the areas specified in clauses 1(a)(i) and (ii).	A&O	2/12/2024 Under investigation by the Integrated Transport team. Reporting to Council in early 2025.
Council Meeting	29/10/2024	Notice of Motion	CM/8.2/24.10	NSW Housing Reform - Communications Campaign (SF24/382)	1. Notes that: (a) The Waverley local government area (LGA) is one of the most densely populated LGAs in Australia. (b) The previous Mayor and General Manager and Council planners have met the Minister for Planning, the Hon Paul Scully, to discuss the State Government’s housing reforms and their impact and implications for Waverley. (c) As a result of that meeting, the Department of Planning and Environment and Council undertook to work together to clarify definitions such as ‘town centres’, and to achieve housing reform outcomes that are sensitive to residential and public amenity of the Waverley LGA. 2. Requests that the Mayor and Deputy Mayor seek an urgent meeting with the Minister for Planning and Public Places, the Hon Paul Scully, to discuss Council’s preferred options to deliver its housing targets. 3. Requests that Council’s Community Planning Advocate works with the Precincts and community groups to explain the new State Government’s housing reforms and their impacts on Waverley and prepares a report to the December Council meeting with a full proposal on a way forward, including budget.	PS&C	



Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council:)	Responsible Directorate	Comment
Council Meeting	29/10/2024	Confidential Report	CM/11.1/24.10	CONFIDENTIAL REPORT - Mill Hill Cafe - 33 Spring Street, Bondi Junction - Lease (A21/0147)	1. Treats the report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 2. Grants a lease to The Dining & Co Castle Hill Pty Ltd for the Mill Hill Café, 33 Spring Street, Bondi Junction, for three years with one three-year option, on the terms and conditions set out in the report. 3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.	A&O	2/12/2024 New lease has been developed, commencing 29 November 2024. Execution of documents in progress.

**REPORT**  
**CM/7.4/24.12**

**Subject:** Sponsorship Policy - Adoption

**TRIM No:** A24/0140

**Manager:** Tanya Goldberg, Executive Manager, Arts, Culture and Events

**Director:** Ben Thompson, Director, Community, Culture and Customer Experience

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**RECOMMENDATION:**

That Council:

1. Adopts the Sponsorship Policy attached to the report.
2. Officers prepare a report to Council investigating required amendments to the *Waverley Local Environmental Plan 2012* to support sponsorship advertising on land owned by Council or under the care, control and management of Council.

**1. Executive Summary**

At its Strategic Planning and Development Committee meeting on 12 November 2024, Council resolved to publicly exhibit the draft Sponsorship Policy for 28 days to seek feedback on proposed amendments to the policy.

Public exhibition has concluded, with no feedback received. It is therefore recommended that Council approve the proposed changes to the Sponsorship Policy with immediate effect.

**2. Introduction/Background**

Council last adopted its Sponsorship Policy in December 2019. The policy was created as a separate policy from the then Sponsorship, Grants and Donations Policy to provide sufficient and specific guidance to officers in seeking, assessing and entering into sponsorship agreements to enhance existing Council programs for the benefit of the Waverley Community.

The policy provided clarity and addressed inconsistencies in approaches to sponsorship-seeking activities across Council.

Due for renewal, officers updated the existing policy to ensure it remains relevant to Council's current activities and enables officers to explore potential for sponsorship opportunities that can further support revenue opportunities that provide ongoing benefits to the Waverley community and ensure Council operates in a financially sustainable manner.

That updated policy draft was put to Council at its Strategic Planning and Development Committee meeting on 12 November 2024. Council approved minor adjustments to the draft policy and resolved to exhibit it for 28 days.

The public exhibition period concludes on 10 December 2024. At time of finalising this report, no community responses have been received. However, internal feedback regarding planning matters was raised as discussed in section 4 below.

Should any further feedback be received from the public between the agenda being issued and the Council meeting, these submissions will be distributed to Councillors via email.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 12 November 2024	PD/5.3/24.11	<p>That Council publicly exhibits the draft Sponsorship Policy attached to the report for 28 days, subject to the following amendments:</p> <ol style="list-style-type: none"> <li>1. Page 105 of the agenda, next revision date – Amend to read as follows: ‘Two years from the approval date.’</li> <li>2. Page 113 of the agenda, clause 4.10.2, ‘Outbound’, first sentence – Amend to read as follows: ‘\$14,999 and below – Approval by the General Manager in consultation with the Executive Leadership Team.’</li> <li>3. Page 113 of the agenda, clause 4.10.2, ‘Outbound’, second sentence – Amend to read as follows: ‘Above \$15,000 – Approval by Council.’</li> </ol>

### 4. Discussion

Council researches, develops and delivers quality activities, events and programs to enhance the vibrancy of its community. This activity requires the resourcing of staff expertise, staff time and the high cost of program delivery, a substantial investment for Council. Through in-bound financial and in-kind sponsorship, these activities can be expanded and enhanced to provide a greater benefit to the community and ensure financial sustainability.

Council also provides outbound sponsorship to community organisations, groups and individuals to support activity for the benefit of the community.

The Sponsorship Policy outlines the principles of sponsorship for Council and establishes a coordinated, transparent approach to the way Council seeks, secures, provides and manages all sponsorship arrangements.

Currently, the *Waverley Local Environmental Plan 2012* prohibits advertising on land zoned RE1 Open Space. Open space land is utilised for a variety of uses, including our beaches, sports and community venues. To support sponsorship advertising for Council owned assets or third parties such as surf clubs, an amendment is required. A further report is required to investigate the scope of an appropriate amendment for consideration.

A marked-up version of the policy showing all amendments is attached to this report.

No feedback was received during the 28-day public exhibition period.

## **5. Financial impact statement/Time frame/Consultation**

### **Financial impact statement**

The policy amendments pose no hard cost to Council. The amendments represent a potential gain of future partnership revenue earnings for Council.

This will have an impact on staff time so that staff can appropriately service and manage the negotiation and implementation of any sponsorship agreements. The policy does mitigate this impact, however, stipulating that the value of inbound sponsorship must be sufficiently greater than the cost to Council in time and resources of obtaining the sponsorship.

### **Time frame**

The amended policy will commence and be implemented immediately upon adoption.

### **Consultation**

The changes to the policy are considered minor and consistent with the existing policy. Council's 28-day public exhibition of the amendments yielded no community feedback in opposition to the recommended changes.

## **6. Conclusion**

There is significant potential for enhanced revenue opportunities through inbound sponsorship arrangements, enabling officers to attract revenue to Council that can be directly returned as a benefit to the community through enhanced activities and new programs.

It is recommended that Council approves the amended policy to better reflect the interests of the Waverley community.

## **7. Attachments**

1. Sponsorship Policy [↓](#)



WAVERLEY  
COUNCIL

# Sponsorship Policy



Department	Arts, Culture and Events
Approved by	<Council >
Date approved	<xx >
File reference	A18/0478
Next revision date	<Two years from approval date>
Relevant legislation	NSW Local Government Act 1993 NSW Crown Lands Management Act 2016
Related policies/ procedures/guidelines	Waverley Community Strategic Plan Waverley Arts and Culture Plan
Related forms	

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## 1. Background

Waverley Council researches, develops and delivers quality activities, events and programs to enhance the vibrancy of its community. This activity requires the substantial resourcing of staff expertise, staff time and the high cost of program delivery. Through in-bound financial and in-kind sponsorship, these activities can be expanded and enhanced to provide a greater benefit to the community.

Waverley Council also provides outbound sponsorship to community organisations, groups and individuals to support activity for the benefit of the community.

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## 2. Purpose

This policy outlines the principles of sponsorship for Waverley Council and establishes a coordinated, transparent approach to the way Council seeks, secures, provides and manages all sponsorship arrangements.

The policy:

- Outlines a framework and general principles for managing Waverley Council's inbound and outbound sponsorships, whether monetary or in-kind.
- Outlines considerations in identifying, pursuing, securing, approving, receiving, distributing and managing inbound sponsorship.
- Outlines considerations in identifying, assessing, approving and managing outbound sponsorship.
- Ensures that all sponsorship is dealt with in a fair, transparent and equitable manner.
- Outlines responsibilities of all parties involved in a sponsorship arrangement.
- Specifies criteria to guide decisions to seek or support sponsorship opportunities, including considerations for public probity, policy conformity and the avoidance of conflicts of interest.

Waverley Council considers prospective sponsorship to be a mechanism with which to value-add to existing activities, projects or programs, or to introduce new projects.





Council will continue to provide its services and commitments to the community regardless of whether sponsorship support is received or provided but it is acknowledged that aligned sponsorship can uniquely amplify the investment Council makes in its services to the Community.

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### 3. Scope

This policy applies to all inbound and outbound sponsorship arrangements entered by Waverley Council. It does not apply to grants and donations. The Policy supersedes the Sponsorship related sections of the Grants, Donations and Sponsorship Policy (2013).

This Policy applies to all Waverley Council elected representatives and employees, including permanent, temporary and casual staff, contractors and consultants engaged by Waverley Council.

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### 4. Content

#### 4.1 Sponsorship principles

Any sponsorship arrangement that is offered or sought by Waverley Council must:

- Benefit Council, the residents, businesses and/or visitors of the Waverley Local Government Area.
- Align with and help deliver Council's Community Strategic Plan and other Council Plans and Policies.
- Not create a conflict of interest.
- Pass a suitability assessment.
- Pass a Risk and Probity assessment.
- Not interfere with Council's ability to exercise its obligations under the Local Government Act 1993 or any other relevant legislation that Council relies on to perform its duties and deliver services.

#### 4.2 Suitable items for sponsorship

Sponsorship may be inbound (received by Council), or outbound (offered by Council) and can be funded and/or in-kind.

##### 4.2.1 Suitable activities for inbound sponsorship

The types of events/activities that Council may consider suitable for inbound sponsorship generally include:

Temporary or recurring activities or events such as:

- Public and ticketed events, festivals and event programs.
- Arts and Culture activities and programs of a limited time period or ongoing e.g. exhibitions, performing arts offerings, cultural programs, creative development programs.

- Public conferences, seminars and workshops e.g. business forums.
- Training and education or opportunities for scholarships.
- Community or industry awards.
- Environmental sustainability projects.
- Community awareness and education campaigns.
- Or any other deemed appropriate **including combinations of multiple activities or events.**

Council assets including but not limited to:

- Buildings, facilities, parks, sporting facilities, bus shelters, fleet or other infrastructure **and possible combinations thereof.**

**Waverley Council may create packages of temporary or recurring activities or events and/or Council assets to attract sponsorship arrangements that, for example, span an agreed period, an agreed physical area or an agreed suite of programs and events.**

**Waverley Council takes a flexible approach to events/activities and assets that can be combined into packages of benefits for various suitable sponsorship arrangements that may attract temporary partnership designations and are responsive to current market approaches to partnership building.**

#### 4.2.2 Suitable activities for outbound sponsorship

The types of events/activities that Council may consider suitable for outbound sponsorship generally include:

- Cultural or community events and/or projects.
- Community education programs.
- Sporting projects and/or programs.
- Conferences.
- Scholarships.
- Awards.
- Research and publications.
- Or any other deemed appropriate.

#### 4.3 Benefits to sponsors (inbound sponsorship)

The specific benefits of an inbound sponsorship arrangement to the sponsor are determined in collaboration and agreement with Waverley Council and may be restricted by legislation and public policy. Benefits must be agreed upon in advance and included in the sponsorship agreement. The extent of benefits will depend on the level and nature of the sponsorship and may include but is not limited to:

- Ability to use Council's branding, content and imagery in connection with the sponsored activity and the ability to develop co-branded material.

- Ability to use temporary partnership designations, for example but not limited to “Official beach safety partner”, “Official summer partner”, “Official community partner” etc.
- Branding exposure on print and digital materials and collateral, media, social media, direct marketing, and Council’s public Wi-Fi platform.
- Exposure at events through signage and integration into events programs where feasible and appropriate, acknowledgement by the emcee or speakers.
- Opportunity to speak publicly at the sponsored event or activity.
- In-kind event coordination support and event advisory/logistics support.
- Event hospitality including invitation to events, invitation to VIP functions, temporary car parking spaces for events and preferential seating.
- Naming rights or category sponsorship for major events.
- Award or trophy in the sponsor’s name and publicly presented.
- Designated spaces whether internal or external on a case by case basis.
- Display of goods and other material merchandising of goods at selected points of sale.
- Sponsors name, logo or other relevant design displayed on Council assets e.g., fleet vehicles, or recognition in connection with the asset.
- Council fee waivers or agreement to meet costs associated with services it would otherwise charge for, as listed in the advertised Fees and Charges e.g. installation of street banners.

#### 4.4 Benefits to Council (outbound sponsorship)

Specific benefits to Waverley Council for outbound sponsorships will be determined as part of the development of any outbound sponsorship agreement. The extend of benefits will depend on the level and nature of the sponsorship and may include but is not limited to providing, creating or maintaining:

- Alternate avenues for Council to provide social and cultural benefit to, and meet the needs of, the Waverley Community.
- Positive media, promotion and publicity opportunities across a range of media platforms.
- A mechanism to return economic benefit to the Waverley local government area by the leveraging of proportionally lower contributions.
- Opportunities for Council to have visible and meaningful participation in events and activities that enhance the image and reputation of the local government area.
- Valuable strategic alliances for Council

#### 4.5 Sponsorships not permitted under this policy

Sponsorships will not be offered or sought that:

- May adversely impact Waverley Council’s reputation and brand.
- Impede or potentially impede Council’s ability to carry out its functions fully and impartially.
- Are inconsistent with the objectives outlined in Waverley Council’s Community Strategic Plan, or other plans, strategies and policies of Council including Plans of Management.
- Give rise to a conflict of interest.
- Pose a conflict between the objectives and values of Council and those of the other party.

Waverley Council will not consider sponsorship arrangements with other parties that Council deems:

- Could compromise or be seen to compromise Council's ability to exercise its regulatory and planning functions. Further, other parties must have a clear understanding that any arrangements have no bearing on Council's capability to exercise such functions.
- Have not fulfilled the requirements of a previous sponsorship arrangement.
- To be of a political nature (e.g. political parties).
- Relate to adult services or adult content production or distribution.
- Promote or are associated with the sale of tobacco.
- Promote or are associated with gambling products or services.
- Promote or are associated with weapons manufacture and sale.
- Discriminate by way of race, religion, gender, sexual orientation including in employment, marketing or advertising practices.

#### 4.6 Conflict of interest

Every sponsorship arrangement proposal will be assessed as to whether it gives rise to or may give rise to a conflict of interest (either real or perceived). Council has the discretion to refuse or terminate such arrangement in any case where, during the life of the sponsorship agreement, the other party (including related parties, parent companies and subsidiaries):

- Has a current development application or planning matter before Council, or Council is aware of a possible future application and planning matter.
- Is or is likely to be subject to regulation or inspection where Council may impose conditions.
- May limit Council's ability to carry out its functions fully and impartially or may be perceived to do so.
- Or for any other reason.

There should be no suggestion, either explicitly or implicitly, that any individual, organisation or company will be given any favourable or special treatment because of providing sponsorship support to Council.

No elected representative, employee or agent of Waverley Council is to receive, or solicit, a personal benefit from a sponsorship agreement with Council. This would constitute a breach of Council's Code of Conduct.

Prospective sponsors will be required to sign a Conflict of Interest Declaration as part of the acceptance and approval process.

#### 4.7 Partner organisations and third-party sponsorship

From time to time, Waverley Council may partner with an external organisation to deliver a program or event. Conditions associated with the partnership arrangement will be outlined in an agreement.

Partners seeking sponsorship to events and programs run in conjunction with Council should adhere to the criteria outlined in this policy for assessing the suitability of potential sponsorships. Council must be notified of potential sponsorship arrangements by partner organisations and retains the right to reject potential sponsorship arrangements that it deems to be inappropriate, or to impose conditions of the sponsorship offering and arrangement.

Any third-party commercial activity that is undertaken in Council-managed properties, including those falling under the Crown Lands Management Act, is subject to Council approval. This includes activities of a sponsorship or advertising nature undertaken by third parties such as local surf life saving clubs or venue hirers.

#### 4.8 Retainment of discretion to reject sponsorship

When determining and evaluating a sponsorship proposal, Waverley Council retains the discretion not to accept a sponsorship proposal. Council will assess proposals according to the framework in section 4.10 of this policy.

Council retains the discretion to reject third-party sponsorship proposals undertaken in Council-managed properties, including those falling under the Crown Lands Management Act as outlined in clause 4.7.

#### 4.9 Attracting Sponsors

Sponsorship opportunities may be sought through various approaches. Waverley Council may offer or seek sponsorship opportunities through:

##### 4.9.1 Expressions of interest

Expressions of interest will typically be invited through advertisement to ensure the business community and other relevant government and non-government organisations can participate in relevant sponsorship opportunities.

##### 4.9.2 Pitching a sponsorship

Council may identify potential sponsor/s for a specific sponsorship opportunity and may initiate direct contact with the potential sponsor/s where there is a strategic alignment between the prospective sponsor/s and the activity or project for which sponsorship is being sought.

##### 4.9.3 Unsolicited proposals

Unsolicited proposals for sponsorship should only be accepted where a significant strategic alignment exists between the sponsor and the target sponsorship offering.

#### 4.9.4 Solicited proposals

Council staff may identify and investigate sponsorship alignments with potential partners through the application of their subject matter expertise and/or using dedicated service providers to provide benefits to the Waverley community.

#### 4.9.5 A combination of the above

Council seeks to be responsive to market trends and variations to maximise opportunities to provide the greatest possible benefit to the Waverley community through flexible approaches to potential sponsors.

### 4.10 Approval of Sponsorship

Approval for sponsorship arrangements is as follows:

#### 4.10.1 Inbound

**\$249,999 and below** – approval by the General Manager in consultation with the Executive Leadership Team.

**Above \$250,000 and above** – approval by Council.

Sponsorship proposals from property developers – approval by Council.

In urgent circumstances (where a proposed inbound sponsorship valued at **\$250,000** or above needs to be determined before the next available Council or Committee meeting) approval may be provided by the Mayor and General Manager; noting that Councillors are to be emailed details of the proposed sponsorship prior to any decision taken by the Mayor and General Manager, and sponsorship details are to be reported to the next available Council or Committee meeting after the decision.

Approval is granted after consideration of the proposal with respect to the criteria laid out in section 4.11 below.

#### 4.10.2 Outbound

**\$14,999** and below – approval by the General Manager in consultation with the Executive Leadership Team.

Above **\$15,000** – approval by Council.

Assessments of sponsorship proposals will be undertaken against the criteria for appropriateness outlined in this policy and will assess and take account of any risk and probity considerations including potential conflict of interest situations.

Any sponsorship arrangement must be formalised with a written agreement. This agreement should be the entire arrangement between the parties, and no privileges for either party shall exist outside the agreement, unless approved by both parties.

4.11 Assessment framework

The following provides a framework for assessing all sponsorship proposals.

Consideration	Evaluation
	<i>Alignment with Council’s vision and values</i>
	<i>Alignment with Council’s strategic objectives</i>
	<i>Alignment with Council policies and relevant legislation</i>
	<i>Proposal provides tangible community benefit</i>
	<i>The value of the sponsorship proposal is greater than the cost to Council is time and resources spent obtaining it</i>

4.12 Managing sponsorships

A sponsorship agreement must be entered into for each sponsorship arrangement. The sponsorship agreement must not impose or imply conditions that would limit, or appear to limit, Council’s ability to carry out its functions fully and impartially.

The agreement will set out:

- The nature of benefits, including economic and in-kind benefits, available to Council and the other party.
- The agreed form or forms of sponsorship acknowledgement.
- The term of the sponsorship and any conditions regarding renewal.
- Financial accountability requirements.
- **Agreed KPIs for the sponsorship.**
- Provision for termination or suspension of the agreement.

4.13 Reporting Requirements

All sponsorship arrangements are to be documented through a sponsorship proposal, sponsorship agreement and reported to the community via Council’s Annual Report for the respective financial year. A register of sponsorship will be made available on request.

5. Review

This policy will be reviewed every four years or as required in the event of legislative changes or requirements. The policy may also be changed because of other amendments. Any amendments to a community facing policy must be by way of a Council resolution.

## 6. Definitions

Term	Definition
<i>Community benefit</i>	The return or benefit to the community that flows from Council's sponsorship activity.
<i>Conflict of interest</i>	Can arise if it is likely that a private interest could conflict, or be seen to conflict, with carrying out a person's public or professional duties.
<i>Donation</i>	<p>A provision of cash or other items of value with no return benefits expected. The person or organisation providing these may request a modest acknowledgement or that the provision be used for a particular purpose. These are not sponsorships or grants.</p> <p>Council, an individual or an organisation may make a donation, except that only an individual can make a bequest.</p>
<i>Grant</i>	Cash or value-in-kind support provided to applicants for a specified project or purpose with terms and conditions defined but not commensurate with a direct reciprocal benefit received by Council. Grants made by Council are expected to achieve community benefit.
<i>Inbound sponsorship</i>	A financial or in-kind contribution to Council made from an individual, organisation or business.
<i>Outbound sponsorship</i>	A financial or in-kind contribution from Council made to an individual, organisation or business.
<i>Property Developer</i>	As defined by the <a href="#">Electoral Funding Act 2018 Section 53</a>
<i>Sponsorship</i>	<p>A commercial arrangement in which one party, a sponsor, provides a financial and/or in kind contribution to support an activity in return for certain specified benefits.</p> <p>Sponsorship can be provided to or received from the corporate sector, private sector, private individuals as well as community groups and not for profit organisations.</p>



## REPORT CM/7.5/24.12



**Subject:** Antisemitic Graffiti - Council Response

**TRIM No:** A23/0761

**Manager:** Ben Thompson, Director, Community, Culture and Customer Experience

**Director:** Ben Thompson, Director, Community, Culture and Customer Experience

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### RECOMMENDATION:

That Council:

1. Continues to:
  - (a) Work with local community leaders and NSW Police to ensure Council is well positioned now and into the future to respond to instances of antisemitic graffiti and vandalism.
  - (b) Undertake a holistic CCTV network review and explore appropriate infrastructure where more sophisticated CCTV cameras can be installed.
  - (c) Maintain a register of antisemitic graffiti (which includes the date, time and location of each incident) and provide that register every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.
2. Expands the current CCTV footprint across the local government area to ensure better coverage for both proactive deterrence and to assist police investigations.

### 1. Executive Summary

In October 2024, a mayoral minute by Cr Nemesh requested officers to review and action a number of initiatives to combat the rise in antisemitic graffiti that had been identified across the Waverley local government area (LGA). Since that time, further distressing incidents of antisemitism have occurred, most prominently in Woollahra Council LGA, which included graffiti and destruction of property.

Council has commenced the process of a security audit, leveraging our CCTV network as the backbone to future deterrence. Council is not only seeking better alignment with NSW Police through the investigation process through a more seamless and timely procedure, but also providing the ability for NSW Police to gain access to live streaming video evidence during events or incidents.

The below report serves to provide a detailed update on the progress and future direction of the ongoing safety and security enhancements being made across the Waverley LGA to prevent ongoing acts of antisemitic graffiti and promote community safety. These efforts align with Council's commitment to foster a safe and inclusive environment, proactively addressing vulnerabilities and leveraging modern technologies to protect our community.

The work remains dynamic, with key initiatives already underway and additional strategies planned for phased implementation over the coming period.

## 2. Introduction/Background

The October 2024 mayoral minute (CM/6.2/24.10) requested that Council better articulate the measures that were being undertaken to address high-risk graffiti sites within the LGA (see section 3 of the report for the resolution).

Council has continued to take any report of antisemitic graffiti extremely seriously. This has resulted in any request from the community regarding antisemitic graffiti immediately actioned, with resolution typically achieved well within 24 hours. Council staff working within the LGA have also been leveraged to provide an additional set of 'eyes and ears' to increase our reporting presence.

Regarding clause 4 of the mayoral minute, officers can confirm a register is being kept with detailed information such as date, time and location of all incidents. A process has been implemented within the relevant business unit to ensure this register is maintained and easily reportable on to the relevant agency.

This register will be made available every six months to all of the requested bodies, including the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia. This will ensure we are aligning resources and strategies with other government agencies as well as community-based organisations to combat antisemitic vandalism.

To meet the objectives of clause 5, Council has spent the last six weeks reviewing a previously commissioned security threat assessment to build off the work that was previously done. This included an initial investment of \$143,000 to expand the CCTV network of the time.

In order to coherently deliver a schedule of improvement works, Council has developed a phased delivery roadmap. This includes:

- A detailed review of our existing security framework and network.
- Infrastructure upgrades where CCTV is planned to be upgraded.
- Trial projects leveraging emerging CCTV technologies in the field of computer vision and machine learning.
- Assessing opportunities to better integrate our community safety technology into NSW Police technology platforms.
- Broader deployment of automation technologies that use computer vision.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/6.2/24.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes: <ol style="list-style-type: none"> <li>(a) The antisemitic graffiti occurring in the Waverley local government area specifically targeted at the Jewish community.</li> <li>(b) That graffiti is a criminal act of vandalism and antisemitic graffiti is especially nefarious, with 129 instances recorded in the last month.</li> </ol> </li> <li>2. Welcomes the investigation by police taskforce Cadomin to catch the perpetrator(s).</li> </ol>

		<ol style="list-style-type: none"> <li>3. Continues to immediately remove the graffiti upon notification.</li> <li>4. Provides a copy of Council's register of antisemitic graffiti (which includes the date, time, location of each incident) every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.</li> <li>5. In conjunction with the police and other agencies, undertakes an immediate security assessment that includes but is not limited to: <ol style="list-style-type: none"> <li>(a) Identifying locations of vulnerability.</li> <li>(b) Examining the suitability of installing additional and/or higher specification CCTV cameras in specific locations</li> <li>(c) Other security measures as identified within the security assessment.</li> </ol> </li> <li>6. Officers prepare a report to Council in December with options to implement the recommendations of the security assessment, a budget and a time frame.</li> </ol>
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#### 4. Discussion

Council has been working diligently over the last six weeks to begin the process of reviewing the initial security threat assessment that was previously commissioned. The security assessment was undertaken to assess a number of factors, including Council's CCTV footprint. A synopsis of the findings of that security assessment have been provided below:

- Develop a modern policy framework for CCTV use that aligns with NSW Police and government best practices.
- Enhance stakeholder engagement, ensuring a shared vision and cooperative approach to improving the use and management of Council's CCTV network.
- Upgrade CCTV network coverage with a focus on key public areas. This includes working with specialists to prepare a detailed system design to expand and enhance our CCTV footprint in areas such as Oxford Street and Bondi Beach, improving safety and public confidence.
- Investigate opportunities to leverage advanced technologies to optimise community outcomes. Leveraging technologies in the CCTV space such as automatic number plate recognition (ANPR) and people detection will allow Council to design a system with the future in mind. This technology also aides in fostering a positive formal relationship with NSW Police and can provide seamless on-demand monitoring for improved community safety.

After reviewing the work that has been completed against the above recommendations, Council has started to formulate a multi-phased approach to deliver a new security assessment, with a technological focus. Given the advancements in CCTV technology over the last Council term, it is believed the technology is now in a position to be extremely useful in automating previously manual tasks and ensuring alignment with NSW Police technology infrastructure.

Given the original security threat assessment has now seen a term of Council pass, Council has commenced the process of renewing the assessment and working with critical stakeholders to ensure the recommendations align with the vision of Council. This means a focus on leveraging technology as well as keeping our community at the centre of everything we do from an environmental and safety perspective.

In addition to a renewed security threat assessment, a more immediate action plan has been designed to highlight the importance Council places on this community safety initiative. The action plan will be delivered in a phased approach.



Figure 1. Action plan.

### Phase 1 – Better leverage Council infrastructure for public safety measures

Within Phase 1 of the roadmap, Council is seeking to better utilise the continued renewal of assets to better align them with modern day public safety technology. By taking this approach, Council can leverage modern day networking infrastructure, which often forms part of the capital works project, and leverage that to deliver modern safety solutions.

The first major capital project to be included in this action plan is the deployment of CCTV at 42 new bus shelters in key commercial and high use areas across the LGA. The new bus shelters will see modern CCTV technology installed and used, that is future proofed for the evolving needs of Council. The CCTV component of the project will see a focus on future-enabled hardware, allowing Council to explore emerging technologies as it progresses through the roadmap.

The bus shelter project will provide at least two additional cameras per shelter in busy commercial and high-use areas of the LGA. This will provide a rapid expansion of our existing CCTV network, while responsibly managing our capital expenditure budgets.

The key benefit of this phase is that the financial impact to Council is proactively managed. During a capital works project, the key elements are already engaged to deliver network upgrades such as internet connectivity. Therefore, the cost to council is marginal rather than prohibitive.

## **Phase 2 – Network review and expansion**

As part of the initial phases of the roadmap, Council will be working to ensure a concrete network architecture is developed. This will provide Council a better understanding of the assets we currently have in the environment, their useful life and informs the future Planned Preventative Maintenance (PPM) for all new and existing CCTV assets.

Better understanding our network architecture also allows Council to better deploy new environmental sensors (cameras, people counters, distress buttons, etc), and link them into our existing network hardware. Having all our public safety technology operate in a uniformed manner allows Council to better manage the assets as well as bring data or evidence together to provide to NSW Police to assist in investigations.

The network review will give Council the opportunity to increase public confidence in our public safety measures. Ensuring we have a well-maintained, strategically positioned CCTV network demonstrates to our community that we take public safety seriously and will increase public awareness.

## **Phase 3 – NSW Police alignment**

A key aspect of the phased approach is to better align with our state government agency partners, most importantly NSW Police. It is intended that at this time of the roadmap, Council will be in a position to enter into a memorandum of understanding (MOU) that would establish guidelines for Council providing live access to our CCTV network to NSW Police.

This would see NSW Police have access to live streamed video, allowing them to better manage gatherings of people, incidents or events that may end with antisemitic graffiti, vandalism or public nuisance. This will allow faster response times, as NSW Police will be able to have access to this footage directly from their local station, with a future state seeing availability on mobile devices such as mobile phones or tablets.

During an investigation, Council would maintain the existing business processes in place with NSW Police regarding the requestion of video evidence to ensure the evidentiary chain of custody was maintained. The agreement not only increases our collaboration with NSW Police but assists Council in better managing our human resources aligned to the community CCTV function.

Having undertaken analysis of other Council arrangements within NSW, neighbouring councils such as Randwick and Bayside Council both have agreements in place that see the management of live access, along with a business process for NSW Police to request historical footage.

This includes audit logs of NSW Police access and a record of each time the system is interacted with, ensuring appropriate governance is placed over the operations of the arrangement.

## **Phase 4 – Discovery and deployment of emerging technologies**

The future vision of Council's CCTV network is to create an on-demand system whereby computer vision and machine learning are monitoring for anti-social behaviours that need alerting to Council or Police. While this technology was available at the start of the last Council term, it was often quite expensive and required specialist skills to manage the design, development and deployment.

Today, this technology has become readily available from both camera manufacturers and local/international firms specialising in the development of smart CCTV tools. This technology is often based in machine learning whereby systems are trained on millions of events to train it on what to detect, when to alert humans and how it should be alerting.

To better understand the technology, Council has undertaken a trial project within the Bondi Pavilion Art Gallery. The technology is designed to detect when a visitor is too close to a piece of art. Once detected, the software is then able to alert Council officers via a push notification to their mobile phone, who then can review live footage if required.

In addition to the detection technology, Council is also using technology to undertake virtual people-counting into and out of the Art Gallery. The technology can detect an object as a 'person' and undertake directional analysis to determine if the person was entering or exiting the Art Gallery to get an accurate picture of visitation.

Using internal skills and capability, Council has been able to integrate the data captured from this system, overlayed with local weather data, to better understand visitation trends. The intent behind this is to better understand behaviours within our public spaces, and create a proactive response to visitation, anti-social behaviour and user demands.

With Council setting up the foundational building blocks through this roadmap, emerging technology can be seamlessly integrated into our existing environment on a more holistic basis. A snapshot of the business intelligence report is provided below to give context.

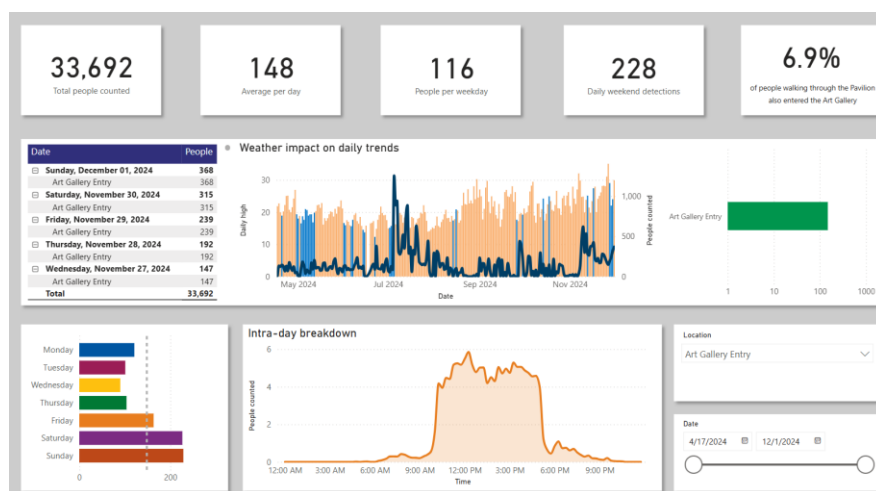


Figure 2. Snapshot of business intelligence report.

## Continual improvement

A critical factor in establishing and maintaining an active CCTV system is Planned Preventative Maintenance, as well as continuous improvement to the system. Underlying the phased approach outlined above, continual improvement in all facets of the system will be sought.

This is not only related to the technological side of the response, but also the community safety and awareness campaigns Council operates, the continued review of business processes to manage and respond to incidents of vandalism and graffiti and Council's continued collaboration with government and other agencies.

## 5. Financial impact statement/Time frame/Consultation

Any financial impacts that this work incurs will be managed either through approved budgets or reported to Council to seek additional funding.

## **6. Conclusion**

Council's commitment to enhancing community safety through CCTV technology represents a transformative step towards a more secure and cohesive community. This report has outlined a comprehensive phased approach designed to align with the latest technological advancements, while ensuring Council is well prepared from an infrastructure, resourcing and process perspective to successfully integrate into our existing business.

Community engagement and technology represent the backbone of this initiative. Leveraging our capital works program to better deploy modern technology showcases Council's commitment to achieve quick wins, while remaining financially responsible.

Identifying opportunities to work more closely with NSW Police, formalising agreements and ensuring our local community groups are well represented, puts safety for our residents, local businesses and visitors at the forefront of what we are doing. This collaborative model not only strengthens the management of the CCTV network but also bolsters community trust and confidence in Council's safety measures.

The phased roadmap provides a clear path forward and allows our community to understand what actions Council is taking now and into the future. The roadmap reflects Council's dedication to a forward-thinking, community-focused approach to public safety. As we move ahead with the roadmap, we believe we will position ourselves as a leader in creating a secure and resilient community.

## **7. Attachments**

Nil.

**REPORT**  
**CM/7.6/24.12**

**Subject:** Waverley Business Forum - Terms of Reference

**TRIM No:** A24/0997

**Manager:** George Bramis, Executive Manager, Urban Planning

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

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**RECOMMENDATION:**

That Council:

1. Adopts the terms of reference for the Waverly Business Forum attached to the report.
2. Appoints Cr Nemesh as Chair and Cr [INSERT NAME] as Deputy Chair of the Waverley Business Forum until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for up to 10 community members with experience in small business, economic development, innovation or tourism to be appointed to the Forum.

**1. Executive Summary**

This report proposes terms of reference for the Waverley Business Forum (WBF) for adoption.

**2. Introduction/Background**

The previous Waverley Business Forum began in 2013 and concluded in 2020 due to COVID-19. The Forum enabled the local business community to attend and hear from other businesses about their successes and failures. It was delivered three times a year, in collaboration with Bondi Chamber of Commerce, with 50-80 registrations each time.

Since 2021, the Bondi Innovation Forum was held in collaboration with Bondi Chamber of Commerce, Bondi Innovation and two key business industry groups in Waverley. Each event has received over 250 registrations. The Bondi Innovation Forum is an action of the Innovation Roadmap 2025, with the next meeting scheduled in May 2025. In accordance with Council's resolution, the May 2025 Bondi Innovation Forum will no longer proceed.

The proposal to reintroduce the Waverley Business Forum will support a less formal discussion and information sharing session with the local business community. It will focus broadly on business and support Waverley's network of commercial centres including Bondi Junction.

The objective of the Waverley Business Forum, as outlined in the TOR, is to foster a dynamic and resilient local economy through collaboration among local business, Council, Chamber of Commerce, other local industry groups, and the community through a business forum event up to three times per year.

The Waverley Business Forum will achieve this by:

- Strengthening the local economy.



- Promoting investment and innovation.
- Encouraging sustainable practices.
- Supporting business resilience.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/7.4/24.10	<p>EXTRACT</p> <p>That Council:</p> <p>...</p> <p>7. Re-establishes the Waverley Business Forum, to replace the Innovation Forum, noting there are no appointed members to the forum.</p> <p>8. Officers prepare reports to Council as soon as possible recommending terms of reference for each of the following committees and appoints Councillor members once the terms of reference are adopted:</p> <p>(a) Capital Works Review Committee.</p> <p>(b) Strategic Property Review Committee.</p> <p>(c) Surf Life Saving Committee.</p> <p>(d) Sustainability and Transport Expert Advisory Panel.</p> <p>(e) Waverley Business Forum.</p> <p>...</p>

### 4. Discussion

The Waverley business community has faced a difficult business environment with reduced spending, declining consumer confidence and business investment, and broader economic challenges. Waverley's network of commercial centres responded well to the difficult economic environment, as covid encouraged a return to support local business. Bondi Junction, however, remains more strained as the centre has experienced a reduction in commercial floorspace over the past five years, as residential floor space become more valuable and hybrid work remains in place for many workplaces.

While Bondi remains a key destination for millions of visitors, balancing the needs of the community, businesses, and visitors is ongoing. Additionally, Waverley's night-time offerings are limited, issues remain with some businesses choosing to close before evening trade begins. Many opportunities remain ahead for Waverley to coordinate with key stakeholders in supporting local businesses and leading our network of commercial centres to ensure they continue to serve the daily needs of our community and visitors.

Officers are currently working on the next Economic Development Roadmap to support the local business community and its network of commercial centres. We have worked on increasing Council's access to a

wide variety of new data, to enable greater insights and support Council with more informed decision-making. A snapshot of Waverley's local economy includes:

- 38,700 registered businesses (13,540 GST Active operating Businesses statistic), with more than 90% being represented by small businesses across a diverse range of industry sectors.
- 27,000+ people of which 35% are Waverley residents employed locally.
- 2.7 million domestic and international visitors annually which excludes Sydneysiders.
- \$1.8 billion as spent by visitors in the Waverley LGA in 12 months to August 2024.
- \$890 million was spent by residents in the Waverley LGA in 12 months to August 2024.
- 240 premises in Waverley have Liquor licences.
- 17+ million visits to Westfield Bondi Junction annually to 2023.
- 91.4% is the total ground floor retail occupancy rate across Waverley's network of Commercial centres as of August 2024.

(Refer to Spendmapp 2024, Australian Bureau of Statistics, Census 2021, National and International Visitor Survey, Tourism Research Australia, Property Council of Australia, and Council's data set).

Forum membership will comprise:

- The Mayor (Chair).
- All Councillors (including a Deputy Chair).
- A representative from the Chamber of Commerce.
- A representative from Bondi Innovation.
- Up to 10 community members with direct experience in small business, economic development, innovation or tourism.

## **5. Financial impact statement/Time frame/Consultation**

There are no financial implications in adopting the proposed Waverley Business Forum TOR. Officers' involvement in facilitating and supporting meetings as described in the document will be covered within operational budgets.

## **6. Conclusion**

This report recommends the adoption of terms of reference for the Waverley Business Forum.

## **7. Attachments**

1. Waverley Business Forum Committee - Terms of Reference [↓](#)



# Waverley Business Forum Terms of Reference



Department	Urban Planning
Approved by	Council
Date approved	
File reference	A24/0997
Next revision date	December 2028
Relevant legislation	
Related policies/ procedures/guidelines	
Related forms	

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## 1. Acknowledgement

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.

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## 2. Objective

The key objective of the Waverley Business Forum is to foster a dynamic and resilient local economy through collaboration between Council, Chamber of Commerce, Bondi Innovation and the local business community. The Waverley Business Forum will achieve this by:

- Strengthening the local economy
- Promoting investment and innovation
- Encouraging sustainable practices
- Supporting business resilience

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## 3. Authority

The Waverley Business Forum is an advisory body that assists the Council to fulfil its functions.

The Forum does not have the authority to act on behalf of Council.

The advisory status of the Forum means that it may provide advice to Council officers and make recommendations to Council or a Council Committee.

The Waverley Business Forum is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

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## 4. Membership

The Waverley Business Forum membership will comprise:

- The Mayor.

- All Councillors.
- Up to ten community members who have direct experience in small business, economic development, innovation or tourism either personally, professionally or academically
- A representative from the Bondi Chamber of Commerce.
- A representative from Bondi Innovation.

#### **4.1 Appointment of councillor members**

All Councillors are members of the Forum.

#### **4.2. Appointment of community members**

The community members may only be appointed to the Forum by resolution of Council.

The 10 community members will be sought by way of public advertisement inviting expressions of interest for assessment by a Selection Committee comprising the Mayor (or the Mayor's delegate), the Deputy Chair and the Director, Planning, Sustainability and Compliance.

Applicants may request assistance to submit their expression of interest to become a Forum member. Council's Economic Development Manager will be available to provide support to interested community members.

The Selection Committee will evaluate the candidates against their level of experience in small business, economic development, innovation or tourism either personally, professionally or academically.

The Selection Committee will recommend the community membership to Council for its determination.

#### **4.3. Forum invitees**

The Forum will issue invitations to the following people and/or local organisations to attend the Waverley Business Forum as invitees including:

- General manager and Directors of Council.
- Local business community.
- Other relevant stakeholders.

The Forum may also invite other external parties to provide expert advice, information or presentations as the Forum deems necessary.

#### 4.4. Vacancies

A vacancy for a community member of the Forum will occur upon the resignation of the member, expiry of a term of appointment as outlined in section 6 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

Following an expression of interest process for community membership of the Forum, Council may establish a pool of suitable candidates to fill vacancies on the Forum. A candidate may be a member of the pool for a maximum period of 12-months.

Where no pool of suitable candidates is established, vacant community member positions on the Forum must be filled by way of public advertisement inviting expressions of interest for assessment by the Selection Committee, who will recommend a new member to Council. This will occur as soon as practical within the period of two Forum meetings.

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### 5. Chair of the Waverley Business Forum

The Mayor is the Chair of the Waverley Business Forum.

Should the Mayor not wish to be Chair of the Forum, they may nominate a Councillor to be appointed by Council as Chair.

The Chair is to have precedence over the control and management of the meetings, and in relation to any procedural matter, the ruling of the Chair is final. The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

One of the other councillor members must be appointed by Council as Deputy Chair of the Forum. Should the Chair be unable to chair a meeting, or part of a meeting, the Deputy Chair appointed by Council will chair the meeting, or that part of the meeting.

Should both the Chair and Deputy Chair be unable to chair a meeting, or part of a meeting, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting.

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### 6. Term of Office

Councillor members of the Forum will hold office for the period they hold office as Councillor

Community members will hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.



Community members may reapply for a second two-year term through the expression of interest process outlined in section 4.2 of this Terms of Reference, provided the total time served on the Forum does not exceed four years.

Representatives of community organisations are members of the Forum while they are assigned by their organisation and hold their position with the organisation.

An individual member will cease to be a member of the Forum if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

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## 7. Role of the Forum

The role of the Forum is to serve as a platform to bridge communication between the business community and Council. This role would include:

- Engaging the business community
- Building collaborative partnerships
- Advising Local Government
- Promoting economic development
- Networking and knowledge sharing
- Data gathering and reporting

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## 8. Member Responsibilities

It is the responsibility of Forum members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Forum.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Forum.
- Perform tasks agreed by the Forum that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Forum e.g. site visits.

### 8.1 Code of Conduct

Members of the Forum must comply with Council's Code of Conduct in carrying out their functions as members.

It is the personal responsibility of each member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

## **8.2 Conflicts of Interest**

Forum members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Forum are not 'designated persons'.

## **8.3 Confidential and Personal information**

In the course of their work, Forum members will be entrusted with sensitive or confidential information about Council's operations.

Forum members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's Code of Conduct.

Should a Forum member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

## **8.4 Media Protocol**

Forum members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

## **8.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors**

All non-voting invitees, observers and non-member Councillors must comply with sections 8.1-8.4 of this Terms of Reference.



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## 9. Review of the Terms of Reference

The Forum will review its Terms of Reference at least once every four years to ensure it remains current, relevant, and accurately reflects the Forum's composition, role, and responsibilities.

The Forum may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

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## 10. Administrative Arrangements

### 11.1 Administrative Support

The Forum and its Working Groups will be supported by a Council officer assigned by the Director of the responsible department.

### 11.2 Meetings

The Forum will meet up to three times per year in April, July and October.

Meetings may be held in person or by video conference.

Meetings of the Forum are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Forum at the discretion of the Chair.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Forum will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 11.6 of this Terms of Reference).

Meetings may be audio recorded for the purpose of preparing meeting minutes. Recordings must be stored and disposed of in accordance with the *State Records Act 1998*.

### 11.3 Agendas and Minutes

Council officers will provide agenda items and reports for Forum meetings in consultation with the Chair.

Members may raise other matters within the parameters of the Terms of Reference for Forum consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Forum of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda.

Agenda items put forward must be aligned with the Waverley Community Strategic Plan and any supplementary plans adopted by Council during the course of this forum being operational.

The assigned support officer will ensure meeting agendas and associated documents will be issued to members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that accurate minutes of the proceedings of meetings are kept. At a minimum, the minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The noting of the confirmation of the minutes from previous the meeting.
- The Forum's recommendation on each item.
- Whether or not the Chair used their casting vote.
- The time the meeting closed.

Draft minutes must be approved by the Chair and circulated within two weeks of the meeting to each member for their confirmation that the minutes are a true record of the proceedings of the meeting. The draft minutes will also be circulated to all relevant officers.

Once confirmed by members, the minutes must be reported to the next available Council meeting for noting and published on Council's website.

A copy of the confirmed minutes must also be reported to the next Forum meeting for noting.

If the Forum wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Forum's recommendation for the Council's consideration.

#### **11.4 Action Tracking Report**

An Action Tracking Report is to be maintained by the assigned support officer. The report will be a standing item on the Forum's agendas.

### 11.5 Quorum

A quorum for a meeting of the Forum will be a majority of Forum members, at least two of whom must be a Councillor.

### 11.6 Voting

In cases where consensus cannot be reached, recommendations will be made by majority vote.

A motion supported by the majority of Forum members, by means of a vote, at a meeting of the Forum at which a quorum is present is a recommendation of the Forum.

Voting at a meeting is to be by a show of hands or by voices.

A member of the Forum is entitled to one vote only on each matter. In the case of an equality of votes, the Chair has a casting vote. Where the Chair decides not to exercise their casting vote, the motion being voted upon is lost.

Whether or not the Chair used their casting vote shall be recorded in the minutes.

### 11.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their responsibilities.



**REPORT  
CM/7.7/24.12****Subject:** NSW Housing Reform - Communications Strategy**TRIM No:** A23/0406**Manager:** Emily Scott, General Manager**Director:** Emily Scott, General Manager

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**RECOMMENDATION:**

That Council:

1. Approves the communications strategy and key messages, as set out in the report, regarding the NSW Low- and Mid-Rise Housing Reforms.
2. Authorises the General Manager, in consultation with the Mayor, to update the key messaging of each strategy, should the policy be adopted by the State Government.

**1. Executive Summary**

On 29 October 2024, Council resolved, in part, that the Community Planning Advocate prepare a report to the December Council meeting with a fully costed proposal on how Council will work with the Precincts and community groups to explain the new State Government's housing reforms and their impacts on Waverley.

The proposed communications strategy set out in this report aims to explain the new State Government housing reforms as they currently stand to our Precinct groups and community at large. The State Government has not yet announced the finalised Low and Mid-Rise Housing Reforms but has indicated it will do so imminently. On 5 December 2024, Council will hold an extraordinary Council meeting to approve a further submission to the State Government in relation to the reforms. Therefore, the key messaging in Council's proposed communications strategy is based on the information currently available on the reforms and as set out in Attachment 1.

**2. Introduction/Background**

In 2023, following the change of government in NSW, a series of policy announcements occurred aimed at delivering increased housing supply to address well-publicised housing supply and housing affordability issues.

The State Government reforms include the following changes:

- Permitting dual occupancies and semi-detached dwellings in almost all R2 Low Density zoned land in NSW. This change does not impact Waverley as these dwelling types are already permitted in Waverley R2 zones.
- Permissibility of 4-6 storey apartment buildings in R3 Medium Density zones within an 800 m walk of 'town centre' and 'station precincts' through the introduction of non-refusal height and floor space standards. This includes allowing manor houses in R2 zones under the same criteria as the R3 zones and non-refusal standards for manor houses, terraces, and dual occupancies in these areas.

Attachment 1 sets out the key messaging to the community that will be used in the communications strategy.

Not surprisingly, the community is highly invested in understanding the impacts of the Low and Mid-Rise Housing Reforms on their liveability and amenity and on the local character of the Waverley local government area. Consequently, a presentation on the proposed reforms and their potential impacts was held at the Combined Precinct Meeting on 1 August 2024.

Additionally, several emails have been sent to the Precinct Executives including updates on the proposed reforms as they became available. Several of the Precinct representatives are also actively involved in the newly formed group 'Save Bondi Village' which has been meeting regularly to discuss the reforms and its impacts. 'Save Bondi Village' was formed recently and has an active website on which it states, 'We're all for development, but it needs to be affordable and sustainable.'

To service the identified community needs for information on the new State Government reforms, officers have prepared this report for Council's consideration.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 October 2024	CM/8.2/24.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes that: <ol style="list-style-type: none"> <li>The Waverley local government area (LGA) is one of the most densely populated LGAs in Australia.</li> <li>The previous Mayor and General Manager and Council planners have met the Minister for Planning, the Hon Paul Scully, to discuss the State Government's housing reforms and their impact and implications for Waverley.</li> <li>As a result of that meeting, the Department of Planning and Environment and Council undertook to work together to clarify definitions such as 'town centres', and to achieve housing reform outcomes that are sensitive to residential and public amenity of the Waverley LGA.</li> </ol> </li> <li>Requests that the Mayor and Deputy Mayor seek an urgent meeting with the Minister for Planning and Public Places, the Hon Paul Scully, to discuss Council's preferred options to deliver its housing targets.</li> <li>Requests that Council's Community Planning Advocate works with the Communications team to develop an information, communications and outreach campaign explaining the new State Government's housing reforms. This plan, including a budget and funding source, is to be presented at the December Council meeting for consideration.</li> </ol>

#### 4. Discussion

To effectively communicate the new State Government housing reforms (refer Attachment 1 for key messaging) to the Precincts and the community, officers are proposing the following three strategies to be implemented between January 2025 to February 2025. All strategies will be implemented concurrently.

Each of these strategies are designed to ensure that the information on the new State Government reforms is widely and clearly accessible, reaching diverse segments of the Waverley community.

Officers anticipate that the key messaging of this communications strategy may need to be changed and updated in line with any further State Government announcements on their housing reforms package. Such announcements will be accommodated within all strategies if and when required. The General Manager in consultation with the Mayor will update the key messaging of each strategy, should the policy be adopted by the State Government.

*Table 1. Communications strategy.*

<b>Strategy 1 – Brochure for distribution to Precinct Committees and community networks</b>	
<b>Strategy</b>	<p>To develop a simplified brochure explaining the State Government reforms including the following headings:</p> <ul style="list-style-type: none"> <li>• Waverley Council's housing targets</li> <li>• Waverley Council's work to date</li> <li>• Potential impacts of the low-mid housing reforms.</li> <li>• Next steps</li> </ul> <p>Once produced, the brochure will be distributed to Waverley Council's networks including Precincts and the Combined Precincts group, Save Bondi Village group, Council's Subcommittees and all other affiliated networks and community groups.</p>
<b>Target audience (number of audience)</b>	Precincts, Combined Precincts, Save Bondi Village group, Council's Subcommittees and other community groups and members.
<b>Aim of communication plan (key messages)</b>	The key messaging will be formulated from the information presented in Attachment A of this report.
<b>Broad time frame or date</b>	January/February 2025
<b>Internal stakeholders</b>	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director of Planning, Sustainability and Compliance.</li> <li>• Executive Manager of Urban Planning Policy and Strategy.</li> <li>• Executive Services.</li> <li>• Customer Experience and Communications.</li> </ul>
<b>Issues/risks and solutions</b>	<p>The risks associated with this strategy is that the messaging may change as the State Government announces the finalised suite of reforms.</p> <p>To effectively manage this strategy, printing should be limited in numbers and reliance on electronic versions will be encouraged, as these can be updated when decisions are made by the State Government.</p>



<b>Budget</b>	<ul style="list-style-type: none"> <li>• Staff time</li> <li>• <b>Printing brochure costs:</b> \$561.00 (colour)</li> </ul> <b>TOTAL:</b> \$561.00
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<b>Strategy 2 – Briefing to the Precinct Executives</b>	
<b>Strategy</b>	To host an out of session Combined Precincts meeting focusing on explaining the State Government reforms, making available printed material and providing an opportunity for questions and answers.
<b>Target audience (number of audience)</b>	Precinct Executives representing all 13 Waverley Precincts.
<b>Aim of communication plan (Key Messages)</b>	<p>The key messaging will be formulated from the information presented in Attachment A of this report.</p> <p>Additionally, the brochures developed by officers to explain the new State Government reforms will be distributed at the Precinct meetings, in person and via email.</p>
<b>Broad timeframe or date (and location if application)</b>	January/February 2025 either face to face at a Bondi Junction venue or online.
<b>Internal stakeholders</b>	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director of Planning, Sustainability and Compliance.</li> <li>• Executive Manager of Urban Planning Policy and Strategy and Manager of Strategic Planning.</li> <li>• Executive Services.</li> </ul>
<b>Issues/risks and solutions</b>	<p>The risks associated with this strategy is that the messaging may change as the State Government announces the finalised suite of reforms.</p> <p>To effectively manage this strategy, printing should be limited in numbers and reliance on electronic versions will be encouraged, as these can be updated when decisions are made by the State Government.</p>
<b>Budget</b>	<ul style="list-style-type: none"> <li>• Staff time</li> </ul> <p>For the face-to-face meeting:</p> <ul style="list-style-type: none"> <li>• Refreshments: \$700.00</li> <li>• Printing costs: \$250.00</li> </ul> <b>TOTAL:</b> \$950.00
<b>Councillor attendance</b>	Councillors will be invited to join the briefing.

<b>Strategy 3 – Council’s website</b>	
<b>Strategy</b>	To develop a specific page on Council’s website which will explain the State Government reforms and include Council’s brochure on the topic.
<b>Target Audience (number of audience)</b>	Broader community audience.
<b>Aim of Communication Plan (Key Messages)</b>	The key messaging will be formulated from the information presented in Attachment A of this report.
<b>Broad timeframe or date</b>	January/February 2025.
<b>Internal stakeholders</b>	<ul style="list-style-type: none"> <li>• Director of Planning, Sustainability and Compliance.</li> <li>• Executive Manager of Urban Planning Policy and Strategy and Manager of Strategic Planning.</li> <li>• Executive Services.</li> <li>• Executive Manager of Customer Experience and Communications and Manager of Digital Customer &amp; Data Strategy.</li> <li>• Customer Experience &amp; Communications.</li> </ul>
<b>Issues/risks and solutions</b>	<p>The risks associated with this strategy is that the messaging may change as the State Government announces the finalised suite of reforms.</p> <p>To effectively manage this strategy, printing should be limited in numbers and reliance on electronic versions will be encouraged, as these can be updated when decisions are made by the State Government.</p>
<b>Budget</b>	<ul style="list-style-type: none"> <li>• Staff time</li> </ul>

## 5. Financial impact statement/Time frame/Consultation

### Financial impact statement

The estimated costs for the communication of the new State Government’s housing reforms will be approximately \$1,511, and this will be funded from the General Manager’s Unit operational budget. These costs are exclusive of staff time.

### Consultation

The proposed consultation is explained above in the discussion of the strategies of this report.

### Timeframe

The proposed timeframe is explained above and in summary will operate in January 2025 to February 2025.

## 6. Conclusion

The proposed new State Government’s housing reforms represent a significant change from the strategic planning framework in NSW and local Waverley strategies.

The community has expressed concerns about the new State Government housing reforms and are requesting that Council assist them in understanding the reforms and their impacts on Waverley. The proposed communications strategy outlined in this report will assist in providing the community with the information they are requesting.

## **7. Attachments**

1. Key messaging on changes to create low- and mid-rise housing [↓](#)



Attachment 1: Explanation of the changes to create low and midrise housing

Background

On 28 November 2023, the State Government announced proposed planning changes to allow more ‘low- and mid-rise housing’ in the six cities region. The State Government exhibited these proposed changes from the 15 December 2023 until 23 February 2024.

Proposed changes

The proposed changes will make it easier to build new low to mid rise housing, ranging from dual occupancies through to six storey unit blocks.

Stage 1

On 1 July 2024, the State Government commenced stage 1 of these reforms, which now permits dual occupancy development and semi-detached dwellings in most R2 low density residential zoned land in NSW, subject to development consent.

This change does not impact Waverley as these dwelling types are already permitted in R2 zones.

Stage 2

Stage 2 encompasses significant changes, particularly regarding the permissibility of 4-6 storey apartment buildings in R3 Medium Density zones within an 800m walk of ‘town centre’ and ‘station precincts’ through the introduction of non-refusal height and floor space standards.

This stage also proposes allowing manor houses in R2 zones under the same criteria and non-refusal standards for manor houses, terraces, and dual occupancies in these areas. In addition, 30% height and floor space ratio (FSR) affordable infill bonuses can also be used on top of the non-refusal standards.

Table 1. Proposed non-refusal standards.

<p><b>R2 Low Density Residential Zone</b></p> <p><i>Dual occupancies (permitted in all R2 Zones):</i></p> <ul style="list-style-type: none"><li>• maximum building height: 9.5 metres</li><li>• maximum floor space ratio: 0.65:1</li><li>• minimum site area: 450m2</li><li>• minimum lot width: 12 metres</li><li>• minimum car parking spaces: 1 per dwelling</li></ul>	<p><b>R2 Low Residential Zone</b></p> <p><i>Terraces (permitted 0-800m of stations and town centre precincts):</i></p> <ul style="list-style-type: none"><li>• maximum building height: 9.5 metres</li><li>• maximum floor space ratio: 0.7:1</li><li>• minimum site area: 500m2</li><li>• minimum lot width: 18 metres</li><li>• minimum car parking spaces: 0.5 per dwelling</li></ul>
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<p><b>R2 Low Density Residential Zone</b>  <i>Multi dwelling housing (permitted 0-800m of stations and town centre precincts):</i></p> <ul style="list-style-type: none"> <li>• maximum building height: 9.5 metres</li> <li>• maximum floor space ratio: 0.7:1</li> <li>• minimum site area: 600m<sup>2</sup></li> <li>• minimum lot width: 12 metres</li> </ul> <p>minimum car parking spaces: 1 per dwelling</p>	<p><b>R2 Low Density Residential Zone</b>  <i>Manor houses (permitted 0-800m of stations and town centre precincts):</i></p> <ul style="list-style-type: none"> <li>• maximum building height: 9.5 metres</li> <li>• maximum floor space ratio: 0.8:1</li> <li>• minimum site area: 500m<sup>2</sup></li> <li>• minimum lot width: 12 metres</li> </ul> <p>minimum car parking spaces: 1 per dwelling</p>
<p><b>R3 &amp; R4 Zones</b>  <i>Residential flat buildings and shop top housing within 0-400m of stations and commercial zones:</i></p> <ul style="list-style-type: none"> <li>• maximum building height: 22 metres (28.6m with AH bonus)</li> <li>• maximum floor space ratio: 2.2:1 (2.86 with AH bonus)</li> </ul> <p>no minimum lot size or lot width</p>	<p><b>R3 &amp; R4 Zones</b>  <i>Residential flat buildings and shop top housing between 400 to 800m of stations and commercial zones:</i></p> <ul style="list-style-type: none"> <li>• maximum building height: 17.5 metres (22.8m with AH bonus)</li> <li>• maximum floor space ratio: 1.8:1 (2.34 with AH bonus)</li> </ul> <p>no minimum lot size or lot width.</p>

### Areas of application

The proposed changes will apply to 'station and town centre' precincts zoned as E2 commercial centre and MU1 zones.

Town centres are defined as a full-line supermarket with a retail floor area exceeding 2,000 square metres offering a wide and deep range of groceries and a regular bus service of at least one bus per hour.

The proposed changes will not apply within the employment/town centre zones themselves (E2 and MU1 zones). Rather, they will apply in the residential zones surrounding the town centres (within the 800m walking catchments).

### Relationship with other planning controls

The State Government explains that:

*All other applicable planning controls in Local Environmental Plans and Development Control Plans such as heritage and environmental considerations will continue to apply to the extent they are not inconsistent with these provisions*

The non-refusal standards mean that if an applicant proposes a development that, in Council's view, is too tall or too dense and would result in unreasonable impacts on the surrounding area, it will be unable to refuse the development on grounds of height or floor space, or other non-refusal standards.

## REPORT CM/7.8/24.12



**Subject:** Planning Proposal - Dwelling Density - Post-Exhibition

**TRIM No:** PP-3/2023

**Manager:** George Bramis, Executive Manager, Urban Planning

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

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### RECOMMENDATION:

That Council:

1. Forwards the planning proposal attached to the report to limit the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones, and the submissions received during public exhibition, to the Department of Planning, Housing and Infrastructure (DPHI) with a recommendation to proceed to finalisation and gazettal.
2. Requests the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.

#### 1. Executive Summary

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

- Introduce a new local provision (cl 6.17) to limit the reduction of dwelling numbers in R3 and R4 zones by more than 15% of all existing dwellings on site, rounded to the nearest whole dwelling.
- Amend objective in R3 and R4 zones to read 'To increase or preserve residential dwelling density across the site'.
- Introduce a clause-specific savings provision in clause 1.8A of the WLEP to clarify that the amendments introduced by this planning proposal will apply to development applications submitted to Council after the date of this planning proposal being finalised and published.

'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.

This planning proposal is considered appropriate 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.

A minor post-exhibition change includes an amendment to the rounding method when calculating how many units the density may be reduced by. The original proposal stated that the dwelling number should always be rounded *up* to the nearest whole dwelling, whereas the post-exhibition amendment seeks to change this to round *to* the nearest whole number (whether up or down), except for when zero is the nearest number, then it can be rounded up.

## 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.

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, 92 constructed dwellings were submitted for removal, with dozens more reduced from approved buildings.

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 (CM/7.6/22.03), requiring development in those zones 'to increase or preserve residential dwelling density', however, it was found to be unreasonable to refuse consent on the sole basis of inconsistency with the objective, especially if an application was to be appealed in the NSW Land and Environmental Court. Supplementary provisions as included within this planning proposal would support and strengthen the existing objective.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 5 March 2024	PD/5.1/24.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>Forwards the planning proposal attached to the report (Attachment 1) to limit the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition, subject to the following amendment: <ol style="list-style-type: none"> <li>Page 20 of the agenda, 'Executive Summary', fourth paragraph – Add a third dot point as follows: 'Keep dwelling houses and attached dwelling as permissible uses.'</li> </ol> </li> <li>Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI.</li> <li>Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to amend the <i>Waverley Local Environmental Plan 2012</i>.</li> </ol>
Council 12 December 2023	CM/8.1/23.12	That Council defers this matter to a Councillor workshop in early 2024 for consideration of the planning proposal and to discuss how it fits into Council's strategic vision.

<p>Strategic Planning and Development Committee 5 December 2023</p>	<p>PD/5.2/23.12</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.</li> <li>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 <i>Environmental Planning and Assessment Act 1979</i> to amend the <i>Waverley Local Environmental Plan 2012</i>.</li> </ol>
<p>Council 15 March 2022</p>	<p>CM/7.6/22.03</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>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).</li> <li>2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal.</li> <li>3. Notes the matters raised in the submissions made on the public exhibition of the draft <i>Waverley Local Environmental Plan 2022</i> planning proposal.</li> <li>4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report.</li> <li>5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the new Local Environmental Plan.</li> <li>6. Notifies property owners of Council's decision.</li> <li>7. Notes that despite the 10-week consultation period for the <i>Waverley Local Environmental Plan 2022</i>, the 10</li> </ol>



		weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period.
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#### 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
Clause 1.8A Savings provision relating to development applications	No clause specific savings provisions.	An amendment made to this Plan by [amendment number associated with this planning proposal] does not apply to a development application made but not finally determined before the commencement of the amendment.
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Land Use Table – R4 High Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Clause 6.17 Residential Dwelling Density in R3 and R4 zones	No existing clause.	<p>Introduce a new local provision (cl 6.17) to prevent the reduction of dwelling numbers in R3 and R4 zones by any more 15% of all existing dwellings on site, rounded to the nearest whole dwelling. Where 0 is the nearest whole number, a reduction of 1 is permitted.</p> <p>The proposed clause would have a census date (date of clause commencement) to address the issue of cumulative impact, particularly in the case of strata unit amalgamation.</p>

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.

Under this proposal, two adjoining apartment units in any building would be able to be consolidated to meet the needs of a growing family or accessibility requirements of someone ageing in place. Although limited by a development standard of not more than 15% dwelling reduction, the inclusion of a census date would assist to protect against the cumulative impact of separate development applications and assist with preserving existing density in the R3 and R4 zones.

### **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.

Many buildings reduced in dwelling density since 2016 contained one or more units identified as 'low rental' as defined under the Housing SEPP 2021. 'Low rental' units provide housing for key workers, and single-person elderly households, demonstrated by ABS Census 2021 data that shows that almost 50% of key workers (working in education, health care and social assistance industries) pay less than the median rental price for the LGA. Without retaining the inherently affordable smaller and older housing stock, key workers and single-person elderly households will struggle to stay in Waverley.

### **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 to use the *State Environmental Planning Policy (Exempt and Complying Development) 2008* as a loophole to circumvent the proposed provisions.

### **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. It is also consistent with the following Waverley LHS, LSPS and CSP priorities and directions:

- *LHS Priority H1: Manage housing growth sustainably and in the right location.*
- *LHS Priority H2: Encourage a range of housing options to support and retain a diverse community.*
- *CSP Direction 1.7.4: Manage housing supply, choice and affordability with access to jobs, services and public transport.*
- *LSPS Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community.*

The location, capacity and built form of the R3 and R4 zones have been subject of thorough community consultation since the establishment of the latest *Waverley Local Environmental Plan* in 2012. The zone boundaries and maximum permissible building heights and floor space ratios establish the possible dwelling capacity of these areas and represent the density that has been agreed to by the community and

Councillors. Facilitating development that aligns with the agreed density achieves the strategic direction of the R3 and R4 zones.

### 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.

### Councillor briefing

This matter was presented for discussion at a Councillor briefing held on 13 February 2024. Table 3 details the key questions and comments raised.

*Table 3. Matters raised at the Councillor briefing.*

Question/Comment	Response
How problematic is this trend given that Waverley is meeting its housing targets and is still experiencing an overall net increase of dwelling density? Do we need to intervene?	A planning response is required to address the negative impact on housing targets and loss of somewhat more affordable housing.
What relationship does dwelling density and population density have? Is consolidation reasonable if the resident capacity is preserved?	<p>The trend typically involves the replacement of mostly 2 bedroom apartments, as well as some 1 bedroom apartments, with predominantly larger 2 or 3 bedroom stock. The average household size for the different stock is as follows:</p> <ul style="list-style-type: none"> <li>• 1BR: 1.4 persons</li> <li>• 2BR: 2 persons</li> <li>• 3BR: 2.7 persons</li> <li>• 4BR: 3.4 persons</li> </ul> <p>Therefore, any reduction in dwellings would result in a reduction of population on average.</p>
Will this provision prevent a growing family who do not want to move from expanding?	The proposed provision has been drafted to allow for the amalgamation of no more than 15% of dwellings on a site, rounded up to the nearest dwelling number. This means that a growing family who own two adjoining units can amalgamate them, as long as this has not already been done since the date of clause commencement by somebody else.
Will this provision prevent small, inaccessible and dilapidated units from being upgraded in size and quality?	<p>Upgrades for the purposes of amenity and accessibility will still be possible without reducing dwelling density on site. Recent examples include DA-80/2023 and DA-223/2021 at 241 Bondi Road, Bondi and DA-492/2021 at 11A Fletcher Street, Tamarama.</p> <p>Further, flexibility has been provided within the proposed provision that allows for the reduction of at least 1 unit, which can facilitate amenity</p>

	upgrades of small, inaccessible and dilapidated buildings.
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**Post-exhibition change**

A minor post-exhibition change includes an amendment to the rounding method when calculating how many units the density may be reduced by. The original proposal stated that the dwelling number should always be rounded up to the nearest whole dwelling, whereas the post-exhibition amendment seeks to change this to round to the nearest whole number (whether up or down), except for when zero is the nearest number, then it can be rounded up.

For example, previously a site with 8 existing units would have been allowed to reduce its density by 2 units (15% of 8 units is 1.2, rounded up), however, it would now only be allowed to reduce its density by 1 unit (15% of 8 units is 1.2, rounded to the closest whole number). Separately, a site with 5 existing units would still be permitted to reduce its density by 1 unit despite 15% of 5 units being 0.75, because the clause will clarify that where 0 is the nearest whole number, a reduction of 1 is still permitted.

**City of Sydney Council**

Other councils in Sydney are reporting the same trend in density decreases within areas well suited to higher dwelling numbers, including but not limited to the City of Sydney Council and Woollahra Council.

City of Sydney Council are progressing a similar planning proposal for their LGA, which will limit the reduction of dwellings in any residential zone to a maximum of 15%. Their proposal was considered by their Councillors at the City of Sydney Transport, Heritage and Planning Committee on 11 November 2024, and supported to be forwarded to the NSW DPHI for finalisation and gazettal.

**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 late 2024.

The planning proposal would apply to R3 and R4 zones as shown on Figure 1 below. The planning proposal has more detailed maps attached.

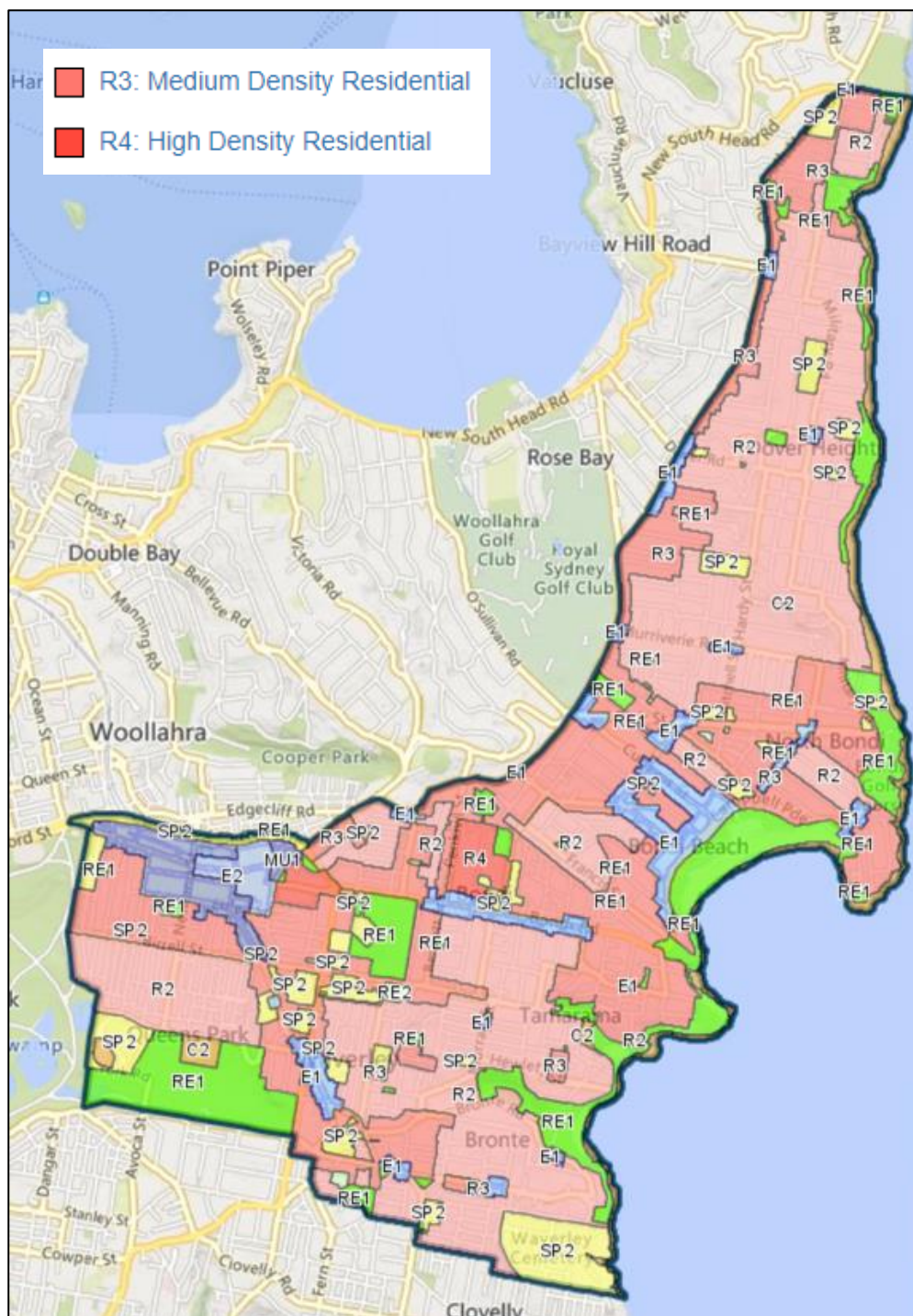


Figure 1. Waverley zone map.

Public exhibition was conducted twice. The first ran between Thursday, 27 June, to Thursday, 8 August 2024 for a version of the proposal which did not specify any clause-specific savings provision. To better satisfy the conditions of Gateway determination, a clause-specific savings provision clarifying that the proposal only applies to DAs lodged after the proposal is finalised was added to the proposal and exhibited between Thursday, 10 October, to Thursday, 21 November 2024.

Exhibition included a Have Your Say (HYS) page and survey, a feature in the HYS e-newsletter and notification to Precincts. The HYS page was visited by a total of 846 people, and a combined total of 13 submissions were made.

Ten out of 13 submissions were in support of the proposal, providing comments including but not limited to:

- *This is an excellent amendment. Is distressing to see multiple tenants turfed out of their apartments so they can be converted to a single dwelling for the very wealthy.*
- *This is an important initiative. It is tragic to hear of blocks of apartments being purchased with the intent of being turned into one residence, and as a result long term tenants losing their homes. Bondi is Bondi because it has diversity of people, and it has lots of people. This gives us vibrancy and so many restaurants, shops and facilities to access. Bondi beach shops cannot survive on weekend visitors, we need people here all the time, living in and contributing to the community. It should never be a place of locked up beachside mansions with high fences, it should be a place for all. I am a long-term apartment owner in Bondi Beach and I would like more people to be able to live here and enjoy the suburb, not less.*
- *Definitely agree with this proposal to preserve residential dwelling density and character of the area.*
- *I am absolutely against converting multiple occupancy residences into homes for the rich. Especially at a time when we desperately need more multiple occupancy homes.*

One submission expressed general support for the proposal, however believed that 15% dwelling reduction limit is too severe. In contrast, one submission expressed that the 15% dwelling reduction limit is too lenient.

Two submissions were not in support of the proposal, sharing that they are not supportive of density increases unless public transport and road infrastructure is improved. The concerns raised within these submissions are noted, and considered to be addressed by the fact that the proposal will not mandate any increase in density, but rather preserve existing density. Development standards relating to floor space and building height (which have the greatest impact on how much a developer can build) are unchanged by this proposal.

## **6. Conclusion**

The planning proposal (Attachment 1) is expected to help to limit the loss of 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 DPHI for finalisation.

## **7. Attachments**

1. Planning Proposal - Dwelling Density [📄](#)





# PLANNING PROPOSAL

Residential dwelling density in the R3 & R4 zones

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Planning Proposal Information

Council versions:

No.	Date	Version
1	9 November 2023	Sent to Waverley Local Planning Panel
2	23 November 2023	Sent to 5 December 2023 SPDC Meeting
3	14 February 2024	Sent to 5 March 2024 SPDC Meeting
4	8 March 2024	Sent to DPHI seeking Gateway Determination
5	27 June 2024	Updated as per Gateway Determination conditions
6	26 September 2024	Reduction rounding method changed
7	9 October 2024	Savings provision added



## EXECUTIVE SUMMARY

This Planning Proposal prepared by Waverley Council seeks to amend the *Waverley Local Environmental Plan 2012* by strengthening the existing objective ‘to increase or preserve residential dwelling density’ through and including a new local provision to preserve the existing residential dwelling density in order to prevent the further substantial loss of dwellings/units within the Waverley LGA.

‘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.

The objective currently in the R3 and R4 zones – ‘to increase or preserve residential dwelling density’ – seeks to help tackle the problematic trend of RFB’s being converted to luxury dual occupancies and single dwellings in areas that are suitable for greater densities. Any DA that results in a loss of dwelling numbers in the R3 and R4 zones would be inconsistent with this objective and in large, the Waverley Local Housing Strategy and housing targets.

The intended outcomes of the Planning Proposal are as follows:

- Introduce a new local provision (cl 6.18) to prevent the reduction of dwelling numbers in R3 and R4 zones by any more 15% of all existing dwellings on site, rounded to the nearest whole dwelling.
- Amend objective in R3 and R4 zones to read ‘To increase or preserve residential dwelling density across the site’.
- Keep dwelling houses and attached dwellings as permissible uses.
- Introduce a clause-specific savings provision in clause 1.8A of the WLEP to clarify that the amendments introduced by this Planning Proposal will apply to development applications submitted to Council after the date of this Planning Proposal being finalised and published.

The Planning Proposal is considered a ‘Complex’ Planning Proposal, in line with the LEP Making Guidelines criteria.

## INTRODUCTION

An emerging development trend in the Waverley LGA sees 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 RFB with one dwelling house, this trend has the potential to change the character of a streetscape. This trend also challenges the Council’s strategic planning of providing density in the right places, given that the limited R3 and R4 zones should be doing the heavy lifting for Council to increase its dwelling numbers.

## AFFECTED LAND

The affected land includes all R3 and R4 zones across the Waverley LGA. This affects approximately 4813 lots within the R3 zone and approximately 99 lots within the R4 zone.

Refer to the Appendix of this report for detailed mapping of the R3 and R4 areas.

## BACKGROUND TO THIS PLANNING PROPOSAL

Waverley is one of the most dense LGA's in Sydney at 79 people/Ha, with apartments reflecting 66% of housing stock in Waverley. The *Waverley Local Housing Strategy* was adopted in 2020 which outlined specific housing targets over the next 10 to 20 years. The targets have since been increased by the NSW State Government, now requiring 2,400 new homes to be completed by 2029.

There is limited available land in the LGA for residential uses that is not already built upon and there are no significant urban renewal opportunities being led by Council or State Government. Therefore, housing growth will come through as infill development, i.e. in the form of modifications or the demolition and reconstruction of existing buildings.

The ability for development in Waverley to align with these targets is threatened by an increasing trend in Waverley where Development Applications are being lodged which seek to convert RFBs and other forms of high density residential building types into dwelling houses or fewer, larger apartments. The net loss of units through these developments has been eroding Waverley's higher density built form on sites in the R3 and R4 zones.

Woollahra Municipal Council and City of Sydney Council have reported a similar trend.

As a result of this trend, the WLEP was amended on the 30 September 2022 to mitigate the loss of density in order to facilitate housing targets, the below objective was added to the R3 and R4 zones:

- *To increase or preserve residential dwelling density.*

However, there are concerns that it may be too difficult to refuse consent on the sole basis of inconsistency with the objective above, especially if this basis were to be challenged in an appeal to the Land and Environmental Court. Therefore, it has been identified that changes to the WLEP are required to strengthen the consent authority's decision to maintain residential dwelling density within the R3 and R4 zones.

## HISTORY AND CURRENT PLANNING CONTROLS

Amendment 24 to the WLEP 2012 was finalised on 30 September 2022, which included the addition of the following objective into the R3 and R4 zones:

- *To increase or preserve residential dwelling density.*

This objective aims to stop new developments from reducing the net number of residential dwellings/units across a site.

Prior to 30 September 2022 there were no controls or objectives that related to dwelling density in the LEP or DCP.

## CONTEXT

As identified in the Our Liveable Places Centres Strategy, Waverley is a very walkable LGA, with 90% of residents being within a 20min walk to a local centre with essential goods and services. Whilst this local walkability score is excellent, access to Bondi Junction or the CBD via public transport can be over 30 mins and 60 min respectively from approximately 60% of the LGA.

There is a rising trend in the Waverley LGA where residential flat buildings and shop top housing in the R3 and R4 zones are being demolished or heavily altered, and replaced with dwelling houses, dual occupancies for RFBs with significantly fewer units than the existing structures, resulting in a net loss of dwellings in generally well connected and serviced areas which can handle existing and future growing capacity under the current development standards.

The erosion of density in the R3 and R4 zones is problematic as it is these zones are identified to increase density, as supported by the community and Council endorsed LEP. If these areas continue to lose density, new locations for density would have to be identified in order to meet the LGA's housing targets, which is often challenging, particularly when the density is already so ideally located.

This Planning Proposal is needed to protect existing dwelling density by strengthening the existing dwelling density objective in the R3 and R4 zones, prohibiting residential dwellings in these zones and introducing an additional local provision to complement the dwelling density zone objective.

'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.

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

### 1.1 Description Statement

The objective of the planning proposal is to amend the Waverley Local Environmental Plan (WLEP) 2012 to strengthen the existing dwelling density objective in the R3 and R4 zones, and introduce an additional provision to prevent a substantial reduction in the number of residential dwellings on a particular site.

1.2 Intended Outcomes

The intended outcomes of the proposed amendments to the WLEP are to ensure that Council does not grant consent to any development that significantly reduces the net amount of residential dwellings across medium and high density residential zones. The outcome is to maintain residential dwelling density within these denser zones, that are located in well serviced areas with public transport and access to social infrastructure, essential services, community and cultural services and open space and recreation.

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; or
- 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 proposed amendment is consistent with Council’s resolution of the *Waverley Local Housing Strategy*. This strategy supports retaining existing development capacity.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Intended Provisions

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
Clause 1.8A Savings provision relating to development applications	No clause specific savings provisions.	An amendment made to this Plan by [amendment number associated with this Planning Proposal] does not apply to a development application made but not finally determined before the commencement of the amendment.
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Land Use Table – R4 High Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Clause 6.18 Residential Dwelling Density in R3 and R4 zones	No existing clause.	Introduce a new local provision (cl 6.18) to prevent the reduction of dwelling numbers in R3 and R4 zones by any more than 15% of all existing dwellings on site, rounded to

		the nearest whole dwelling except for 0.
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*Note: The specific wording of clause 6.18 is subject to drafting by NSW Parliamentary Counsel. The below is an example for discussion purposes.*

**6.18 Residential Dwelling Density in Zone R3 and R4 zones.**

- (1) The objectives of this clause are as follows—*
- (a) To ensure that the carrying out of development on any site within the R3 and R4 zones should not result in a reduction in the number of dwellings that existed on the site as of [date of Planning Proposal Gazettal].*
  - (b) To ensure that the number of dwellings on any site are maintained or increased to meet the demand of the area’s existing and projected population;*
  - (c) To maintain or increase residential dwelling density within the R3 and R4 zones, which are well serviced areas with public transport and access to social infrastructure, essential services, community and cultural services, and open space and recreation;*
- (2) This clause applies to land in Zone R3 Medium Density Residential and R4 High Density Residential.*
- (3) This clause applies to development for the purposes of residential accommodation, except for boarding houses, co-living housing, group homes, and residential care facilities.*
- (4) Development consent must not be granted or a development consent must not be modified for development to which this clause applies unless the consent authority is satisfied that the residential dwelling density of the development site is not being reduced by more than 15% (rounded to the nearest whole dwelling number) compared to the constructed residential dwelling density on the site on <insert date LEP is made>. Where the nearest whole number is 0, the number may be rounded to 1.*
- (5) In this clause ‘residential dwelling density’ refers to the number of residential dwellings across one site and 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.*

A loss of one dwelling within a wider development of any scale is considered to provide flexibility in the rare circumstance that someone owns two directly adjoining units and wishes to combine them (rather than sell both and purchase one larger unit nearby) whilst preventing a noticeable reduction of dwelling density in well serviced areas. When reviewing recent Development Applications seeking to reduce dwelling density it was found that the loss of 1 unit in apartment developments approximately equated to 15% of the total number of units in the existing building – hence the decision to permit a reduction of the greater of

15% of dwelling density or 1 whole unit. For example, many Inter-War style apartment blocks affected by the dwelling density reduction trend contain between 6 to 8 units. The reduction of one unit in a 6-unit building represents 15% of existing units.

A mix of dwelling sizes for a range of households can still be achieved with this provision as recent Development Applications lodged with Council have demonstrated a market trend of new apartment development in the R3 and R4 zones including many three and four-bedroom oversized units, which complement the existing studio, one and two-bedroom units in the LGA. Further, the proposed provision does not prevent unit sizes (floor space or bedroom numbers) within a building from changing. Lastly, there are many residential flat buildings and manor houses constructed in the R2 Low Density Residential zone and in shop top housing developments in business zones which will not be subject to this proposed provision – permitting freedom for consolidation of any extent. As such, the LGA as a whole can easily achieve a successful and diverse mix of dwelling sizes regardless of the proposed provision.

## 2.2 Worked Examples

To calculate the maximum number of units that can be reduced by a DA under proposed subclause (4) the number of dwellings on site at the date of provision gazettal is multiplied by 15%, and then rounded to the nearest whole number.

The following worked examples show how the provision described in this Planning Proposal would apply to different scenarios and development types.

**Table 2** - Worked examples of applying the proposed dwelling density provision

Scenario	Comment
Example 1: Alterations and additions to, or the knock-down and rebuild of an existing residential flat building in an R3 or R4 zone with 10 existing units as of provision gazettal date.	15% of 10 units is 1.5 units, equating to 2 units when rounded. As such, the proposal may reduce the building to 8 units whilst still complying with the proposed provision.
Example 2: Alterations and additions to, or the knock-down and rebuild of an existing residential flat building in an R3 or R4 zone with 5 existing units as of provision gazettal date.	15% of 5 units is 0.75 units, equating to 1 unit when rounded. As such, the proposal may reduce the building to 4 units whilst still complying with the proposed provision.
Example 3: Alterations and additions to, or the knock-down and rebuild of an existing residential flat building in a zone other than R3 or R4.	The proposed provision will not apply to this development as the site is not located in a zone listed in subclause (2) of the proposed clause.
Example 4: Demolition of an existing residential flat building, and replacement with a non-residential building.	The proposed provision will not apply to this development as the new building is not a development type listed in subclause (3) of the proposed clause.
Example 5: Alterations and additions to, or the knock-down and rebuild of an existing residential flat building in an R3 or R4 zone	Because there were no residential dwellings on site at the date of provision gazettal,

which was originally constructed after the date of provision gazettal, and had a non-residential building on the land at the date of provision gazettal.	there are no restrictions on the reduction of dwelling density.
Example 6: Conversion of an existing non-residential building to a residential flat building in an R3 or R4 zone, which had a residential use at the date of provision gazettal.	The proposed provision will apply, and require the new RFB to have no more than 15% dwelling reduction compared to the RFB which was on site at the date of provision gazettal.
Example 8: Demolition of an existing residential flat building in an R3 and R4 zone with 10 existing units as of provision gazettal date, resulting in an empty lot.	The proposed provision will not apply to this development as there is no new building that contains a development type listed in subclause (3) of the proposed clause.
Example 9: Construction of a new residential flat building on the land subject to 'example 8' above.	<p>The proposed provision will apply as the new building is a development type listed in subclause (3) of the proposed clause, and there were residential dwellings on site at the date of provision gazettal.</p> <p>15% of 10 units is 1.5 units, equating to 2 units when rounded. As such, the proposed new apartment block on the empty land will need to contain at least 8 units to comply with the proposed provision.</p>
Example 8: Alterations and additions to, or the knock-down and rebuild of a mixed use building in an R3 or R4 zone with 10 existing residential units as of provision gazettal date.	<p>15% of 10 units is 1.5 units, equating to 2 units when rounded. As such, the proposal may reduce the building to 8 residential units whilst still complying with the proposed provision.</p> <p>Whether commercial floorspace or tenancy numbers is increased or decreased compared to the existing mixed use building is of no relevance to the proposed provision.</p> <p>The location on site, bedroom numbers and floor space of the residential units under the proposal is of no relevance to the proposed provision.</p>

## PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### 3.1 STRATEGIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the LEP Making Guidelines (December 2021). The issues to be addressed include the strategic planning context of the amendments,

Strategic Merit, Site-Specific Merit, potential State and Commonwealth agency interests, and environmental, social and economic impacts.

This objective seeks to prevent the problematic trend of RFB's being converted to luxury dual occupancies and single dwellings in areas that are suitable for greater densities. Any development application that results in a loss of dwelling numbers in R3 and R4 zone is inconsistent with this objective and in large, the Waverley Local Housing Strategy (2020 – 2036) and housing targets.

### Section A – Need for the planning proposal (Strategic Merit)

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

#### 1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is a result of recent research into the matter, prompted by an influx of Development Applications seeking development consent for a substantial reduction.

A desktop assessment of all the development applications and modifications to reduce dwelling density was studied from 1 January 2017 to 22 November 2022. During this time 92 constructed dwellings were submitted for removal, with dozens more reduced from approved buildings. The largest losses came from the proposed demolition of existing boarding house development, and sought to replace with new RFB or seniors housing, as is the case with approved DA-94/2021 for Philip Nursing Home (67 to 45 dwellings, loss of 22). Another larger loss came from the demolition of an existing RFB complex with 22 dwellings, and the replacement with multi-dwelling housing of 9 dwellings (loss of 13).

The most common loss was the slow erosion of density within areas of the LGA which have historically provided good density in ideal locations, however, now offer an enticing development opportunity where larger dwellings (detached dwellings or large apartments) attract a higher premium compared to older apartments. There were 11 applications proposing to convert or alter existing apartment buildings or large dual occupancies into single dwellings (26 to 13, loss of 13). There were 10 applications amalgamating two or three, one/two bedroom units to create a larger unit or penthouse apartment with three or more bedrooms.

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving an appropriate measure to preserve and/or increase residential dwelling density within the R3 and R4 zones. The R3 and R4 zone objective alone was the first step in trying to mitigate this problem and the following paragraph explains why alone the objective is not robust enough.

The starting point for a consent authority during Development Assessment is clause 2.3(2). Before the consent authority can grant consent, they must have to "have regard" to the zone objectives, however, consistency with the objective is not explicitly required. Therefore, an



additional local provision is required for all DA’s, complying or breaching a development standard, to assess their proposal against dwelling density provision and to allow the consent authority to grant consent accordingly.

The 15% rate of maximum dwelling reduction most appropriately achieves the proposal objectives as it prevents a significant reduction of dwelling density in well serviced areas whilst still providing flexibility for rare instances where someone wishes to amalgamate a small proportion of the overall building for amenity reasons.

Section B – Relationship to strategic planning framework3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is consistent with the objectives of a Metropolis of Three Cities and the Eastern City District Plan as it aims to assist in the preservation and increase of residential dwelling.

Table 3 – Metropolis of three cities consideration

Liveability – Housing the city	
Objective 10: Greater Housing supply	The proposal is consistent with objective 10 as it will retain affordable and modest housing types. This Planning Proposal will encourage housing supply and will aim to meet the Waverley housing targets. This plan recognises that not all areas of Greater Sydney are appropriate for significant additional development and Waverley is one of them so it is particularly important to preserve the existing residential density within the areas zoned for medium and higher densities.
Objective 11: Housing is more diverse and affordable	<p>The proposal is consistent with objective 11 as the changes to the LEP help preserve and increase housing affordability by preventing modestly sized units (which are inherently more affordable) from being replaced with fewer luxury ones.</p> <p>Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet the growing proportion of small household. Waverley LGA is subject to new developments which seek to reduce density of existing medium to high density residential buildings, in order to provide large mansions or luxury apartments to the market. 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.</p>

Table 4 –Eastern City District Plan consideration

Direction: Liveability	
Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	The proposal will prevent the reduction of housing in areas that have the best access to jobs, services and transport.

**Table 5 – Assessment of Proposal against Strategic Merit Test**

<b>Strategic Merit Test</b>	
<b>a) Does the proposal:</b>	
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or a corridor/precinct plan applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or	Yes, it is consistent with the Greater Sydney Regional Plan and Eastern City District Plan as per tables 3 and 4 of this report.
Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or	<p>The Planning Proposal is consistent with the Waverley Local Strategic Planning Statement:</p> <p><b>Planning Priority 6:</b> Facilitate a range of housing opportunities in the right places to support and retain a diverse community.</p> <p>Response: The proposal will prevent the reduction of housing in areas that have the best access to jobs, services and transport.</p>
Respond to a change in circumstances that have not been recognised by the existing planning framework.	N/A

**4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Waverley Local Environmental Plan 2012

The Waverley LEP has 13 aims that all Planning Proposals and development should be consistent with where applicable. This Planning Proposal is consistent with the following aims of the Waverley LEP:

(c) To provide for a range of residential densities and a range of housing types to meet the changing housing needs of the community.

(ca) To encourage the development of a variety of housing on land close to public transport, essential goods and services and open space.

The planning proposal meets both objectives through directly targeting the loss of residential flat buildings and the rise of less dense developments such as detached houses and dual occupancies within the R3 and R4 zones. The Waverley LGA is highly accessible with public transport and the R3 and R4 zones have been positioned to be within a short walk to bus stops and the Bondi Junction train station.

Waverley Local Strategic Planning Statement (March 2020)

Refer to Table 5 for the consideration of applicable LSPS priorities and actions.

Waverley Local Housing Strategy and Housing Targets

The *Waverley Local Housing Strategy* (LHS) identifies a housing target of 3,461 new dwellings by 2036.

It has been concluded in the LHS that Waverley LGA has exceeded its 0–5-year housing target, and is on track to meet or exceed the 6-10 and 11-20 year ones.

Since the LHS was published, housing targets have been increased by the NSW State Government, now requiring 2,400 new homes to be completed by 2029.

Despite Waverley LGA being on track with LHS housing targets, there is a risk it could slow down due to Bondi Junction reaching its capacity of feasible and profitable sites left for redevelop. There are limited opportunities for comparable redevelopment throughout the rest of the LGA. Future housing should be located close to transport and access to social infrastructure and essential services, community and cultural services and open space and recreation. Generally, all parts of Waverley have good access to these amenities, making it suitable for housing in the context of Greater Sydney.

The recently growing trend in Waverley of new developments reducing residential dwelling density across the R3 and R4 zones is concerning as this is a backwards step towards the projected housing targets. The additional local provision is a housing strategy that aims to protect Council’s housing targets and density growth within the high density residential zones.

The following table details how the proposal is consistent with the LHS priorities:

**Table 6 – Waverley Local Housing Strategy consideration**

Waverley Local Housing Strategy		
Priority	H1:	Waverley has recently experienced significant levels of housing growth, driven by redevelopment of the Bondi Junction strategic centre. There are limited opportunities for comparable redevelopment throughout the rest of the LGA. Surrounding areas zoned for higher densities and located near public transport must therefore sustain and increase housing.
Manage housing growth sustainably and in the right location		

Priority H2: encourage a range of housing options to support and retain a diverse community	The Planning Proposal is consistent with the Priority H2 as changes to the R3 and R4 zones does not limit the range of housing options but preserves the housing options in Waverley LGA.
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#### Waverley Community Strategic Plan 2022-2032

This Planning Proposal aligns with the community vision which states:

*“Waverley is a vibrant and resilient community. We take care of each other, our natural environment and local places. Our community is empowered to collaborate for sustainable and connected Waverley for future generations.”*

The Planning Proposal also aligns with the directions presented in the table below:

**Table 7 – Assessment of Proposal against Waverley Community Strategic Plan 2022-2032**

Relevant Directions and Strategies from the Waverley Strategic Plan	Is the proposal consistent with Direction and Strategy?
1.7: Actively drive housing policy to meet the needs of the vulnerable, diverse and growing population.	
1.7.2. Advocate for increased diversity of housing stock that is affordable and accessible.	The planning proposal aims to preserve the existing dense residential flat buildings to prevent them from being developed into luxury single dwellings. The R3 and R4 zones are especially connected and are well serviced areas including public transport and access to social infrastructure and essential services, community and cultural services and open space and recreation. These areas can handle existing and future growing capacity under the current development standards. This additional provision is expected to assist with preventing this loss of dwellings in the zones.
1.7.4. Manage housing supply, choice and affordability with access to jobs, services and public transport.	
2.6: Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage, and population	
2.6.2. Ensure new development provides a high standard of design quality and does not adversely impact the amenity of neighbours or the wider community	This proposal aims to maintain and increase the population within the medium and higher residential density zones. This will allow a diverse and affordable housing stock to remain as apartments are significantly cheaper than houses or units with oversized floorplates.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies.

#### 6. Is the planning proposal consistent with applicable SEPPs?

This Planning Proposal is consistent with applicable State Environmental Planning Policies. Assessed the Planning Proposal against the State Environmental Planning Policies SEPPs:

**Table 8 – Assessment of Proposal against the SEPPs**

Title	Applicable	Consistent
Housing SEPP	Yes	The planning proposal is consistent with the following development controls for affordable housing for residential flat buildings, boarding houses, secondary dwellings, group house, built-to-rent housing and seniors living.
Design Quality of Residential Apartment Development – SEPP 65	Yes	The planning proposal is consistent with SEPP 65 and the ADG as residential flat buildings are permissible within the zones. Development applications to renovate older RFBs have to meet these controls with the exception of maintaining the building envelope.
Exempt and Complying Development Codes SEPP	Yes	Exempt and Complying development to apartments in these zones are not changed.
Transport and Infrastructure SEPP	N/A	
Primary Production SEPP	N/A	
Biodiversity and Conservation SEPP	N/A	
Resilience and Hazards SEPP	N/A	
Industry and Employment SEPP	N/A	
Resources and Energy SEPP	N/A	
Planning Systems SEPP	N/A	
Sustainable Buildings SEPP	N/A	
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	

#### 7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 as outlined in the below table.

**Table 9 – Assessment of Proposal against Ministerial Direction**

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
6.1 Residential Zones	<p>The directions are:</p> <p>A Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"><li>• Broaden the choice of building types and locations available in the housing market,</li><li>• Make more efficient use of existing infrastructure and services, and</li><li>• Reduce the consumption of land for housing and associated urban development on the urban fringe and</li><li>• Be of good design.</li></ul>	<p>The proposal is consistent with the objectives of this direction as the current choice of building types will be preserved through stopping RFBs from being turned into luxury dwellings. Preventing this rising trend will continue to broaden the choice of dwelling types within areas capable of servicing denser housings areas. It will provide variety and choice in housing types.</p>

**3.2 SITE SPECIFIC MERIT**

The Planning Proposal meets the Site-specific Merit Test, the assessment is presented in this table.

**Table 10 – Assessment of Proposal against Site Specific Merit Test**

Site-Specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known	This Proposal will not have any impacts on the natural environment.

significant environmental values, resources or hazards); and	
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	This Proposal will not inhibit development within Waverley. The Proposal will ensure that density across the R3 and R4 zones is maintained, and will allow reasonable development that supports higher residential densities in accessible areas. The development standards remain unchanged and development potential remains the same.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	Not applicable as this Proposal will not result in the increase of infrastructure demand.
Any proposed financial arrangements for infrastructure provision.	Not applicable as this Proposal will not result in the increase of infrastructure demand.

### Section C – Environmental, social and economic impact

#### 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

This Planning Proposal does not propose any physical development changes and therefore will not have any adverse impacts on threatened species, populations or ecological communities.

#### 9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

#### 10. Has the planning proposal adequately addressed any social and economic effects?

The current trend of developments seeking a loss in density of existing medium to high density residential buildings, has a direct effect on the existing supply and affordability of housing. This is problematic as the R3 and R4 zones are the places that have an agreed density to them, as supported by the community and the Council endorsed LEP. If these areas continue to lose density, new locations for density would have to be identified to meet the LGA's housing targets, which is often challenging. The social effects the planning proposal targets is maintaining higher populations close to infrastructure, public transport, access to jobs, community facilities and the environment.

The planning proposal mechanisms aims to ensure appropriate densities are maintained and consistent with the area's existing or projected population.

#### Section D – Infrastructure (Local, State and Commonwealth)

##### 11. Is there adequate public infrastructure for the planning proposal?

This consideration is not applicable to the Planning Proposal.

#### Section E – State and Commonwealth Interests

##### 12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Initial feedback from the Department of Planning and Environment (DPE) Places and Infrastructure Team received via email on 5 June 2023 encouraged further considerations of the following items:

- ***There are a range of uses permissible under the R3 and R4 zones, what is Council's position for redeveloping / changing an existing residential use to another use which does not provide housing, e.g. changing the use of or redeveloping a dwelling house to provide a centre-based child care centre?***

Response: A change of use from residential to non-residential is still permissible with consent as the proposed new clause will only apply to Development Applications relating to certain residential accommodation and will have to consider preserving or increasing density from the date of gazettal.

- ***Following from the above, what would be Council's position on development for more affordable forms of housing (e.g. co-living) and residential care facility, in which the accommodation is not in the form of self-contained dwellings?***

Response: The proposed new clause will not apply to boarding houses, co-living housing, group homes, and residential care facilities.

- ***How would such a prohibition under the LEP relate to the Codes SEPP regarding dual occupancy development utilising the CDC pathway?***

Response: Under this proposal dual occupancies and dwelling houses remain permissible.

## PART 4 – MAPPING

No changes are proposed to mapping.



**PART 5 – COMMUNITY CONSULTATION**

Public exhibition is likely to include at minimum a display on the Council’s website. The gateway determination 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, this Planning Proposal will be exhibited for 30 working days as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

**PART 6 – PROJECT TIMELINE**

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by late 2024.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

**Table 11** – Indicative project timeline

Tasks	Timeframe and/or date
Consideration by Council	November 2024
Council decision	November 2024
Gateway Determination	December 2024
Pre-exhibition	January 2024
Commencement and completion of public exhibition period	February - March 2025
Consideration of submissions	March 2025
Post-exhibition review and additional studies	March 2025
Submission to the Department for finalisation (where applicable)	April 2025
Gazettal of LEP amendment	April 2025

**APPENDIX A – LAND ZONE MAP**

The R3 and R4 zones are shown as the **medium red** and **dark red** shades as follows on figure 1. Figures 2 to 6 show the zones in greater detail, with street names visible.

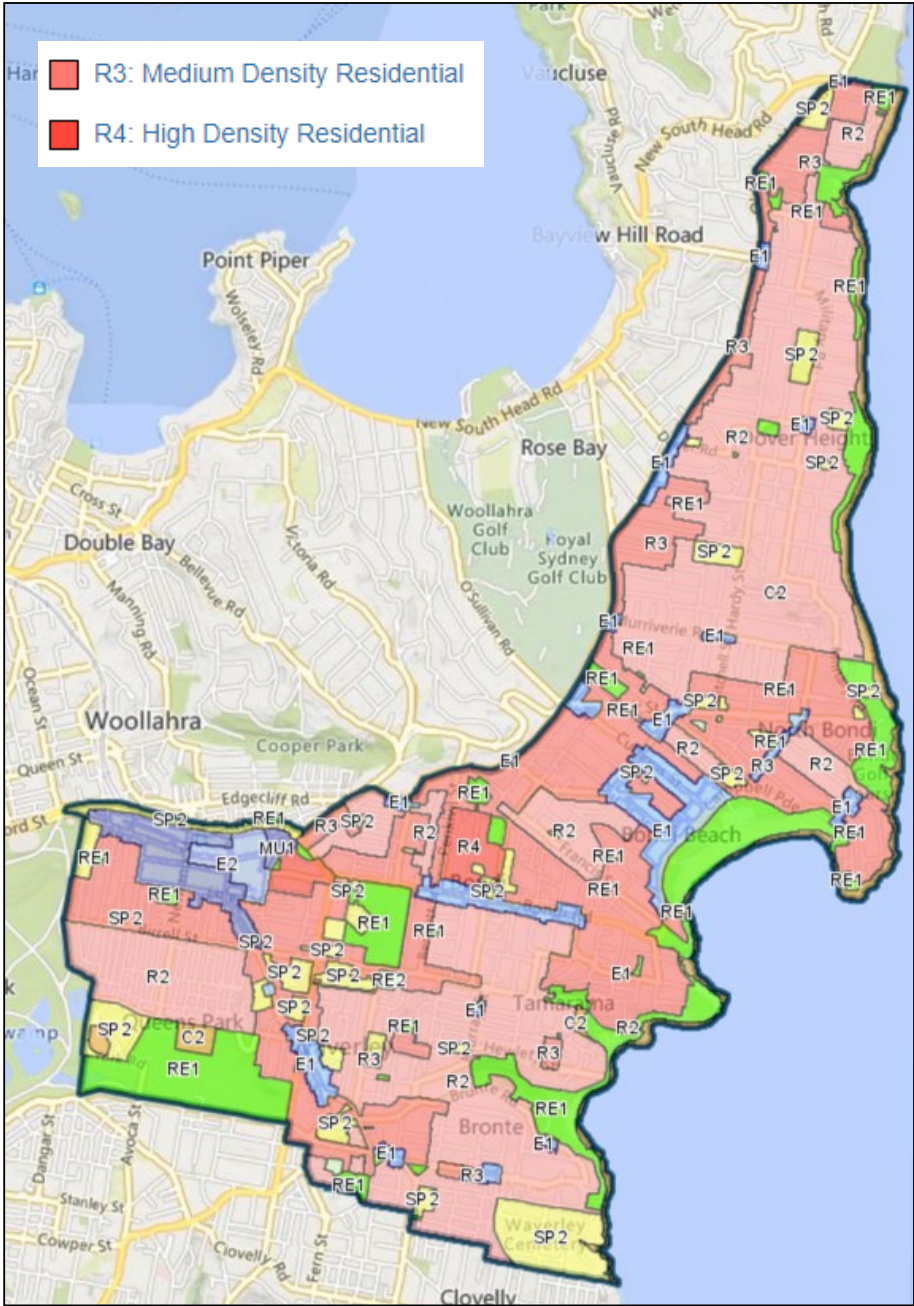


Figure 1. Waverley Zone Map.

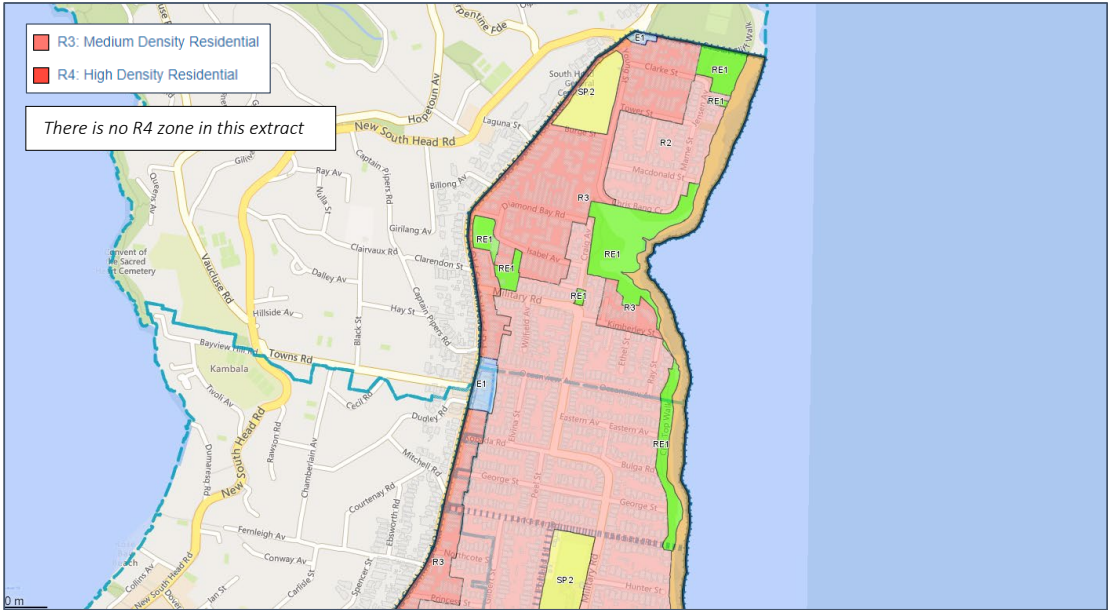


Figure 2. Extract from Waverley Zone Map – Vaucluse and Dover Heights

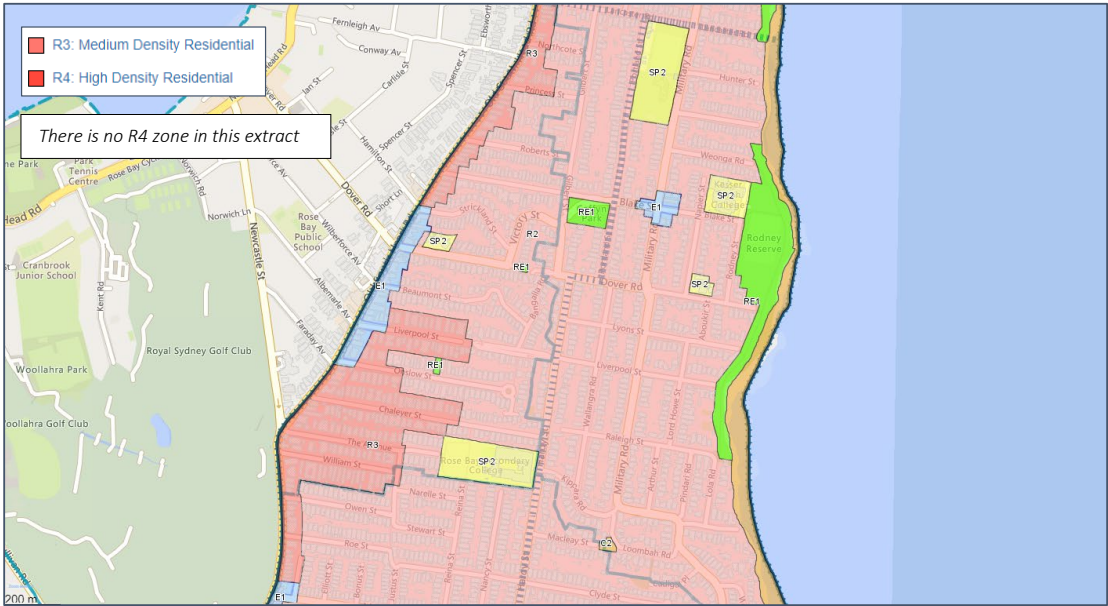


Figure 3. Extract from Waverley Zone Map – Rose Bay, Vaucluse and Dover Heights



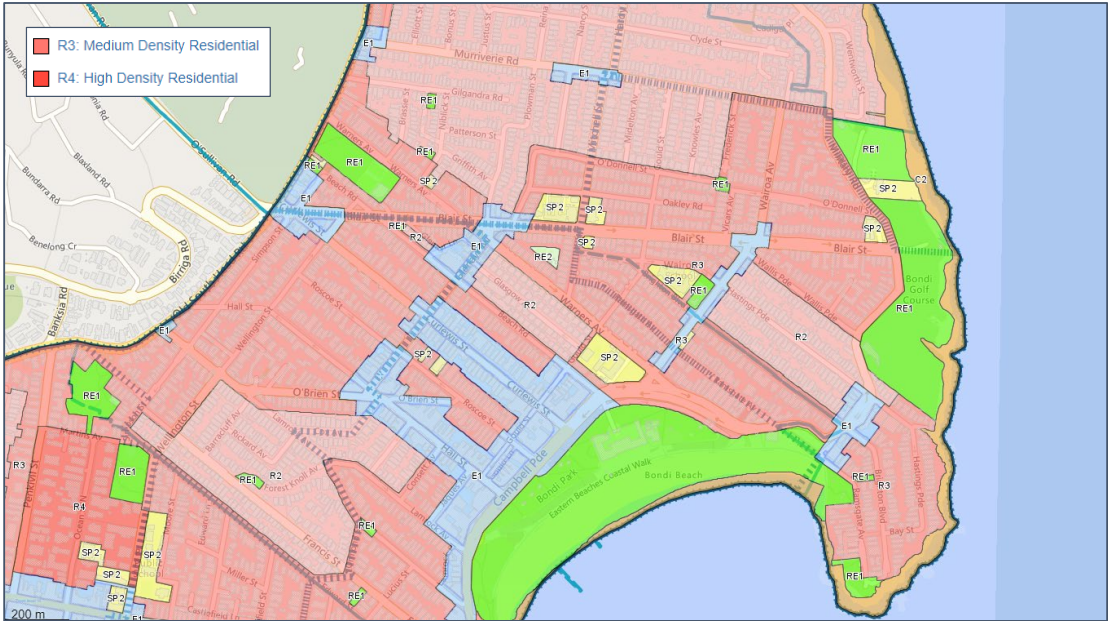


Figure 4. Extract from Waverley Zone Map – Rose Bay, North Bondi, Bondi Beach and Bondi

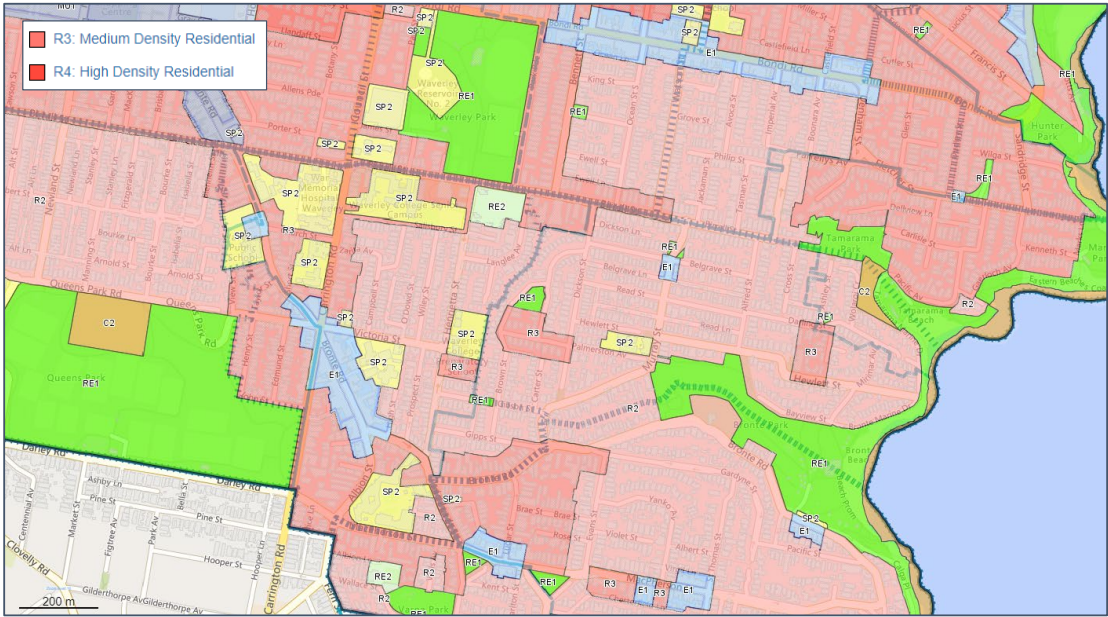


Figure 5. Extract from Waverley Zone Map – Bondi Beach, Tamarama, Bronte and Bondi

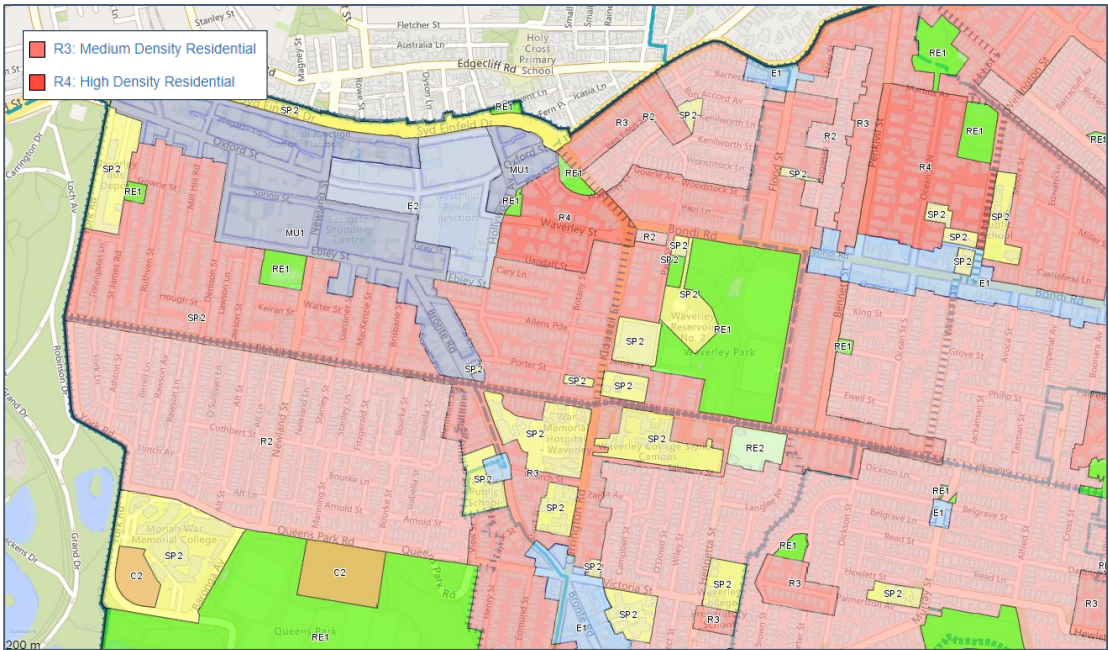


Figure 6. Extract from Waverley Zone Map – Queens Park, Bondi Junction, Bondi and Bronte

## REPORT CM/7.9/24.12



**Subject:** Bondi Junction Vision and Master Plan - Project Plan

**TRIM No:** SF24/6199

**Manager:** George Bramis, Executive Manager, Urban Planning

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

### RECOMMENDATION:

That Council adopts the Bondi Junction Vision and Master Plan Project Plan attached to the report.

#### 1. Executive Summary

Following the 26 November Council meeting, Council officers have prepared a Project Plan that will inform the development of the Bondi Junction Vision and Master Plan.

If adopted by Council, it is anticipated that all required tasks can be completed by May 2026, allowing for sufficient time for a robust master planning process and community engagement to occur.

#### 2. Introduction/Background

At the 26 November Council meeting, Council resolved that officers prepare a project plan that outlines budget and timing for the completion of a new master plan for Bondi Junction. This report has been subsequently prepared to outline the relevant considerations, scope and procurement approach.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 November 2024	CM/8.2/24.11	<p>That:</p> <ol style="list-style-type: none"> <li>Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.</li> <li>The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by: <ol style="list-style-type: none"> <li>An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to: <ol style="list-style-type: none"> <li>Height, bulk and scale of existing building envelopes.</li> </ol> </li> </ol> </li> </ol>

		<ul style="list-style-type: none"> <li>(ii) Solar access and overshadowing of public spaces.</li> <li>(iii) Appropriateness of existing commercial heritage listings.</li> <li>(iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.</li> </ul> <ul style="list-style-type: none"> <li>(b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.</li> <li>(c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.</li> <li>(d) An infrastructure funding strategy.</li> <li>(e) Community and stakeholder engagement strategy.</li> <li>(f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.</li> <li>(g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.</li> <li>(h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.</li> <li>(i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.</li> <li>(j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.</li> <li>(k) Quality built form and architectural design excellence.</li> </ul> <p>3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.</p>
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		<p>4. Council writes to the following people, organisations and groups informing them of this resolution:</p> <ul style="list-style-type: none"> <li>(a) The Minister for Planning and Public Spaces, the Hon Paul Scully MP.</li> <li>(b) The Shadow Minister for Planning and Public Spaces, the Hon Scott Farlow MLC.</li> <li>(c) The Member for Coogee, Marjorie O'Neill MP.</li> <li>(d) The Member for Vaucluse, Kellie Sloane MP.</li> <li>(e) The Member for Wentworth, Allegra Spender MP.</li> <li>(f) All Council Precincts.</li> <li>(g) Bondi and Districts Chamber of Commerce.</li> </ul> <p>5. Officers prepare a media release, with the content of this resolution placed on Council's social and digital media channels.</p>
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#### 4. Discussion

The motion adopted by Council on 26 November 2024 set out a variety of tasks to occur and key considerations. The attached Project Plan has regard to:

- The required technical studies and work to inform the project.
- Estimated budget.
- Procurement approach.
- Likely staging.
- Project management.

#### 5. Financial impact statement/Time frame/Consultation

##### Financial impact statement

The Q1 2024-25 budget allocated \$100,000 towards the project. It is anticipated that a further \$500,000 will be required from the operational budget in the 2025-26 financial year.

Where available, grant funding will be sought.

##### Time frame

The relevant anticipated timeframes for the process are outlined in Attachment 1. Pending completion of procurement, the project methodology and timeframe would be confirmed.



**Consultation**

Consultation would occur in line with the requirements set out in Council's Community Engagement Strategy 2023. In addition, a consultation strategy would be prepared by the selected contractor.

**6. Conclusion**

If adopted, officers would commence the procurement process to engage a suitability qualified contractor to lead the Visioning and Master Planning project for Bondi Junction.

**7. Attachments**

1. Bondi Junction Master Plan - Project Plan [↓](#)



# WAVERLEY COUNCIL

## Project Management Plan

Project Name	Bondi Junction Vision and Master Plan		
Project ID	Project Code (TBA)	TRIM container	A24/1055
Author(s)	George Bramis	Version No.1	2/12/2024
Project Sponsor	Fletcher Rayner Director Planning, Sustainability and Compliance		4/12/2024

Purpose and Benefits	To prepare a Vision and Master Plan for Bondi Junction that reflects the changing community and societal needs of the junction in the short, medium and long term.
Background	<p>Bondi Junction is the civic, transport, economic and social hub of the Eastern Suburbs. It has seen considerable change since its early days as a local main street and junction for those going towards Charing Cross and South Head. In the 1970s, the building of the eastern Suburbs railway with its terminus at Bondi Junction saw wholesale changes to the Junction. It became a transport and retail Hub and subsequently a CBD with commercial and residential buildings.</p> <p>Whilst various studies for aspects of the junction have been undertaken over the last 20 years, the time has come to prepare a masterplan of the junction that positions it well into the future.</p> <p>With the Council chambers and offices moving into the Junction with the opening of the Boot Factory and Mill Hill offices, which is beginning to form a cluster of civic functions, and with the universal housing crisis for which responsibility should be taken by all, a vision and Master Plan for Bondi Junction is essential.</p> <p>A successful Master Plan is one that is holistic and has top-down and bottom-up commitment. It will require the right mix of engagement, expert analysis and courageous leadership.</p> <p>Council considered a Notice of Motion at its Meeting on 26 November 2024 and resolved, in part, that:</p>

	<ol style="list-style-type: none"> <li>1. Council officers prepare a report to Council no later than December 2024 that outlines a project plan, time frame, budget and source of funding for a Bondi Junction Vision and Town Centre Master Plan.</li> <li>2. The Master Plan consider the development of a place vision with guiding principles and concepts for the transformation of Bondi Junction into a vibrant precinct, informed by: <ol style="list-style-type: none"> <li>(a) An urban design analysis that reviews existing planning controls and assesses whether these controls are still appropriate related to: <ol style="list-style-type: none"> <li>(i) Height, bulk and scale of existing building envelopes.</li> <li>(ii) Solar access and overshadowing of public spaces.</li> <li>(iii) Appropriateness of existing commercial heritage listings.</li> <li>(iv) Land use strategy and site-specific development controls that respond to the updated State Government housing delivery expectations for Waverley.</li> </ol> </li> <li>(b) A market assessment analysis to better understand the past, current and future trends of existing land uses including retail, commercial and residential uses with benchmarks to other comparable commercial centres within metropolitan Sydney.</li> <li>(c) A feasibility assessment of existing development controls and recommendations for future feasible development controls.</li> <li>(d) An infrastructure funding strategy.</li> <li>(e) Community and stakeholder engagement strategy.</li> <li>(f) A strategic review of Council property assets in Bondi Junction with specific consideration for the inclusion of a new Council Chambers and other civic uses.</li> <li>(g) Identifying current planning instruments, policies, strategies and plans that relate to Bondi Junction.</li> <li>(h) Creating a liveable, environmentally sustainable and vibrant commercial and mixed-use precinct.</li> <li>(i) Facilitating an increase in the provision of key worker, affordable and social housing while maintaining housing diversity.</li> <li>(j) Provision for an active and permeable public domain, which connects places and provides for quality open and interconnected spaces.</li> <li>(k) Quality built form and architectural design excellence.</li> </ol> </li> </ol>
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	3. Officers immediately schedule a Mayoral roundtable discussion with key stakeholders and industry before the end of 2024.									
Site	The site is generally the whole of Bondi Junction from Centennial Park in the west to the eastern edge of Waverley Park (from Park to Park) from north to south, it is bound by Syd Einfeld Drive and Birrell Street in the south, it includes the old Chambers Building on Paul Street and Bondi Road. The exact study will be confirmed as part of early project planning.									
Objectives	<ol style="list-style-type: none"> <li>1. To prepare a Vision statement about the future of Bondi Junction that is bold and aspirational, to re-imagine the future role of Bondi Junction into a vibrant and experiential precinct and hub. With input from stakeholders, the vision will inform guiding principles, commitments and key moves in development of the Master Plan.</li> <li>2. The Master Plan will provide in depth analysis about the existing, and future built form, environment, land-use, transport, economics demographic and cultural components of the precinct.</li> <li>3. The masterplan will propose short, medium and Long-term actions that address the above and provide clear guidance and controls for development, that may be implemented in the form of future planning amendments to Council's Waverley Local Environmental Plan 2012, Development Control Plan, infrastructure plans and supporting strategies.</li> </ol>									
Project Control Group Members	Members									
	Project Manager									
	General Manager									
	Director Planning, Sustainability and Compliance									
	Director Assets and Operations									
	Director Community Culture and Customer Experience									
	Executive Manager Urban Planning									
	Executive Manager Infrastructure Services									
	Executive Manager Property and Facilities									
	Manager Urban Design and Heritage									
	Manager Strategic Planning									
Frequency of PCG	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Bi-monthly <input type="checkbox"/> Quarterly									
	<table border="1"> <thead> <tr> <th>Funding Sources</th><th>2024/2025</th><th>2025/2026</th></tr> </thead> <tbody> <tr> <td>Vision and Master Plan</td><td>\$100,000</td><td>\$500,000</td></tr> <tr> <td><b>TOTAL BUDGET</b></td><td></td><td><b>\$ 600,000</b></td></tr> </tbody> </table>	Funding Sources	2024/2025	2025/2026	Vision and Master Plan	\$100,000	\$500,000	<b>TOTAL BUDGET</b>		<b>\$ 600,000</b>
Funding Sources	2024/2025	2025/2026								
Vision and Master Plan	\$100,000	\$500,000								
<b>TOTAL BUDGET</b>		<b>\$ 600,000</b>								

Scope	<p><b>What is in scope:</b></p> <ul style="list-style-type: none"> <li>• Vision and Master Plan</li> <li>• Community Consultation</li> <li>• Strategic review of Council owned land within the study area</li> <li>• Strategic level assessment of infrastructure</li> </ul> <p><b>What is out of scope:</b></p> <ul style="list-style-type: none"> <li>• Statutory amendments of planning controls (Planning Proposal)</li> </ul>
Major Risks, Assumptions, Constraints or Dependencies	<p><b>Major Risks</b></p> <ul style="list-style-type: none"> <li>• Probity risk and information management</li> <li>• Variation of scope</li> <li>• RFQ price estimate and capacity of market to deliver</li> <li>• Concurrent proponent planning proposal submitted</li> </ul> <p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>• No NSW State Government planning amendments announced</li> <li>• Opportunity for grant funding</li> </ul> <p><b>Constraints</b></p> <ul style="list-style-type: none"> <li>• Environmental capacity of existing infrastructure</li> <li>• Land and assets under the control of others</li> </ul> <p><b>Dependencies</b></p> <ul style="list-style-type: none"> <li>• Low and Mid Rise Housing Announcement / Housing Targets</li> </ul>
Risk management plan	<ul style="list-style-type: none"> <li>• To be prepared as part of Project Brief and preparation for RFQ.</li> </ul>
Communications and engagement commitments	<p>Minimum commitments:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Ensure alignment with Community Engagement Policy and Strategy TRIM Ref: SF21/334</li> <li><input checked="" type="checkbox"/> Project RFQ: Brief to require a community consultation plan.</li> </ul>
Communications and engagement plan	<p>Subject to confirmation via a RFQ process, the communications and engagement plan may include, and is not limited to the following:</p> <ul style="list-style-type: none"> <li>• Focus group round-table Visioning workshop with Bondi Junction Stakeholders (already under way).</li> </ul>

	<ul style="list-style-type: none"><li>Community engagement at both the Visioning and Master Plan development stages.</li><li>Dedicated landing page on Council’s website for Master Plan project in addition to Have Your Say Page</li></ul>			
Procurement	<p>As the estimated cost of work exceeds \$250,000, the project will require a Request for Quotation (RFQ) for a minimum of three lead contractors listed on the LG Procurement portal.</p> <p>A probity advisor is required to assist both the RFQ process and end to end management of the project.</p>			
Quality management	<p>Project management will occur via a Project Control Group. Key recommendations from the PGC would be reported to the Executive Leadership Team prior to briefing or reporting to Council.</p> <p>A probity advisor is required to assist both the RFQ process and end to end management of the project.</p>			
Key phases and tasks to complete the project				
	Phase	List key tasks	Start date	End date
1.	Project Initiation	Project Brief developed based on procurement of lead contractor for Master Planning Services	11 Dec 2024	31 January 2025
2.	Procurement Consultant	<ul style="list-style-type: none"><li>Approval to proceed with RFQ</li><li>Development of RFQ</li><li>Select and invite quotes</li><li>RFQ evaluation</li><li>Contract execution</li></ul>	17 Feb 2025	30 April 2025
3.	Project Scope	<ul style="list-style-type: none"><li>Community and stakeholder engagement strategy</li><li>Strategic vision and context setting</li><li>Planning for Country / Aboriginal due diligence assessment</li><li>Transport assessment</li><li>Social needs assessment</li><li>Comprehensive urban design analysis</li><li>Heritage assessment of commercial heritage listings</li><li>Land use strategy and site-specific development controls</li><li>Market assessment of residential, commercial and retail uses</li></ul>	19 May 2025	29 May 2026

		<ul style="list-style-type: none"> <li>• Council owned land strategic review</li> <li>• Feasibility testing of existing and proposed development controls on key sites</li> <li>• A high-level infrastructure needs analysis and funding strategy</li> <li>• Public Domain Strategy</li> </ul>		
4.	Stage Gates / Approval Authority	<p>Subject to PCG and Council endorsement, the following stage gates are proposed:</p> <p>Stage 1: Procurement process</p> <p>Stage 2: Vision and Strategic Context</p> <p>Stage 2a: Public Consultation</p> <p>Stage 3: Master Plan</p> <p>Stage 3a: Public Consultation</p> <p>Stage 4: Finalisation</p>	17 February 2025	29 May 2026
5.	Project closeout	Project close out form	July 2026	August 2026
6.	Project Evaluation	<p>Lesson learnt meeting</p> <p>Document lessons learnt</p> <p>Add lessons learnt to log</p>	September 2026	October 2026

## REPORT CM/7.10/24.12



**Subject:** Planning Agreement - 97 Glenayr Avenue, Bondi Beach

**TRIM No:** SF24/4332

**Manager:** George Bramis, Executive Manager, Urban Planning

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

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### RECOMMENDATION:

That Council:

1. Approves the planning agreement attached to the report applying to land at 97 Glenayr Avenue, Bondi Beach, offering a total monetary contribution of \$237,030, with \$177,772.50 (75%) to be allocated to works outlined in the Bondi Park Plan of Management and Local Villages Centre Strategy for the Bondi Beach area, and \$59,257.50 (25%) to be allocated to the Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

#### 1. Executive Summary

This report seeks Council's approval to execute the draft planning agreement associated with the Land and Environment Court approved development application (DA-296/2019/D) at 97 Glenayr Avenue, Bondi Beach.

The site has a maximum permissible floor space ratio (FSR) of 1:1. DA-296/2019/C has an approved FSR of 1.32:1, which DA-296/2019/D increases to 1.5:1, by adding 79.0 1sqm of commercial gross floor area, equating to a variation of 14%.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### 2. Introduction/Background

Council's Planning Agreement Policy provides a framework for managing the voluntary planning agreement (VPA) process. The policy is founded on the principle of 'value sharing' or 'value capture', which reflects the expectation that developers benefiting from a value 'uplift' through increased development rights should share a portion of this uplift with the community.

In instances where a development exceeds established planning standards and can proceed without resulting in unacceptable impacts, the value sharing mechanism enables the community to derive a net benefit in the form of additional infrastructure and enhanced amenity.

VPAs are legal documents facilitated by the *Environmental Planning and Assessment Act 1979* (the EP&A Act) between developers and government agencies (including Councils or the NSW State Government) for the provision of funds or works by the developer for infrastructure, services, or other public amenities. In



Waverley, a VPA can be offered by a developer in conjunction with a DA which exceeds the maximum FSR permitted for a site.

If the consent authority is satisfied that the proposal is acceptable on planning grounds, a VPA offer will be received and a condition of development consent included in the determination requiring that the VPA be prepared and executed by Council prior to the commencement of work. Council will not approve a development application with a VPA unless it is satisfied that the proposed development is acceptable on planning grounds, having regard to the general heads of consideration set out in section 4.15 of the EP&A Act 1979. These considerations include 'the likely impacts of the development', 'whether a planning agreement has been entered into,' and 'the public interest'. Development that is unacceptable on planning grounds (i.e. creates additional adverse overshadowing impacts from the extra FSR) will not be approved because a developer has offered a VPA.

In Waverley, the VPA contribution amount is determined by the amount of floor space ratio (FSR) exceedance and the suburb of the development site, and is intended to reflect 50% of the profit of the additional floor space that exceeds Council's controls. The contribution can include a monetary contribution to Council to fund a public benefit, or a physical in-kind public benefit.

Development standards outlined in the *Waverley Local Environmental Plan 2012* include matters such as maximum building height and maximum FSR. The EP&A Act permits an applicant to exceed their site's maximum building height or FSR (also known as obtaining development 'uplift') for a DA if the consent authority (typically the Council, Local Planning Panel, or NSW Land and Environment Court) considers that the variation does not have an unacceptable impact and meets the objectives of the FSR standard (clause 4.6 variation).

Council is not unique in dealing with variations (non-compliances with development standards) and VPA offers. All councils in NSW are required by the EP&A Act to assess and determine DAs which involve both.

### **3. Relevant Council Resolutions**

Nil.

### **4. Discussion**

#### **Planning agreement under DA-296/2019/D at 97 Glenayr Avenue, Bondi Beach**

The site has a maximum permissible floor space ratio of 1:1. DA-296/2019/C has an approved FSR of 1.32:1, which DA-296/2019/D increases to 1.5:1, by adding 79.01sqm of commercial gross floor area. The original DA was approved by the Land and Environment Court (LEC) on 17 March 2021.

With reference to Council's benchmark rates listed in the Planning Agreement Policy, a contribution of \$237,030 applies.

\$177,772.50 (75%) is proposed to be allocated towards works outlined in the Bondi Park Plan of Management and Local Villages Centre Strategy for the Bondi Beach area, and \$59,257.50 (25%) is proposed to be allocated towards the Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

#### **Planning agreement's monetary contribution to a public purpose**

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose.

The recommended public purpose is expected to support improvements within Bondi Beach outlined in the Bondi Park Plan of Management and Local Villages Centre Strategy. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

### **Public exhibition of the draft planning agreement**

The draft planning agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft planning agreement and explanatory note were exhibited from Wednesday, 18 September, to Thursday, 17 October 2024, and included:

- Advertising on Council's Have Your Say website.
- Email notice to Precincts and Councillors

### **Submissions**

Two submissions were received during the exhibition period. One supported the VPA in its drafted form. A second supported the VPA being assigned 100% towards the Bondi Beach Plan of Management and Bondi promenade repairs. The second comment was provided by a resident who has subsequently become a Councillor. It is a strict requirement of the VPA Policy that a minimum of 25% of VPA funds are dedicated towards affordable housing. However, the remaining 75% is drafted to go towards the Bondi Beach Plan of Management, which is consistent with the feedback of the submission.

### **5. Financial impact statement/Time frame/Consultation**

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$237,030, in accordance with Council's Planning Agreement Policy 2014.

### **6. Conclusion**

The draft Planning Agreement has been placed on exhibition in accordance with section 7.5 of the EP&A Act. It is recommended that Council endorses the attached draft Planning Agreement for execution.

### **7. Attachments**

1. Planning agreement [📄](#)

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**WAVERLEY COUNCIL**

**(Council)**

**AND**

**RNB GLENAYR PTY LTD  
(ACN 624 495 503)**

**AND**

**RNB GLENAYR – NO 1 PTY LTD  
(ACN 624 515 411)**

**(Developer)**

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## **PLANNING AGREEMENT**

**(Development Contribution)**

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**WAVERLEY COUNCIL  
27-33 Spring St  
BONDI JUNCTION NSW  
2022  
DX 12006 BONDI JUNCTION  
Phone: 02 9083 8000  
Facsimile: 02 9387 1820**

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**PLANNING AGREEMENT NO. \_\_\_\_\_*****Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2024

**PARTIES**

**WAVERLEY COUNCIL** of 27-33 Spring St, Bondi Junction NSW 2022 ABN 12 502 583  
608 ("**Council**")

**RNB GLENAYR PTY LTD (ACN 624 495 503)** of Shop 2, 7 – 13 Dover Road, Rose Bay NSW  
2029

**AND**

**RNB GLENAYR – NO 1 PTY LTD (ACN 624 515 411)** of Shop 2, 7 – 13 Dover Road, Rose Bay  
NSW 2029 ("**Developer**")

**BACKGROUND/RECITALS**

- A.** RNB Glenayr Pty and RNB Glenayr – No 1 Pty Ltd, collectively referred to herein as the Developer, are the registered proprietors of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 21 December 2023 the Developer caused the Development Application to be made to Council to modify DA-296/2019.
- D.** The Developer subsequently caused the lodgment of an appeal with the Land and Environment Court in respect to the Development Application.
- E.** On 11 March 2024 the Developer offered to enter into this Agreement to make the Development Contribution towards a public purpose in accordance with Council's Planning Agreement Policy if development consent was granted.
- F.** The Development Consent was granted by the Land and Environment Court on 17 May

2024.

- G.** This Agreement is consistent with the Applicant's offer referred to in Recital E.
- H.** On 11 May 2023 the Developer entered into a separate Planning Agreement pursuant to condition 16 of the Development Consent. This Agreement is offered in addition to, and in no way impacts, the Planning Agreement offered and entered into by the Developer pursuant to condition 16 of the Development Consent dated 11 May 2023.

#### **OPERATIVE PROVISIONS:**

### **1 PLANNING AGREEMENT UNDER THE ACT**

The parties agree that this Agreement is a planning agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

### **2 APPLICATION OF THIS AGREEMENT**

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

### **3 OPERATION OF THIS AGREEMENT**

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is granted and prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-296/2019/D.

### **4 DEFINITIONS AND INTERPRETATION**

#### **4.1 Definitions**

In this Agreement unless the context otherwise requires:

**"Act"** means the *Environmental Planning and Assessment Act 1979* (NSW);

**"Agreement"** means this agreement;

**"Bank Guarantee"** means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

**“Business Day”** means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

**“Caveat Form”** means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the owner of the Land, or such other form of owner’s consent to caveat as may be required by Council;

**“Certifying Authority”** means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

**“Council”** means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within;

**“Construction Certificate”** means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

**“Development”** means the development the subject of the Development Application which is described in Item 4 of the Schedule;

**“Development Application”** means the development application referred to in item 3 of the Schedule;

**“Development Consent”** means the development consent granted in respect of the Development Application described in Item 3 of the Schedule;

**“Development Contribution”** means the amount of money referred to in item 5 of the Schedule;

**“Development Contribution Date”** means the time the Development Contribution is to be paid as referred to in Item 7 of the Schedule;

**“GST”** has the same meaning as in the GST Law;

**“GST Law”** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

**“Land”** means the land described in Item 2 of the Schedule;

**“Occupation Certificate”** means any occupation certificate as referred to in s 6.4 of the Act in respect of the Development or any part of the Development;

**“Party”** means a party to this Agreement including their successors and assigns;

**“Public Purpose”** for the purpose of this Agreement means that described in item 6 of the Schedule;

**“Registration Application”** means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

**“Schedule”** means the schedule to this Agreement.

## 4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;

- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

## **5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT**

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.
- 5.3 Notwithstanding any other provision herein, the Development Contribution herein, being as set out in condition 16A(a)(ii) of the Development Consent is subject to increase in accordance with paragraph 7 of the offer made by the Developer referred to in Recital E.

## **6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION**

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

## **7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT**

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.



## 8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 Within 14 days of entering into this Agreement and in any event prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-296/2019/D, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
  - (b) provide the Council with a cheque in favour of NSW Land Registry Services, or deliver funds electronically as Council may direct, for the registration fees for registration of this Agreement;
  - (c) provide the Council with a cheque in favour of the Council, or deliver funds electronically as Council may direct, for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
  - (d) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-296/2019/D.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.

- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

## **9 BANK GUARANTEE**

### **9.1 Provision of Bank Guarantee**

- (a) Subject to clause 8.8, prior to the issue of a Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-296/2019/D, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
  - (ii) irrevocable and unconditional;
  - (iii) with no expiry date;
  - (iv) issued in favour of the Council;
  - (v) for an amount equivalent to the Development Contribution set out in Item 5 of the Schedule;
  - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
  - (vii) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer's obligations herein to provide the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development

Contribution to Council in accordance with this Agreement.

## **9.2 Calling on Bank Guarantee**

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with the Schedule or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the amount payable. In those circumstances, the Developer will be required to pay to the Council the outstanding balance of the Development Contribution and other amounts payable under this Agreement.

## **9.3 Return of Bank Guarantee**

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

# **10 REVIEW OF THE AGREEMENT**

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

# **11 DISPUTE RESOLUTION**

## **11.1 Notice of dispute**

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice"). No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

## **11.2 Response to notice**

Within 10 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

**11.3 The nominated representative must:**

- (i) Meet to discuss the matter in good faith within 5 business days after service by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

**11.4 Further notice if not settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

**11.5 Mediation**

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
  - (a) Have reasonable qualifications and practical experience in the area of disputes; and
  - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a

mediation settlement for the purpose of enforcing that mediation settlement.

(vii) In relation to costs and expenses:

- (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
- (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

#### 11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
  - (a) Agreed upon and appointed jointly by the Council and the Developer; or
  - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

#### 11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at

liberty to litigate the dispute.

**11.8 Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

**12 ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
- (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and

- (e) upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.

### **13 NOTICES**

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
  - (a) delivered or posted to that Party at its address set out below in Item 8 of Schedule 1;
  - (b) faxed to that Party at its fax number set out below in Item 8 of Schedule 1;
  - (c) emailed to that Party at its email address set out below in Item 8 of Schedule 1.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address, fax number or email address.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
  - (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 business days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
  - (d) *If delivered by email, when received by the recipient's email server, unless the sender receives an automated notice that delivery has failed.*
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

### **14 APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in

that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## **15 ASSIGNMENT AND DEALINGS**

15.1 If the Developer proposes to sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempts or purports to do so, the Developer must seek the consent of Council and the Developer must:

- (a) at no cost to Council, procure the execution by the incoming party of an Agreement in favour of Council on the same terms as this Agreement as if the incoming party were a Party to this Agreement; and
- (b) satisfy Council that the Developer is not in breach of its obligations under this Agreement.

15.2 Provided the Developer has complied with the terms of clause 15.1, Council will provide its consent.

## **16 COSTS**

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

## **17 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

## **18 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.



## **19 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

## **20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

## **21 NON FETTER**

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

## **22 REPRESENTATIONS AND WARRANTIES**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## 23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## 24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## 25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## 26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense

(“**Cost**”) incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

## **27 EXECUTION IN TRIPLICATE**

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the *Environmental Planning and Assessment Act*. This Agreement will be dated on the day of execution by all Parties.

**SCHEDULE**

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	RNB GLENAYR PTY LTD (ACN 624 495 503) and RNB GLENAYR – NO 1 PTY LTD (ACN 624 515 411)
2	Land	Lot 1 in DP 1012730 and known as 97 Glenayr Avenue, Bondi Beach
3	Development Application	DA-296/2019/D
4	Development (description)	Demolition of existing structures and construction of a 3 storey shop top housing development comprising ground level commercial space, residential above with car parking at ground and basement levels and modification to the ground floor level, including creation of a new commercial space
5	Development Contribution	\$237,030
6	Public Purpose	Waverley's Affordable Housing Program (25%) and works in the Bondi Park Plan of Management and Local Villages Centre Strategy for the Bondi Beach area (75%)
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development
8	Developer Address	Shop 2, 7 – 13 Dover Road, Rose Bay NSW 2029
	Developer Fax	Not Applicable
	Developer Email	ronnie@nadlan.com.au
	Council Address	27-33 Spring St, Bondi

	Junction NSW 2022
Council Fax	(02) 9387 1820
Council Email	<a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a>

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council  
affixed pursuant to a resolution of Waverley Council on**

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**EMILY SCOTT**

General Manager

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**CLR WILLIAM NEMESH**

Mayor

**EXECUTED by RNB GLENAYR PTY  
LTD (ACN 624 495 503)**

In accordance with section 127 of the  
Corporations Act 2001

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**RONALD NATHAN SHULKIN**

Sole Director/Secretary

**EXECUTED** by **RNB GLENAYR – NO 1  
PTY LTD (ACN 624 515 411)**

In accordance with section 127 of the  
Corporations Act 2001

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**BERNARD STANG**

Sole Director/Secretary

**REPORT**  
**CM/7.11/24.12**

**Subject:** NSW Shark Management Program Consultation

**TRIM No:** A09/0347

**Manager:** Sam McGuinness, Executive Manager, Environmental Sustainability

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

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**RECOMMENDATION:**

That Council:

1. Approves the response to the NSW Shark Management Program survey, as set out in the report.
2. Supports the removal of shark nets from Waverley's beaches, as detailed in the survey, on the condition that NSW Department of Primary Industries significantly increases both the use of drone surveillance and the deployment of SMART drumlines to increase the safety of beach users.

**1. Executive Summary**

The NSW Department of Primary Industries (DPI) is seeking feedback from NSW coastal councils on the shark management options that they currently use to inform a future Shark Management Program. A response to the survey has been proposed that continues Council's existing position for shark management options that are the most effective while minimising or eliminating impacts on marine biodiversity. The survey response supports the removal of shark nets at Waverley's beaches on the condition that the NSW DPI significantly increases both the use of drone surveillance and the deployment of SMART drumlines to increase the safety of beach users.

**2. Introduction/Background**

The NSW Government Shark Management Strategy delivers a range of shark mitigation technologies. Options have been trialled and researched on how to ensure beach-goers safety while minimising impacts on marine biodiversity. These include:

- Drones.
- SMART drumlines.
- Tagged shark listening stations.
- Shark nets.

The DPI is conducting a consultation to survey Council on whether we support or oppose the four shark management options outlined above. The results of this consultation will contribute to the development of the NSW Shark Management Program 2025-2029.

In the Waverley local government area (LGA), there are four shark mitigation technologies in place. Shark nets were introduced in 1937 at Sydney Beaches and currently involves the positioning of two separate nets at Bondi and Bronte that are 150 m long, 6 m high and sit at a depth of around 10 m over the six warmer months of the year. These nets are not comprehensive in their coverage, as Bondi Beach is



approximately 1,000 m long, Bronte is 220 m long and Tamarama is 90 m long with marine life able to go both above and below the nets.

Since 2022, there has been regular drone surveillance undertaken by Surf Life Saving NSW from Marks Park supported by the DPI.

During this time, SMART (Shark Management Alert in Real Time) drumlines have been installed in daylight periods only at Bronte, Tamarama and Bondi Beach, and at beaches across NSW. If a target shark (white, tiger or bull) is caught, within 30 minutes a fishing contractor responds, and the shark is taken further out to sea where it is tagged and then released. All species caught by SMART drumlines at Waverley beaches have been released alive. This technology is designed to intercept sharks that come close to shore to help make our beaches safer. The NSW DPI describe this management option 'to be the most effective tool for catching target sharks, minimising the catch of non-target animals, and maximising the survival of all animals caught on the gear.'

There is a tagged shark listening buoy currently at Bondi Beach. The device can detect a shark within a 500 m radius that has been tagged, such as through the NSW SMART drumline program, whereby target sharks (white, tiger and bull) are tagged and released. When a shark is detected, an electronic alert is sent out via the SharkSmart App which is publicly available.

The DPI has provided a detailed information pack (Attachment 1) specific to Waverley Council outlining the NSW Shark Management Program and data on species caught and detected across NSW and at specific beaches and LGAs. The information pack also includes the details of community consultation undertaken by DPI on the shark management program between December 2022 to March 2023.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 August 2022	CM/6.1/22.08	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes: <ol style="list-style-type: none"> <li>(a) The resolution of March 2021 that Council supports shark management options that reduce or eliminate impacts upon marine diversity.</li> <li>(b) That this includes no longer supporting shark meshing.</li> <li>(c) That shark nets, introduced in 1937, are identified as a key threatening process under the <i>Biodiversity Conservation Act 2016</i> (NSW).</li> <li>(d) That Waverley has two shark nets, one at Bondi and one at Bronte, but no nets at Tamarama.</li> <li>(e) That these shark nets, which are 150 metres long, six metres high and sit at a depth of approximately 10 metres, do not provide comprehensive coverage, given that Bondi is 1,000 metres long and Bronte is 220 metres long.</li> <li>(f) That research by the Department of Planning and the Environment shows that:</li> </ol> </li> </ol>

		<ul style="list-style-type: none"> <li>(i) Fewer sharks are tagged in the Sydney region than for other areas, such as the North Coast.</li> <li>(ii) Between 2009 and 2019, in the Sydney Region, 19 sharks dangerous to humans were caught in netting, of which 14 died, while 140 non-target sharks were caught as well as six species of marine animals, including 15 turtles and one dugong, with most animals dying.</li> <li>(g) That Council adopted a mayoral minute in December 2019 declaring a State of Climate and Biodiversity Emergency.</li> <li>(h) That since February 2022, the Department of Planning and the Environment places and removes daily six SMART drum lines off Waverley beaches, which are designed to intercept and release target sharks that come close to shore.</li> <li>(i) That the summer season is soon to commence.</li> </ul> <p>2. Investigates:</p> <ul style="list-style-type: none"> <li>(a) The development of a shark patrol using drone technology operated by Waverley's professional lifeguards.</li> <li>(b) The training and logistical requirements to successfully operate such a patrol.</li> <li>(c) The appropriate drone technology suitable for shark spotting.</li> <li>(d) Budgetary impacts, costs and sources of funding, including applying for any potential grants that may be available.</li> </ul> <p>3. Receives a report as a matter of urgency.</p>
Council 16 March 2021	CM/7.7/21.03	<p>That Council:</p> <ul style="list-style-type: none"> <li>1. Supports shark management options that provide the most effective means of protecting swimmers and that reduces or eliminates impacts on marine biodiversity.</li> <li>2. Endorses the response to the NSW Shark Management Strategy survey attached to the report.</li> <li>3. Notifies all surf clubs, precincts and the Chamber of Commerce of the existence of the survey, including the</li> </ul>

		<p>link.</p> <p>4. Arranges a Councillor workshop to discuss the outcomes of the Shark Management Strategy at an appropriate time.</p>
<p>Council 21 February 2023</p>	<p>CM/7.12/23.02</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Approves the response to the NSW Shark Management Strategy survey attached to the report.</li> <li>2. Notes that Council will be receiving a report about the use of drone technology to assist with shark management.</li> <li>3. Attaches a covering letter to its response referred to in clause 1 above that:               <ol style="list-style-type: none"> <li>(a) Explains that Council has left sections of the survey blank where:                   <ol style="list-style-type: none"> <li>(i) A response is not possible in the limited time frame, as community engagement and research would be required to provide an informed community response.</li> <li>(ii) Council is asked to comment on the effectiveness of the current program and technology mix, which is difficult given the very limited data available on shark interactions.</li> </ol> </li> <li>(b) States that Council:                   <ol style="list-style-type: none"> <li>(i) Does not support the use of shark nets due to the indiscriminate way in which they kill and harm marine life.</li> <li>(ii) Is concerned about the use of funds in the current Shark Management Program on shark nets, as this may impact the availability of funds to use on more effective shark mitigation measures.</li> </ol> </li> </ol> </li> <li>4. Consults its lifeguards to seek their opinion on the shark nets, and that their comments be included in any report to the State Government.</li> </ol>

#### 4. Discussion

The DPI information pack outlines data specific to the Waverley LGA. Two shark nets are in place from September to April with one at Bronte Beach and one at Bondi Beach. From 2022 to 2024, no white, bull or tiger sharks were caught in the nets. These are the target sharks, or sharks of concern to people, and this

data infers that they are ineffective in this regard. Animals caught in the nets generally do not survive. This has included the mortalities of a grey nurse shark (*Carcharias taurus*) which is critically endangered under the *NSW Fisheries Act* caught at Bronte in April 2024, an Indo-Pacific Bottlenose Dolphin (*Tursiops aduncus*) caught at Bondi in April 2024 and the same species caught at Bronte in February 2022. It is important to note that the shark nets at these beaches are in no way comprehensive, only covering a small proportion of the width of the beach and marine animals able to swim both above and below the nets.

There are six SMART drumlines in place at Waverley Beaches year-round during daylight hours. The SMART drumlines have caught 12 target sharks with all sharks tagged and released alive. This data resulting from DPI management action appears to show that SMART drumlines are much more effective at catching and removing target sharks from Waverley beaches than the traditional shark nets and that the animals caught have a very high rate of survival.

The tagged shark listening station at Bondi detected approximately 40 tagged target sharks over the 2022-24 period. These alerts are managed by the DPI with this data publicly available via the SharkSmart app.

Surf Life Saving NSW operate a drone which is launched at Marks Park and supported by the NSW DPI. Specific data is not available to the Waverley LGA, but across NSW and as a result of 74,000 drone flights, 636 sharks have been observed resulting in 467 counter measures such as a siren.

The NSW DPI Information pack includes the results of community consultation which has community views on shark management options. Overall, the consultation results outline that the majority of respondents in Waverley LGA support all of the shark management options proposed except for shark nets. This is reflected in the last number of years where there have been frequent local community protests about shark nets in Waverley including those led by local swimming groups.

The recommended Council response to the survey is shown in Figure 1 below.

### Preferences Survey

In the table below, by checking the 'YES' or 'NO' box as your answer, please identify which shark mitigation technology measures, if any, your Council supports for implementation in your LGA.

Please return the survey via email to [nsw.sharkprogram@dpi.nsw.gov.au](mailto:nsw.sharkprogram@dpi.nsw.gov.au) by 20 December 2024

Shark mitigation measure	Waverley Council's support for the measures in their LGA	
Drones	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
SMART drumlines	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Tagged shark listening station	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<b>Only for netted LGAs between Newcastle and Wollongong</b>		
Nets	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Figure 1. Proposed response to Preferences Survey.

**5. Financial impact statement/Time frame/Consultation**

There is no financial impact to Council as the Shark Management Program is a NSW Government responsibility.

The survey response closes on Friday, 20 December 2024, and Council has contacted the DPI to request a small extension so that the submission can be approved by Council.

**6. Conclusion**

The NSW Government manages shark mitigation technologies in NSW. This report proposes a submission that supports shark management options that minimise or eliminate impacts on marine biodiversity and supports the use of SMART drum lines that the NSW DPI says is the most effective management option. The survey response supports the removal of shark nets on Waverley beaches on the condition that NSW DPI significantly increases the use of drone surveillance and the deployment of SMART drumlines to increase the safety of beach users.

**7. Attachments**

1. NSW Shark Management Program 2022-24 - Program Summary - Waverley [📄](#)



## Introduction to NSW Shark Management Program Mitigation Measures

Department of Primary Industries  
and Regional Development



November 2024

## NSW Shark Management Program

### *Mitigation measures information package*

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#### The Shark Management Strategy 2015-2020

The Shark Management Strategy started in 2015 following a spate of shark incidents at Ballina with calls for the Government to step in.

The aim of the five-year Shark Management Strategy was to increase protection for beachgoers from shark interactions, while minimising harm to sharks and other marine animals.

There were three components of the Strategy which included:

- Surveillance, Detection and Deterrents e.g., drones, SMART drumlines
- Science and Research e.g., shark tagging and tracking
- Education and Community Awareness e.g., shark education trailer

#### Shark Management Program 2021 and beyond

The results from the Strategy informed development of the 2021-22 NSW Shark Management Program, which is also underpinned by an independent evaluation by Cardno of the 2015-21 shark management programs. The NSW Shark Management Strategy, Shark Program Review and the NSW Government Response to the Review (all available on the SharkSmart website) further refined the program and gave rise to the 2022-26 Shark Management Program, which in 2024/25 includes:

- 305 SMART drumlines daily (weather permitting) in 19 of 25 coastal LGAs
  - 51 shark nets from Wollongong to Newcastle (1 Sept 2024 to 31 March 2025)
  - Surf Life Saving NSW drone patrols at 50 beaches during school holidays with at least one drone in every LGA
  - 37 tagged shark listening stations (year-round), with at least one in every LGA
  - Surfing NSW partnership to provide shark mitigation support services such as trauma kits, drones and training to their boardrider clubs and surf schools
  - The state-wide SharkSmart community education and awareness campaign, the SharkSmart app, and shark and social research
  - 4 shark-bite response vessels, each with 15 SMART drumlines (Ballina, Coffs Harbour, Port Macquarie, Sydney)
-

## Council Feedback

The NSW Government is aware of on-going community concerns about the impact of shark mitigation, especially shark nets on marine life and ecosystems along the NSW coastline. The government also appreciates that community, and therefore Council attitudes, can and probably have changed since the last state-wide preferences survey in 2021. Since the 2021 survey, we have also continued to refine and learn more from the mitigation measures and research we have conducted and now seek to share that data with you to develop the 2026-30 program.

The Department will consult with all 25 coastal councils to better understand their current and projected preferences for shark mitigation. We are seeking an unambiguous Council position on the shark mitigation measures that could potentially be deployed in your LGA for the five years. To that end, attached is the latest Preferences Survey that will drive the development and implementation of shark mitigation in your LGA for the next five years.

As such, while the NSW Government cannot guarantee that every request made by councils that respond to the survey will be met, councils that do not respond to the survey or do not complete the survey as instructed may be considered unsupportive of any form of shark mitigation in their LGA. Please also note that shark nets remain an option for only those eight councils that currently have nets – **there will be no expansion in the spatial or temporal extent of the shark nets.**

This table outlines the indicative consultation process. To assist your decision making we have provided data specific to your LGA and will provide your Council with any additional information required to help inform your decisions and Survey response.

Timing	Milestone
31 July 2024	Minister's announcement of the 2024/25 Shark Management Program
	ED Fisheries introductory email to the program and consultation process
November	This letter, information package and Preferences Survey sent to Councils
November	Regional briefing sessions by DPIRD to Councils: <ul style="list-style-type: none"> <li>• <b>26 Nov, 10am, 2pm and 7pm: Open to Councillors and council staff</b></li> <li>• <b>27 Nov, 10am, 2pm and 7pm: Open to Councillors and council staff</b></li> <li>• <b>28 Nov, 10am and 7pm: Open to Councillors and council staff</b></li> <li>• <b>29 Nov, 10am, 2pm and 7pm: Open to council staff; representatives from Surfing NSW and their member clubs, coaches and surf schools; representatives from Surf Life Saving NSW and the Australian Professional Ocean Lifeguard Association; the Bite Club; the Rural Adversity Mental Health Program; NSW Police Marine Area Command</b></li> </ul>
November - 19 December	Ad hoc meetings and additional information sessions for councils
<b>20 December</b>	<b>Closing date for council survey responses</b>
Early 2025	NSW Government announces the 2025/26 – 2029/30 Shark Management Program

Survey

Due 5pm Friday 20 December 2024

Email to: [nsw.sharkprogram@dpi.nsw.gov.au](mailto:nsw.sharkprogram@dpi.nsw.gov.au)

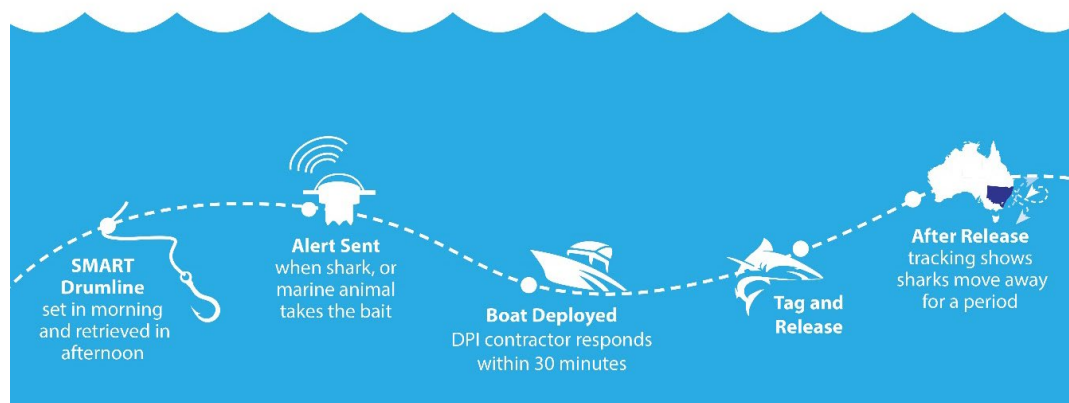


## Shark Management Program Mitigation Technologies

### SMART drumlines

'SMART' stands for Shark-Management-Alert-In-Real Time. This technology is designed to intercept sharks that come close to shore to help make our beaches safer. SMART drumlines have proven to be the most effective tool for catching target sharks, minimising the catch of non-target animals, and maximising the survival of all animals caught on the gear.

There are currently 305 SMART drumlines deployed daily (weather dependent) in 19 coastal LGAs.

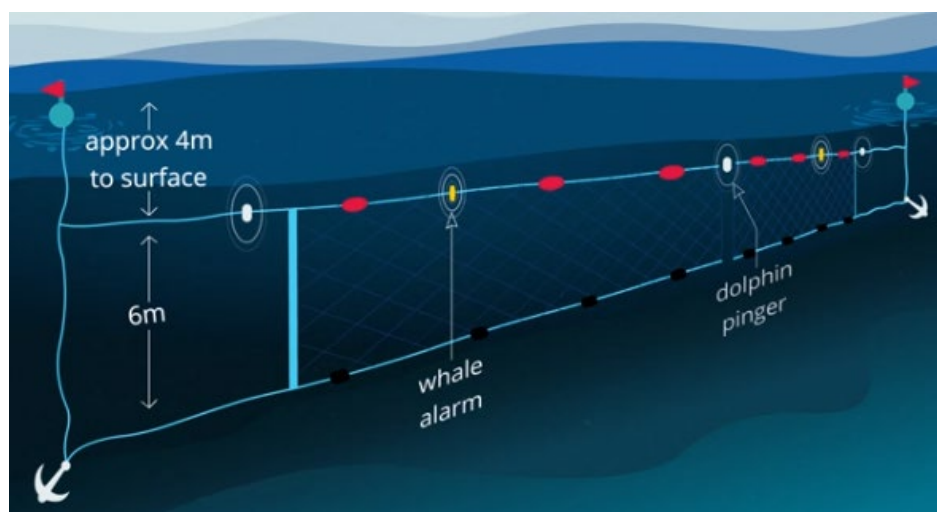


### Shark Nets

The Shark Meshing (Bather Protection) Program includes 51 beaches between Newcastle and Wollongong. These beaches are netted by contractors using specially designed meshing nets to reduce the chances of shark encounters. The nets do not create a total barrier between swimmers and sharks. They are designed to intercept sharks near meshed beaches, which reduces the chance of a shark interaction.

In addition to acoustic devices to deter cetaceans from the nets, the 2024/25 season will also trial lights on nets to deter turtles from the nets, as well as more frequent net inspections.

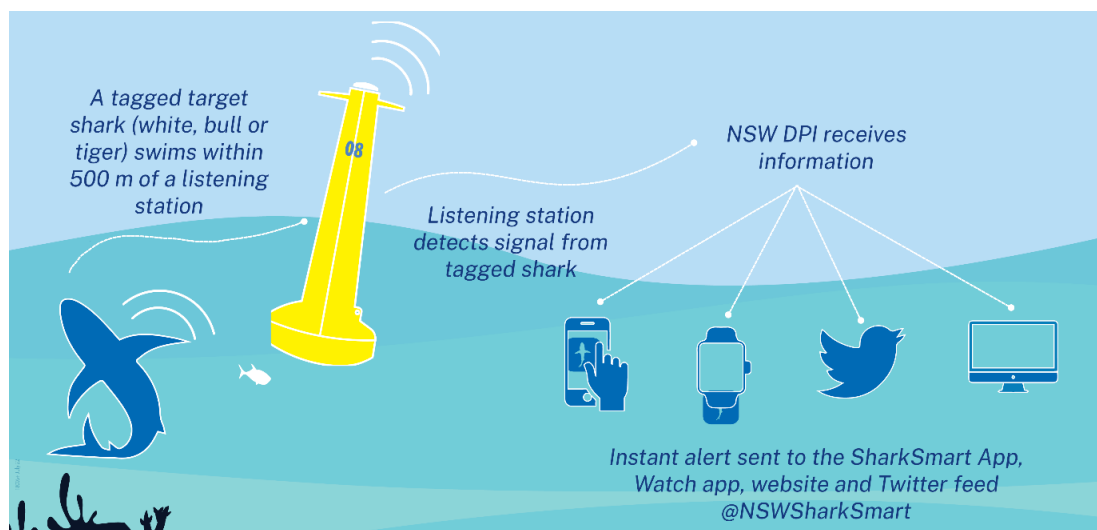
The shark meshing program operates under the 2017 joint management agreement (JMA) and management plan, which was informed by the five-year review of the two 2009 JMAs and management plan and public consultation.



## Tagged shark listening stations

Tagged shark listening stations record the presence of tagged animals swimming within 500 m. When a tagged target shark (being a White, Tiger or Bull shark) swims within 500 m of a tagged shark listening station, an alert is sent to the public via the SharkSmart app and X.

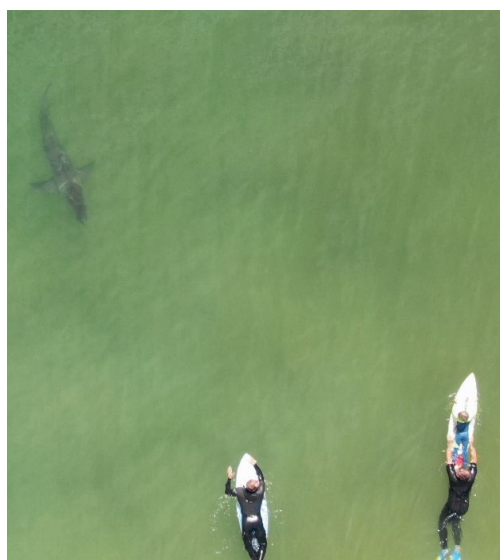
There are currently 37 tagged shark listening stations across NSW, with at least one in every LGA.



## Drones

Shark surveillance drones have been flown by Surf Life Saving NSW at 50 beaches since December 2021. The program stretches from the far north to far south coast of NSW, with at least one drone in every LGA during their peak swimming period.

Whilst the drone program and other aerial surveillance techniques have traditionally operated in the warmer months, the drone program has been extended to fly in what is traditionally known as the 'out of season' months, for example, during winter in the northern half of the coast. This offers increased protection (alongside the SMART drumlines and listening stations) at times and places when juvenile White Sharks are migrating north along the NSW coastline and are relatively more abundant on the mid-north and north coasts.



Credits: NSW DPIRD; Surf Life Saving NSW

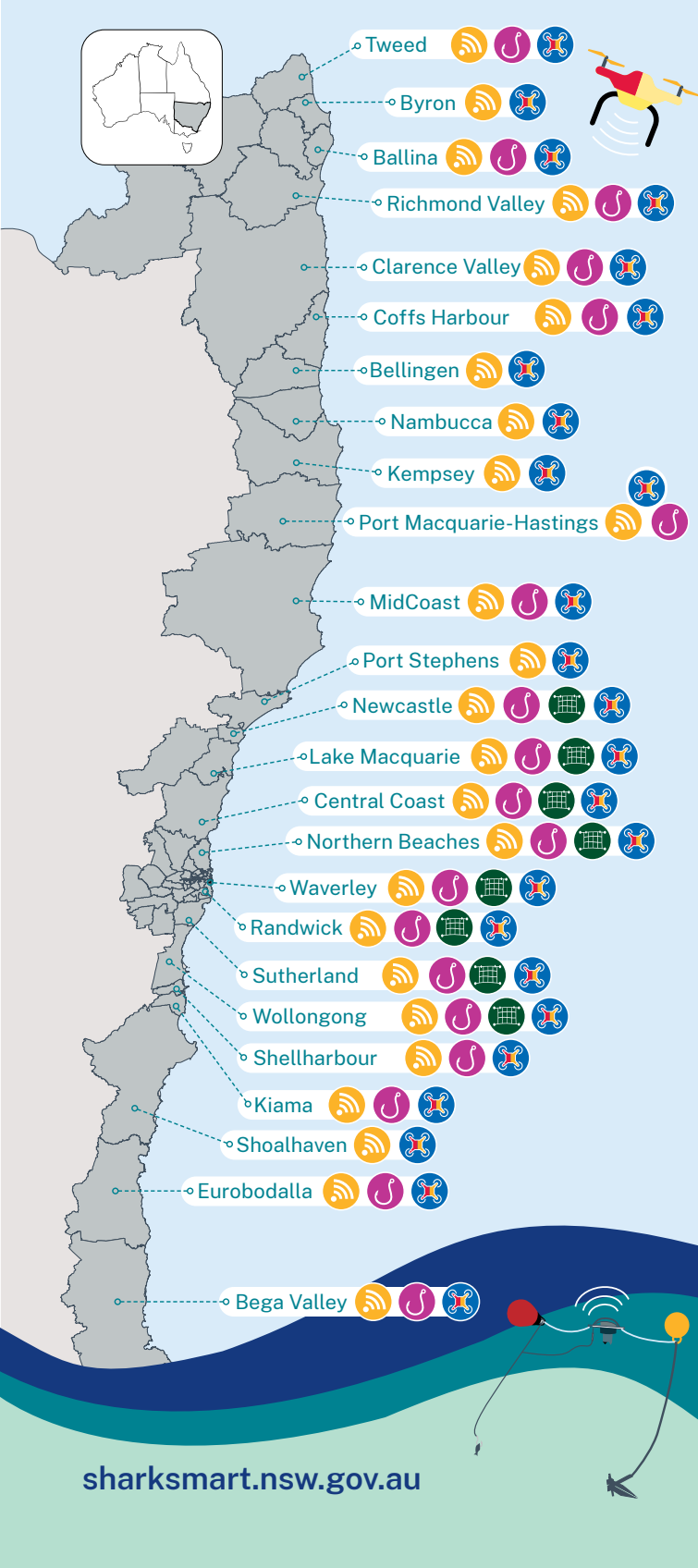


## NSW Shark Management Program: NSW Mitigation Map



# NSW Shark Management Program 2024/25

Shark mitigation measures across NSW coastal council areas



LGA				
Tweed Shire Council	4	15	1	
Byron Shire Council	2		1	
Ballina Shire Council	4	20	4	
Richmond Valley Council	1	15	1	
Clarence Valley Council	1	15	1	
Coffs Harbour City Council	1	15	1	
Bellingen Shire Council	1		1	
Nambucca Shire Council	1		1	
Kempsey Shire Council	2		2	
Port Macquarie-Hastings Council	2	15	1	
MidCoast Council	4	15	3	
Port Stephens Council	2		1	
City of Newcastle Council	1	6	12	1
Lake Macquarie City Council	2	4	16	1
Central Coast Council	3	11	32	3
Northern Beaches Council	3	15	30	3
Waverley Council	1	2	6	1
Randwick City Council	1	2	9	1
Sutherland Shire Council	2	6	15	1
Wollongong City Council	2	5	22	2
Shellharbour City Council	1		11	1
Kiama Municipal Council	2		12	1
Shoalhaven City Council	2			2
Eurobodalla Shire Council	3		15	1
Bega Valley Shire Council	2		15	1
Totals	50	51	305	37

KEY

Tagged Shark Listening Station/s

SMART Drumlines / Tagging

Shark Nets

Surf Life Saving NSW Drone/s



## NSW Shark Management Program: Waverley Mitigation Map



SHARK MITIGATION MEASURES IN 2024/25

# Waverley Local Government Area Gadigal Country

**Drone** surveillance is provided in peak swimming seasons by Surf Life Saving NSW. Operators observe potentially dangerous sharks and submit alerts to the SharkSmart app, website map and X.

**Shark nets** are deployed at 51 beaches between Newcastle and Wollongong from 1 September to 31 March. They are checked every 1-3 days (weather permitting).

**SMART (Shark-Management-Alert-In-Real-Time) drumlines** are set every morning (weather dependent) and collected before sunset. When an animal is caught, an alert is triggered and contractors then attend to the animal. Target sharks (being White, Tiger and Bull sharks) are tagged and released around 1 km offshore, and non-target animals are released in situ. Catches of target sharks are submitted to the SharkSmart app, website map and X.

**Tagged shark listening stations** along the NSW coastline then detect the target sharks when they swim within 500 m of the unit and an alert is submitted to the SharkSmart app, website map and X.

-  Drone
-  Shark Net
-  SMART Drumline
-  Tagged Shark Listening Station

18312-9/24



## NSW Shark Management Program: 2022/24 Program Summary - NSW

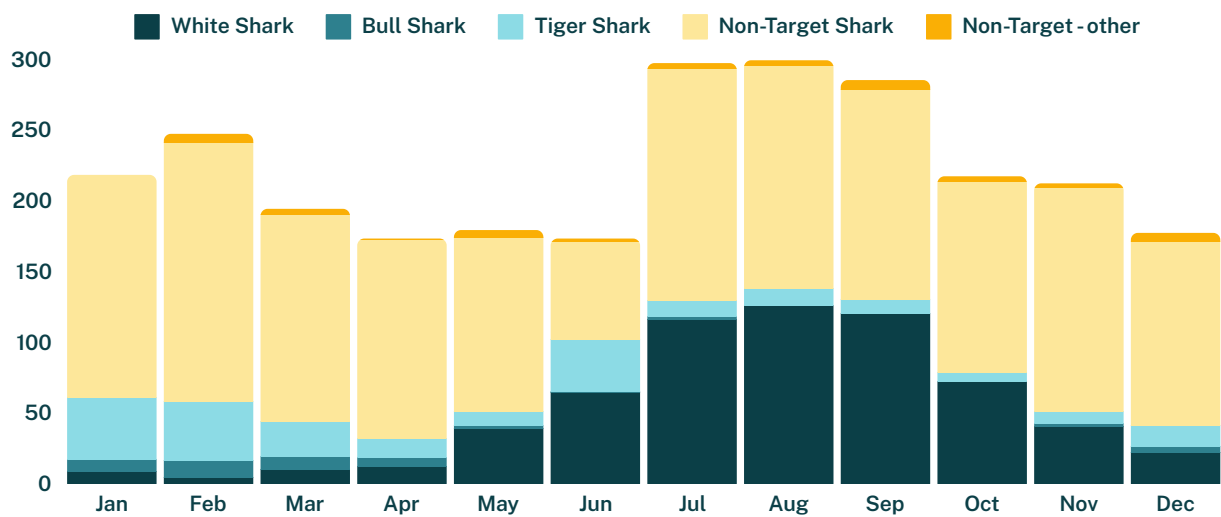


# 2022-24 Shark Management Program Summary



## SMART DRUMLINES: New South Wales

SMART Drumlines: species caught 2022-24



Deployed daily - weather dependent

### Target species



White Shark

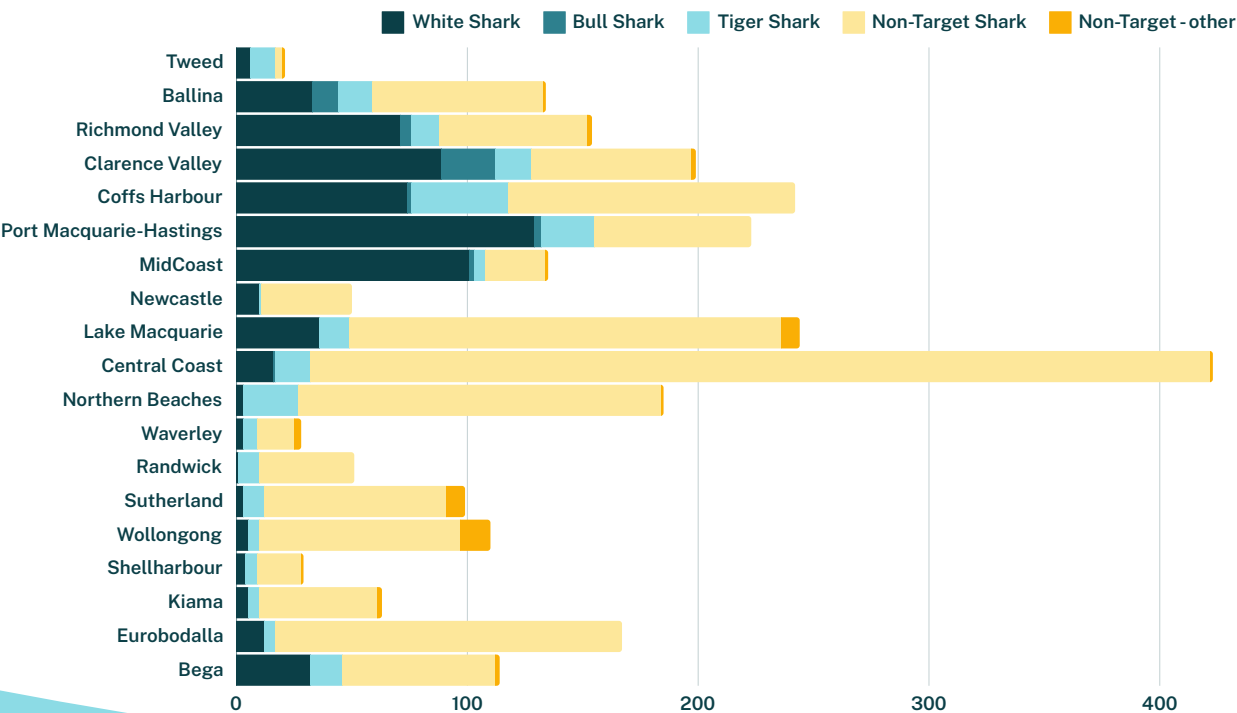


Bull Shark



Tiger Shark

SMART drumlines catch by LGA: 2022-24



19 Local Government Areas: Tweed to Bega

Survival rate (all species) 95%

Survival rate (target sharks) 99%



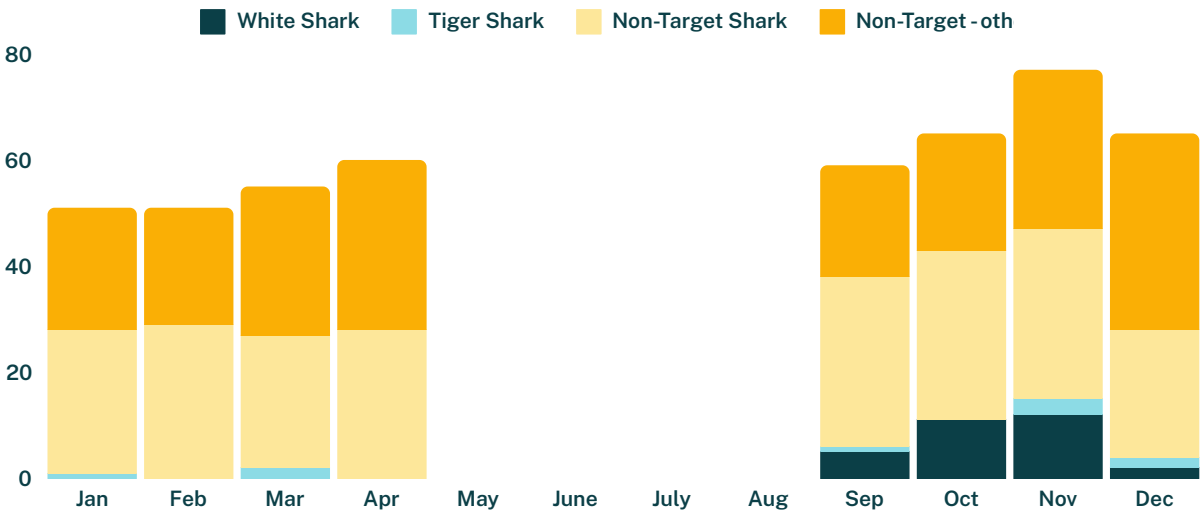


# 2022-24 Shark Management Program Summary



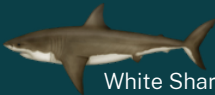
## SHARK NETS: New South Wales

SHARK NETS: species caught 2022-24



51 nets deployed 1 September to 30 April (2022-23 and 2023-24)

### Target species



White Shark

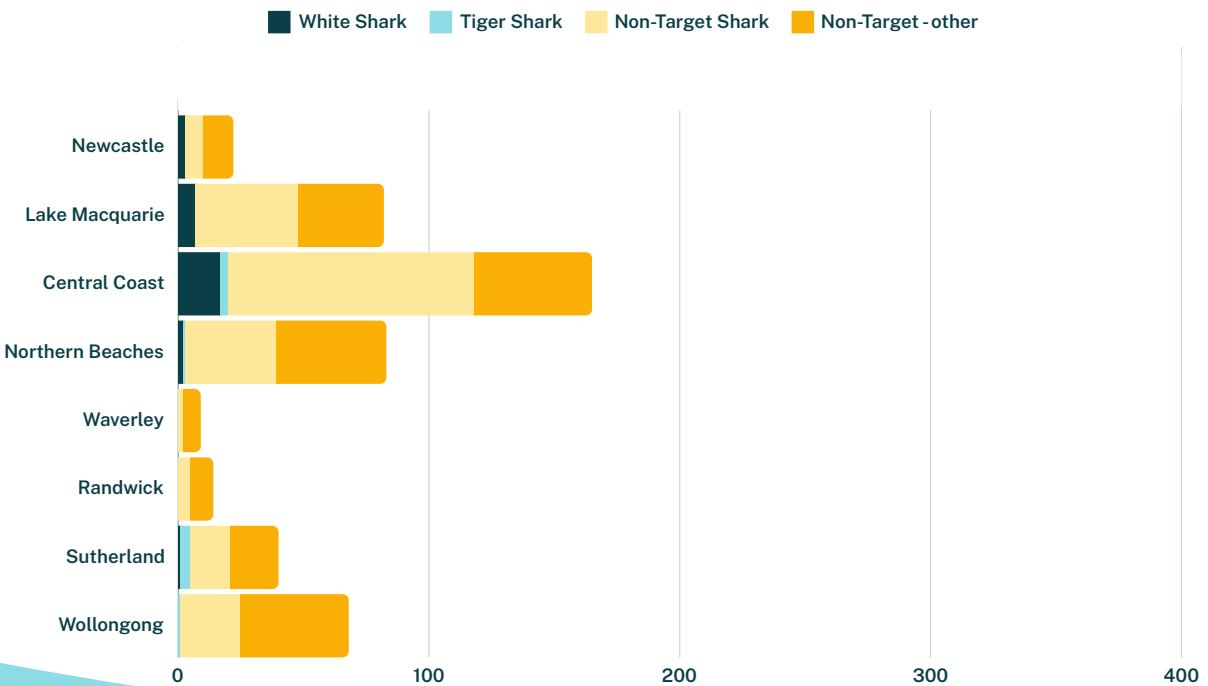


Bull Shark



Tiger Shark

Shark Net catch by LGA: 2022-24



8 Local Government Areas: Newcastle to Wollongong

Survival rate (all species) 37%

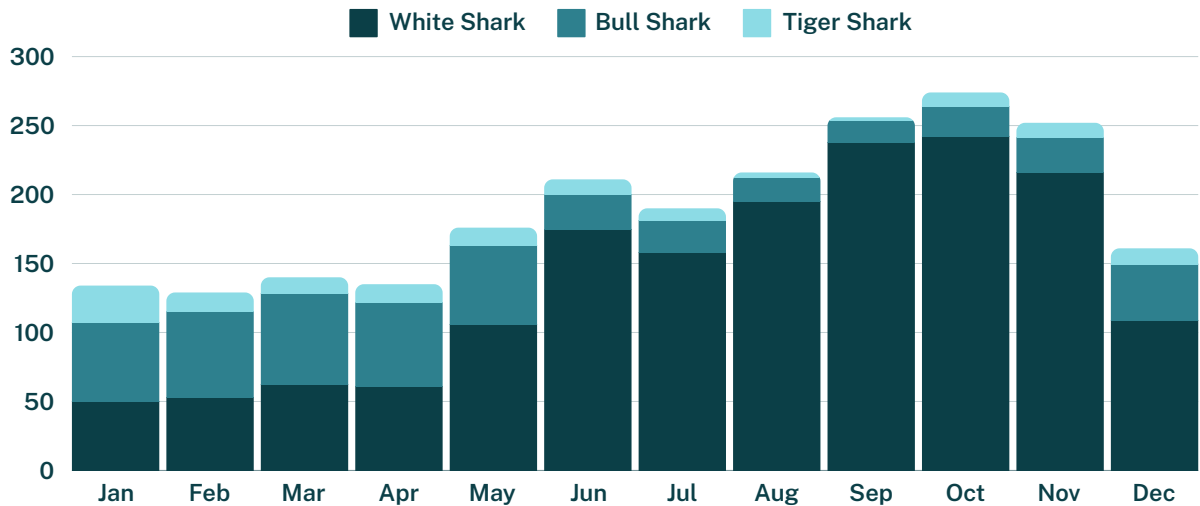
Survival rate (target sharks) 54%



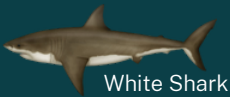
# 2022-24 Shark Management Program Summary

## SHARK DETECTIONS: New South Wales

Individual Shark Detected: 2022-24



### Target species



White Shark

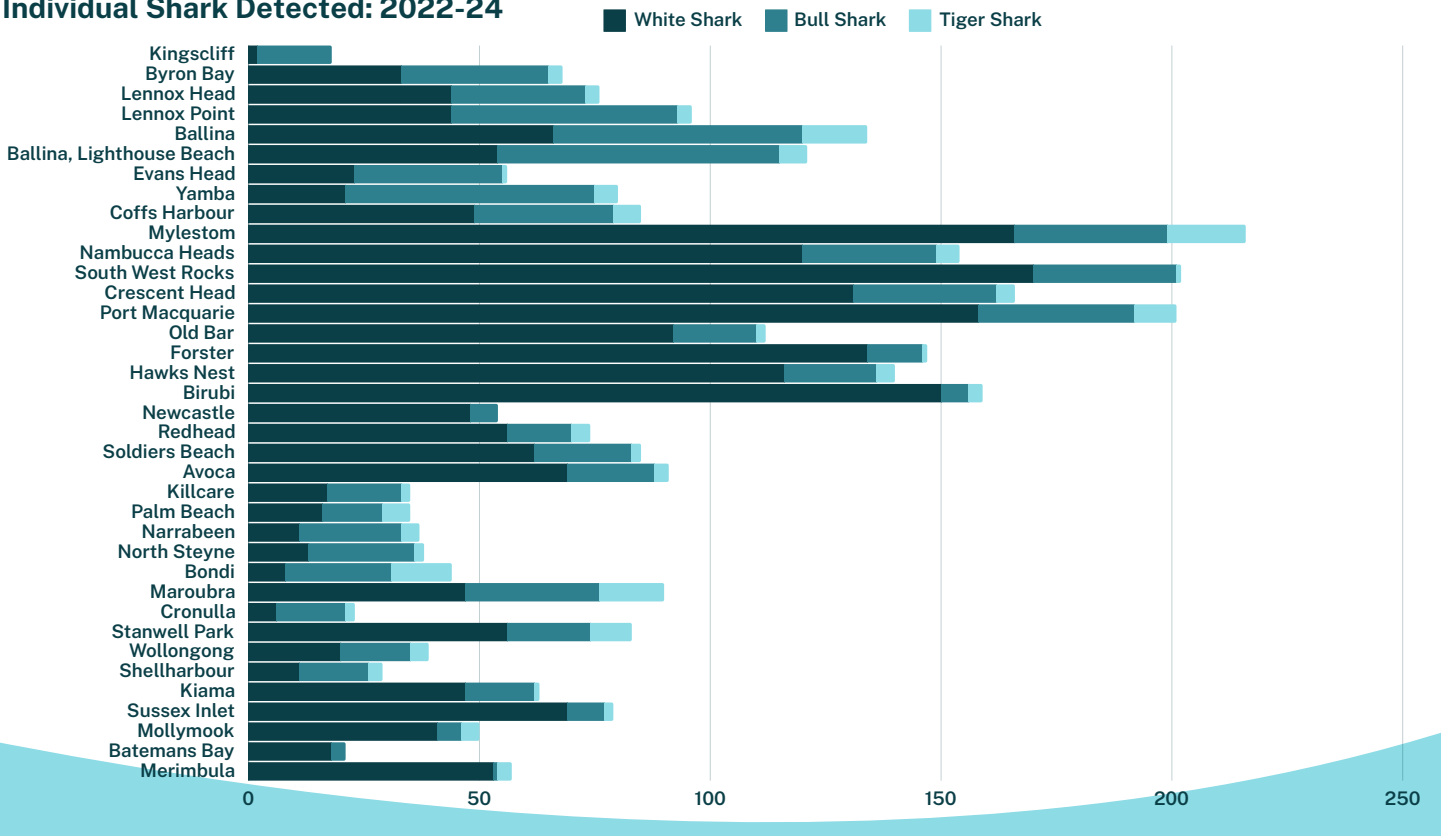


Bull Shark



Tiger Shark

Tagged Shark Listening Stations,  
Individual Shark Detected: 2022-24



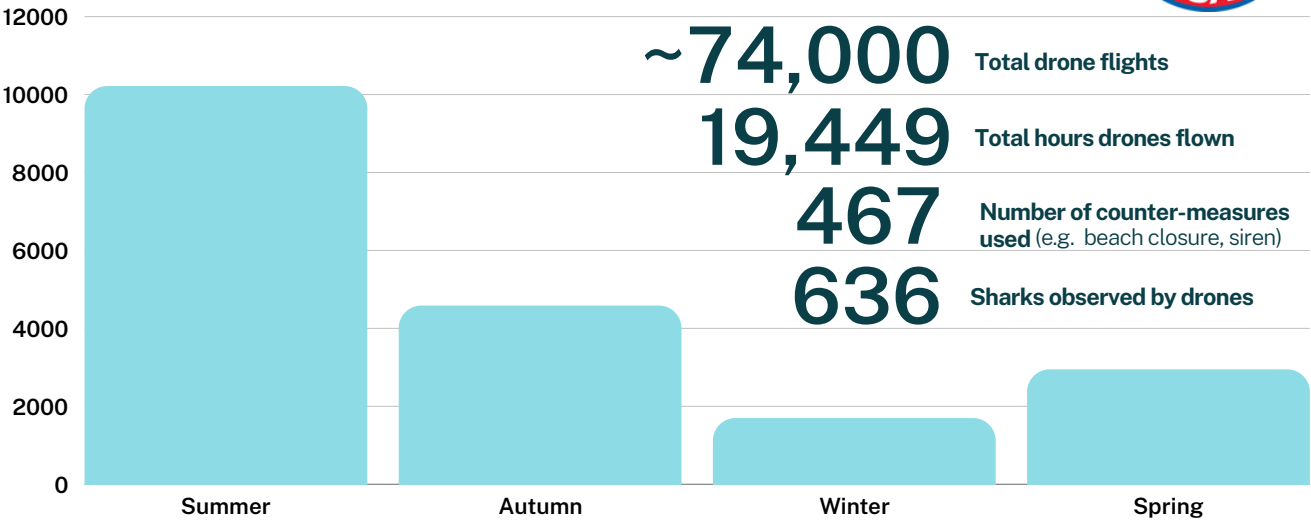


# 2022-24 Shark Management Program Summary

## SLS NSW Drones

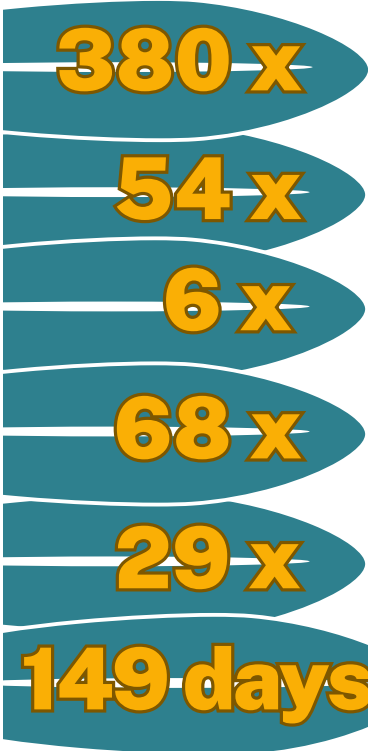


Drone patrol hours per season



## SurfingNSW Partnership 2022-24

1 January 2022 to 30 June 2024



- Trauma kits and Bleed kits provided to: NSW Boardriding clubs, surf schools, high performance surf coaches, Surfers Rescue 24/7 presenters and SurfingNSW event staff
- State-of-the-art DJI Mavic 2/3 Enterprise Drones provided to regional boardriding clubs
- Excluded Category Drone training courses
- Drone pilots trained
- Trauma training courses
- Jet ski water safety support at State, Regional and community surfing events.



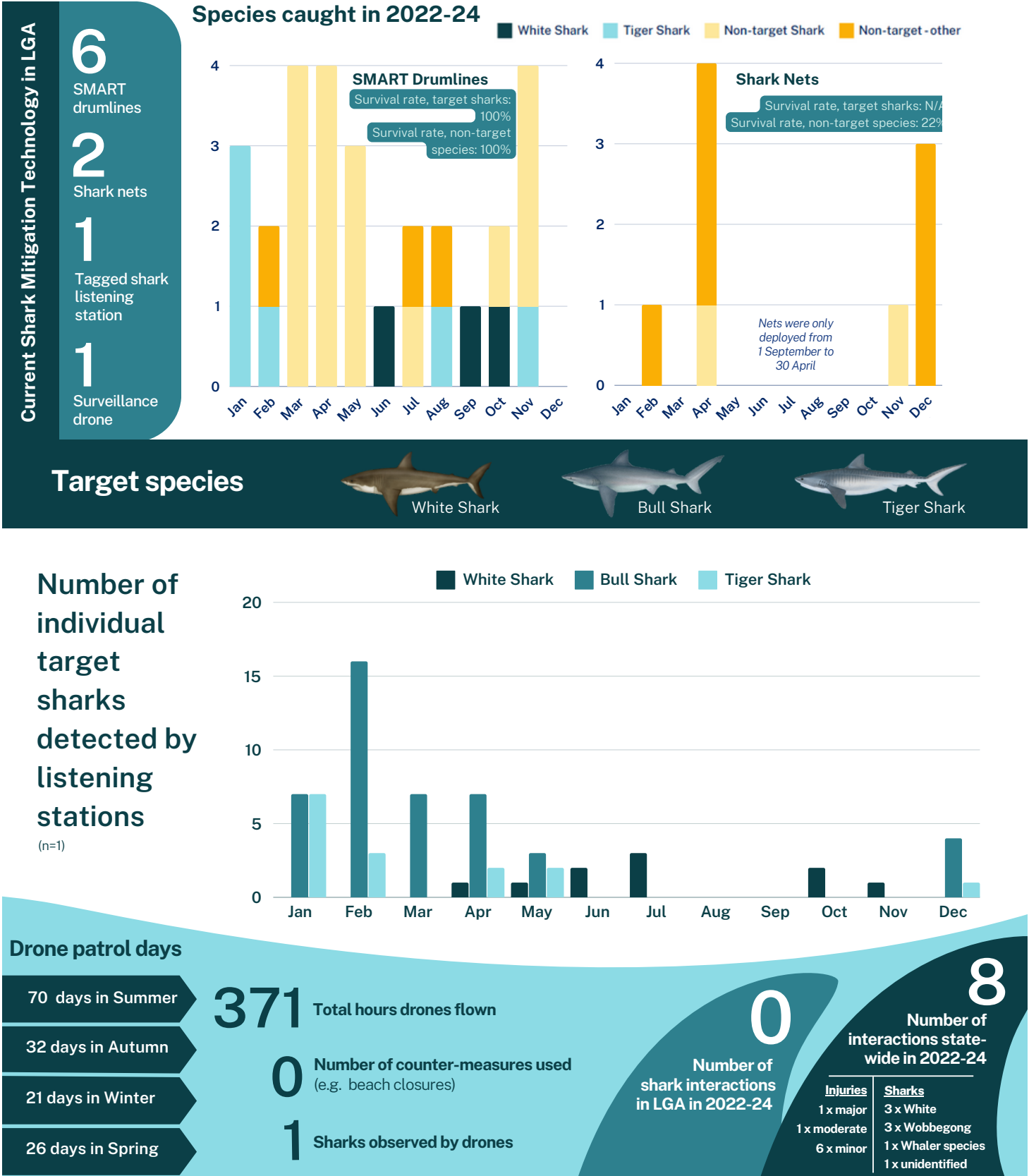


## NSW Shark Management Program: 2022/24 Program Summary - Waverley



# 2022-24 Shark Management Program Summary

## Waverley Council - Gadigal Country





# NSW Community Sentiment Survey 2023: Summary





An aerial photograph of a boat moving through the ocean, leaving a large, circular, white wake behind it. The water is a deep blue-green color. The boat is small and located in the center-right of the frame.

NSW Department of Primary  
Industries

## Survey of Community Sentiment for NSW Shark Mitigation

Wave 2: Dec 2022 - Mar 2023

**SUMMARY**

**EY Sweeney**



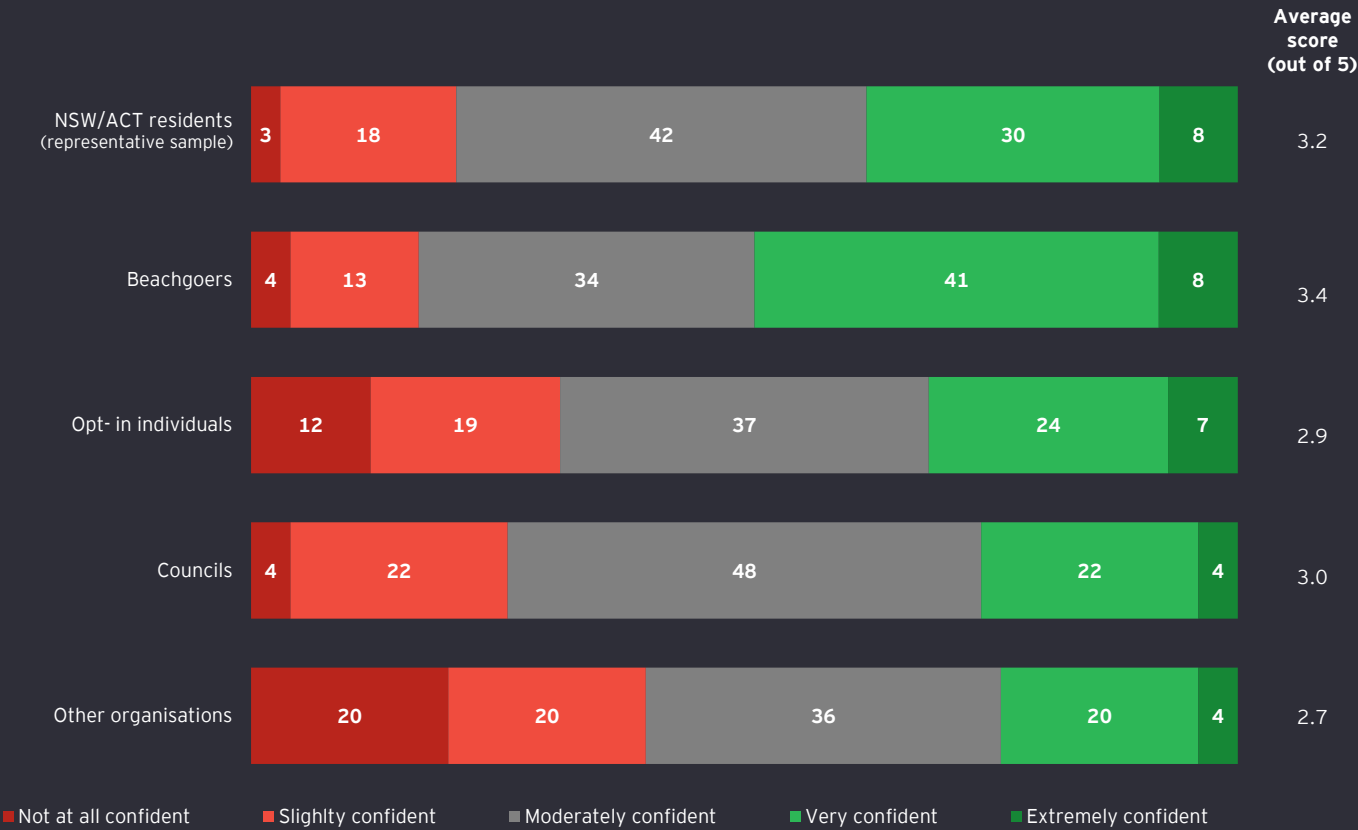
## Overall confidence and satisfaction

Our Report may be relied upon by NSW Department of Primary Industries for the purpose set out in the proposal dated 26 April 2022. We disclaim all responsibility to any other party for any loss or liability that the other party may suffer or incur arising from or relating to or in any way connected with the contents of our report, the provision of our report to the other party or the reliance upon our report by the other party.

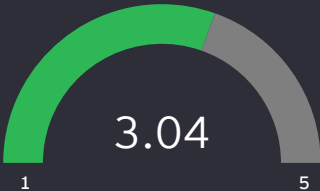


# Overall confidence with current shark mitigation technologies used in NSW

## Overall confidence by cohorts (%)



## Overall confidence average score (out of 5)



Base: NSW/ACT residents n=500, Beachgoers n=336, Opt-in individuals n=2651, Councils n=23, Other organisations n=50.  
Q15. Overall, how confident are you that the current mix of shark mitigation technologies used in your local council/government area increases the protection of beachgoers at ocean beaches?

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Ref no. 31813 - NSW Department of Primary Industries - NSW Shark Management Program - Community and stakeholder sentiment survey - Dec 2022 to Mar 2023



# Overall satisfaction with shark mitigation technologies used in the Greater Sydney Metropolitan



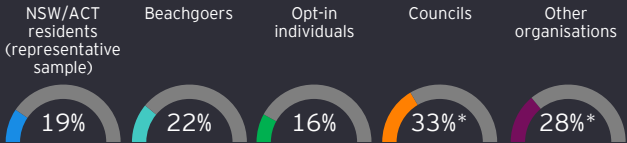
Q11. To what extent do you are satisfied or dissatisfied with the use of the following shark mitigation technologies at beaches in your local council/government area to increase the protection of beachgoers/ocean water users?

\*Note, the data is indicative as the sample size is small for this cohort.

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 Ref no. 31813 - NSW Department of Primary Industries - NSW Shark Management Program - Community and stakeholder sentiment survey - Dec 2022 to Mar 2023

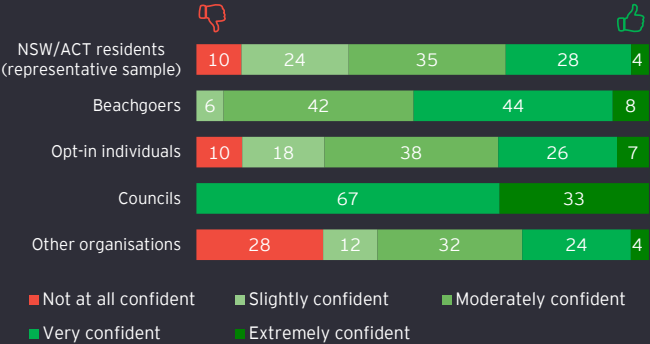
Sydney summary

Concerned about the risk of encountering a shark  
(very/extremely concerned)

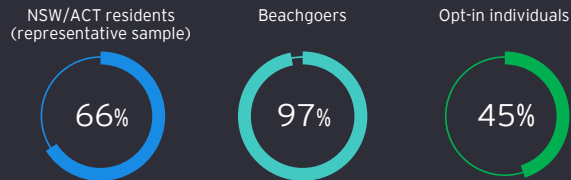


Overall confidence in the Shark Management Program

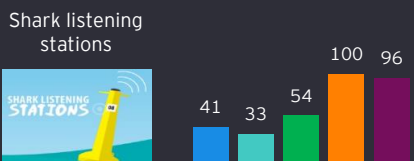
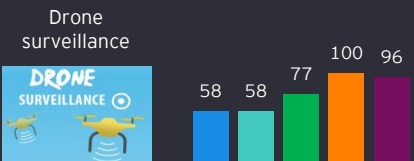
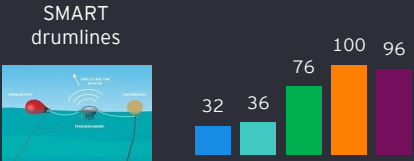
Overall confidence average score: 3.28 out of 5



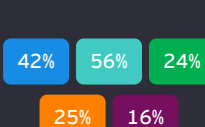
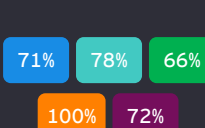
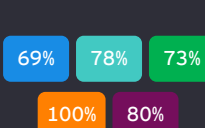
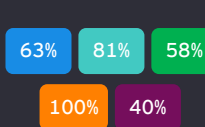
Overall satisfaction with technologies deployed by DPI  
(agree/strongly agree)



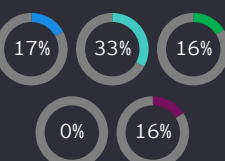
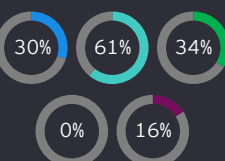
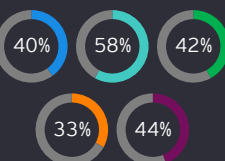
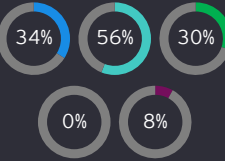
Familiarity  
(know a little/a lot/a great deal)



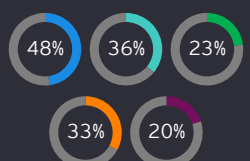
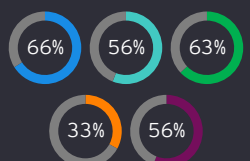
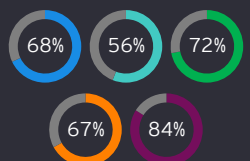
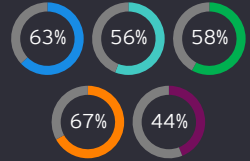
Satisfaction  
(satisfied/very satisfied)



Perceived safety  
(very/extremely safe)



Perceived improvement of safety  
(slightly/much safer)



● NSW/ACT residents (representative sample) ● Beachgoers ● Opt-in individuals ● Councils\* ● Other organisations\*

Base: NSW/ACT residents n=32, Beachgoers n=36, Opt-in individuals n=1250, Councils n=3, Other organisations n=25. (Surf Life Saving NSW Club n=8, Conservation and environment advocacy org n=3, Diving Club n=1, Surf Life Saving NSW Branches n=1, Ocean swimming club n=4, Other sport n=4 & Other n=4)  
Sydney includes: Northern Beaches Council, Randwick City Council, Waverley Council & Sutherland Shire Council.  
\*Note, the data is indicative as the sample size is small for this cohort.

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Ref no. 31813 - NSW Department of Primary Industries - NSW Shark Management Program - Community and stakeholder sentiment survey - Dec 2022 to Mar 2023

## Waverley LGA summary – Council/Other organisations

### Concerned about the risk of encountering a shark (number of...)



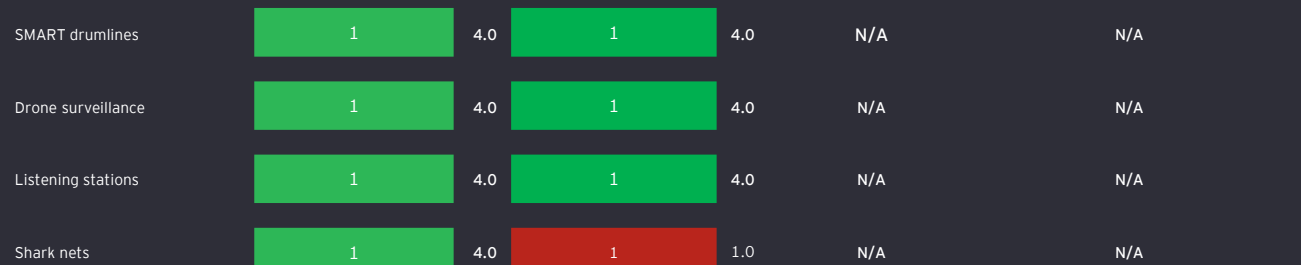
■ Extremely concerned   ■ Very concerned  
 ■ Moderately concerned   ■ Slightly concerned  
 ■ Not at all concerned   ■ Don't know/Unsure

### Overall confidence in the Shark Management Program (number of...)

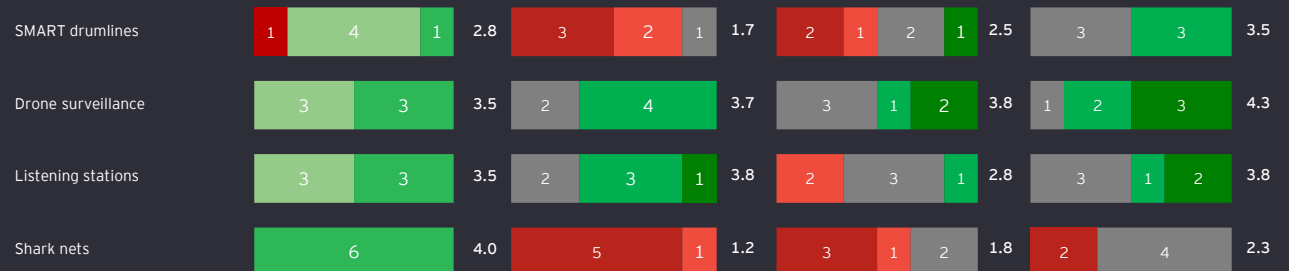


■ Not at all confident   ■ Slightly confident  
 ■ Moderately confident   ■ Very confident  
 ■ Extremely confident

#### Councils\*



#### Other organisations\*



■ Never heard of  
 ■ Heard of but know nothing  
 ■ Know a little  
 ■ Know a lot  
 ■ Know a great deal

■ Very dissatisfied  
 ■ Dissatisfied  
 ■ Neither  
 ■ Satisfied  
 ■ Very satisfied

■ Not safe at all  
 ■ Slightly safe  
 ■ Moderately safe  
 ■ Very safe  
 ■ Extremely safe

■ Much less safe  
 ■ Slightly less safe  
 ■ About the same  
 ■ Slightly safer  
 ■ Much safer

Base: Councils n=1, Other organisations n=6 (Surf Life Saving NSW Club n=2, conservation and environment advocacy organisation n=1 & Ocean swimming club n=3)

\*Note, the data is indicative as the sample size is small for this cohort as a result figures on the chart are count, not percentage. Please note that Waverley Council only provided responses to questions on Familiarity, Satisfaction.

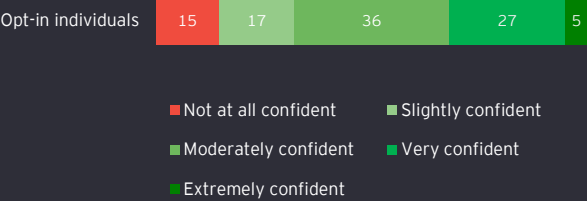
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 Ref no. 31813 - NSW Department of Primary Industries - NSW Shark Management Program - Community and stakeholder sentiment survey - Dec 2022 to Mar 2023

Waverley LGA summary - Individuals

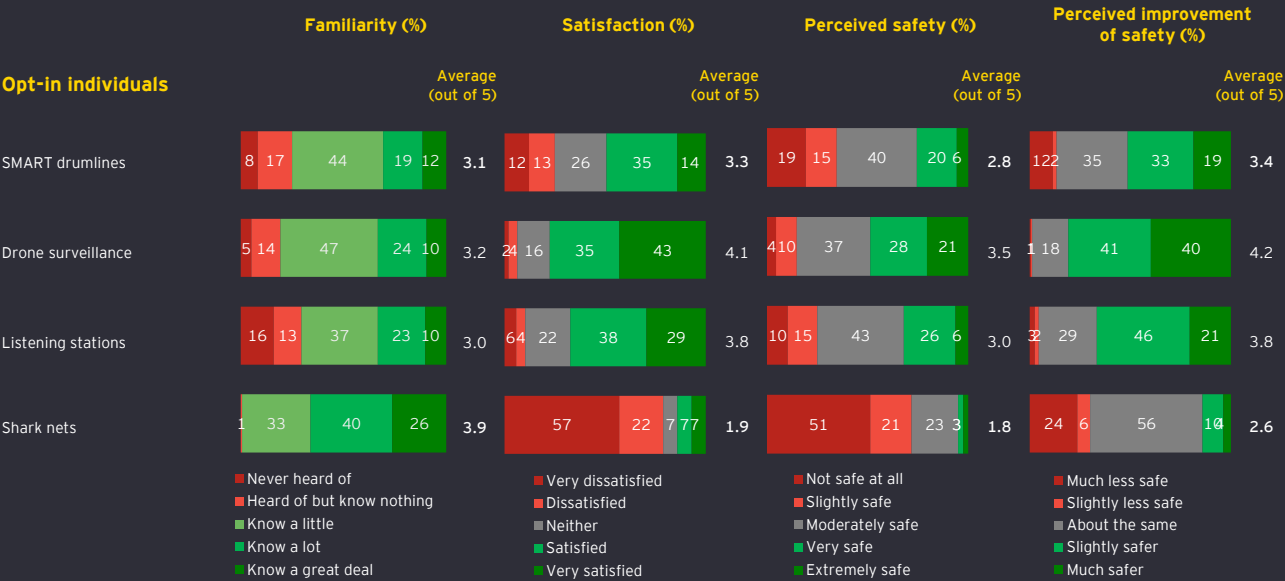
Concerned about the risk of encountering a shark (%)



Overall confidence in the Shark Management Program (%)



Opt-in Individuals



Base: Opt-in individuals n=156  
Note: The sample sizes for NSW/ACT residents and Beachgoers is less than 30 or non-existent, and therefore are not shown on the charts.

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Ref no. 31813 - NSW Department of Primary Industries - NSW Shark Management Program - Community and stakeholder sentiment survey - Dec 2022 to Mar 2023





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ED None.  
[eysweeney.com.au](https://eysweeney.com.au)



# Council Preferences Survey



Department of Primary Industries  
and Regional Development



November 2024

# Waverley Council - 2024 Preferences Survey

## 2022-24 Shark Management Program

The 2022/23 – 2023/24 Shark Management Program in Waverley Council area was comprised of the following shark mitigation measures:

- 1 drone
- 2 shark nets
- 6 SMART drumlines
- 1 tagged shark listening station

The results are detailed in the accompanying mitigation measures information package, and will also be summarised during your council briefing session. The Department will also provide you with other data and information as required to inform your decision.

The promotion of personal responsibility and community education and awareness through the SharkSmart campaign was also implemented along the coast in 22-24 and will continue to be delivered and supported by the NSW Shark Management Program irrespective of your other shark mitigation preferences.

Please also note that shark nets remain an option for only those eight councils that currently have nets – **there will be no expansion in the spatial or temporal extent of the shark nets.**

## Preferences Survey

In the table below, by checking the ‘YES’ or ‘NO’ box as your answer, please identify which shark mitigation technology measures, if any, your Council supports for implementation in your LGA.

Please return the survey via email to [nsw.sharkprogram@dpi.nsw.gov.au](mailto:nsw.sharkprogram@dpi.nsw.gov.au) by 20 December 2024

Shark mitigation measure	Waverley Council’s support for the measures in their LGA	
Drones	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SMART drumlines	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Tagged shark listening station	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Only for netted LGAs between Newcastle and Wollongong		
Nets	<input type="checkbox"/> YES	<input type="checkbox"/> NO



**REPORT**  
**CM/7.12/24.12**

**Subject:** Bondi Golf Course - Water Overflow

**TRIM No:** A24/0662

**Manager:** Nikolaos Zervos, Executive Manager, Infrastructure Services

**Director:** Sharon Cassidy, Director, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Treats the attachments to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Installs a cut-off swale on tee 3 fairway at Bondi Golf Course to direct the majority of overland flow at this location towards the cliff edge, in accordance with the concept designs attached to the report.
3. Allocates \$80,000 from the Stormwater Reserve to fund the detailed design and construction.
4. Authorises the Director, Assets and Operations, to make design and construction changes as required to achieve the project outcome.

**1. Executive Summary**

Council has been required to prepare a response to the overland flow model prepared by ACOR on behalf of the residents at 150 Hastings parade in response to overland flow and debris entering the properties between 146-150 Hastings Parade from the upstream catchment in Williams Park.

Council has been provided with a report prepared by ACOR and an option to place a berm, swale and drainage in Williams Park (see Attachment 1).

WMS Engineering has been commissioned by Council to peer review the ACOR report, on behalf of Council, and provide recommendations (see Attachment 2). The WMS engineering report supports ACOR's assessment of the overland flow modelling and options for a cut-off swale to direct the majority of overland flow towards the cliff edge before golf tee-off box 3 to reduce the natural overland flow that heads downhill towards the residential properties.

The concept provided is high-level and requires further design development for construction. To expedite works, it is suggested that further development be managed by Council through a design and construction contract. A base budget estimate has been provided for consideration and approval.

Officers have been in correspondence with residents on Hastings Parade to assess an appropriate long-term solution to the nuisance water.

## 2. Introduction/Background

Officers met residents and former Cr Betts on-site on 9 August 2024. At this meeting, residents had the opportunity to provide feedback and outline key concerns about overland flow through the golf course into the back of their properties. At this meeting, there was also review of the sand deposits in the back of 146 Hastings Parade and agreed on several actions.

Ongoing correspondence of officers with residents is outlined below with the resulting actions and resolutions:

- Peer review of the ACOR report produced on behalf of the resident at 150 Hastings Parade.
  - Resident of 150 Hastings Pde has provided approval for flood modelling data to be released to Council's Engineering Consultant for assessment 19 September 2024 (Attachment 1).
  - WMS Was engaged by Council to prepare a review on 11 September 2024, as per Council resolution CM/8.2/24.07, and have provided a peer review assessment (Attachment 2).
- Negotiate with the Golf Club as required to assess the impact on the operations of the greens and tees.
  - Discussion with Bondi Diggers and Golf Club indicate that the options for cut-off drainage will not impact golf club operations as long as berms are designed to be mowable and do not impact access for golfers and golf carts.
- Review of the history of the slope modifications behind properties, localised flood events and property impacts.
  - Under investigation.
- Establish process for the cleanup of the sand deposits within 146 Hastings Parade and report back to the residents of next steps.
  - Complete.
- Determine next steps for options and costings.
  - See financial and time frame below in section 5.
- Once the above are complete, report back on next steps to Council.
  - Subject of this report.
- The agreed point of contact for the resident's group is the resident of 150 Hastings Parade.
  - Correspondence is also issued to the strata manager for 146 Hastings Pde.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 July 2024	CM/8.2/24.07	<p>That Council officers:</p> <ol style="list-style-type: none"> <li>1. Prepare a short report for the next Council or Committee meeting on options to prevent the flash flooding of rainwater accumulating on the golf course and inundating properties, including 146, 148 and 150 Hasting Parade, by redirecting the excess water to the cliff.</li> <li>2. Include costs and time frames for a quick solution to the problem in the report.</li> </ol>

#### **4. Discussion**

##### **Flood Risk Management Study Plan**

Council is in the process of undertaking a significant study called the Flood Risk Management Study and Plan (FRMS&P). The FRMS&P will be modelling overland flow impacts across the entire Waverley local government area. This includes the Williams Park area and the impact on the resident of Hastings Parade.

The outputs of the FRMS&P will include projects and prioritised capital works over the Long-Term Financial Plan to improve flood risk. This location will be included in the study and the proposed Capital Works Program.

The FRMS&P is required by the State Government to provide funding for upgrades to Council infrastructure. As this area will most likely require significant upgrades to Council infrastructure or reforming the landscape, it is recommended to complete the FRMS&P in the most efficient manner. Council officers do not recommend focusing on developing solutions for this location in advance of the FRMS&P.

FRMS&P has not identified the Hastings Pde overland flow path as a flood path. The flow model presented in the ACOR report (Attachment 1) represents the natural overland flow that has occurred through Tee No. 4 for decades, predating issues of nuisance water entering residential properties. More recent land modifications, at the rear of the properties over the last four years, has changed the pre-existing overland flow path. These modifications are under a separate investigation.

##### **Council's obligations**

Landowners of private property have an obligation to manage natural flow of stormwater runoff from upstream properties on their land. Refer to page 40 of Council's [Water Management Manual](#).

The design must provide for the natural flow of stormwater runoff from uphill/upstream properties/lands. If no overland flow path is provided, the design must include the collection of such waters and discharge to the Council drainage system independent of any On-Site Stormwater Detention (OSD) system.

Council does not have an obligation to manage natural flow paths from adjoining public reserves and is within its public duty to refrain from spending public monies to contain overland flow within public reserves. Notwithstanding this Council officers have progressed the consideration of options for Council determination.

##### **WMS Engineering Report**

WMS found that the proposed diversion location is suitable and will prevent approximately two thirds of the current catchment runoff from reaching impacted properties on Hastings Parade. A flow reduction of this magnitude represents a significant drainage improvement.

The option provided is an appropriate response and it has been determined that an alternative diversion to the north would offer no additional flow reduction benefit and may be more costly due to the greater depths of excavation required against the natural fall of the land.

The report supports the ACOR diversion location and did not find any critical issues with the model that would suggest the diversion location is inappropriate. Nevertheless, some oversights were identified for development at next stages of design for construction.

## 5. Financial impact statement/Time frame/Consultation

Both concept designs Option A and Option B attached to this report achieve similar outcomes and have similar cost impacts. Further detailed design work is required to refine this high level concept with contractors through a design and construction process and reconfirm final costs. Council will progress the most cost effective solution.

*Table 1. Preliminary Cost Estimate*

	<b>Cost ex GST</b>
Design Development	\$5,000
Construction	\$65,000
Project Management	\$5,000
Contingency	\$5,000
<b>Total</b>	<b>\$80,000</b>

It is proposed to fund this from the Stormwater Reserve.

The time frame is as follows (to be confirmed with contractors once engaged):

*Table 2. Time frame.*

<b>Stage</b>	<b>Duration</b>
Procurement	5 weeks
Design documentation	5 weeks
Construction	4 weeks

Council will continue to update the affected residents as the project progresses.

## 6. Conclusion

Council has provided a review with recommendations regarding the presented model by ACOR. This general location presents potential solution for consideration of Council and approval of funding to undertake works.

## 7. Attachments

1. ACOR - Flood Investigation Report (confidential)
2. WMS - William Park Hastings Parade Overland Flow Mitigation Review (confidential)
3. ACOR - Option A - Concept Flood Mitigation Plan (confidential)
4. ACOR - Option B - Concept Flood Mitigation Plan (confidential)

**REPORT**  
**CM/7.13/24.12**

**Subject:** Ernie Page Memorial Plaque

**TRIM No:** A02/0276

**Manager:** Nikolaos Zervos, Executive Manager, Infrastructure Services

**Director:** Sharon Cassidy, Director, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Installs a memorial plaque at the Waverley Cemetery Lookout along the Coastal Walk, as shown in the attachment to the report, to acknowledge the contribution of the Hon Ernie Page OAM to the Waverley area.
2. Holds a formal unveiling of the plaque in February 2025.

**1. Executive Summary**

In October 2020, Council resolved to posthumously recognise the Hon. Ernie Page OAM with a 'Best of the Best' award in 2021 to commemorate his contribution to Waverley Council as time served as elected Councillor, Mayor and member for the Waverley and Coogee electorates in the NSW Parliament.

This report recommends a suitable memorial location for the Hon. Ernie Page OAM following extensive consultation with his daughter representing the family, Therese O'Brien, including several site visits to multiple locations across Waverley where his contributions to the community are still evident and provide a tangible link to his legacy.

With approval from Council, Mrs O'Brien has requested Council to install a plaque at the lookout area of the Coastal Walk at Waverley Cemetery and an unveiling take place in February 2025 close to the time of what would have been his 90th birthday.

**2. Introduction/Background**

Ernie Page devoted his life to public service. Elected as a Waverley Councillor in December 1962 at age 27, he served on Waverley Council from 1962 until 1987. Ernie Page was Mayor of Council from 1966 to 1984, then continued variously as a Councillor and Mayor until 1987. In 1981, he succeeded Syd Einfeld as the member for Waverley in the NSW Parliament. Following the abolition of the seat of Waverley in 1990, he became the member for Coogee. From 1995 to 1999, he was Minister for Local Government.

Ernie retired as the member for Coogee in 2003. Council held a civic function at the Bondi Pavilion on his retirement to recognise his contribution to public life. In 2018, Ernie Page died following a battle with cancer. On the death of Ernie Page, Council resolved to identify a suitable memorial.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 October 2020	CM/7.12/20.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Posthumously recognises the Hon. Ernie Page MP with a 'Best of the Best' award in 2021 to commemorate his contribution to Waverley Council as time served as elected Councillor, Mayor and member for the Waverley and Coogee electorates in the NSW Parliament.</li> <li>2. Continues to commemorate eminent residents through the 'Best of the Best' awards within the established four-year program.</li> <li>3. Officers report back to Council with options for a permanent memorial for the Hon. Ernie Page MP and Councillors be invited to submit suggestions.</li> </ol>
Council 17 July 2018	CM/5.3/18.07	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council identifies a suitable memorial for the Hon. Ernie Page.</li> <li>2. Council approaches Randwick Council to participate in honouring the memory of Ernie Page.</li> <li>3. A report come back to Council, which includes a methodology for the future recognition of eminent residents.</li> <li>4. Council notes that it will be receiving a report on commemorative tributes at a future Council meeting.</li> </ol>

### 4. Discussion

For a number of reasons, Council has been unable to progress the recognition. The Parks Planning and Recreation team designed a plaque and identified a potential location for installation in 2022. However, Council required approval from the family to proceed.

Since that time there have been various attempts to contact Ernie's children with limited success. Officers made contact with his son in 2022 with details provided by Dr Marjorie O'Neill's office. However, he did not respond. In early 2023, officers spoke with one of his daughters who lives locally. She was supportive of the recognition of her father, but did not want to approve the plaque and location on behalf of the family. This left Council in a position where we could not progress the memorialisation.

In 2024, another of Ernie's daughters, Therese O'Brien, contacted Dr O'Neill's office and the Mayor of Waverley to request that Council acknowledge her father's contribution in time for what would have been his 90th birthday, in February 2025.

Council officers have been liaising with Mrs O'Brien and have undertaken site visits to identify a preferred location for the plaque to be installed. Locations discussed included locations where Ernie's contributions

and legacy to the Waverley Community are still evident with tangible stories that could provide interest and engagement with the community. These included:

- Waverley Library.
- Waverley Council Chambers.
- The School or Arts.
- Bondi Beach.
- The Coastal Walk.

Mrs O'Brien's initial preference was for either the Coastal Walk or Bondi.

Bondi Beach promenade is currently one of the locations Council's installs 'Best of the Best' plaques. Mrs O'Brien viewed the possible site for a 'Best of the Best' plaque on the Bondi Promenade, and she did not feel it was an appropriate location.

Bondi Park is Crown land, which requires consent from Crown Lands for the installation of memorials. This will only be granted with strict conditions including that the person or event is of national or State significance, which curtails the number of eligible recipients and ensures our parks and reserves do not become overwhelmed with memorials. A memorial at Bondi Park would require Council to demonstrate the strict eligibility criteria for this location.

Mrs O'Brien expressed an interest in having her father's story commemorated in the Bondi Story Room. Since meeting, officers have worked with her to finalise a story and photos for inclusion in the Bondi Story Room: <https://bondistoryroom.com.au/story/ernie-page>.

Whilst visiting the coastal walk section at Waverley Cemetery with Council officers, a potential site was identified at the Waverley Cemetery lookout sandstone area of the coastal walk, as shown in the attachment to this report. Mrs O'Brien felt that this location was suitable, as her father was a strong advocate for and involved in the development of the coastal walk. The location was also in proximity to Randwick, with the greater Coastal Walk spanning the electorate of Coogee which Ernie served as the Member of Coogee from 1991 to 2003.

## **5. Financial impact statement/Time frame/Consultation**

A plaque of equivalent size to the 'Best of the Best' plaques cost in the order of \$5,000 to supply and install. This can be accommodated within the current operational budget.

Mrs O'Brien has requested Council to approve a plaque be installed at the lookout area of the Coastal Walk at Waverley Cemetery and an unveiling take place in February 2025 close to the time of what would have been his 90th birthday.

## **6. Conclusion**

In accordance with Council's resolution, officers have consulted with the family of the late Hon. Ernie Page OAM on a suitable location for his memorialisation.

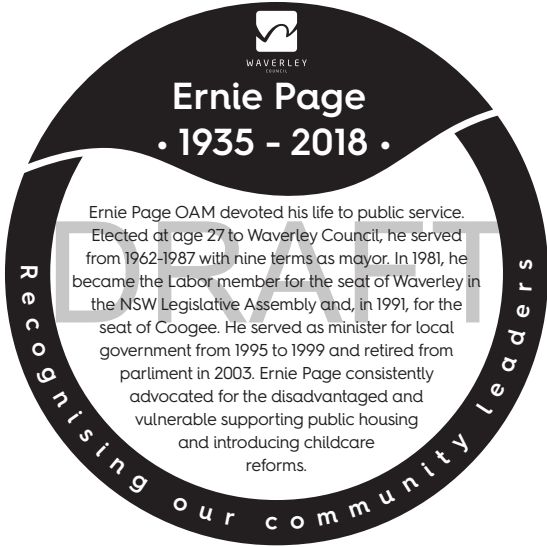
Mrs O'Brien, representing the family, has identified a preferred location along the coastal walk at the lookout space within the boundaries of Waverley Cemetery. The proposed location sits within the cemetery boundary on land owned by Council, overcoming the strict requirements for Crown Land approval. The location has a tangible connection to the legacy and achievements of the late Ernie Page.

It is recommended that Council support the proposed location for installation of a plaque in the seating plaza area of the lookout space, with final wording to be approved by the family and an unveiling to take place in February 2025.

**7. Attachments**

1. Plaque location map [↓](#)






Sample plaque only, final text to be confirmed with family.



Reference image: Phil O'Sullivan local legends plaque. Proposed Ernie Page plaque would be similar in design - a 300mm diameter bronze plaque, installed to existing pavement.

Project Title:	Hon. Ernie Page OAM - Memorial Plaque Installation Proposal	Drawing Name:	Proposed Plaque Location - Waverley Cemetary	Date:	26.11.2024	 WAVERLEY COUNCIL
		Drawing No:	Plan-01	Drawn by:	JQ	
				Scale:	NTS	



**REPORT**  
**CM/7.14/24.12**

**Subject:** Garage 2, 17-21 Victoria Street, Queens Park - Licence

**TRIM No:** A22/0367

**Manager:** Andrew Best, Executive Manager, Property and Facilities

**Director:** Sharon Cassidy, Director, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Grants a licence to BIKEast Incorporated for Garage 2, 17-21 Victoria Street, Queens Park, for one year with two one-year options, on the terms and conditions set out in the report.
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

**1. Executive Summary**

BIKEast Incorporated (BIKEast) was established in 2003 and is affiliated with Bicycle NSW, is a non-for-profit, member-based organisation advocating for a better environment for recreational cycling in NSW. BIKEast is the Bicycle User Group representing people on bicycles in the Eastern Suburbs covering Woollahra, Waverley, Randwick and Bayside Councils.

Council has permitted them to occupy under licence a single lock up garage located at 17-21 Victoria Street, Queens Park since 2022, for use as a storeroom for two Triobike taxis. The two bikes are used as a taxi service for seniors and people with mobility issues as part of their Cycling Without Age program.

The licensee has requested a new longer-term licence so they may continue their community service throughout the eastern suburbs and surrounding area.

**2. Introduction/Background**

On 13 July 2022, BIKEast approached Council regarding possible storage opportunities for two Triobike Taxis and associated equipment. The garage was proposed as a suitable premises for the use and an initial 12-month licence was approved by the Executive Leadership Team commencing 1 October 2022. A further one-year agreement was approved under the General Manager's delegation in September 2023.

In discussions with the tenants ahead of the expiry of the current agreement, the tenant has requested that a new longer-term licence of up to three years be considered.

**3. Relevant Council Resolutions**

Nil.

4. Discussion

The Triobike taxis (see Figure 1) have been purchased by BIKEast via community grants from City of Sydney Council, Woollahra Council and from Australian Government’s Kingsford-Smith Stronger Communities Program for the operation of Cycling Without Age, a free ride program for taking elderly people in care facilities or from their own home with aged and disability care support out for bike rides.



Figure 1. Triobike taxi.

The location of the garage is advantageous to BIKEast as approximately 70% of initial rides given by the bikes take place in Centennial Park, Queens Park and Moore Park which are in close proximity.

Given the significant community and social benefits the service provides to its customers it is proposed that Council enter into a new licence agreement for one year with a further two one-year options at a peppercorn licence fee of \$1.00 per annum (if demanded).

Table 1. Key licence terms.

Licensee	BIKEast Incorporated
Rent	\$1.00 (GST excl) per annum if demanded
Commencement date	16 December 2024
Expiry date	15 December 2025
Term	One year plus a further two one-year options
Permitted Use	Storage of licensee’s property being two Triobike taxis and associated equipment

5. Financial impact statement/Time frame/Consultation

As BIKEast Incorporated is a not- for-profit organisation it is proposed to apply a nominal rent of \$1.00 per annum (if demanded).

On receipt of Council approval officers will contact the tenant and arrange for the execution of the licence, with the new licence proposed to commence 16 December 2024.

**6. Conclusion**

It is recommended that Council enter into a licence agreement with BIKEast Incorporated for the use of Garage 2, 17-21 Victoria Street, Queens Park, on the terms and conditions set out in this report.

**7. Attachments**

Nil.

## NOTICE OF MOTION CM/8.1/24.12



**Subject:** Murriverie Road and Mitchell Street, North Bondi - Pedestrian Safety

**TRIM No:** A03/0042-04

**Submitted by:** Councillor Nemesh  
Councillor Frazer  
Councillor Stephenson

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### MOTION:

That Council:

1. Investigates traffic calming and pedestrian safety measures at the intersection of Murriverie Road and Mitchell Street, North Bondi.
2. Undertakes community consultation on possible solutions by April 2025.
3. Officers prepare a report to the June 2025 Council meeting with the community consultation outcomes, a project scope and a funding strategy to implement traffic and pedestrian safety solutions.
4. Writes to the Rose Bay Precinct informing them of this resolution.

### Background

Council has received feedback from the local community on Murriverie Road and surrounding streets in relation to traffic, speeding and pedestrian safety. Residents have suggested a range of possible solutions to improve safety in this location.

It is understood that there have been investigations into issues in the past with no concrete actions being taken as a result of these. Now that considerable time has passed and community sentiment is that safety needs to be reviewed, it is prudent to now re-evaluate the area and seek community feedback to inform capital works solutions.

### General Manager's comment

If resolved by Council, officers will review and reprioritise existing work to meet the time frame.

**Sharon Cassidy**  
**Director, Assets and Operations**

## NOTICE OF MOTION CM/8.2/24.12



**Subject:** O'Brien Street, Bondi - Pedestrian Safety

**TRIM No:** A24/0300

**Submitted by:** Councillor Merten

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### MOTION:

That Council:

1. Notes that the Council officers are well progressed in the development of the Bondi Local Traffic Management Plan (LATM), which includes O'Brien Street, Bondi Beach.
2. Officers present the draft Bondi LATM to Council as a matter of urgency at the March 2025 Council meeting.
3. Prioritises the development of measures to increase pedestrian safety in O'Brien Street at the intersections of Wellington Street and Barracluff Avenue.

### Background

O'Brien Street is one of the three main streets locals and visitors use to exit Bondi Beach. It is also used for a number of bus routes and has two bus stops where large numbers of people alight. Neither of these bus stops have a pedestrian crossing to facilitate commuters' safety.

O'Brien Street is extremely busy and congested with traffic at most times of the day. Cyclists also use this street and there is little lane marking for them, making it dangerous. With the opening of the new Wellington Street development, this area will see even more car and pedestrian movements. This development has 71 apartments and over 50 car spaces so represents an extreme intensification of people and car movements every day.

There are two key spots on O'Brien Street that are particularly challenging for pedestrians. Crossing from O'Brien Street after getting off the bus in order to go up Wellington Street and Simpson Street presents safety challenges. Further, this is a spot that school kids use to cross O'Brien Street on their way to Bondi Beach Public School. A raised pedestrian crossing, or a safer crossing solution, is needed near the Wellington Street bus stop. As it is, drivers are forced to stop for pedestrians anyway causing unanticipated back-ups across the roundabout which could be avoided with proper warning of a crossing.

A further problematic area is the intersection at O'Brien Street and Barracluff Avenue (and Lamrock Avenue). Residents on this corner report frequent collisions. This site also has a bus stop, which means commuters frequently cross these streets with no pedestrian crossings. This site is particularly challenging as drivers can get up some speed as they exit the heavy traffic of Hall Street and head up to Old South Head Road.

To this point, an investigation into placing speed cameras at this intersection (or at Wellington Street) to enforce the 40 km/h speed limit, which is regularly flouted, would be worth considering, as well as identifying spots for safer pedestrian crossings.

**General Manager's comment**

O'Brien Street between Old South Head Road and Hall Street is identified in the Bondi LATM as the stretch of road needing the most attention ranking as high priority for delivery of new transport infrastructure.

Officers will be presenting to Council in the new year the LATM and the recommended capital works to deliver against the safety improvements required.

The extension of the Local Area 40 km/h speed limit is also listed as a key action for this general area.

Speed cameras cannot be installed through any Council program. Cameras are the responsibility of Transport for NSW, with criteria for installation. Officers suspect that the area does not qualify for camera installation.

**Sharon Cassidy**  
**Director, Assets and Operations**

**NOTICE OF MOTION**  
**CM/8.3/24.12**

**Subject:** Carrington Road and Judges Lane, Waverley - Pedestrian Refuge

**TRIM No:** A03/0042-04

**Submitted by:** Councillor Wy Kanak

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**MOTION:**

That Council officers write to Transport for NSW to advocate for a pedestrian refuge in Carrington Road, Waverley, at Judges Lane.

**Background**

Many pedestrians walk through Judges Lane to reach Queens Park, often with dogs and children.

There is no safe crossing in the section of Carrington Road between the two signalled intersections with Bronte Road and Darley Road. A pedestrian refuge will make this much-used crossing point safer.

**General Manager's comment**

If resolved by Council, officers can write to Transport for NSW to advocate for a pedestrian refuge in Carrington Road at Judges Lane.

**Sharon Cassidy**  
**Director, Assets and Operations**



## NOTICE OF MOTION CM/8.4/24.12



**Subject:** Wards - First Nations Dual Naming

**TRIM No:** A24/0965

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That Council restates its commitment to dual naming its wards and expedites consultation to reach agreement with local Aboriginal representatives on suitable names.

### Background

Wentworth voted strongly in favour of the Voice to Parliament. It is timely for Council to reflect this connection with its Indigenous past.

### General Manager's comment

Following previous resolutions of Council, the Gujaga Foundation undertook a cultural audit, which included the proposals to rename Eora Reserve to Dharawal Reserve and Biddigal Reserve to Birrabirragal Reserve. The Reconciliation Action Plan (RAP) Advisory Committee, supported by the Gujaga Foundation, has requested Council to prioritise an Aboriginal Cultural Heritage Study as a framework to manage key local priorities. Council is about to commence this study.

If resolved, officers can undertake consultation with our relevant partners including the La Perouse Local Aboriginal Land Council, Gujaga Foundation and the RAP Committee on dual naming wards. This would be reported back to Council with options on further consultation and implementation.

**Ben Thompson**

**Director, Community, Culture and Customer Experience**

## NOTICE OF MOTION CM/8.5/24.12



**Subject:** Murriverie Road, North Bondi - Pedestrian and Traffic Safety

**TRIM No:** A03/0042-04

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That Council:

1. Notes the ongoing public safety concerns raised by residents of Murriverie Road, North Bondi, and the neighbourhood in relation to witnessing a number of alarming issues in Murriverie Road, including:
  - (a) Near misses involving Rose Bay Secondary College school children crossing the road, with three close calls personally observed by constituents.
  - (b) The school effectively reporting back saying 'it happens all the time.'
  - (c) A resident's own child narrowly escaping being hit by a vehicle.
  - (d) Frequent speeding in excess of 60 km/h.
  - (e) Reckless and dangerous driving behaviour.
  - (f) Heavy traffic from buses and large trucks, exacerbating congestion and safety risks.
  - (g) Parked cars being sideswiped almost daily.
  - (h) Congestion caused by parked cars at Old South Head Road and the end of Murriverie Road, including vehicles from the nearby school, further compromising safety.
2. Officers propose the following measures to the Waverley Traffic Committee:
  - (a) A reduced speed limit of 40 km/h.
  - (b) Implementation of traffic calming measures.
  - (c) Installation of safe pedestrian crossings, such as zebra crossings, near schools.
  - (d) Consideration of a roundabout at the intersection of Mitchell Street and Murriverie Road.
3. Officers provide guidance to the community on how to effectively advocate for these changes to enhance the safety of our community.

## Background

A resident originally wrote with similar concerns in 2021 against customer request 2106018. The issues have escalated and worsened. Residents ask 'What are you [Council] going to do about it? If we [residents] don't hear back with some measures to make changes, we will be left with no option but to escalate this. Thank you for your attention to this critical matter.'

Residents of Murriverie Road have expressed their serious concerns regarding the safety of our children and the general wellbeing of our community, as follows:

*'We are witnessing a number of alarming issues on our street, including:*

- Near misses involving Rose Bay Secondary College school children crossing the road, with three close calls. They have personally observed and subsequently called the school, to which they said "it happens all the time."*
- Their own child narrowly escaping being hit by a vehicle.*
- Frequent speeding in excess of 60 km/h.*
- Reckless and dangerous driving behaviour.*
- Heavy traffic from buses and large trucks, exacerbating congestion and safety risks.*
- Parked cars being sideswiped almost daily.*
- Congestion caused by parked cars at Old South Head Road and the end of Murriverie Road, including vehicles from the nearby school, further compromising safety.*

*We believe the following factors contribute to these problems:*

- The current speed limit of 50 km/h is too high for our residential street.*
- Lack of police presence to monitor and enforce traffic laws.*
- On-street parking on both sides of the road, making it difficult for two vehicles to pass safely.*
- The street's design encourages drivers to accelerate significantly after turning from Old South Road.'*

## General Manager's comment

If resolved by Council, officers will review and reprioritise existing work to action.

**Sharon Cassidy**

**Director, Assets and Operations**

**URGENT BUSINESS**  
**CM/10/24.12****Subject:** Urgent Business**Author:** Emily Scott, General Manager

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

## CLOSED SESSION

### CM/11/24.12

**Subject:** Moving into Closed Session

**Author:** Emily Scott, General Manager



#### RECOMMENDATION:

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:

CM/11.1/24.12      CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Funding Strategy

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and the 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.

CM/11.2/24.12      CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services - Negotiation Phase Outcome

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.3/24.12      CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and the 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.4/24.12      CONFIDENTIAL REPORT - Shop 1, 276 Bronte Road, Waverley - Lease

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a

commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.5/24.12 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2025

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) of the *Local Government Act*, and the 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 competitor of Council.

CM/11.6/24.12 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion First Floor Bar and Catering Services

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and the 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.

CM/11.7/24.12 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Beach Public Art Mosaic Restoration and Repairs

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and the 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 section 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*.

### Introduction/Background

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.

- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION CM/12/24.12**

**Subject:** Resuming in Open Session  
**Author:** Emily Scott, General Manager



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.