



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

## **STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at the  
Boot Factory, Spring Street, Bondi Junction at:

**7.30 PM, TUESDAY 4 MARCH 2025**

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

Emily Scott  
**General Manager**

Waverley Council  
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Bondi Junction NSW 1355  
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## Delegations of the Waverley Strategic Planning and Development Committee

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

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

## **Statement of Ethical Obligations**

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

## **Live Streaming of Meeting**

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

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

## **AGENDA**

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

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

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

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

#### **1. Apologies**

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

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

#### **4. Confirmation of Minutes**

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#### **6. Urgent Business**

#### **7. Meeting Closure**

## CONFIRMATION OF MINUTES PD/4.1/25.03



**Subject:** Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 4 February 2025

**TRIM No:** A25/0079

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

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### RECOMMENDATION:

That Council confirms the minutes of the Strategic Planning and Development Committee meeting held on 4 February 2025 as a true record of the proceedings of that meeting.

### Introduction/Background

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

### Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 4 February 2025



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 4 FEBRUARY 2025**

**Present:**

Councillor Michelle Stephenson (Chair)	Bondi Ward
Councillor Will Nemesh (Mayor)	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 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 7.41 pm, those present were as listed above.*

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

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

The Chair 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**

There were no apologies.

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

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

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

There were no addresses by members of the public.

### **4. Confirmation of Minutes**

**PD/4.1/25.02 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 12 November 2024 (A23/0763)**

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

Mover: Cr Stephenson

Seconder: Cr Nemesh

That the minutes of the Strategic Planning and Development Committee meeting held on 12 November 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

## 5. Reports

### PD/5.1/25.02 Social Media Policy and Media Policy - Adoption (A24/1019)

#### MOTION (WITHDRAWN)

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

1. Adopts the Social Media Policy attached to the report (Attachment 1).
2. Adopts the Media Policy attached to the report (Attachment 2).

#### AMENDMENT

Mover: Cr Lewis

Seconder: Cr Masselos

That clause 1 be amended to read as follows:

‘Adopts the Social Media Policy attached to the report (Attachment 1), subject to the following amendment:

- (a) Page 25 of the agenda, clause 2.1, “Platforms” – Delete the fourth dot point.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

#### Division

**For the Amendment:** Crs Fabiano, Lewis, Masselos, Merten, Spooner and Wy Kanak.

**Against the Amendment:** Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

#### FORESHADOWED MOTION

Mover: Cr Westwood

That Council defers this item to the next Strategic Planning and Development Committee meeting.

THE MOVER OF THE MOTION THEN WITHDREW THE MOTION.

THE FORESHADOWED MOTION THEN BECAME THE MOTION AND WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

#### UNANIMOUS DECISION

That Council defers this item to the next Strategic Planning and Development Committee meeting.

### PD/5.2/25.02 Building Bridges Blue Plaque - Bondi Pavilion (A21/0553)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

1. Supports the installation of a Blue Plaque at Bondi Pavillion to recognise the Building Bridges Concert, to be located on the left-hand side of the west-facing gateway to Campbell Parade (Location A).

2. Authorises the General Manager or delegate to complete negotiations with Heritage NSW and execute all necessary documentation to finalise the matter.
3. Holds a formal unveiling of the plaque as determined in consultation with Heritage NSW.

**PD/5.3/25.02 Council Emissions, Energy Use and Water Performance - Annual Report (A20/0266)**

**MOTION**

Mover: Cr Stephenson  
Seconder: Cr Nemesh

That Council:

1. Notes the achievement of Council's emission reduction and water conservation targets for the 2023-2024 financial year, as set out in the report.
2. Notes that reducing fleet emissions and measuring and reporting Scope 3 emissions will become increasingly important to achieve Council's net zero by 2030 greenhouse gas emissions target.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

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

**UNANIMOUS DECISION**

That Council:

1. Notes the achievement of Council's emission reduction and water conservation targets for the 2023-2024 financial year, as set out in the report.
2. Notes that reducing fleet emissions and measuring and reporting Scope 3 emissions will become increasingly important to achieve Council's net zero by 2030 greenhouse gas emissions target.
3. Reallocates future expenditure on carbon offsets to prioritise reducing Council emissions through energy efficiency, fleet transition, new renewables and the removal of gas appliances, as outlined in the Zero Emissions Efficiency Action Plan.

**PD/5.4/25.02 South Head General Cemetery Plan of Management - Adoption (A23/0599)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson  
Seconder: Cr Nemesh

That Council adopts the South Head General Cemetery Plan of Management attached to the report (Attachment 2) in accordance with section 40 of the *Local Government Act 1993* and section 3.23(6) of the *Crown Lands Management Act 2016*.

**6. Urgent Business**

There was no urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 8.17 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**4 MARCH 2025**

**REPORT**  
**PD/5.1/25.03**

**Subject:** Social Media Policy and Media Policy - Adoption

**TRIM No:** A24/1019

**Manager:** Adam Hassan, Executive Manager, Customer Experience and Communications

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

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**RECOMMENDATION:**

That Council:

1. Adopts the Social Media Policy attached to the report (Attachment 1).
2. Adopts the Media Policy attached to the report (Attachment 2).

*This item was deferred from the Strategic Planning and Development Committee meeting on 4 February 2025.*

**1. Executive Summary**

At its Strategic Planning and Development Committee meeting on 12 November 2024, Council resolved to publicly exhibit the draft Social Media Policy and draft Media Policy attached to this report for 28 days and to prepare a report to Council following the exhibition period.

The two draft policies were exhibited between 13 November and 11 December 2024

The Media Policy provides a framework for Councillors and all Council staff (including volunteers, contractors and advisory committee members) to uphold our reputation and promote Council. It clearly indicates Council's authorised spokespersons to ensure that media coverage of Council matters is accurate, fair and reliable.

The Social Media Policy provides a framework for Councillors and all Council staff with guidance when using social media. The policy also ensures responses to issues raised through Council's social media channels are addressed in a consistent and timely manner and referred to the correct business area.

**2. Introduction/Background**

The Office of Local Government (OLG) has provided model policies for media and social media to all councils in NSW. A new term of Council provides the opportunity to adopt the model policies for both, in line with best practice.

While the principles remain the same, it provides clear guidance on management of media and social media at Council.

Council attracts significant year-round media attention and undertakes regular community engagement through social media.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 4 February 2025	PD/5.1/25.02	That Council defers this item to the next Strategic Planning and Development Committee meeting.
Strategic Planning and Development Committee 12 November 2024	PD/5.2/24.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Publicly exhibits the draft Social Media Policy attached to the report for 28 days, subject to the following amendments: <ol style="list-style-type: none"> <li>(a) Page 78 of the agenda, clause 2.2 – Amend to read as follows: ‘A new Council social media platform, or a social media platform proposed by a Council-related entity (for example, a Council committee), can only be established or deleted with the written approval of the General Manager or their delegate in consultation with the Mayor.’</li> <li>(b) Page 78 of the agenda, clause 2.3 – Amend to read as follows: ‘Where a Council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate and in consultation with the Mayor may amend clause 2.1 of this policy without the need for endorsement by Council’s governing body.’</li> <li>(c) Page 81 of the agenda, clause 3.8 – Amend to read as follows: ‘If a Councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor’s social media platforms and updated within one month of a change in circumstances.’</li> <li>(b) Page 83 of the agenda, clause 4.3(i) – Amend to read as follows: ‘Must not make an official comment on behalf of Council where they have not been authorised to make such comment.’</li> <li>(e) Page 84 of the agenda, clauses 5.8–5.10 – Delete.</li> </ol> </li> </ol>

		<p>(f) Page 85 of the agenda, clause 5.13 – Amend to read as follows: ‘Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them. This clause does not apply to blocking or banning a person from a Councillor’s social media platform.’</p> <p>(g) Page 85 of the agenda, clause 5.15 – Amend to read as follows: ‘Where a determination is made to block or ban a person from a social media platform, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review. This clause does not apply to blocking or banning a person from a Councillor’s social media platform.’</p> <p>(h) Page 86 of the agenda, clause 7.2 – Amend to read as follows: ‘Council officials must not destroy, alter, or remove social media content unless authorised to do so. If Council officials need to alter or remove social media content, they must do so in accordance with this policy and consult with the Council’s records manager and comply with the requirements of the <i>State Records Act 1998</i>.’</p> <p>(i) Page 86 of the agenda, clause 7.3 – Amend to read as follows: ‘When/if a Councillor’s term of office concludes, the Council’s records manager must contact the Councillor to manage/transfer records of social media content created during their term of office and comply with the requirements of the <i>State Records Act 1998</i>.’</p> <p>2. Publicly exhibits the draft Media Policy attached to the report for 28 days, subject to the following amendments:</p>
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		<p>(a) Page 94 of the agenda, clause 3.9 – Amend to read as follows: ‘Should clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for Council (unless authorised to do so)’</p> <p>(b) Page 94 of the agenda, clause 3.11 – Amend to read as follows: ‘must not disclose Council information unless authorised to do so, unless the information is in the public domain and...’</p> <p>(c) Page 94 of the agenda, clause 3.12 – Amend to read as follows: ‘May seek information and guidance from the Senior Media Advisor where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.’</p> <p>(d) Page 95 of the agenda, clause 3.14 – Amend to read as follows: ‘Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should endeavour to provide this information to the Senior Media Advisor.’</p> <p>(e) Page 95 of the agenda, ‘Councillors’ – Add the following clause after clause 3.14 – ‘Where the Senior Media Advisor or relevant Director becomes aware of potential issues that could result in media interest, they should provide this information to the Mayor.’</p> <p>(f) Page 96 of the agenda, clause 4.2 – Amend to read as follows: ‘Council officials must not share information or make comments to the media through either direct or indirect mechanisms that could reasonably be considered...:’</p> <p>(g) Page 96 of the agenda, clause 4.2(a) – Amend to read as follows: ‘defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public.’</p> <p>(h) Page 96 of the agenda, clause 4.2(b) –</p>
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		<p>Amend to read as follows: ‘containing profane language or is sexual in nature.’</p> <p>(i) Page 96 of the agenda, clause 4.2(c) – Amend to read as follows: ‘constituting harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory.’</p> <p>(j) Page 96 of the agenda, clause 4.2(e) – Amend to read as follows: ‘containing content about the Council, Council officials or members of the public that is misleading or deceptive.’</p> <p>(k) Page 96 of the agenda, clause 4.2(f) – Amend to read as follows: ‘divulging confidential Council information.’</p> <p>(l) Page 96 of the agenda, clause 4.2(g) – Amend to read as follows: ‘breaching the privacy of other Council officials or members of the public.’</p> <p>(m) Page 96 of the agenda, clause 4.2(h) – Amend to read as follows: ‘containing allegations of suspected breaches of the Council’s code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model.’</p> <p>(n) Page 97 of the agenda, clause 5.1 – Amend to read as follows: ‘During emergencies, such as natural disasters or public health incidents, the Senior Media Advisor and Communications and Engagement Manager will be responsible for coordinating media releases and statements on behalf of the Council in conjunction with the Mayor.’</p> <p>3. Officers prepare a report to Council following the exhibition period.</p>
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#### 4. Discussion

The decision to review our Social Media and Media Policies to align with the model policies from the OLG is driven by the following key factors:

- ② **Standardisation and consistency:** adopting the OLG's model policy ensures standardisation across our communication practices, enhancing clarity and professionalism. Consistent messaging will strengthen public trust, ensuring stakeholders receive reliable information.
- ② **Enhanced behavioural guidelines:** the model policy includes comprehensive behavioural guidelines that address respectful and responsible communication. By incorporating these details, we proactively mitigate issues related to online conduct and misinformation, fostering accountability and respect within our council.

No submissions from the community were made during the exhibition period relating to both policies. Officers therefore recommend that Council adopts the policies attached to this report.

## **5. Financial Impact**

There are no financial impacts.

## **6. Risks/Issues**

To operate in a transparent manner and to protect Council's reputation, the model policies provide best practice guidance from the OLG. Not having a policy, or alternatively not following best practice, could lead to reputational damage or at worst legal dispute for Council, Council officers and Councillors. The process of managing Council's social media accounts could be seen as adding additional administrative burden; however, this ensures fair and transparent process by Council officers to safeguard trust in Council's social media channels.

## **7. Attachments**

1. Social Media Policy [↓](#)
2. Media Policy [↓](#)



WAVERLEY  
COUNCIL

# Social Media Policy



<b>Department</b>	Communications and Engagement
<b>Approved by</b>	
<b>Date approved</b>	
<b>File reference</b>	
<b>Next revision date</b>	Four years from approval date
<b>Relevant legislation</b>	Local Government Act 1993
<b>Related policies/ procedures/guidelines</b>	Social Media Policy 2013 Social Media Policy 2019 Council's Code of Conduct Council's Records Management Policy
<b>Related forms</b>	

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## 1. Principles

We, the councillors, staff and other officials of Waverley Council, are committed to upholding and promoting the following principles of social media engagement:

**Openness** Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.

**Relevance** We will ensure our social media platforms are kept up to date with informative content about our Council and community.

**Accuracy** The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.

**Respect** Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

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## 2. Platforms

2.1 Council will maintain a presence on the following social media platforms:

- Instagram
- Meta (Formerly Facebook)
- LinkedIn
- X (formerly Twitter)
- Youtube

### Establishment and deletion of Council social media platforms

2.2 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the General Manager or their delegate in consultation with the Mayor.

2.3 Where a council social media platform is established or deleted in accordance with clause 2.3, the General Manager or their delegate and in consultation with the Mayor may amend clause 2.1 of this policy without the need for endorsement by the Council's governing body.

### Appointment and role of the Social Media Officer

- 2.4 The General Manager will appoint a member of council staff to be the council's Social Media Officer (SMO). The SMO should be a senior and suitably qualified member of staff.
- 2.5 The General Manager may appoint more than one Social Media Officer.
- 2.6 The Social Media Officer's role is to:
- a) approve and revoke a staff member's status as an authorised user.
  - b) develop and/or approve the training and/or induction to be provided to authorised users.
  - c) maintain a register of authorised users.
  - d) maintain effective oversight of authorised users.
  - e) moderate the Council's social media platforms in accordance with Part 5 of this policy.
  - f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media.
  - g) ensure the Council adheres to the rules of the social media platform(s).
  - h) coordinate with the Council's Communications and Engagement teams to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.7 The Social Media Officer may delegate their functions under paragraphs (e) and (f) of clause 2.6 to authorised users.
- 2.8 The Social Media Officer is an authorised user for the purposes of this policy.

### Authorised users

- 2.9 Authorised users are members of council staff who are authorised by the Social Media Officer to upload content and engage on social media on the Council's behalf.
- 2.10 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.11 The General Manager, along with the Social Media Officer will appoint authorised users when required.
- 2.12 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.13 The role of an authorised user is to:
- a) ensure, to the best of their ability, that the content they upload onto social media platforms is

accurate

- b) correct inaccuracies in Council generated content
- c) engage in discussions and answer questions on Council's behalf on social media platforms
- d) keep the Council's social media platforms up to date
- e) where authorised to do so by the General Manager and Social Media Officer:
  - i) moderate the Council's social media platforms in accordance with Part 5 of this policy
  - ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media.

2.14 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

2.15 Authorised users must not use Council's social media platforms for personal reasons.

#### **Administrative tone**

2.16 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

2.17 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

#### **Register of authorised users**

2.18 The Social Media Officer will maintain a register of authorised users. This register is to be reviewed regularly to ensure it is fit-for-purpose.

#### **Ceasing to be an authorised user**

2.19 The Social Media Officer may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request.
- b) the staff member has failed to comply with this policy.
- c) the Social Media Officer is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

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### 3. Administrative framework for councillors' social media platforms

- 3.1 For the purposes of this policy, councillor social platforms are not council social media platforms. Part 2 of this policy does not apply to councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* and council's records management policy in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

#### Induction and training

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor's induction program or as part of their ongoing professional development program.

#### Identifying as a councillor

- 3.6 Councillors must identify themselves on their social media platforms in the following format:  
*Councillor "First Name and Last Name"*.
- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the councillor.
- 3.8 If a councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the councillor's social media platforms and updated within one month of a change in circumstances.

#### Other general requirements for councillors' social media platforms

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A councillor's social media platform must include a disclaimer to the following effect:  
*"The views expressed and comments made on this social media platform are my own and not that of the Council"*.

- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.
- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

#### **Councillor queries relating to social media platforms**

- 3.14 Questions from councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the Executive Services in the first instance, in accordance with Council's councillor requests protocols.

#### **Other social media platforms administered by councillors**

- 3.15 A councillor must advise the General Manager of any social media platforms they administer on which content relating to the Council or council officials is, or is expected to be, uploaded. The councillor must do so within:
- a) Two months of becoming a councillor, or
  - b) Two months of becoming the administrator.

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## **4. Standards of conduct on social media**

- 4.1 This policy only applies to council officials' use of social media in an official capacity or in connection with their role as a council official. The policy does not apply to personal use of social media that is not connected with a person's role as a council official.
- 4.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public.
  - b) contains profane language or is sexual in nature.
  - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory.

- d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety.
  - e) contains content about the Council, council officials or members of the public that is misleading or deceptive.
  - f) divulges confidential Council information.
  - g) breaches the privacy of other council officials or members of the public.
  - h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.
  - i) must not make an official comment on behalf of the Council where they have not been authorised to make such comment.
  - j) commits the Council to any action.
  - k) violates an order made by a court.
  - l) breaches copyright.
  - m) advertises, endorses or solicits commercial products or business.
  - n) constitutes spam.
  - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party.
  - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

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## 5. Moderation of social media platforms

- 5.1 Council officials who are responsible for the moderation of the Council's or councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with the house rules.
- 5.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and councillors' social media platforms.

### House Rules

- 5.3 This page will be regularly monitored by Council staff.
- 5.4 Inappropriate or offensive information and disinformation will result in content being removed or 'hidden', or a person being blocked or banned from this page.
- 5.5 For the purposes of this clause, third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
  - b) contains profane language or is sexual in nature
  - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
  - d) contains content about the Council, council officials or members of the public that is misleading or deceptive
  - e) breaches the privacy of council officials or members of the public
  - f) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
  - g) violates an order made by a court
  - h) breaches copyright
  - i) advertises, endorses or solicits commercial products or business,
  - j) constitutes spam
  - k) would be in breach of the rules of the social media platform.

### Removal or 'hiding' of content

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 5.5, the moderator may remove or 'hide' that content.
- 5.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).

### Blocking or banning

- 5.8 If a person uploads content that is removed or 'hidden' under clause 5.6 of this policy that person may be blocked or banned from the social media platform.
- 5.9 A person may only be blocked or banned from a Council social media platform with the approval of the General Manager. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.10 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.11 The duration of the block or ban is to be determined by the General Manager, or in the case of a councillor's social media platform, the councillor.
- 5.12 Where a determination is made to block or ban a person from a social media platform, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review. This clause does not apply to blocking or banning a person from a councillor's social media platform.
- 5.13 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than two months.
- 5.14 A person who is blocked or banned from the platform/all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the

interim block or ban is to be removed or retained under clauses 5.11 to 5.15.

- 5.15 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.
- 5.16 Where a review request is made under clause 5.18, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the General Manager, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.17 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

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## 6. Use of social media during emergencies

- 6.1 During emergencies, such as natural disasters or public health incidents, the Communications & Engagement Manager, Social Media Officer and Senior Media Advisor will be responsible for the management of content on the Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

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## 7. Records management and privacy requirements

### Records management

- 7.1 Social media content created, sent and received by council officials (including councillors) acting in their official capacity is a council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records

management policies and practices.

- 7.2 Council officials must not destroy, alter, or remove social media content unless authorised to do so. If Council officials need to alter or remove social media content, they must do so in accordance with this policy, and consult with the Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a councillor's term of office concludes, the Council's record manager must contact the Councillor to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content<sup>1</sup>.

### Privacy considerations and requirements

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by the Council and councillors. To mitigate potential privacy risks, council officials will:
  - a) advise people not to provide personal information on social media platforms
  - b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
  - c) moderate comments to ensure they do not contain any personal information
  - d) advise people to contact the Council or councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

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## 8. Private use of social media

### What constitutes 'private' use?

- 8.1 For the purposes of this policy, a council official's social media engagement will be considered 'private use' when the content they upload:

- a) is not associated with, or does not refer to, the Council, any other council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
  - b) is not related to or does not contain information acquired by virtue of their employment or role as a council official.
- 8.2 If a council official chooses to identify themselves as a council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

### Use of social media during work hours

- 8.3 Council staff who access and engage on social media in their private capacity during work hours must ensure it does not interfere with the performance of their official duties.

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## 9. Concerns or complaints

- 9.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's Customer Service team in the first instance.
- 9.2 Complaints about the conduct of council officials (including councillors) on social media platforms may be directed to the General Manager.
- 9.3 Complaints about a General Manager's conduct on social media platforms may be directed to the Mayor.

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## 10. Definitions

In this Model Social Media Policy, the following terms have the following meanings:

Term	Definition
<b>authorised user</b>	members of council staff who are authorised by the General Manager or SMC to upload content and engage on the Council's social media platforms on the Council's behalf
<b>council official</b>	in the case of a council - councillors, members of staff and delegates of the council (including members of committees that are delegates of the council); in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)

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<b>minor</b>	for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
<b>personal information</b>	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>SMO</b>	is a council's social media officer appointed under clause 2.7 of this policy
<b>social media</b>	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

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# Media Policy



<b>Department</b>	Communications and Engagement
<b>Approved by</b>	
<b>Date approved</b>	
<b>File reference</b>	
<b>Next revision date</b>	Four years from approval date
<b>Relevant legislation</b>	Local Government Act 1993
<b>Related policies/ procedures/guidelines</b>	Council's Code of Conduct Media Policy 2024 Council's Records Management Policy
<b>Related forms</b>	

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## 1. Principles

1.1 We, the councillors, staff, and other officials of Waverley Council, are committed to upholding and promoting the following principles of media engagement:

**Openness** We will ensure that we promote an open exchange of information between our council and the media.

**Consistency** We will ensure consistency by all councillors and staff when communicating with the media.

**Accuracy** The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.

**Timeliness** We will ensure that we respond to media enquiries in a timely manner.

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## 2. Appointment and the role of the Senior Media Advisor

2.1 The General Manager will appoint a member of council staff to be the Council's Senior Media Advisor. The Senior Media Advisor should be a suitably qualified member of staff.

2.2 The General Manager may appoint more than one Senior Media Advisor.

2.3 The Senior Media Advisor's role is to:

- a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph council staff, facilities or events for news and current affairs purposes
- b) be responsible for preparing all media statements prior to their release
- c) liaise with relevant staff members within the organisation where appropriate.
- d) ensure that media statements are approved by the Mayor and/or General Manager prior to their release
- e) develop and/or approve media training and/or induction to be provided to relevant staff and/or councillors
- f) maintain a record of all media enquiries and responses
- g) ensure that media organisations and their representatives are treated professionally, equally and without bias
- h) ensure that media enquiries are dealt with promptly

- i) provide guidance to councillors approached by the media for comment to avoid communication of misinformation, and
- j) ensure that all media releases are published on the Council's website.

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### 3. Who can engage with the media

#### The General Manager

- 3.1 The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 3.2 The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the general manager is unavailable).

#### The Mayor

- 3.3 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the Local Government Act 1993).
- 3.4 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 3.5 The Mayor may delegate their role as spokesperson to other councillors where appropriate, (for example, where another councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

#### Councillors

- 3.6 As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media.
- 3.7 When engaging with the media councillors:
  - a) must not purport to speak for the Council unless authorised to do so.
  - b) should clarify when speaking to the media that they are expressing their personal views as an individual councillor and that they are not speaking for the Council (unless authorised to do so)
  - c) must uphold and accurately represent the policies and decisions of the Council
  - d) must not disclose council information unless authorised to do so, unless the information is in the public domain
  - e) may seek information and guidance from the Senior Media Advisor where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
  - f) In the interests of promoting a positive, safe and harmonious organisational culture,

councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.

- g) Where councillors (including the Mayor) become aware of potential issues that could result in media interest, they should endeavour to provide this information to the Senior Media Advisor.
- 3.8 Where the Senior Media Advisor or relevant Director becomes aware of potential issues that could result in media interest, they should provide this information to the Mayor.

### **Council Staff**

- 3.9 Council staff must not speak to the media about matters relating to the Council unless authorised by the Senior Media Advisor to do so.
- 3.10 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Senior Media Advisor.
- 3.11 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 3.12 If authorised to speak to the media, Council staff:
- 3.13 must uphold and accurately represent the policies and decisions of the Council
  - 3.14 must not disclose Council information unless authorised to do so by the Senior Media Advisor, and
  - 3.15 must seek information and guidance from the Senior Media Advisor where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks
- 3.16 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the Senior Media Advisor.

### **Tone**

- 3.17 All media engagement by council officials must be conducted in a professional, timely and respectful manner.

### **Induction and Training**

- 3.18 The Council must provide training to Council officials who engage or are authorised to engage with the media.
- 3.19 Media engagement training will be provided to councillors as part of their induction or refresher training or as part of their ongoing professional development program.

### **Councillor's questions about media engagement**

- 3.20 Councillors must direct any questions about their obligations under this policy to the Senior Media Advisor.

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## 4. Standards of conduct when engaging with the media

- 4.1 Council officials must comply with the Council's code of conduct when engaging with the media in an official capacity or in connection with their role as a council official.
- 4.2 Council officials must not share information or make comments to the media through either direct or indirect mechanisms that could be reasonably be considered:
- a) defamatory, offensive, humiliating, threatening, or intimidating to other council officials or members of the public
  - b) containing profane language or is sexual in nature
  - c) constituting harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
  - d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - e) containing content about the Council, council officials or members of the public that is misleading or deceptive
  - f) divulging confidential Council information
  - g) breaching the privacy of other council officials or members of the public
  - h) containing allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
  - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
  - j) commits the Council to any action
  - k) violates an order made by a court
  - l) breaches copyright
  - m) advertises, endorses, or solicits commercial products or business.

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## 5. Use of media during emergencies

- 5.1 During emergencies, such as natural disasters or public health incidents, the Senior Media Advisor and Communications & Engagement Manager will be responsible for coordinating media releases and statements on behalf of the Council in conjunction with the Mayor.
- 5.2 Councillors, Council staff and other Council officials must not provide comment or information to

the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

- 5.3 Training on media engagement during emergencies will be provided to councillors and relevant staff and other Council officials.

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## 6. Media engagement in the lead up to elections

- 6.1 This policy does not prevent the mayor or councillors who are candidates at a council or any other election from providing comment to the media in their capacity as candidates at the election.
- 6.2 Any media comment provided by the mayor or councillors who are candidates at a council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

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## 7. Records management requirements

- 7.1 Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

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## 8. Definitions

- 8.1 Media content created and received by council officials (including councillors) acting in their official capacity is a council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

Term	Definition
<i>Council official</i>	in the case of a council – means councillors, members of staff and delegates of the council (including members of committees that are delegates of the council); in the case of a county council – means members, members of staff and delegates of the council (including members of committees that are delegates of the council); in the case of a joint organisation – means voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)

<i>Social Media Advisor</i>	Means a person appointed under clause 1.3 of this policy
<i>media</i>	means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
<i>personal information</i>	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<i>social media</i>	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, YouTube, Instagram and Wikipedia

## 9. Review of Policy

- 9.1 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 as a result of other amendments. Any amendments to a community facing policy must be way of a Council resolution, and any amendments to an organisational facing policy must be approved by the General Manager.
- 9.2 Council staff and members of the public may provide feedback about this document by emailing [communications@waverley.nsw.gov.au](mailto:communications@waverley.nsw.gov.au).

## REPORT

### PD/5.2/25.03



**Subject:** Planning Proposal - 50 Botany Street, Bondi Junction - Post-Exhibition

**TRIM No:** PP-2/2024

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

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

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### RECOMMENDATION:

That Council:

1. Exercises the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the planning proposal relating to 50 Botany Street, Bondi Junction, attached to the report (Attachment 1) to amend the *Waverley Local Environmental Plan 2012*.
2. Writes to all those who made submissions advising them of Council's decision.

#### 1. Executive Summary

A planning proposal was prepared by Willowtree Planning Pty Ltd on behalf of Bondi Exchange Pty Ltd (the proponent) and submitted to Council as the planning proposal authority in support of a site-specific planning proposal at 50 Botany Street, Bondi Junction (the subject site) in January 2024.

The planning proposal seeks to amend the following controls in the *Waverley Local Environmental Plan 2012* (WLEP 2012) as it applies to the subject site:

- ☐ Rezone part of the subject site to R3 Medium Density Residential.
- ☐ Introduce a minimum lot size of 232 m<sup>2</sup>.
- ☐ Remove the heritage listing.

The planning proposal also seeks to provide a contribution for affordable housing.

Following the receipt of a Gateway determination, the planning proposal was placed on public exhibition from 5 November 2024 to 5 December 2024 and is recommended to proceed to finalisation, with no changes post-exhibition.

#### 2. Introduction/Background

The subject site is located at 50 Botany Street, Bondi Junction, has a land area of approximately 1,132 m<sup>2</sup> (residual lot post-subdivision) with a 20 m frontage to Botany Street and is zoned SP2 Infrastructure (Telecommunications) in accordance with the WLEP 2012.

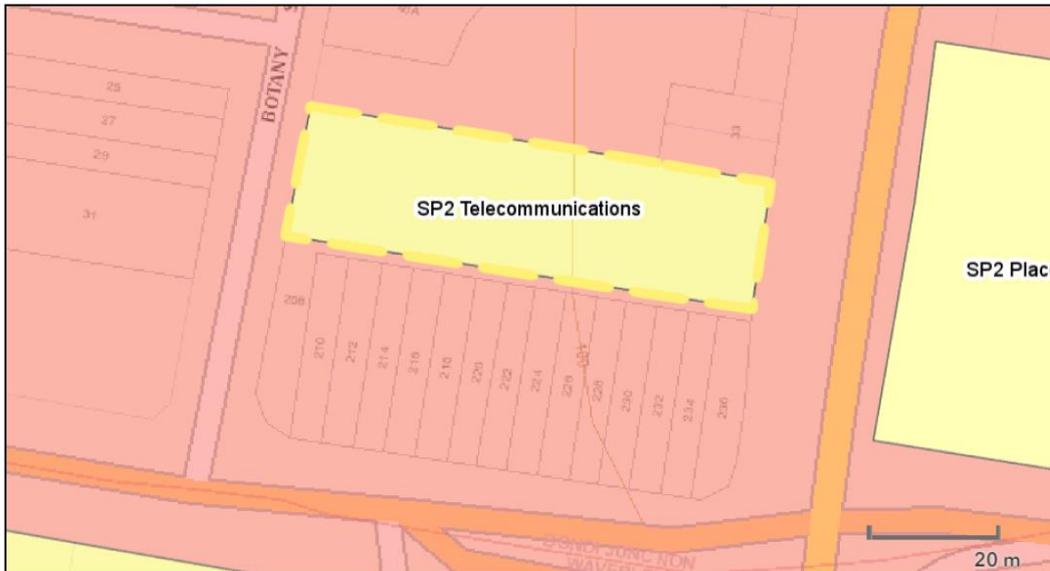


Figure 1. Existing site zoning.

The site also contains a heritage listing related to a now removed large telecommunications tower. The site is situated within the Botany Street Heritage Conservation Area and is located within proximity to a number of heritage items on surrounding lots adjacent to the site as outlined in Figure 2.

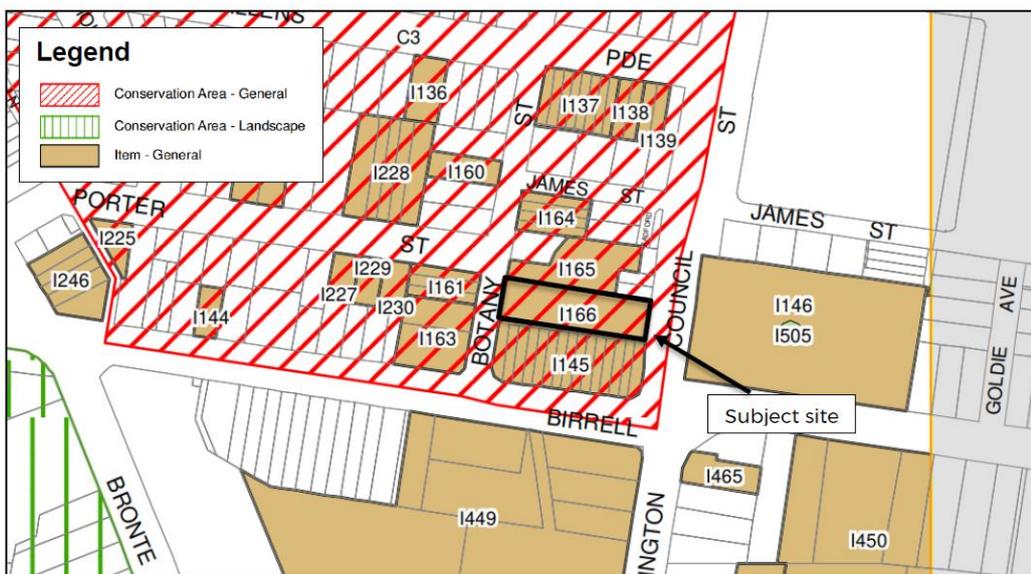


Figure 2. Subject site and heritage considerations.

The site has previously had development consent granted for the removal of the larger tower structure and erection of a smaller ‘monopole’ telecommunications structure (DA-79/2020/A) and separately for Torrens title subdivision of one lot into two (DA-62/2023). The site was previously owned by Telstra, which sold the site to the new owner in 2023. The monopole telecommunications structure has been erected, and the telecommunications tower has been removed in early 2024. All that remains on the site aside from the new structure, which will be subject to a future subdivision, is a defunct building associated with the site’s former use, a small Ausgrid substation (to be removed) along with some existing trees and vegetation. The subdivision that forms part of the previous approvals has not yet occurred and therefore the subject site remains as one lot.

The site is subject to a planning proposal which was submitted to Council in January 2024 seeking to rezone part of the site, remove the heritage listing and introduce a minimum lot size. The planning proposal did not seek to alter the principal development standards relating to height and floor space.

Following a resolution of Council to submit the planning proposal to the Department of Planning, Housing and Infrastructure in August 2024, a Gateway determination (Attachment 2) was received in October 2024. Public exhibition of the planning proposal occurred shortly thereafter from 5 November 2024 to 5 December 2024.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 August 2024	CM/7.3/24.08	<p>That Council:</p> <ol style="list-style-type: none"> <li>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:               <ol style="list-style-type: none"> <li>(a) Rezone part of the site from SP2 Telecommunications to R3 Medium Density Residential.</li> <li>(b) Provide a contribution towards affordable housing in line with Council's Affordable Housing Contribution Scheme.</li> <li>(c) Introduce a minimum lot size to part of the site.</li> <li>(d) Remove the heritage listing across the site.</li> </ol> </li> <li>2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI.</li> <li>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.</li> </ol>

### 4. Discussion

#### Consultation

Public exhibition of the planning proposal occurred from 5 November 2024 to 5 December 2024. Notification included properties in the surrounding area with the planning proposal made available on Council's Have Your Say page and promoted via the relevant Have Your Say online newsletters.

### Agency submissions

In line with the Gateway determination, the following agencies were notified and provided a copy of the planning proposal:

- ☐ Telstra.
- ☐ Sydney Water.
- ☐ Ausgrid.

Feedback was received from all agencies with no major issues provided relevant to the planning proposal stage. All comments provided relate to further considerations for the proponent as part of the detailed design related to any possible future development application.

### Community submissions

Five submissions were received from the community. Issues raised are summarised below in Table 1.

Table 1. Submissions and responses.

Issue	Response
Objection to R3 zoning as it is not in character with the surrounding area.	The submission author believed the surrounding area was zoned R2 due to low-rise character and scale. However, the subject site is already located within an R3 area with R3 zoning also predominant in the broader area. As such, R3 zoning is considered an appropriate zone for the subject site. In addition, the site is also located in a heritage conservation area which will help to ensure any new development is designed in a way that is sympathetic to the surrounding area and existing character.
Council or Homes NSW should purchase the site for affordable housing.	This is unlikely to occur given it has already been purchased by a private party. However, it is something Council or Homes NSW could consider if interested.  In addition, the proposed contribution towards Council's affordable housing program will assist in providing a similar outcome as suggested.
Not enough parking provided/traffic concerns.	The proposed rezoning is consistent with surrounding zoning and the increase in traffic volume is likely to be minor in nature. Any traffic and parking impacts will be reviewed in further detail as part of any development application.
Minor errors in supporting consultant's report.	It is noted there were some minor errors in the consultant reports provided by the applicant (i.e. street names copied from another report, incorrect local government

	area referenced). This can often occur with consultants using templates to complete reports and sometimes errors do not get picked up prior to submission.
Concerns over impacts on large, mature tree at a property adjacent on Birrell Street.	Submission author has concern about potential impact of demolition on their tree which overhangs the subject site. This feedback has been passed onto the proponent for consideration. In addition, demolition of the existing former Telstra building will require a development application (DA) due to its presence in a Heritage Conservation Area. As such any proposed impacts on the subject tree will be considered in the DA assessment process. The neighbour has also been advised they can consider nominating the tree for the significant tree register.
Questions regarding the time of the year that the shadow diagrams illustrate.	As is standard practice, the shadow diagrams provided are based on the shortest day of the year, during winter solstice (20 or 21 June).
General concerns over potential impacts of any proposed development.	A site visit was undertaken with the residents who provided this submission and many of the concerns were allayed once the documentation and proposal were discussed in more detail. In addition, it was noted that these types of concerns would also be considered as part of any future development application.

#### *Proponent response to submissions*

The proponent was provided with the opportunity to review and provide a response to the issues raised in the submissions. No response was required or provided.

#### **Strategic and site-specific merit**

There have been no changes to the assessment of the strategic and site-specific merit of the planning proposal. As discussed in the pre-exhibition Council report and Council's planning proposal (Attachment 1), the planning proposal is considered to have strategic and site-specific merit. The matter relating to the affordable housing contribution is of relevance to the strategic merit of the proposal, as discussed further in the next section of the report.

#### **Affordable housing contribution**

The Waverley Local Strategic Planning Statement sets out a few priorities and planning principles relevant to the planning proposal and in particular a monetary contribution for affordable housing.

Specifically, this includes:

- ② Housing Priority H3 - Increase the amount of affordable rental housing and social housing.
- ② Planning principle - Grow and improve the provision of social and affordable housing.
- ② Action - Review planning controls to support the delivery of affordable housing.

In addition, the Waverley Local Housing Strategy (LHS) speaks to Council's intent to implement targets on 'uplift' sites in section 7.3 (Affordable Housing Target). The site is considered to receive a value 'uplift' from the proposed rezoning from a non-residential use to a residential use, despite no increases to development standards. This is consistent with how uplift is defined in the Greater Sydney Region Plan, which speaks to 'the uplift in land value created as a result of a rezoning decision', as well as 'uplift' in the Department's guidelines for the preparation of affordable housing contribution schemes which also refers to the objectives of the Region Plan.

#### *Waverley Council Affordable Housing Contribution Scheme*

The first iteration of Council's Affordable Housing Scheme (AHCS) policy document was adopted by Council in April 2021. The adoption of the scheme included a resolution to prepare and implement the scheme via a planning proposal to amend the *Waverley Local Environment Plan* to facilitate the collection of contributions as part of development applications and, relevant to this report, planning proposals.

Following a rigorous review process by the DPHI, the AHCS implementation planning proposal was finalised and gazetted in June 2024.

The finalisation of the scheme included:

- ② The introduction of a 1% levy on the total gross floor area of residential development that includes residential flat buildings, shop top housing, seniors housing and multi-dwelling housing. This contribution is levied by way of clause 6.17 in the WLEP 2012.
- ② The deferral (under section 3.36 (3) in the *Environmental Planning and Assessment Act 1979*) of a provision in the WLEP 2012 to levy contributions on planning proposal sites. The proposed clause was to be deferred until such a time as there is planning proposal land to list in the WLEP 2012 (such as the subject planning proposal).

#### *Process to determine feasible amount*

The planning proposal was submitted by the proponent with the objective that a contribution toward affordable housing formed part of the proposal. No monetary value was intimated at the time of lodgement, nor was the mechanism in which this contribution would be levied/paid.

Council officers outlined to the proponent and team that officers would consider any contribution proposed, but that appropriate justification and feasibility for any contribution would need to be provided.

Despite interest in progressing the planning proposal in an expedient manner, no information was provided to Council officers regarding any contribution until 66 days after lodgement of the proposal. A letter of offer to the value of \$100,000 was provided with no further supporting information.

Subsequently, Council officers commissioned a feasibility study by qualified consultants Hill PDA to determine a feasible contribution amount, with inputs provided by a suitably qualified quantity surveyor. The proponent was invited to provide feedback and input into the process and was regularly updated by Council officers.

Upon receipt of the initial draft of the feasibility study and during associated discussions, the proponent provided a verbal (one-time) increased offer of \$500,000 (again with no supporting

information or justification). Council officers advised that this could not be accepted without any supporting information and the offer was subsequently retracted.

In response to the feasibility study as progressed, the proponent commissioned a valuer to review the Hill PDA report and provide a peer review. The proponent report suggested that no amount of contribution is feasible whatsoever, contradicting the previously provided offers of \$100,000 and \$500,000 respectively. This undermines a large portion of the argument and opposition the proponent has to the proposed contribution.

#### *Unsuccessful appeal by proponent*

After lodging the planning proposal with the DPHI on 22 August 2024, Council received approval in the form of a Gateway determination on 11 August 2024. In their assessment, the DPHI reviewed the affordable housing calculation to ensure the method was consistent with their Guideline. Shortly after in December 2024, the proponent submitted a request for a Gateway review to the DPHI. A Gateway review seeks to alter the contents of a Gateway determination.

The basis of the request was that the proponent did not agree with the feasibility analysis undertaken as part of the planning proposal process by Hill PDA, which was commissioned by Council, and the proposed mechanism in which the contribution would be applied—via inclusion in a future schedule in the WLEP.

In January 2025, the DPHI decided to uphold the Gateway determination, and that the planning proposal was not eligible for review, nor adequately justified. This further cements Council officers' assessment that the feasibility analysis undertaken has been done in an appropriate manner, in accordance with the DPHI Guideline for Developing an Affordable Housing Contribution Scheme and the requirements and expectations set by the DPHI during the progression and finalisation of the Waverley Affordable Housing Contribution Scheme implementation planning proposal.

#### *Proposed final affordable housing contribution amount*

The proposed final affordable housing contribution amount has remained unchanged from the figure determined viable in the pre-exhibition feasibility and Council report. There has been no change in inputs or circumstances to justify any changes to the contribution amount.

The proposed final contribution amount is \$1,652,738 or a 6.75% contribution rate based on the final sales rates (\$28,839/sqm) adopted by Hill PDA for the concept scheme. In other words, \$1,652,738 divided by \$28,839/sqm is 6.75%.

The contribution percentage detailed in the WLEP must align with Waverley's published AHCS rates. To equate the viable contribution (of \$1,652,738) to our published AHCS rates of \$21,000/sqm for Bondi Junction, the contribution translates to 9.27% of total gross floor area (\$1.65m/ \$21,000). This means that 9.27% of total gross floor area is to be dedicated to affordable housing as part of any future development application as in-kind floor space or as a monetary contribution. This is explained in Table 2 below, with further details and specifics explained in the attached feasibility study.

*Table 2. Contribution translation with AHCS benchmark rates.*

		Concept scheme (sales rate of \$28,839 sqm)	AHCS benchmark rates of \$21,000 sqm for Bondi Junction
A	Viable contribution (\$)	\$1,652,738	\$1,652,738
B	Adopted Sales rate (sqm)	\$28,839	\$21,000
C	Amount of affordable housing ( <i>A divided by B</i> )	57.31	78.70
D	Total GFA	849	849
E	AH % of total development ( <i>C divided by D</i> )	6.75%	9.27%

It should be noted that any in-kind or physical contribution would not be payable by the applicant until occupation certificate stage.

### Time frame

If Council resolves to finalise the planning proposal, the Gateway determination requires finalisation to occur by 31 July 2025. Any finalisation is subject to drafting and liaison with Parliamentary Counsel, but it is anticipated the planning proposal will be finalised before this date.

### 5. Financial Impact

There are no negative financial impacts anticipated with the finalisation of the planning proposal. All associated costs have been funded by existing budgets, incorporating the fees paid by the proponent as part of the planning proposal process. If finalised as recommended, a financial contribution toward Council's affordable housing program will have a positive financial impact in enabling an increase in the provision of social and affordable housing in the Waverley local government area.

### 6. Risks/Issues

There are minimal risks associated with the finalisation of the planning proposal. As discussed above, a previous appeal from the proponent to request a Gateway review was denied by the DPHI and all steps have been completed in accordance with the Gateway determination issued by the Department of Planning, Housing and Infrastructure. If approved, Council can exercise its role as Local Plan Making Authority to finalise the planning proposal.

### 7. Attachments

1. Council planning proposal [↓](#)
2. Gateway determination [↓](#)



WAVERLEY  
COUNCIL

# PLANNING PROPOSAL

50 Botany Street, Bondi Junction  
PP-2/2024

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### Planning Proposal Information

**Table 1 – Council Versions**

No.	Date	Version
1.	20 June 2024	Waverley Local Planning Panel for advice.
2.	13 August 2024	Report to Council
3.	4 November 2024	Public exhibition
4.	17 February 2024	Post-Exhibition

## EXECUTIVE SUMMARY

A Planning Proposal was prepared by Willowtree Planning Pty Ltd on behalf of Bondi Exchange Pty Ltd (the Proponent) and submitted to Waverley Council (the Council) as the Planning Proposal Authority in support of a site-specific Planning Proposal at 50 Botany Street, Bondi Junction (the subject site). This report has been prepared which provides a council officer assessment of the Planning Proposal, as well as provides an explanation of the proposed provisions and mapping changes.

The Planning Proposal seeks to amend the following controls in the Waverley Local Environmental Plan 2012 (WLEP2012) as it applies to the subject site:

- rezone part of the subject site to R3 Medium Density Residential;
- introduce a minimum lot size of 232m<sup>2</sup>; and
- remove the heritage listing from the site.

The proposal also seeks to provide a contribution for affordable housing with the proposed mechanism as outlined in this Planning Proposal via clause in the Waverley Local Environmental Plan (WLEP).

The proposal – subject to a number of key considerations discussed in this report – is considered to have strategic and site-specific merit and is recommended to be supported to finalisation.

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

### 1.1 Description of the site

The subject site is located at 50 Botany Street, Bondi Junction, Lot 1 DP619753 and is approximately 400m from the Bondi Junction Commercial centre as the crow flies. The site has long been used for telecommunications purposes and was previously owned by Telstra having been recently sold to the Proponent of the subject Planning Proposal. The site has previously had development consent granted for the removal of the larger tower structure and erection of a smaller ‘monopole’ telecommunications structure (DA-79/2020/A) and separately for Torrens title subdivision of one lot into two (DA-62/2023). The site was previously owned by Telstra, who sold the site to the new owner (the Proponent) in 2023. The monopole telecommunications structure has been erected and the telecommunications tower has been removed in early 2024. All that remains on the site aside from the new structure which will be subject to a future subdivision is a defunct building associated with the sites former use, a small Ausgrid substation (to be removed) along with some existing trees and vegetation. The formal subdivision which forms part of one of the previous approvals has not yet occurred and therefore the subject site remains as one lot.

Figure 1 Aerial view of subject site in 2024 (with former large telecommunications tower removed)



The site is currently zoned SP2- Infrastructure, has a maximum Floor Space Ratio (FSR) of 0.75:1 and a maximum building height of 12.5m and contains a heritage listing related to a (removed) telecommunications tower and is located in the Botany Street Heritage Conservation Area.

Figure 2 Existing zoning of the site.

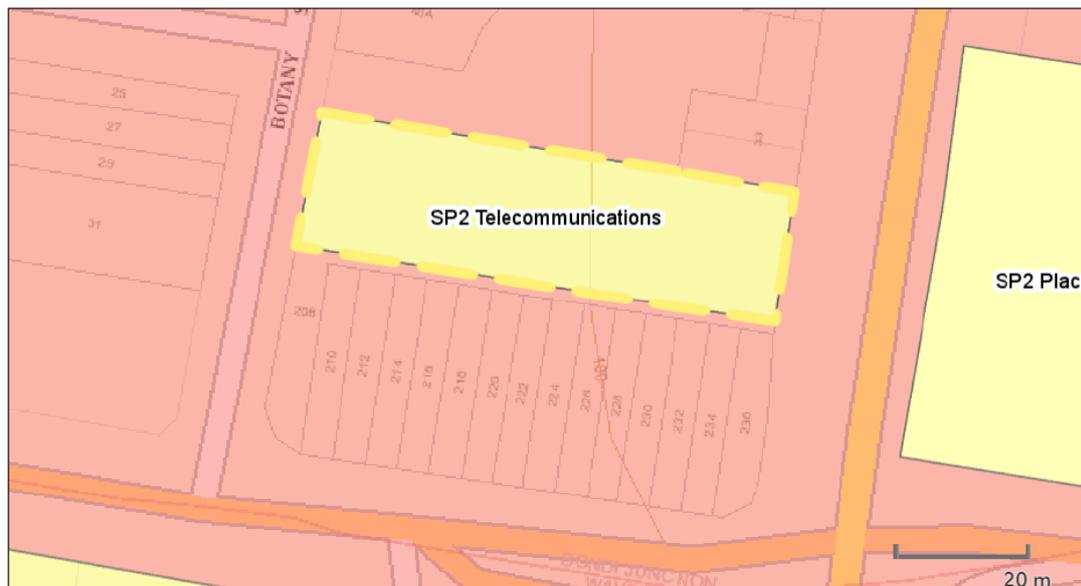


Figure 3 Existing FSR of the site



Figure 4 Existing height of buildings of the site.

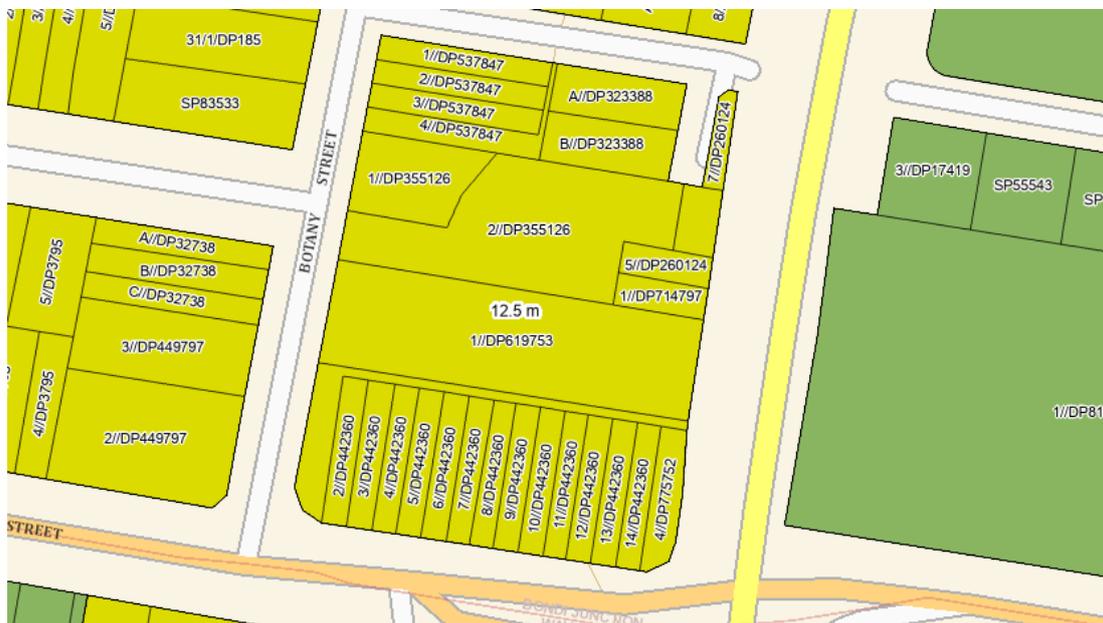
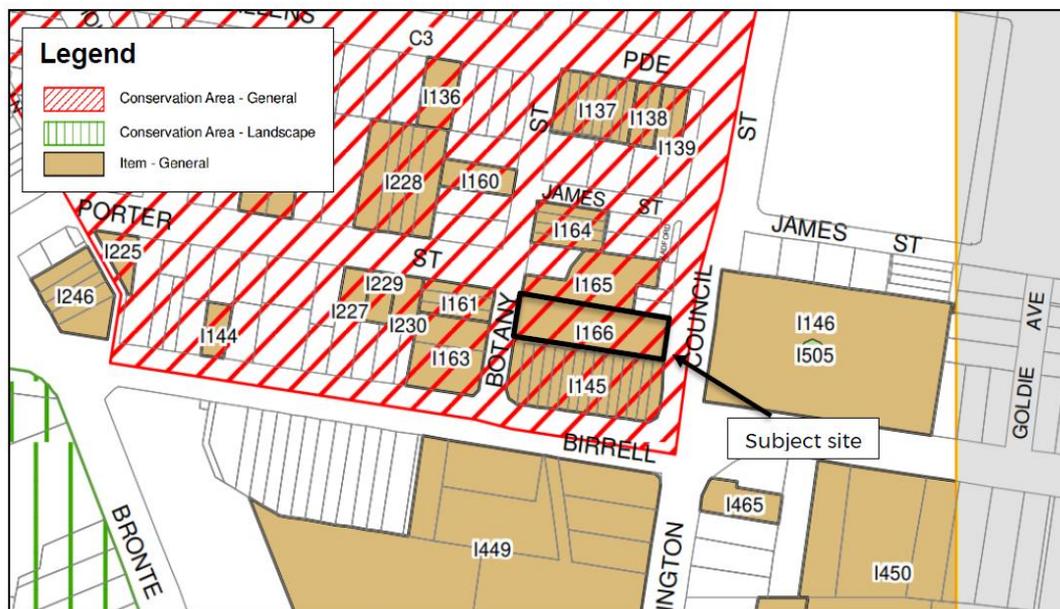


Figure 5 Existing heritage considerations



### 1.2 Objectives and intended outcomes

This Planning Proposal seeks to amend the WLEP 2012 as per Part 2.1 of this report to:

- Facilitate urban renewal of the land that is no longer required for SP2 Infrastructure (Telecommunications) purposes;
- Minimise land use conflicts by permitting land uses that are sympathetic to the existing residential character of the area;
- Deliver new housing supply and improve dwelling diversity in the local area by providing appropriate housing typologies that without compromising the environmental or heritage significance of the area;
- Make a financial contribution to the provision of affordable housing; and
- Remove a redundant heritage listing.

## PART 2 – EXPLANATION OF PROVISIONS

### 2.1 Intended Provisions

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

- Rezone a portion of the site from SP2 – Infrastructure to R3 Medium Density Residential.
- Remove the heritage listing.
- Introduce a minimum lot size of 232 square metres (consistent with surrounding).

In addition, the Proposal seeks to activate a provision deferred as part of the finalisation Waverley Affordable Housing Contribution Scheme Implementation Planning Proposal.

#### 2.1.1 How the affordable housing contribution will apply

In order to levy a contribution for affordable housing that is consistent with the Waverley Affordable Housing Contribution Scheme, the Planning Proposal will introduce an additional clause and schedule into the Waverley Local Environmental Plan 2012. The contribution can be provided as a monetary contribution or as a physical contribution as part of any development, dedicated to Council in perpetuity (forever).

The draft clause and schedule (the mechanism to levy the contribution) has been supported by the DPHI.

An example provision to be included in the Waverley Local Environmental Plan 2012 is provided as follows, noting that the final wording will be subject to Parliamentary Counsel drafting.

#### **6.XX Affordable housing contribution on Planning Proposal sites**

*(1) This clause applies to development on land identified in Schedule 7.*

*(2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing levy contribution equivalent to the contribution specified for the land in Schedule 7 (the contribution).*

*(3) A condition imposed under this clause must satisfy the affordable housing levy contribution*

*(a) by way of a monetary contribution to the Council that is the per square metre value calculated in accordance with subclause (4), or*

*(b) by way of a dedication in favour of the Council of land comprising 1 or more complete dwellings (each having a total gross floor area of no less than 50 square metres).*

*(4) For the purposes of this clause, the per square metre monetary value is to be calculated in accordance with the Waverley Affordable Housing Contributions Scheme.*

*(5) This clause does not apply to development for the purposes of any of the following –*

*(a) development for the purposes of residential accommodation that is used to provide affordable housing or social housing*

*(b) development for the sole purposes of generating employment.*

*(c) The demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.*

**Schedule 7 Planning Proposal Land**

<b>Planning Proposal Land</b>	<b>Contribution requirement</b>
50 Botany St, Bondi Junction, Lot 1 DP619753	9.27% of the total floor area of all buildings —the contribution applying to the development under clause 6.XX.

**PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC 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 (August 2023). 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.

**Strategic merit****Table 2** – Assessment of Proposal against Strategic Merit Test

a) Does the proposal:	
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, the proposal is consistent with the Greater Sydney Regional Plan and Eastern City District Plan as discussed later in 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	Yes, subject to a number of considerations discussed further below and under 3.1.
Respond to a change in circumstances that has not been recognised by the existing planning framework. Factors that lead to responding to a change in circumstances may include, but not exclusively relate to: <ul style="list-style-type: none"> <li>• Key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework</li> <li>• Response to key Government priorities – Premier’s Priorities, climate change, or a shift in government policy (e.g. NSW Government’s Net Zero Plan)</li> <li>• Changes to population and demographic trends and associated needs such as housing or jobs.</li> </ul>	Yes. The closure of the now redundant exchange building and removal of the large tower, replaced with a monopole.

### 3.1 Is the Planning Proposal a result of any strategic study or report?

No, the Planning Proposal is not a result of any strategic study or report.

### 3.2 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 best means of achieving the objectives or intended outcomes. An amendment to the WLEP is required to achieve the change of zone, remove the heritage listing and introduce the minimum lot size. The inclusion of a site-specific clause for the contribution for affordable housing is also seen as the best way to apply such a contribution and provides most certain for Council and the Proponent and is less onerous financially for the Proponent than having to enter into a Voluntary Planning Agreement prior to the gazettal of the Planning Proposal.

### 3.3 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 Region Plan and the Eastern City District Plan as it is consistent with the applicable objectives and planning priorities as per the following tables.

**Table 3 – Metropolis of Three Cities**

Relevant Objectives	Comment
Objective 10 – Greater housing supply	The proposal will contribute toward greater housing supply by changing the existing zoning to allow for residential development.
Objective 11 Housing is more diverse and affordable.	The proposal will rezone the site to permit residential development which increases the opportunities for different types of housing to be provided on the site which may contribute toward housing diversity.  In addition, the affordable housing contribution will assist in the provision of affordable housing in the Waverley LGA.
Objective 13 – Environmental heritage is identified, conserved and enhanced	There is no impact to environmental heritage as the existing heritage listing is now defunct. The removal of the heritage listing is seen as a housekeeping change in nature to reflect this change.
Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.	The rezoning of the site to residential will allow for an appropriate land use in the subject location, given its close proximity to jobs, services and transport.

**Table 4 – Eastern City District Plan**

Relevant Planning Priorities	Comment
Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal will enable residential development as a permissible use on, enabling the potential for housing to be delivered on the site which is within close proximity to jobs, services and public transport in Bondi Junction.  The affordable housing contribution will contribute towards Council's affordable housing program which helps to provide affordable housing to reduce displacement from the Waverley LGA

Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	There is no impact to environmental heritage as the existing heritage listing is now defunct. The removal of the heritage listing is seen as a housekeeping change in nature to reflect this change.
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### 3.4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with applicable local strategies and plans, as per the following tables.

**Table 5 - Waverley Local Environmental Plan 2012**

Relevant Aims Cl 1.2	Comment
to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	The proposal will enable residential development as a permissible use on, enabling the potential for a range of different types of housing within the relevant zone to meet the changing house needs of the community.
To encourage the development of a variety of housing on land close to public transport, essential goods and services and open space,	The proposal will enable residential development as a permissible use on, enabling the potential for housing to be delivered on the site which is within proximity to jobs, services and public transport in Bondi Junction.
to provide an appropriate transition in building scale around the edge of centres to protect the amenity of surrounding residential areas,	The proposal will adopt the same development standards as the immediate surrounding area which have been calibrated to allow an appropriate transition around the edge of the Bondi Junction centre.
To identify, conserve and enhance the cultural, environmental, natural, aesthetic, social and built heritage, and existing scenic and cultural landscapes of Waverley, including the curtilage of Centennial Park, for current and future generations,	There is no impact to environmental heritage as the existing heritage listing is now defunct. The removal of the heritage listing is seen as a housekeeping change in nature to reflect this change.

**Table 6 – Waverley Local Strategic Planning Statement (March 2020)**

Relevant Planning Priorities	Comment
6. Facilitate a range of housing opportunities in the right places to support and retain a diverse community.	<p>The proposal will enable residential development as a permissible use on the site, enabling the potential for housing to be delivered on the site which is within close proximity to jobs, services and public transport in Bondi Junction.</p> <p>The affordable housing contribution will contribute towards Council's affordable housing program which helps to provide affordable housing to reduce displacement from the Waverley LGA</p>

In addition, when inclusive of an appropriate contribution toward affordable housing, the proposal is also considered to align with the following considerations in the Waverley LSPS:

- Planning Principle – Grow and improve the provision of social and affordable housing.
- Action - Review planning controls to support the delivery of affordable housing.

**Table 7 – Waverley Local Housing Strategy**

Relevant Priorities	Comment
H1. Manage housing growth sustainably and in the right locations	The proposal will facilitate modest development which is consistent with the surrounding areas. The subject site is in a good location, within close proximity to jobs, services and public transport.
H3 Increase the amount of affordable rental housing and social housing.	The proposal, when inclusive of an appropriate affordable housing contribution will help to increase the amount of affordable rental housing and social housing.
H5 Ensure new development is consistent with desired future character	The proposal does not propose to increase the development standards for the site beyond what is present on the site and in the immediate surrounding area. This will help to ensure new development is consistent with desired future character.

In addition to the discussion provided in tables 6 and 7, the Planning Proposal is considered to be consistent with the Waverley LSPS and LHS subject to the following considerations.

#### Contribution toward affordable housing

Throughout the Planning Proposal submitted by the Proponent is reference to the provision of a contribution for affordable housing, it is considered as one of the objectives of the proposal and is considered to form part of the planning proposal itself. In the assessment Council Officers have undertaken, this is a key component to the proposal demonstrating strategic merit and support for the Planning Proposal to proceed.

The Waverley LSPS sets out a number of priorities and planning principles relevant to the planning proposal and in particular a monetary contribution for affordable housing.

Specifically, this includes:

- Housing Priority H3 Increase the amount of affordable rental housing and social housing.
- Planning Principle – Grow and improve the provision of social and affordable housing.
- Action - Review planning controls to support the delivery of affordable housing.

In addition, the Waverley Local Housing Strategy (LHS) speaks to Councils intent to implement targets on 'uplift' sites in section 7.3 *Affordable Housing Target*. This is implemented through Council's Affordable Housing Contribution Scheme which was initially adopted in 2020 and has gone through a number of revisions since. The site is considered to receive a value 'uplift' from the proposed rezoning from a non-residential use to a residential one, despite no increases to development standards. This is consistent with how uplift is defined in the Greater Sydney Region Plan which speaks to "the uplift in land value created as a result of a rezoning decision, which should be measured using a consistent viability test and core assumptions" as well as 'uplift' in the Department's guidelines for the

preparation of affordable housing contribution schemes which also refers to the objectives of the Region Plan.

The scheme set a 10% contribution as a 'target' in Council's AHCS with feasibility testing undertaken to determine the appropriate amount for this planning proposal. This is in line with the requirements set by the DPHI for Waverley's AHCS, where a 'case by case' feasibility analysis is required to be undertaken for each planning proposal, to determine the appropriate contribution amount. This is also in line with guidelines on how to determine a viable affordable housing contribution rate as set out in the DPHI *Guideline for Developing an Affordable Housing Contribution Scheme* set out in Appendix 2 of the guidelines.

This feasibility study was undertaken and is provided as an attachment. The feasible amount equates to a contribution amount of 9.27% in line with Council's AHCS or the value of \$1,652,738.

#### Waverley Council position on SP2 – Infrastructure zoning

It should be noted that Waverley Council has a long-standing policy position of retaining its SP2 - Infrastructure zoning. This first occurred when Council moved to the standard instrument LEP in 2012 with the gazettal of the Waverley Local Environmental Plan 2012 and was reiterated in the adoption of the Waverley Local Strategic Planning Statement 2020-2036 (LSPS). Important in this context is that the retention of these zones only specifically relates for the purposes of social infrastructure. Council has maintained this position in the refusal of a previously lodged planning proposal at 34 Flood Street, Bondi, which proposed to rezone the site from SP2 – Place of Public Worship to R3 Medium Density Residential.

Notwithstanding, the subject site, contains telecommunications infrastructure – rather than social infrastructure, such as a health, school or public place of worship venue – and consequently this is not seen as a barrier to the site being rezoned particularly given some SP2 zoning will be retained to ensure the on-going telecommunications needs continue to be fulfilled.

**Table 8 – Waverley Community Strategic Plan 2022-2032**

Relevant Direction or Strategy	Comment
1.7.3. Grow the provision of social and affordable housing.	The proposal when inclusive of a contribution for affordable housing will help to grow the provision of affordable housing. A further discussion relating to the contribution amount is provided below.
1.7.4. Manage housing supply, choice and affordability with access to jobs, services and public transport.	The proposal will help to contribute to housing supply and choice with access to jobs, services, and public transport.  The contribution toward affordable housing will help grow the provision of affordable housing.
2.6.2. Ensure new development provides high standard of design quality and does not adversely impact the amenity of neighbours or the wider community.	The proposal to retain the existing development standards will ensure that any new development does not adversely impact the amenity of neighbours or the wider community.
2.6.6. Celebrate the heritage and character of our centres and heritage sites, and protect and enhance their character.	The existing heritage listing is now redundant. Therefore the proposal will not impact existing heritage by removing the existing heritage listing.

### 3.5 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.

### 3.6 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 9** – Assessment of Proposal against the SEPPs

Title	Applicable	Comment
Housing SEPP	Yes	The Planning Proposal is consistent with the SEPP.
Design Quality of Residential Apartment Development – SEPP 65	N/A	The Planning Proposal is consistent with the SEPP.
Exempt and Complying Development Codes SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Transport and Infrastructure SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Primary Production SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Biodiversity and Conservation SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Resilience and Hazards SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Industry and Employment SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Resources and Energy SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Planning Systems SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Sustainable Buildings SEPP	N/A	The Planning Proposal is consistent with the SEPP.
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	The Planning Proposal is consistent with the SEPP.

### 3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

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 10** – Assessment of Proposal against relevant Ministerial Directions.

Ministerial Direction	Relevance	Consistency
1.4 Site Specific Provisions	<p>1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p>	The Planning Proposal is inconsistent with this Ministerial Direction as it does seek to impose a requirement (in relation to affordable housing) not

	<p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>already contained in the environmental planning instrument (WLEP).</p> <p>This is considered acceptable as this is the best means to impose a site-specific affordable housing contribution requirement in line with Council’s AHCS, which has been supported by the DPHI.</p> <p>It should also be noted Council has previously implemented an affordable housing requirement which was inconsistent with this Ministerial Direction as part of the Planning Proposal at 99-117 Birrell Street, Waverley, finalised in 2022.</p> <p>Precedent also exists relating to site-specific requirements and provisions for affordable housing in many other Local Environment Plans in New South Wales as this is an appropriate means to levy contributions through the planning process.</p>
<p>3.2 Heritage Conservation</p>	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The proposal will not impact environmental conservation as the proposed removal of the heritage listing relates to a heritage listing which is now redundant due to the removal of the former telecommunications tower subject to the listing. Any new proposed development resulting from the rezoning will need to be sympathetic to the surrounding heritage items and heritage conservation areas.</p>

<p>4.4 Remediation of Contaminated Land</p>	<p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	<p>A Preliminary Site Investigation (PSI) was provided with the proponent submission of documentation.</p> <p>The PSI concluded the land is likely to be suitable for the proposed use and recommends further investigation to occur as part of any proposed development. The findings of the PSI are sufficient for the planning proposal stage.</p>
<p>6.1 Residential Zones</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 it seems to encourage residential development through the change of zone. The proposed inclusion of a site-specific clause related to the provision of affordable housing will also help to broaden the availability of affordable housing in the Waverley LGA.</p>

Site-specific Merit

Table 11 – Assessment of Proposal against Site Specific Merit Test

<p>b) Does the proposal have site-specific merit, having regard to the following:</p>	
<p>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards).</p>	<p>It is not anticipated the proposal will have an impact on the natural environment on the site. The concept scheme provided shows the retention of a number of mature trees on site and the remainder of the site where the majority of development is likely to occur already contains existing built form or hard impermeable surfaces. Landscaping accompanying</p>

	any future development on the site may also assist to enhance the ecological value of the site.
Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates	The proposal aligns with the existing uses surrounding the site as it proposes to adopt the same zoning and by retaining the development standards, will have the same development standards.
Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The proposal will not result in any additional use of or need for infrastructure given the relatively minor nature and yield of new dwellings it may enable. It is well located within Bondi Junction, a major public transport interchange.

**3.8 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?**

No, there are not expected to be any adverse impacts on critical habitat or threatened species, populations, or ecological communities.

**3.9 Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?**

Is it not anticipated there will be any likely environmental effects of the planning proposal that cannot be managed at the development application stage.

The site forms part of Council’s habitat corridor and has no trees listed on the significant tree register. An Arboricultural Impact Assessment (AIA) was submitted as part of the planning proposal. A site visit was undertaken by Council’s Tree Management Officer who also reviewed the AIA and the health and status of the existing trees and trees on site. In their review, the Tree Management Officer supported the retention of the trees listed for retention as well as the proposed removal of five smaller trees, all of which were either identified as being suppressed by the building and other trees or self-sown.

**3.10 Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal has not identified any social and economic effects. A social impact assessment was undertaken in line with Council’s requirements as this issue relates to planning proposals. The document was peer reviewed, with some minor clarifications and improvements requirements. A supplementary updated report was submitted and deemed to be appropriate. This is provided as part of the attachments.

In addition, the provision of a contribution toward Council’s affordable housing program, in line with Council’s Affordable Housing Contribution Scheme (AHCS) ensures the benefits of the financial value uplift of the size, resulting from the rezoning are shared and ultimately provide a public benefit.

**3.11 Is there adequate public infrastructure for the Planning Proposal?**

The subject site is within close, walkable proximity to Bondi Junction train station and bus interchange. A well serviced and well-connected transport hub.

The change in the zone may result in a future redevelopment or the intensification of the current development, which may result in an increase in traffic arising from increased density. A Parking and Traffic Assessment was submitted with the planning proposal based on the concept scheme provided

which concludes that the projected increase in traffic activity as a consequence of the development proposal is minimal and won't result in any unacceptable traffic implications for the surrounding road network capacity.

Given the proposal seeks to adopt the same zoning and development standards as the properties which surround it, the conclusion of the report is generally agreeable. A review of the proposed concept scheme and Parking and Traffic Assessment was undertaken by Council's Traffic Engineer and did not identify any issues requiring resolution as part as part of the planning proposal stage.

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

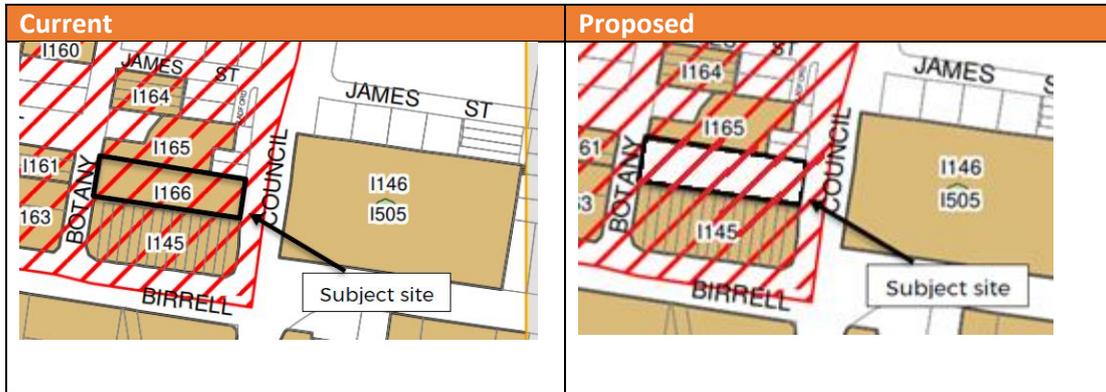
Feedback was received from all three consulted public authorities– Telstra, Ausgrid and Sydney Water. No issues or objections were raised relevant to the planning proposal stage and relevant information relating to any future development application has been provided to the Proponent for review and future consideration.

**PART 4 – MAPPING**

The following mapping changes are proposed under this Planning Proposal:

**Heritage Map**

Updating the Heritage Map to remove the redundant heritage listing.



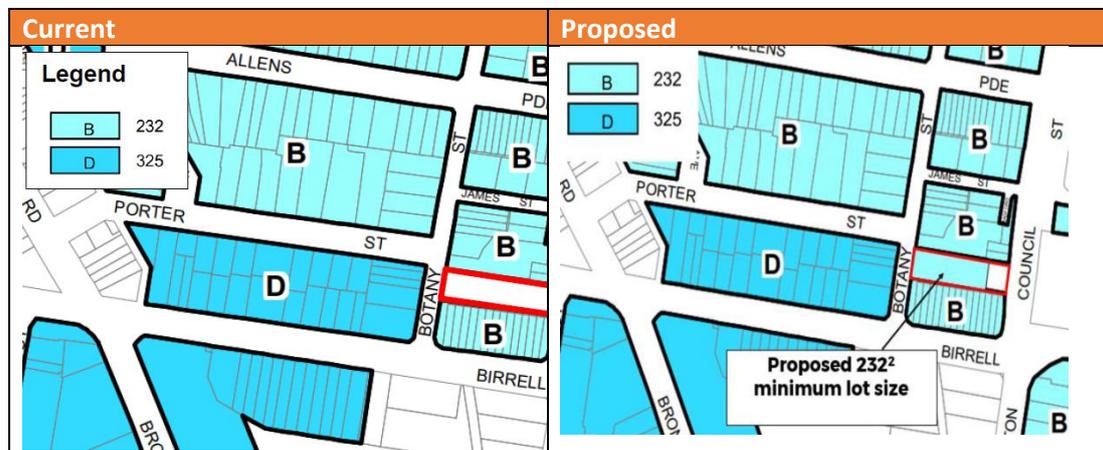
**Land Zone Map**

It is proposed to update the Land Zone Map to rezone part of the site from SP2 – Infrastructure to R3 Medium Density Residential.



## Lot Size Map

It is proposed to update the lot size map to introduce a minimum lot size to the western portion of the site, consistent with the surrounding lots.



## PART 5 – COMMUNITY CONSULTATION

The Gateway determination set out the following conditions prior to public exhibition of the planning proposal:

1. *Prior to exhibition, the proposal is required to be updated to:*
  - (a) *Provide a plain English explanation of how the affordable housing contribution additional local provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
  - (a) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*
  - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*
3. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:*
  - (a) *Telstra*
  - (b) *Relevant utility providers, including Ausgrid and Sydney Water.*
4. *Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.*
5. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*

All relevant Gateway conditions were satisfied prior to exhibition, and the planning proposal was publicly exhibited for a period of 30 days from 5 November 2024 – 5 December 2024.

A total of 5 submissions were received from the community, issues raised in the submissions are summarised in the below table.

**Table 12** - Submissions and responses

Issue	Response
Objection to R3 zoning as it is not in character with the surrounding area	The person providing the submission believed the surrounding area was zoned R2 due to low-rise character and scale, however subject site is already located within an R3 area with R3 zoning also predominant in the broader area. As such R3 zoning is considered an appropriate zone for the subject site. In addition, the site is located in a heritage conservation area which will help to ensure any new development is designed in a way that is sympathetic to the surrounding area and existing character.
Council or Homes NSW should purchase the site for affordable housing	This is unlikely to occur given it has already been purchased by a private party. It is something however Council or Homes NSW could consider if interested.  In addition, the proposed contribution towards Council's affordable housing program will assist in providing a similar outcome as suggested.
Not enough parking provided/traffic concerns	The proposed rezoning is consistent with surrounding zoning and the increase in traffic volume is likely to be minor in nature. Any traffic and parking impacts will be reviewed in further detail as part of any development application.
Minor errors in supporting consultant's report	It is noted there were some minor errors in the consultant reports provided by the applicant (i.e. street names copied from another report). This is can often occur with consultants often using templates to complete reports and sometimes errors do not get picked up prior to submission.
Concerns over impacts on large, mature tree at a property adjacent on Birrell Street	Feedback has been passed onto the Proponent. In addition, demolition of the existing former Telstra building will require a Development Application due to its presence in a Heritage Conservation Area. As such any proposed impacts on the subject tree will be considered.

Questions regarding the time of the year that shadow diagrams illustrate	As is standard practice, the shadow diagrams provided are based on the shortest day of the year, during winter solstice (the 20 <sup>th</sup> or 21 <sup>st</sup> of June).
General concerns over potential impacts of any proposed development	A site visit was undertaken with the residents who provided this submission and many of the concerns were allayed once the documentation and proposal was discussed in more detail. In addition it was noted these types of concerns would also be considered as part of any future development application.

## 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 mid-2025, in line with the Gateway Determination.

**Table 13** – Indicative project timeline

Tasks	Timeframe and/or date
Gateway Determination	October 2024
Pre-exhibition	October 2024
Commencement and completion of public exhibition period	November 2024 – December 2024
Consideration of submissions and post-exhibition review	December 2024 – February 2025
Post-Gateway Council decision	March 2025
Gazettal of LEP amendment	May 2025 (subject to PCO timing).



## Department of Planning, Housing and Infrastructure

### Gateway Determination

**Planning proposal (Department Ref: PP-2024-104):** to amend the *Waverley Local Environmental Plan 2012* to rezone a portion of the site at 50 Botany Street, Bondi Junction, from SP2 Infrastructure (Telecommunications) to R3 Medium Density Residential; introduce a minimum lot size control of 232m<sup>2</sup>; remove a redundant local heritage listing from the site; and permit the collection of affordable housing contributions.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Waverley Local Environmental Plan 2012* to rezone a portion of the site at 50 Botany Street, Bondi Junction, from SP2 Infrastructure (Telecommunications) to R3 Medium Density Residential; introduce a minimum lot size control of 232m<sup>2</sup>; remove a redundant local heritage listing from the site; and permit the collection of affordable housing contributions, should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 31 July 2025.

#### Gateway Conditions

1. Prior to exhibition, the proposal is required to be updated to:
  - (a) Provide a plain English explanation of how the affordable housing contribution additional local provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

PP-2024-104 (IRF24/2220)

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - a) Telstra
  - b) Relevant utility providers, including Ausgrid and Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 11 October 2024



**Jazmin van Veen**  
**Director, Local Planning (North, East and**  
**Central Coast)**  
**Planning, Land Use Strategy, Housing and**  
**Infrastructure**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**

PP-2024-104 (IRF24/2220)

**REPORT**  
**PD/5.3/25.03**

**Subject:** Bondi Park Basketball Court

**TRIM No:** A24/1050

**Manager:** Nikolaos Zervos, Executive Manager, Infrastructure Services

**Director:** Sharon Cassidy, Director, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Investigates a leasing or licensing agreement with the Catholic Church for the public use of the basketball court on the corner of Blair Street and Mitchell Street, North Bondi.
2. Officers prepare a report to Council on the terms and conditions of the agreement, including:
  - (a) Length of tenure.
  - (b) Financial or in-kind contributions for the repair and ongoing upkeep and security of the facility.
  - (c) Timing for agreement execution and any required capital works.
3. Includes a modified half-court in the future design of Bondi Park Playground, to be tested through community consultation.
4. Continues to investigate alternative locations for new multi-function hardcourts, as set out in adopted strategies and plans of management.

**1. Executive Summary**

Bondi Park is a highly valued and frequently used space by both the local community and visitors. As demand increases, balancing access and sustainable use of the park is crucial to maintain green space, support natural life, and ensure safe, functional facilities. Fitting a full or half basketball court into the park is challenging due to space constraints, competing activities (such as picnic areas and community events) and existing plans for the expansion of a regional-scale inclusive playground. The playground is designed to meet the needs of a high visitation rate, with a focus on accessibility for all abilities.

Currently, a basketball court is not supported in the adopted plan of management (PoM) for the Crown reserve, so Council cannot proceed with this development until a new PoM is adopted. It could be justified that a small modified half-court could potentially be integrated into the expanded playground experience as this would meet objectives of catering to different age groups, including those using wheeled mobility devices. However, this idea must be tested through community consultation during the playground planning phase, which is scheduled for consultation in 2027-2028 and construction between 2028 and 2030.

In the short-term, it is recommended that Council investigate alternative locations outside Bondi Park, such as the Blair Street courts, through a shared use lease or licence agreement with the Catholic Church.

## 2. Introduction/Background

The Open Space and Recreation Strategy (OSRS) 2021-2031 highlights a gap in youth-oriented facilities such as skateparks and basketball courts, which provide outdoor spaces for adolescents to socialise and improve health and well-being. The strategy emphasises the increasing community demand for flexible, informal activities, known as ‘pick-up and play’ sports. These activities, like basketball and tennis, are important for community health, offering benefits comparable to organized sports, and thus warrant investment by Council.

Bondi faces a critical shortage of casual-use hardcourt facilities, with only two small multi-courts in Dickson Park and Barracluff Park. The beach area is not currently serviced by any basketball facilities. In response, a notice of motion was raised at the Council meeting on 26 November 2024 to investigate the feasibility of adding a full-size or two half-courts to Bondi Park.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 November 2024	CM/8.5/24.11	That Council: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>

## 4. Discussion

Bondi Park is Crown land, managed under the Bondi Park, Beach and Pavilion PoM, which was adopted by Council after extensive community consultation in 2014 and updated in 2021 following changes to Crown land legislation. Additionally, the park, beach and Pavilion are listed on both State and National heritage registers, meaning any development must comply with strict conservation guidelines outlined in the Bondi Beach Cultural Landscape Conservation Management Plan (CMP).

Development on Crown land must align with adopted PoMs and the *Crown Land Management Act 2016*. Therefore, any proposed facilities must be carefully assessed to ensure they are consistent with the park’s heritage listing, adopted PoM for the site, and other relevant strategies, including the OSRS, the Play Space Strategy (PSS), and the Inclusive Play Space Study (IPSS).

The space behind the existing playground is reserved for an expansion of the playground to a regional-scale, inclusive play space, as outlined in the adopted PoM, OSRS, PSS and IPSS. The new playground will cater to a wide range of ages and abilities and provide facilities for longer stays, including support for those with diverse physical capabilities. A playground expansion is strongly supported in both the Bondi PoM, PSS and the IPSS, with specific actions for Bondi Park.

Adding full basketball courts at this location would conflict with the planned playground expansion. Moving the courts further to the north-eastern area would encroach on the picnic area and event spaces, diminishing the community's enjoyment and of this area of the park. For these reasons, Council officers recommend that these areas not be converted for basketball use. See Attachment 1 for a comparative spatial analysis.

The more significant issue, however, is that a basketball court is not supported in the current PoM for Bondi Park. Therefore, the development cannot proceed without a new PoM, which would need to be re-exhibited to the community and adopted by the Minister overseeing Crown land. This process is complex and would only be considered in exceptional circumstances.

Although basketball courts are not specifically supported in the PoM, it could be justified that a small modified half-court could be considered as part of the larger playground experience to meet the objectives of catering to different age groups, including those using wheeled mobility devices. Community consultation would be necessary to assess support for integrating a basketball court into the playground. A smaller modified court, less than half the size of a standard court, would help reduce the risk of adults playing competitively in a space designed for children.

### **Alternative locations**

There are limited opportunities to integrate a new basketball court into existing parks in the Bondi beach area due to a combination of size, topography, existing uses and direct residential amenity impacts.

Basketball courts, like skateparks, tend to be controversial facilities to integrate into parks due to residential amenity and anti-social behaviour concerns from noise generation and managing after-hours use. Their location therefore needs to be carefully considered and consulted with the community and adjoining neighbours.

Given limited opportunities in Bondi Park, Council should explore alternative locations for a new basketball courts.

The OSRS commits to investigating opportunities for youth-oriented developments, including multi-use hardcourts, within the next 10 years. Priority locations for such facilities include areas around Bondi Junction (connected by pedestrian and cycle paths), Waverley Park (adjacent to the upper-level courts), and the northern part of the local government area (North Bondi, Dover Heights and Vaucluse). The OSRS also directs Council to seek partnerships to share existing facilities, such as school courts, for after-hours use.

Council is already working with the Department of Education's School Infrastructure NSW team to identify opportunities to open up school facilities for community use. However, the outdoor basketball court at Bondi Beach Public School has been deemed unsuitable for general use, as it would interfere with the Bondi Markets and cannot be secured for public access.

Another alternative is the rooftop half-court basketball court at WAYS Youth and Family Services in Wairoa Ave. While this is available for hire, it is a smaller space and may not meet the broader demand for casual play as the centre runs programs during the day and is closed at certain hours limiting access to the roof space.

A more promising alternative is the full-sized outdoor basketball court at the corner of Blair Street and Mitchell Street, North Bondi, owned by the Catholic Church and currently leased to Reddam House, located 550m walk from Bondi Park. While these courts are open to the public, vandalism has led to security issues, and the hoops are removed to prevent after-hours use due to resident complaints. It is recommended that Council approach the Bondi Parish to explore the possibility of a lease or licence

agreement for community use during after-school hours and church times. This option could provide the fastest and most cost-effective solution for adding a full-sized basketball court to the Bondi area in the short term.

Council should focus on investigating alternative locations, such as Blair Street courts, for a full-sized basketball court. This approach is the most feasible and cost-effective solution to meet community needs for a basketball court in the Bondi area in the short term.

## 5. Financial Impact

The financial commitments for an ongoing lease and repair of the courts needs to be further investigated and reported back to Council for consideration of funding to be included in the 2025-26 Capital Works Budget and updated Long Term Financial Plan (LTFP).

The timing and funding for the redevelopment of Bondi playground has been allocated in section 6.2 of the LTFP as follows:

- ② \$100,000 design, consultation and tender 2027-28 (due to complex design, this will take at least 12 months with two rounds of consultation and outcomes reporting to Council).
- ② \$3.12 million construction multi-year build 2028-29 and 2029-30.

## 6. Risks/Issues

There may be some resistance to the use of the Blair Street courts by adjoining neighbours due to past issues. However, given it is a pre-existing use combined with a commitment by Council to secure the facility after hours, this issue can be mitigated.

## 7. Attachments

1. Bondi Park - Basketball and playground comparative spatial analysis [↓](#)



Site: **BONDI PARK NORTH**

Drawing Name: **Waverley Park play footprint overlay**

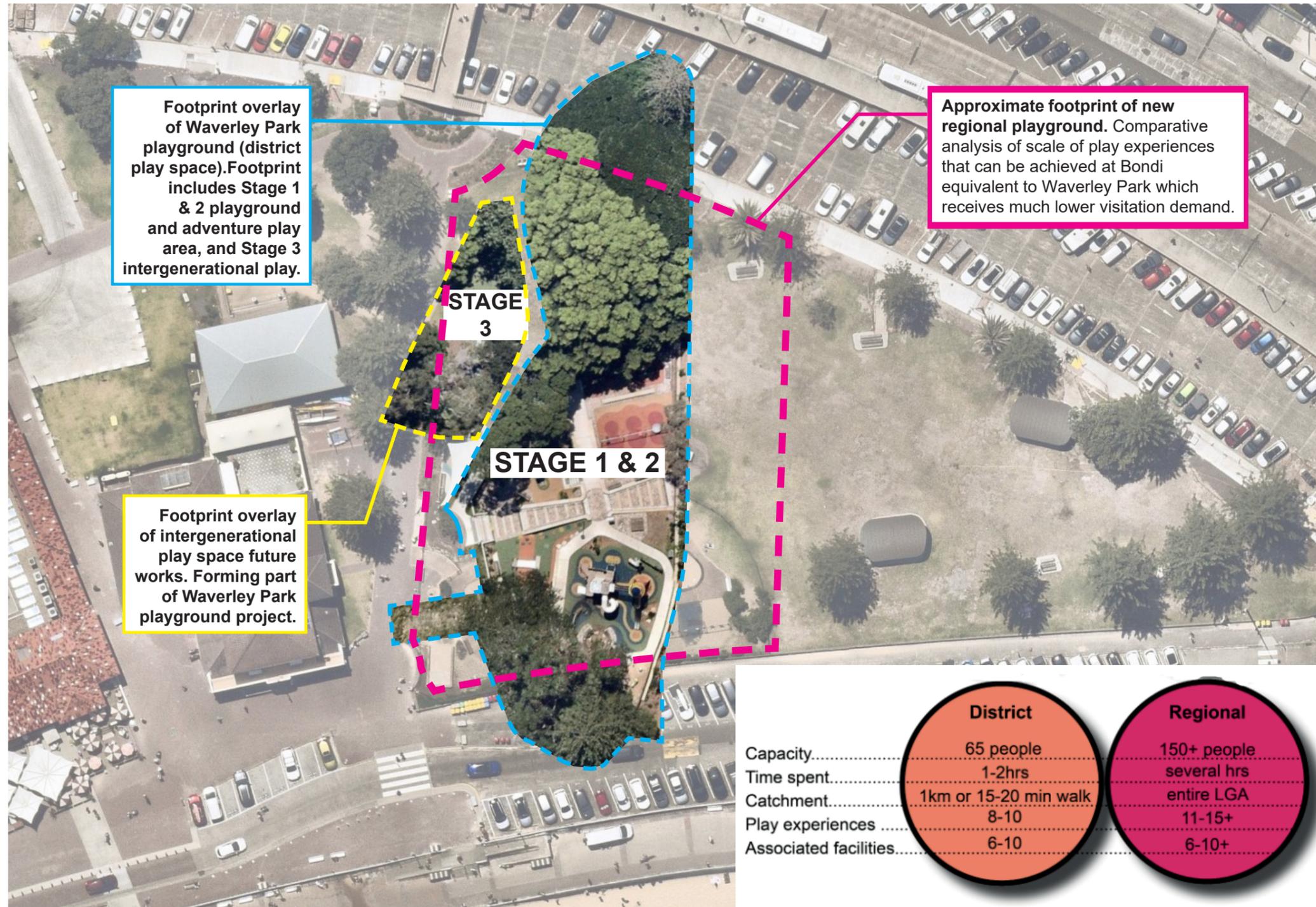
Date: 20.11.2024

Drawing No: **SK-03**

Drawn by: JQ

Scale: NTS





Site: **BONDI PARK NORTH**

Drawing Name: **Waverley Park play footprint overlay**

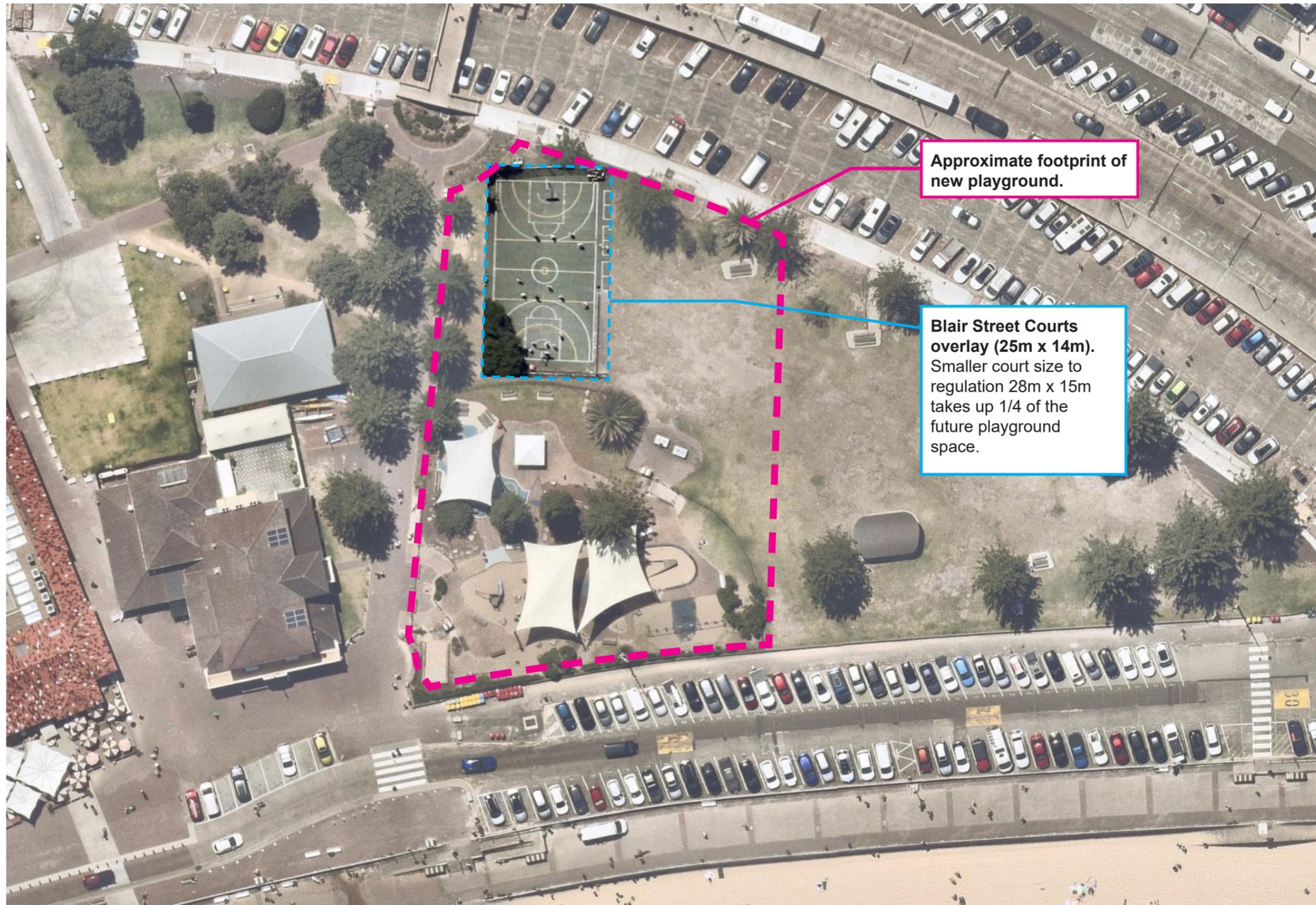
Date: 20.11.2024

Drawing No: **SK-02**

Drawn by: JQ

Scale: NTS





Site: **BONDI PARK NORTH**

Drawing Name: **Basketball overlay**

Date: 20.11.2024

Drawing No: **SK-01**

Drawn by: JQ

Scale: NTS





Site: **BONDI PARK NORTH**

Drawing Name: **Site Analysis**

Date: 20.11.2024

Drawing No: **SK-04**

Drawn by: JQ

Scale: NTS

