



W A V E R L E Y  
COUNCIL

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

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

**7.30 PM, TUESDAY 5 AUGUST 2025**

Emily Scott  
**General Manager**

Waverley Council  
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Bondi Junction NSW 1355  
DX 12006 Bondi Junction  
Tel: 9083 8000  
Email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

## Delegations of the Waverley Strategic Planning and Development Committee

On 18 March 2025, Waverley Council delegated to the Strategic Planning and Development Committee the authority to determine any matter other than:

1. The matters in s 377(1) of the *Local Government Act 1993*, 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.

## **Statement of Ethical Obligations**

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

## **Live Streaming of Meeting**

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

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

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

#### 1. Apologies

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

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

#### 4. Confirmation of Minutes

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#### 5. Reports

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PD/5.2/25.08	Waverley Development Control Plan 2022 (Amendment No. 5) and Solar Panels and Heritage Guidelines - Adoption .....	19
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PD/5.4/25.08	Electric Vehicle Charging Stations - Monitoring and Usage .....	167
PD/5.5/25.08	Waverley Business Forum - Community Membership.....	171

#### 6. Urgent Business

#### 7. Closed Session .....174

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

PD/7.1/25.08	CONFIDENTIAL REPORT - Rowe Street Project - Update
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- 8. **Resuming Open Session** .....176
- 9. **Meeting Closure**

## CONFIRMATION OF MINUTES PD/4.1/25.08



**Subject:** Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 1 July 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 1 July 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 - 1 July 2025



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 1 JULY 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
Tanya Goldberg	Acting Director, Community, Culture and Customer Experience
Fletcher Rayner	Director, Planning, Sustainability and Compliance

*At the commencement of proceedings at 7.30 pm, those present were as listed above, with the exception of Cr Spooner who arrived at 7.40 pm during item PD/5.2/25.07.*

*Crs Fabiano, Lewis, Masselos, Merten, Spooner, Townsend, Westwood and 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/4.1/25.07 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 May 2025 (A25/0079)**

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

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council confirms the minutes of the Strategic Planning and Development Committee meeting held on 6 May 2025 as a true record of the proceedings of that meeting.

### **5. Reports**

**PD/5.1/25.07 Investment Policy – Adoption (A24/0590)**

#### **MOTION / DECISION**

Mover: Cr Nemesh

Seconder: Cr Spicer

That Council adopts the Investment Policy attached to the report.

*Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.*

**PD/5.2/25.07 Trade Debtors Policy - Adoption (A24/0597)****MOTION / DECISION**

Mover: Cr Nemesh  
Seconder: Cr Townsend

That Council adopts the Trade Debtors Policy attached to the report.

*Cr Wy Kanak asked that his vote against the motion be recorded.*

**PD/5.3/25.07 Simpson Street, Bondi Beach - Renumbering (A23/0818)****MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson  
Seconder: Cr Frazer

That Council:

1. Does not change the address of 299 Old South Head Road, Bondi Beach, to 299 Simpson Street, Bondi Beach, as it would not comply with the NSW Address Policy and User Manual and Council's Street Numbering Guidelines.
2. Does not change the numbering in Simpson Street at this time.
3. Informs the resident of 299 Old South Head Road of Council's decision.

**Division**

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

**Against the Motion:** Nil.

**PD/5.4/25.07 Rose Bay Shops (North) - Streetscape Upgrade (A25/0272)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Frazer

That Council:

1. Publicly exhibits the following concept designs for the Rose Bay Shops (North) Streetscape Upgrade, as set out in the report, for 28 days:
  - (a) Option 1 – Upgrade with kerb extensions on Old South Head Road, ensuring no impact on traffic travelling southbound behind a vehicle turning right into Towns Road.
  - (b) Option 2 – Upgrade within the existing kerb line of Old South Head Road.
2. Publicly exhibits the provisional multi-function pole package, as set out in the report and which can be added to any of the options, to underground overhead wiring and deliver smart LED lighting.
3. Officers prepare a report to Council no later than September on the outcome, the preferred

option, an updated cost plan and the proposed funding and delivery plan.

**PD/5.5/25.07                  Diamond Bay, Vacluse - Local Street Network Review (A20/0069)**

**MOTION**

Mover:     Cr Nemesh

Seconder: Cr Frazer

That Council:

1.     Retains two-way traffic in Diamond Bay Road, Craig Avenue, and Isabel Avenue, Vacluse, as the introduction of a one-way traffic route:
  - (a)    Does not have clear support from local residents.
  - (b)    Would lead to higher vehicle speeds and safety concerns.
  - (c)    May affect driver expectations and cause compliance issues with the one-way direction.
  - (d)    Would lead to increased travel distance for residents.
2.     Does not pursue the following alternative options at this time:
  - (a)    Shifting the kerb line.
3.     Investigates improvements to traffic flow through:
  - (a)    Widening the travelway at the intersection of Isabel Avenue and Diamond Bay Road.
  - (b)    Installing passing bays with identification signage including at locations between:
    - (i)     28–30A Diamond Bay Road.
    - (ii)    12–16 Diamond Bay Road.
    - (iii)   5–7 Isabel Avenue.
4.     Continues to monitor transport conditions in the area.
5.     Informs the Vacluse/Diamond Bay Precinct of this resolution and consults the Precinct on the proposed investigation.
6.     Officers prepare a report to Council no later than September on options and costings.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 3(c).

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

**UNANIMOUS DECISION**

That Council:

1.     Retains two-way traffic in Diamond Bay Road, Craig Avenue, and Isabel Avenue, Vacluse, as

the introduction of a one-way traffic route:

- (a) Does not have clear support from local residents.
  - (b) Would lead to higher vehicle speeds and safety concerns.
  - (c) May affect driver expectations and cause compliance issues with the one-way direction.
  - (d) Would lead to increased travel distance for residents.
2. Does not pursue the following alternative options at this time:
- (a) Shifting the kerb line.
3. Investigates improvements to traffic flow through:
- (a) Widening the travelway at the intersection of Isabel Avenue and Diamond Bay Road.
  - (b) Installing passing bays with identification signage including at locations between:
    - (i) 28–30A Diamond Bay Road.
    - (ii) 12–16 Diamond Bay Road.
    - (iii) 5–7 Isabel Avenue.
  - (c) Widening Isabel Avenue with preference to the southern side by the use of culverts similar to the works done on the Military Road widening.
4. Continues to monitor transport conditions in the area.
5. Informs the Vaucluse/Diamond Bay Precinct of this resolution and consults the Precinct on the proposed investigation.
6. Officers prepare a report to Council no later than September on options and costings.

**PD/5.6/25.07                      Bourke Street Upgrade, Queens Park - Design Enhancements (A23/0400)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Townsend  
Seconder: Cr Westwood

That Council:

1. Approves the design enhancements to the intersection of Bourke Street and Cuthbert Street, Queens Park, as set out in the report and as part of the approved and funded Bourke Street Upgrade project, including:
  - (a) Pedestrian crossings and continuous footpath treatments to improve pedestrian safety.
  - (b) Green paint and line marking for cyclists through the roundabout to improve cyclist safety.
2. Authorises the Executive Manager, Infrastructure Services, to modify the design should on-site

circumstances warrant changes.

**6. Urgent Business**

There was no urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 8.00 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**5 AUGUST 2025**

## REPORT

### PD/5.1/25.08



**Subject:** Sustainability and Transport Expert Advisory Panel Meeting - 22 April 2025 - Minutes

**TRIM No:** A24/0996

**Manager:** Sam McGuinness, Executive Manager, Environmental Sustainability

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

#### RECOMMENDATION:

That Council notes the minutes of the Sustainability and Transport Expert Advisory Panel meeting held on 22 April 2025 attached to the report.

#### 1. Executive Summary

This report provides information about the minutes of the Sustainability and Transport Expert Advisory Panel (STEAP) meeting held on 22 April 2025 for Council's noting. The minutes are attached to the report.

#### 2. Introduction/Background

The objective of the Sustainability & Transport Expert Advisory Panel is to provide advice and assist Council to implement its strategic vision and targets related to environmental sustainability and transport as outlined in Council's Community Strategic Plan, Environmental Action Plan (EAP), Peoples, Movement and Places Strategy in an efficient and effective manner.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 November 2024	CM/7.7/24.11	That Council: <ol style="list-style-type: none"> <li>1. Adopts the terms of reference for the Sustainability and Transport Expert Advisory Panel attached to the report.</li> <li>2. Appoints Cr Westwood (Chair), Cr Merten (Deputy Chair), Cr Fabiano and Cr Townsend to the Committee until the next mayoral election on 15 September 2026.</li> <li>3. Invites expressions of interest for 28 days for up to six community experts in sustainability and/or transport to be appointed to the Committee.</li> </ol>

**4. Discussion**

The draft minutes were distributed by email to members of the STEAP for confirmation and will be published on Council's website.

**5. Risks/Issues**

Nil.

**6. Attachments**

1. STEAP - 22 April 2025 - Minutes [↓](#)

# Sustainability and Transport Expert Advisory Panel (STEAP) Minutes



**Tuesday 22 April 2025**  
**6:00pm to 7:15pm**

**Waverley Council**  
**Cloud Room, Boot Factory**  
**Level 2, 27-33 Spring St, Bondi Junction**

**Councillors**

- Cr Westwood (Chair)
- Cr Merten (Deputy Chair)
- Cr Ludovico Fabiano
- Cr Lauren Townsend

(note all Councillors invited)

**Panel members**

- Mark Worthington
- Peter McCue
- Ben Peacock
- Wendy Adam
- Warren Salomon
- Dr Mathieu Pernice

**Staff**

Fletcher Rayner	Director, Planning, Sustainability and Compliance
Simon Mueller	Manager, Integrated Transport
Sam McGuinness	Executive Manager, Environmental Sustainability
Hao Wu	Senior Transport Planner

**Agenda**

	<i>Item</i>	<i>Presenter</i>	<i>Minutes</i>
	<b>Acknowledgement of Country</b>	Chair	Waverley Council would like to acknowledge the Bidjigal, Birrabirragal and Gadigal people who traditionally occupied the Sydney Coast.  We would also like to acknowledge Aboriginal Elders both past and present.

Sustainability and Transport Expert Advisory Panel (STEAP)

1	<b>Panel member introductions</b>	All	<p>Each panel member gave a brief overview of themselves and interest:</p> <ul style="list-style-type: none"> <li>• Clr Katherine Westwood (Chair) and career working in food, interested in waste/packaging and bike riding</li> <li>• Fletcher Rayner (staff) – Draft EAP and Director PSC</li> <li>• Sam McGuinness (staff) – Facilitating sustainable cities</li> <li>• Clr Margaret Merten – Bondi resident and sustainability</li> <li>• Warren Solomon – retired sustainable transport</li> <li>• Clr Ludovico Fabiano – Sustainable cities</li> <li>• Mark Worthington - waste, heritage, sustainability, president of BIKEast and bike advocacy</li> <li>• Peter McCue – Policy in state govt, PCAL and academic research in active transport</li> <li>• Hao Wu (staff) – transport planner</li> <li>• Simon Mueller (staff) – Manager of Integrated Transport</li> <li>• Mathieu Pernice – Professor at UTS, Climate Change Cluster as a scientist and bridging the gap between community and sustainability</li> </ul>
2	<b>Terms of Reference</b>	Chair	<p>Discussion on the terms of reference, the purpose of this group and how best to achieve the objectives of the TOR. Discussion points included:</p> <ul style="list-style-type: none"> <li>• The difficulty of this Panel being focussed when the objectives are very broad.</li> <li>• Role of the Panel to assist Council and staff decision making.</li> <li>• The Panel provides an opportunity to assist Council target key issues at State and federal govt.</li> <li>• Enables new ideas to be raised and discussed openly</li> <li>• Contentious issues can be raised such as parking which are raised in other areas but are key to transport and sustainability.</li> <li>• Panel can provide technical input and then support and advise on how to implement this and manage community and political issues.</li> </ul>
3	<b>Environmental Sustainability Overview</b>	Sam McGuinness	<p>Presentation on the scope of environmental sustainability and the upcoming reports to Council:</p> <ul style="list-style-type: none"> <li>• Draft Environmental Action Plan - 2025-2035</li> <li>• Draft Resource Recovery and Waste Strategy</li> </ul>
4	<b>General Transport Overview</b>	Simon Mueller	<p>Presentation on transport in Waverley and key transport challenges.</p>

## Sustainability and Transport Expert Advisory Panel (STEAP)

			<p>Discussion:</p> <ul style="list-style-type: none"> <li>The connection between the Long Term Financial Plan (LTFP) and the implementation of transport priorities</li> <li>The management of e-bikes as an emerging and key issue, safety and inclusion in crash data.</li> </ul>
5	<b>Draft Waverley Walking Strategy</b>	Hao Wu	<p>Hao Wu, Senior Transport Planner, delivered a presentation on the development of the Draft Walking Strategy which is planned to go on public exhibition following the May Council meeting, subject to Council approval and adoption of the Draft Strategy.</p> <p>Discussion included:</p> <ul style="list-style-type: none"> <li>Signalisation and pedestrian priority is vital and the Walking Strategy could be used to engage and approach with Transport for NSW, such as to have diagonal (scramble) pedestrian crossing and always-on and pedestrian signal.</li> <li>This Strategy focuses both on walking for transport, and on the recreational side of walking.</li> <li>The Walk 21 Charter could be used as a framework and be adopted by Council as a commitment to walking</li> <li>Support for the Strategy which provides a clear intent, but it is important for Council to implement on ground works with the correct design and well-informed practitioners. This is particularly important with changes to Transport for NSW's delegation to Councils and greater implementation powers of Council.</li> </ul>
6	<b>Draft Waverley Bike Strategy</b>	Simon Mueller	<p>Simon Mueller, Manager Integrated Transport, delivered a presentation on the development of the Draft Bike Strategy which is planned to go on public exhibition following the May Council Committee meeting, subject to approval.</p> <p>This outlined the consultation up to this point, development of the Strategy and the proposed network.</p> <p>Discussion included:</p> <ul style="list-style-type: none"> <li>The role of the network map such as the BJ to BB route and the need for this to ensure future state government support.</li> <li>Good to celebrate the wins shown by the delivery of the BJ cycleway.</li> <li>Worthwhile to focus on the potential quick wins as some of the harder to reach users will be</li> </ul>

			<p>more difficult and will require much bigger projects.</p> <ul style="list-style-type: none"> <li>• Focus on building on the existing networks and growing them such as the BJ to City route.</li> <li>• Important to include and cater for the interaction between bikes and other mobility devices.</li> </ul>
<b>7</b>	<b>General Business</b>	All	Thankyou from the Chair with the meeting closing at 7:20pm

### Meeting Schedule

**Tuesday 9 July 2025 7:50 to 9pm**

**Tuesday 23 October 2025 7:30 to 8:45pm**

Sustainability and Transport Expert Advisory Panel (STEAP)

## REPORT

### PD/5.2/25.08



**Subject:** Waverley Development Control Plan 2022  
(Amendment No. 5) and Solar Panels and Heritage  
Guidelines - Adoption

**TRIM No:** A25/0317

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

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

### RECOMMENDATION:

That Council:

1. Adopts the Waverley Development Control Plan 2022 (Amendment No. 5) attached to the report (Attachments 1–6), to take effect when notified on Council’s website.
2. Adopts the Solar Panels and Heritage Guidelines attached to the report (Attachment 7), to take effect when published on Council’s website.

#### 1. Executive Summary

Draft Amendment No. 5 to the Waverley Development Control Plan (DCP) 2022 includes a range of housekeeping amendments and introduces new requirements for solar panels and heritage.

Public exhibition occurred between 5 June and 18 July 2025, with four submissions received. Three submissions supported the proposed changes, and one objected. This report outlines post-exhibition refinements and recommends the relevant documents be adopted by Council.

#### 2. Introduction/Background

A DCP contains detailed planning and design guidelines, for specific uses or areas, which complement the development standards contained in local environmental plans (LEPs). DCPs cannot contradict objectives, or the development standards set out in LEPs. Other documents such as guidelines support the planning controls in the Waverley DCP and LEP.

This report discusses the outcomes of the exhibited updates to the Waverley DCP and proposed Solar Panels and Heritage Guidelines.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 May 2025	CM/7.9/25.05	That Council: <ol style="list-style-type: none"> <li>1. Publicly exhibits the draft Waverley Development Control Plan 2022 (Amendment No. 5) attached to the report (Attachments 1–5) in accordance with section 3.43 and clause 5 of schedule 1 of the <i>Environmental</i></li> </ol>

		<p><i>Planning and Assessment Act 1979.</i></p> <ol style="list-style-type: none"> <li>2. Publicly exhibits the draft Solar Panels and Heritage Guidelines attached to the report (Attachment 6) for 28 days.</li> <li>3. Officers prepare a report to Council following the exhibition period.</li> </ol>
Strategic Planning and Development Committee 6 May 2025	PD/5.1/25.05	That Council defers this item to the Council meeting on 20 May 2025 due to a rescission motion having been received in relation to item CM/8.5/25.04.

#### 4. Discussion

##### Consultation

Consultation occurred between 5 June 2025 and 18 July 2025, with documents made available for review on Council's Have Your Say page. Promotion occurred through Council's digital media and the Precincts were also notified. Four submissions were received during the exhibition period, two submissions relating to both the Guidelines and the draft DCP and two submissions relating exclusively to the Guidelines. One submission was also received from a Councillor, raising the question around additional changes relating to solar panels, outside the exhibition period.

Of the public submissions, three were in support of the proposed changes and one did not support the changes, with feedback outlined in Table 1.

*Table 1. Issues raised and responses.*

Feedback	Response
Supportive of the proposed introduction of the guidelines.	Support is noted.
Does not agree with changes and believes that precincts should be consulted first and developed with the community in mind.	Objection is acknowledged; however, the Precincts were notified and invited to comment.
Minor suggested improvements to controls in draft DCP.	These have been considered and are incorporated in Table 2.
Suggested changes to the Solar Panels and Heritage Guidelines.	These have been considered and are responded to in Table 3.
Suggestion to include a control in the DCP to ensure solar panels do not block views (Councillor submission).	While the concern about view loss is understood, the majority of solar panel installations are classified as 'exempt development' under the Transport and Infrastructure State Environmental Planning Policy (SEPP). This means they do not require development consent and cannot be regulated through the DCP in most circumstances.

	<p>The proposed Solar Panels and Heritage Guidelines have been specifically developed to address the limited circumstances where Council has assessment powers—namely, in heritage conservation areas where exempt development provisions do not apply. Even within this narrower scope, controls around visual impacts and design compatibility are included, particularly where solar infrastructure is visible from the public domain.</p> <p>Importantly, attempts to control view impacts via the DCP would have limited practical effect, as most property owners can lawfully install solar panels without triggering Council approval. Introducing such a control could create confusion about Council’s authority and risk misrepresenting the regulatory framework under State legislation.</p> <p>For these reasons, the suggested DCP control is not supported. However, broader concerns about cumulative visual impacts, amenity, or solar placement can be flagged for consideration as part of future reviews of the SEPP or through Council’s advocacy to the State Government.</p>
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Feedback was also provided with regards to potential improvements for EV charging provisions in the DCP. This is out of scope of the current amendment but will be considered and explored in further detail as part of the next update to the DCP.

In response to feedback provided during the exhibition, including internal feedback, a number of post-exhibition refinements are proposed. These are summarised in Table 2 and Table 3 and shown in purple in Attachments 1-6.

*Table 2. Summary of key post exhibition refinements – WDCP 2022.*

<b>Section</b>	<b>Change</b>
Definitions	Insert new definition for ‘existing ground level’ to reinforce LEP approach and court outcomes.
Part B1 Waste	Including an exemption to proposed bin storage area ramp grade requirement to allow for use of bin-moving devices or tugs. This change has been made in response to a submission raising this point.
Part B1 Waste	Additional control to encourage (where practical) waste storage and collection sharing for commercial premises to reduce bin storage area requirements and bins on footpaths.
Part B1 Waste	Aligning bin capacity provision with that of the domestic waste charge for units.
Part B7 Transport	Minor refinements to the way the proposed changes are written.
Part C Residential	Not proceed with the clarification of wall height measurements in the controls section and instead insert clarification into ‘Definitions’ section of DCP.

Table 3 – Summary of key post exhibition refinements – Solar Panels and Heritage Guidelines.

Issue	Change
Properties that originally had slate roofs should be excluded from the Heritage Exemption Pathway.	This suggested change is not supported on the grounds that in most circumstances, it will be difficult to ascertain whether a property previously had a slate roof and may overcomplicate the desired simplification of installation of solar panels for most types of properties in conservation areas.
Consideration of solar tiles as an alternative to solar panels.	For the purposes of interpretation, solar tiles would be considered solar panels also. As such, there is already flexibility in considering the use of solar tiles in place of traditional larger panels. Solar tile technology is very much in its infancy in Australia and there is unlikely to be significant uptake for some time.
Minor clarifications	Various minor clarifications regarding: <ul style="list-style-type: none"> <li>• State Heritage Listed Items.</li> <li>• The time period for which Heritage Exemption Certificates are valid.</li> <li>• Primary street frontages for corner blocks.</li> </ul>

### Timeframe

It is anticipated that the proposed DCP amendments will be combined with the proposed changes arising from the Footpath Seating Policy review. If both are adopted, they will collectively form Amendment No. 5 of WDCP 2022. The changes will take effect within 14 days after publication on Council's website, in accordance with the *Environmental Planning and Assessment Regulation 2021*.

### 5. Financial Impact

All activities related to the project have occurred within existing Council budgets.

### 6. Risks/Issues

There are no risks or issues considered to arise from the adoption and finalisation of the changes to the WDCP2022 and Solar Panels and Heritage Guidelines.

### 7. Attachments

#### 8.

1. DCP - Part B - General Provisions [↓](#)
2. DCP - Part C - Residential Development [↓](#)
3. DCP - Part D - Commercial Development [↓](#)
4. DCP - Part E - Site Specific Development [↓](#)
5. DCP - Part F - Development Specific [↓](#)
6. DCP - Definitions [↓](#)
7. Solar Panels and Heritage Guidelines [↓](#)

## **PART B**      **GENERAL PROVISIONS**

## Waste B1

## B1 WASTE

This Part applies to all works requiring a development application (DA) and is to be read in conjunction with [the waste minimisation and recycling clause in the Waverley Local Environmental Plan 2012 alongside](#) Council's relevant policies and guidelines.

**General Objectives**

- (a) To support the delivery of the targets and outcomes of the [adopted Council environmental action plan, relevant waste and resource recovery strategy, Waste Avoidance and Resource Recovery Act 2001 and Protection of the Environment Operations Act 1997.](#) ~~Environmental Action Plan, the Waste and Sustainable Materials Strategy 2020-2041, and the Waste Avoidance and Resource Recovery Act 2001 and the Protection of the Environment Operations Act 1997.~~
- (b) To reduce the amount of waste generated and maximise resource recovery during the demolition, construction and ongoing management of a property.
- (c) To facilitate safe and efficient waste and recycling collection from all premises.
- (d) To ensure waste management, removal and disposal is in accordance with the relevant State Government Legislation.
- (e) To support innovative and circular solutions for avoiding waste to landfill in the built environment.
- (f) Minimise ongoing operational waste management costs to property owners, occupants, and the Council.
- (g) Minimise developments' waste management and collection service impacts on occupants and surrounding areas.
- (h) Reduce other impacts on occupants and surrounding areas related to waste management such as traffic congestion, truck movements, greenhouse gas emissions, noise from frequent collections.

**General Controls**

- (a) The *Site Waste & Recycling Management Plan* (SWRMP) is to be submitted in accordance with the *Waverley Development Application Guide*.

## 1.2 ONGOING MANAGEMENT

**Objectives**

- (a) To ensure new developments and changes to existing developments are designed to minimise waste generation and maximise resource recovery.
- (b) To encourage waste storage facilities that are designed to enable [the reuse of materials and](#) source separation ~~for~~ [to facilitate appropriate recycling recovery](#)
- (c) To ensure waste and recycling systems are easy to use and complement Council's waste and recycling services.
- (d) To promote safe practices for storage, handling and collection of waste and recycling.
- (e) To prevent stormwater pollution that may result from poor waste and recycling storage and management practices.
- (f) To ensure waste storage areas have sufficient volume, are easily accessible, safe, hygienic and are aesthetically incorporated into the design of the development.

**Waste B1**

- (g) To prevent impacts to the environment that may result from the incorrect use of bins, litter, excess waste and illegal dumping.
- (h) To minimise impacts of waste and waste bins presented on public land for collection on pedestrian and vehicle access, safety and amenity.
- (i) To provide flexibility to expand or reconfigure waste separation systems, so that owners and occupants have options to access a range of waste and recycling services.

**Controls**

- (a) Development for the purposes of any of the following must comply with Part B1.3:
  - Dwelling houses;
  - Dual occupancies;
  - Secondary dwellings;
  - Semi-detached dwellings;
  - Attached dwellings;
  - Multi-dwelling housing.
- (b) Development for the purposes of any of the following must comply with Part B1.4:
  - All other residential accommodation not listed in (a) above;
  - Tourist and visitor accommodation;
  - Commercial development; and
  - Any other development not listed in (a).

**Waste B1****1.3 LOW DENSITY RESIDENTIAL DEVELOPMENT**

This section applies to development for the purposes of Dwelling houses; Dual occupancies; Secondary dwellings; Semi-detached dwellings; and/or Attached dwellings.

**1.3.1 General Controls**

- (a) Details of ongoing waste management strategy are to be documented within a *Site Waste & Recycling Management Plan (SWRMP)*.
- (b) A waste and recycling storage area for each dwelling must be located on the relevant lot in a position convenient for both users and waste collection personnel.
- (c) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.
- (d) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the *Local Government Act 1993*.
- (e) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (f) Council will supply and service 140L and 240L bins.
- (g) Organic waste should be either treated in a composting or worm farming system or ~~collected separately stored~~ in a Council approved bin or skip (refer to Annexure B1-5).
- (h) Incineration devices are not permitted.

**1.3.2 Amenity**

- (a) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.
- (c) All waste and recycling receptacles must be put out for kerb-side collection no earlier than the previous evening.
- (d) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

**1.3.3 Ongoing Management**

- (a) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (b) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.

## Waste B1

**1.4 ALL OTHER DEVELOPMENT**

This section applies to development for the purposes of the following: all residential accommodation not affected by *1.3 Low Density Residential Development* above; Tourist and visitor accommodation; Commercial development; and/or any other development.

Please note that:

- Backpacker accommodation is a commercial property use and requires a commercial waste service.
- Boarding houses/time shares/co-living housing, serviced apartments, retirement village, and independent living are residential uses and require a domestic waste service, incurring a Domestic Waste Charge.

**1.4.1 Waste Storage Areas****1.4.1.1 GENERAL CONTROLS**

- (a) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years (or earlier when needed) to employ updated waste reduction strategies and technologies.
- (b) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment. Minimum waste and recycling generation rates for various commercial and residential developments are provided in Annexure B1-2.
- (c) Ensure bins can be placed side-by-side and can be easily manoeuvred (no stacking).
- (d) Bin-carting route from the storage area to the collection point is safe and convenient with no steps or steep gradients.
- (e) Waste storage rooms or areas are to be easily accessible by residents and users of the waste system (<30 m from collection point).
- (f) Waste rooms are not to be used for any purpose other than the storage of waste and/or waste infrastructure.
- (g) Where a door or gate opens inwards, no bins are stored within the arc of the swinging door. Where a door or gate opens outwards, the gate does not block the pathway for moving bins out to the collection point.
- (h) Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 of the *Local Government Act 1993*.
- (i) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (j) Council will supply and service 140L, 240L and 660L bins. The use of 660L bins will only be considered where:
  - (i) The collection point has enough space to present 660L bins without impacting pedestrian access to the footpath and/or driveway of the development;
  - (ii) The collection point is level; and,
  - (iii) Council waste collection vehicle can access the collection point either within the property boundary or at the kerb-side and the collection point meets requirements in Annexure B1-3.

## Waste B1

- (k) For developments with 20 dwellings or more, or mixed-use developments with more than 200sqm of commercial floor space and a minimum of 10 residential dwellings, advice must be obtained from a waste management consultant to incorporate optimal waste storage and management solutions that recover as much material as possible. Such solutions can be in the form of compactors, chute systems, and/or problem waste storage and collections. Strategies for waste minimisation, and the reduction of waste storage space are to be outlined in the SWRMP.
- (l) Additional space in the bin room is required for waste compactors, chutes, and other infrastructure to easily manoeuvre bins.
- (m) Any volume reducing equipment must be installed in accordance with the manufacturer's design specifications and have a space between the unit and the walls to enable easy access for cleaning and maintenance. Compaction rates must not be set higher than 2:1.
- (n) Organic waste should be either treated in a composting or worm farming system or collected separately stored in a Council approved bin or skip (refer to Annexure B1-5).
- (o) Incineration devices are not permitted.
- (p) Waste and recycling storage rooms must be:
  - (i) Enclosed to prevent noise, odour and visual impacts;
  - (ii) Designed to store the entire set fleet of bins plus 0.2m between bins to allow adequate manoeuvrability;
  - (iii) Designed with a 1.8m unobstructed clearance zone between the stored bins and the entrance for access and manoeuvrability;
  - (iv) Designed with suitable door and corridor access to enable bin movement;
  - (v) Constructed of concrete or other approved materials at least 75mm thick;
  - (vi) Finished with a smooth even surface to be easily cleaned;
  - (vii) Coved at the intersection with walls and plinths with a ramp to the doorway where necessary;
  - (viii) Graded and drained to the sewerage system and approved by Sydney Water;
  - (ix) Fitted with a close fitting and self-closing door that can be opened from within the room;
  - (x) Designed with adequate lighting and natural/mechanical ventilation;
  - (xi) Fitted with smoke detectors in accordance with the relevant Australian Standards.
  - (xii) Equipped taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency;
  - (xiii) Designed to include a clear and easy-to-read "NO STOPPING" sign and "DANGER" sign on the external face of waste storage rooms where appropriate;
  - (xiv) Designed to ensure waste-water from the cleaning of the waste storage area and bins, is not to drain into the stormwater system; and
  - (xv) Fitted with childproof compactors or mechanical devices where used in the storage of waste.

### 1.4.1.2 ADDITIONAL CONTROLS RELATING TO RESIDENTIAL COMPONENTS OF DEVELOPMENT

## Waste B1

- (a) A room or caged area with a minimum floor space of 4m<sup>2</sup> must be provided for the storage of discarded bulky items, awaiting collection. The doorway of this storage area must be at least 1.5m. The following minimum floor space requirements apply:
  - (i) Between 6 and 20 units: 4m<sup>2</sup>
  - (ii) Between 21 and 40 units: 4m<sup>2</sup> + 1m<sup>2</sup> for every 10 additional units above 20 units
  - (iii) Between 41 and 100 units: 8m<sup>2</sup> + 1m<sup>2</sup> per 20 additional units above 40 units
  - (iv) Over 101 units: 12m<sup>2</sup> + 1m<sup>2</sup> per 50 additional units above 100 units
- (b) Additional space is required for recycling problem waste such as textiles or electronic waste. The minimum floor space required is 1 m<sup>2</sup> per 50 units to a maximum 2m<sup>2</sup>. This space should be within or attached to the waste storage area.
- (c) Developments containing more than 3 habitable storeys must:
  - (i) Provide a system for convenient transportation of waste and recyclable material to the communal waste and recycling storage area; Provide a waste and recycling compartment/area on each floor with sufficient capacity to store at least 1 day volume of waste and recycling likely to be generated on that floor; and
  - (ii) Where a chute system is provided, ~~the both~~ waste chute for garbage material, and an area for bins relating to bins for separated recycling and organic materials must be located stored together in an allocated communal waste and recycling area on each floor.
- (d) Waste, recycling and ~~garden~~ organics receptacles must be stored at all times within a building in a designated storage room. Exceptions can be made:
  - (i) Where storage space is available at the side or back of the building, away from public accessibility, and the area can be screened from public and commercial domains; or
  - (ii) Where the storage area at the front of the property is completely enclosed with no risk of public accessibility.
  - (iii) If a waste storage area is outside of the building, the design must complement the primary building and the storage location must be >1m from windows and balconies.

### 1.4.1.3 ADDITIONAL CONTROLS RELATING TO COMMERCIAL COMPONENTS OF DEVELOPMENT

- (a) -All new developments are to provide adequate storage for waste to accommodate future change of use, including increased waste generation rates and grease traps.
- (b) If the commercial use of the property is undecided, minimum waste and recycling generation rates must be applied as per Annexure B1-2.
- (c) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and general waste in separate receptacles.
- (d) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.
- (e) A minimum of 2m<sup>2</sup> floor space for developments under 100m<sup>2</sup> and 4m<sup>2</sup> floor space for developments over 100m<sup>2</sup> must be allocated within the building for the

## Waste B1

- storage of reusable items such as crates and pallets, and bulk waste such as cardboard or soft plastics.
- (f) Separate space must be allocated for the storage of trade wastewater (within the building where applicable). Trade wastewater must be managed in accordance with a Sydney Water permit and any pre-treatment equipment such as grease traps must meet Australian standards and be properly installed and maintained.
  - (g) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
  - (h) Waste cooking oil must be stored in sealed containers and stored in a bunded area (an area where leaking oil can't escape). Space must be allocated to store the waste cooking oil and the location must be in an area easily accessible to the oil recycler for servicing.
  - (i) For commercial premises that generate 20% or more food waste, or other waste which is considered by Council to have potential amenity impacts, a daily general waste or organic<sup>1</sup> collection is required (depending on timing in relation to the State Government mandate), unless an alternative is agreed upon with Council.
  - (j) For premises that use 660L bins or larger bins, the bins must be lockable and have wheels with working brakes.
  - ~~(k)~~ All commercial kitchens in cafes and restaurants or similar must include space for a dishwasher to ensure plates, cutlery and crockery can be washed to reduce reliance on single use items.
  - ~~(l)~~ All relevant commercial businesses subject to the requirement of the separation and collection of organic materials, must abide by the relevant State Government mandate per the Protection of the Environment Operations Act 1997.-(FOGO Recycling Bill 2025).
  - ~~(m)~~ To minimise collection vehicle movements within the local traffic network, where practical, developments with multiple commercial tenancies should seek to facilitate shared waste disposal, storage and collection.

### 1.4.1.4 ADDITIONAL CONTROLS RELATING TO ALL MIXED-USE DEVELOPMENT

- (a) In addition to the relevant application of controls from B1.3.3, this section also applies to any mixed use development.
- (b) There must be at least two separate waste and recycling storage rooms or areas, one for commercial waste and recycling, and one for residential waste and recycling. Storage rooms are to be self-contained and have separate keys and locking systems. A separate bulky waste storage room is also to be provided for residents that is inaccessible to commercial premises.
- (c) Mixed-use developments that require the equivalent of 20 x 240L of Mobile Garbage Bins to store their waste and recycling must organise onsite collection or a wheel in/out service.

## 1.4.2 Access and Collection

### 1.4.2.1 GENERAL CONTROLS

- (a) Waste and recycling storage areas must be located in a position convenient for both users and waste collection personnel.

<sup>1</sup> Pending the rollout of the NSW Government FOGO mandate for Waverley Council.

## Waste B1

- ~~(b)~~ The path for bins between the waste and recycling storage area and the vehicle collection point must be free of steps, narrow gates, vegetation, stepping-stones, loose material, ~~and~~ kerbs, and not exceed a grade of 1:14 at any point, unless using an appropriate bin tug device, which must be stored within the waste storage area or adjacent area.
- ~~(e)~~(b) Multi-residential and mixed-use development with more than 20 residential units must accommodate an on-site domestic waste collection service.
- ~~(e)~~(c) Access roads must comply with the Building Code of Australia, all relevant Australian Standards and *Annexure B1-3*.

### 1.4.2.2 ADDITIONAL CONTROLS RELATING TO ON SITE WASTE COLLECTION

- (a) On-site waste collection is to be accommodated within a basement or at grade within the building from a dedicated collection point or loading bay that does not impede pedestrian, cycleway, or vehicle movement.
- (b) The on-site waste collection must be designed to allow collection vehicles to enter and exit the property in a forward direction and must have adequate vehicle clearance. Exceptions may be considered where the collection vehicle can back into a driveway safely without impeding pedestrian or vehicle access.
- (c) The on-site waste collection loading point is to comply with the provisions of *Annexure B1-3*.
- (d) The on-site waste collection point may be the same as, or separate to, the waste storage room. Unimpeded and level access is to be provided between the waste collection point and the loading bay.
- (e) The on-site waste collection point is to be of a sufficient size to store all bins to be collected without interruption to the functioning of the development.
- (f) The on-site waste collection point must include a bulky household waste collection point separate (or next to) to the bin collection point.

### 1.4.2.3 ADDITIONAL CONTROLS RELATING TO WHEEL-IN AND WHEEL-OUT COLLECTION SERVICE

A wheel-in and wheel out service is subject to approval by Council and will only be approved where on-site collection is deemed not feasible for the premises. Council will consider providing wheel-in, wheel-out collection service for residential bins and bulky household waste under the following (but not limited to) circumstances:

- (a) The presentation of the bins at the property would impact on pedestrian access or other safety issues;
- (b) A roller door or similar to access the bin room or a temporary holding area is available on the boundary of the property where the bins would be collected from;

## Waste B1

- (c) There is a maximum of **158m** between the designated Council waste collection vehicle access point and designated collection point;
- (d) Collection point is accessible from the street, including from a driveway or a designated parking area;
- (e) The waste collection point does not impede traffic or pedestrian flow whilst engaged in the collection of bins/bulky waste;
- (f) Council waste collection vehicle access is available either within the property boundary or street access and meets requirements in Annexure B1-3; and,
- (g) The path for bins between the designated bin storage area and the vehicle collection point must have a flat surface and be free of steps, narrow gates, vegetation, stepping-stones, and loose material.

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### 1.4.3 Amenity

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#### 1.4.3.1 GENERAL

- (a) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.
- (c) All waste and recycling receptacles must be put out for kerb-side collection no earlier than the previous evening.
- (d) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

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### 1.4.4 Management

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#### 1.4.4.1 GENERAL CONTROLS

- (a) A current copy of the approved SWRMP is to be ~~stored on-site and~~ available to the building manager and owner's corporation at all times.
- (b) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (d) Where a change of use, change of tenant or change in waste management practices will result in a variation to the SWRMP, an application is to be made to Council to revise the approved SWRMP.
- (e) The SWRMP must identify responsibility for:
  - (i) cleaning of waste receptacles and storage areas
  - (ii) for transfer of bins within the property, to the collection point and back to the storage areas.
  - (iii) regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services































































































































































































**REPORT**  
**PD/5.3/25.08**

**Subject:** Footpath Seating Policy and Guidelines and Waverley Development Control Plan 2022 - Adoption

**TRIM No:** A25/0635

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

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

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**RECOMMENDATION:**

That Council:

1. Adopts the Footpath Seating Policy and Guidelines attached to the report (Attachment 1).
2. Adopts the associated amendments to the Waverley Development Control Plan 2022 attached to the report (Attachment 2).

**1. Executive Summary**

At its meeting on 29 April 2025, Council supported the draft Footpath Seating Policy and Guidelines (FSPG) for public exhibition.

The draft FSPG was publicly exhibited between 5 June and 4 July 2025. The Have Your Say page was visited 203 times during this time and 10 submissions were received.

The new Footpath Seating Policy and Guidelines is designed to be clearer, more accessible and better suited to the needs of our local business community.

**2. Introduction/Background**

At its meeting on 29 April 2025, Council supported the draft FSPG for public exhibition.

The draft FSPG reflects the provisions of Part D2 of the existing Waverley Development Control Plan 2022, with the following key amendments proposed:

- Removing the requirement for adherence to a seating plan, in favour of only prescribing the area available for seating.
- Removing requirement for strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.
- Reducing the minimum kerb setback from 1.5m to 1m where footpath seating is located adjacent to the roadway, increasing the space available for footpath seating whilst ensuring adequate access to parked cars.
- Adopting a 1.5 m setback from building corners, as opposed to the current '45-degree splayed setback', to simplify interpretation.
- Simplifying the hours of operation for footpath seating, including expanding the maximum hours in Local and Commercial Centres (E1 and E2) as well as Mixed Use (MU1) zones from 7 am-9 pm to 6 am-10.00 pm.

- Detailed guidance on the application process to assist business operators.
- Updated graphics and diagrams to reflect public domain improvements and interpretation.

The new Footpath Seating Policy and Guidelines is designed to be clearer, more accessible, and better suited to the needs of our local business community.

The draft FSPG is also consistent with reforms introduced by the NSW Government between 2020 and 2024, which made it easier for food and beverage premises to trade outdoors, removing the need to obtain DA approval in most circumstances.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 April 2025	CM/7.13/25.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Publicly exhibits the draft Footpath Seating Policy and Guidelines and associated amendments to the Waverley Development Control Plan 2022 attached to the report for 42 days.</li> <li>2. Notes the following key amendments are proposed to the current Waverley Development Control Plan 2022: <ol style="list-style-type: none"> <li>(a) Removing the requirement for adherence to a seating plan, in favour of only prescribing the area available for seating.</li> <li>(b) Removing requirement for strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.</li> <li>(c) Reducing the minimum kerb setback from 1.5 m to 1 m where footpath seating is located adjacent to the roadway, increasing the space available for footpath seating while ensuring adequate access to parked cars.</li> <li>(d) Adopting a 1.5 m setback from building corners, as opposed to the current '45-degree splayed setback', to simplify interpretation.</li> <li>(e) Simplifying the hours of operation for footpath seating, including expanding the maximum hours in Local and Commercial Centres (E1 and E2) as well as Mixed Use (MU1) zones from 7 am-9 pm to 6 am-10.00 pm.</li> <li>(f) Detailed guidance on the application process to assist business operators.</li> <li>(g) Updated graphics and diagrams to reflect public domain improvements and</li> </ol> </li> </ol>

		<p>interpretation.</p> <ol style="list-style-type: none"> <li>3. Requests the Mayor to inform the following stakeholders of the exhibition of the draft Footpath Seating Policy and Guidelines: <ol style="list-style-type: none"> <li>(a) Waverley Business Forum.</li> <li>(b) Bondi and Districts Chamber of Commerce.</li> <li>(c) Member for Vaucluse, Kellie Sloane MP.</li> <li>(d) Member for Coogee, Marjorie O'Neill MP.</li> <li>(e) Member for Wentworth, Allegra Spender MP.</li> <li>(f) Minister for Small Business, the Hon Stephen Kamper MP.</li> <li>(g) Minister for Local Government, the Hon Ron Hoenig MP.</li> </ol> </li> <li>4. Officers prepare a report to Council following the exhibition period.</li> </ol>
<p>Council 26 November 2024</p>	<p>CM/8.1/24.11</p>	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Immediately amends the footpath dining permit system to not require strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.</li> <li>2. Officers prepare a report to Council no later than March 2025 outlining: <ol style="list-style-type: none"> <li>(a) Housekeeping amendments to the Waverley Development Control Plan to create consistency with clause 1(a).</li> <li>(b) A new draft Outdoor Dining Policy and Guidelines.</li> </ol> </li> <li>3. Writes to the following organisations informing them of Council's decision: <ol style="list-style-type: none"> <li>(a) Bondi and Districts Chamber of Commerce.</li> <li>(b) Night Time Industries Association (NTIA).</li> <li>(c) Independent Bars Association.</li> <li>(d) Council's Precincts.</li> </ol> </li> </ol>

Council 19 March 2024	CM/8.5/24.03	That Council:  1. Amends the footpath dining permit system to only prescribe the area available.  2. Officers notify Councillors once the footpath dining permit system process has been amended.
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#### 4. Discussion

The draft FSPG was publicly exhibited between 5 June and 4 July 2025, and included

- A Have Your Say page, including an FAQ and feedback survey.
- Advertising is multiple issues of the Waverley Weekly email-newsletter.
- Social media digital advertising.
- Email notification to Precincts, as well as Have Your Say and Waverley Business newsletter subscribers.

203 people visited the page during this time and 10 submissions were received.

Feedback received on the FSPG was generally mixed, with three submissions expressing support in favour of the policy and five submissions not in favour, raising concerns or complaints.

Submissions in support of the new policy expressed that it provides a clearer and more business-friendly framework compared to the existing Part D2 of the Waverley DCP.

Of those submissions not in favour, three were concerned with the proposed amendment to the kerb set back control from 1.5 to 1 metre. Issues raised included adequate circulation space for people accessing cars, especially with prams, dogs and wheelchairs, as well as patron crowding of the footpath waiting for tables. In response to these concerns, the policy states that business must comply with both the 1 metre setback control as well as the 2.5 metre minimum clear path of travel width. This control applies only to footpath seating located adjacent to the roadway.

Four submissions raised issues of policy compliance and business management of patrons seated on the footpath. In response, the new FSPG is designed to be clearer, and more accessible to businesses, as well as Council rangers, compliance officers and local police, to better manage the potential hazards posed by footpath seating. It is expected that the new policy will assist in alleviating issues of compliance and patron management.

#### Post-exhibition amendments

Minor post exhibition amendments have been made to the policy following community consultation, including amended guidance on the use of furniture and tableware associated with footpath seating, additions to the terms and conditions to better advise businesses, as well as review time frames following implementation. These changes are shown in red in Attachment 1.

#### DCP amendments

It is anticipated that the proposed DCP amendments (Attachment 2) will be combined with proposed changes to the Waverley Development Control Plan 2022 (Amendment No. 5) if adopted by Council (see the separate report on this agenda). Collectively together, the changes will form Amendment No. 5 of the Waverley DCP 2022.

The *Environmental Planning and Assessment Regulation 2021* sets out the requirements that following the adoption of a DCP, Council must publish notice on its website, specifying the date in which the previous DCP is repealed and the new DCP comes into effect, with at least 14 days' notice to be provided.

## **5. Financial Impact**

Council received \$1.2 million from footpath seating applications, permits, and lease agreements in the 2024-25 financial year. The proposed amendments are not expected to materially impact future lease revenue.

## **6. Risks/Issues**

There are no risks or issues considered to arise from the adoption and implementation of the Footpath Seating Policy and Guidelines.

## **7. Attachments**

1. Footpath Seating Policy and Guidelines [↓](#)
2. Associated amendments to Waverley DCP 2022 Part D [↓](#)





































































## REPORT

### PD/5.4/25.08



**Subject:** Electric Vehicle Charging Stations - Monitoring and Usage

**TRIM No:** A17/0586

**Manager:** Sam McGuinness, Executive Manager, Environmental Sustainability

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

#### RECOMMENDATION:

That Council notes the usage of electric vehicle charging stations and compliance with associated parking restrictions, as set out in the report.

#### 1. Executive Summary

This report provides an overview of the usage patterns and compliance levels of public electric vehicle charging stations within the Waverley local government area (LGA). It includes data on Council-operated charging infrastructure and outlines emerging issues raised by the community.

#### 2. Introduction/Background

Council adopted the Eastern Suburbs Electric Vehicle Charging Strategy in 2023. Implementation of this strategy has resulted in the installation of 92 public EV chargers within the Waverley LGA, including 40 that are owned and operated by Council. This report responds to Council's resolution requiring monitoring of utilisation and compliance at these sites.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services 4 February 2025	FC/5.1/25.02	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Installs electric vehicle (EV) charging signage and line marking at the locations set out in the attachment to the report, subject to the following amendments: <ul style="list-style-type: none"> <li>...</li> </ul> </li> <li>2. Officers develop a formal monitoring system of EV charging spaces that collects: <ol style="list-style-type: none"> <li>(a) Data on the utilisation of EV charging parking spaces.</li> <li>(b) Data on compliance with parking</li> </ol> </li> </ol>

		<p>restrictions.</p> <p>(c) Other relevant data that will assist in the analysis of usage.</p> <p>3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the signage should on-site circumstances warrant changes.</p> <p>4. Officers prepare a report to Council in July 2025 with an analysis of EV charging space usage and associated issues.</p>
Strategic Planning and Development Committee 7 November 2023	PD/5.4/23.11	<p>That Council:</p> <p>1. Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report.</p> <p>2. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.</p>

#### 4. Discussion

As of May 2025, there are 1,571 registered electric or plug-in hybrid vehicles in the Waverley LGA, accounting for 3.9% of all registered vehicles. This is significantly higher than the national average of 1.34%.

#### Charging spaces

As of June 2025, the Waverley LGA currently hosts 92 public charging spaces, of which 54 (58%) are accompanied by dedicated EV parking. A breakdown of operator ownership is provided below.

*Table 1. summary of charging spaces and charging station operators*

Operator	Dedicated Charging Spaces (ports)	Non-Dedicated Charging Spaces (ports)	Total Charging Spaces/Ports
<b>COUNCIL</b>	25	15	40
<b>EVIE</b>	4	0	4
<b>EVX</b>	10	6	16
<b>Intellihub</b>	7	0	7
<b>PLUS ES</b>	8	17	25
<b>Grand Total</b>	<b>54</b>	<b>38</b>	<b>92</b>

Some of the line marking is still to be implemented as per the February Council resolution.

#### Charging sessions

While usage data is not yet available for recently installed stations by EVX and PLUS ES, data for Council-operated chargers shows an average of 702 charging sessions per month over the last six months. This equates to approximately:

- 2.5 sessions per dedicated space per day.
- 5 hours of average daily charging time per space.

A reduction in usage has been observed since January 2025, coinciding with a rapid increase in private sector charging supported by the NSW Government's Kerbside Charging Grants. However, with more than 100 new EVs being registered in Waverley each quarter, the downward trend is not expected to persist.

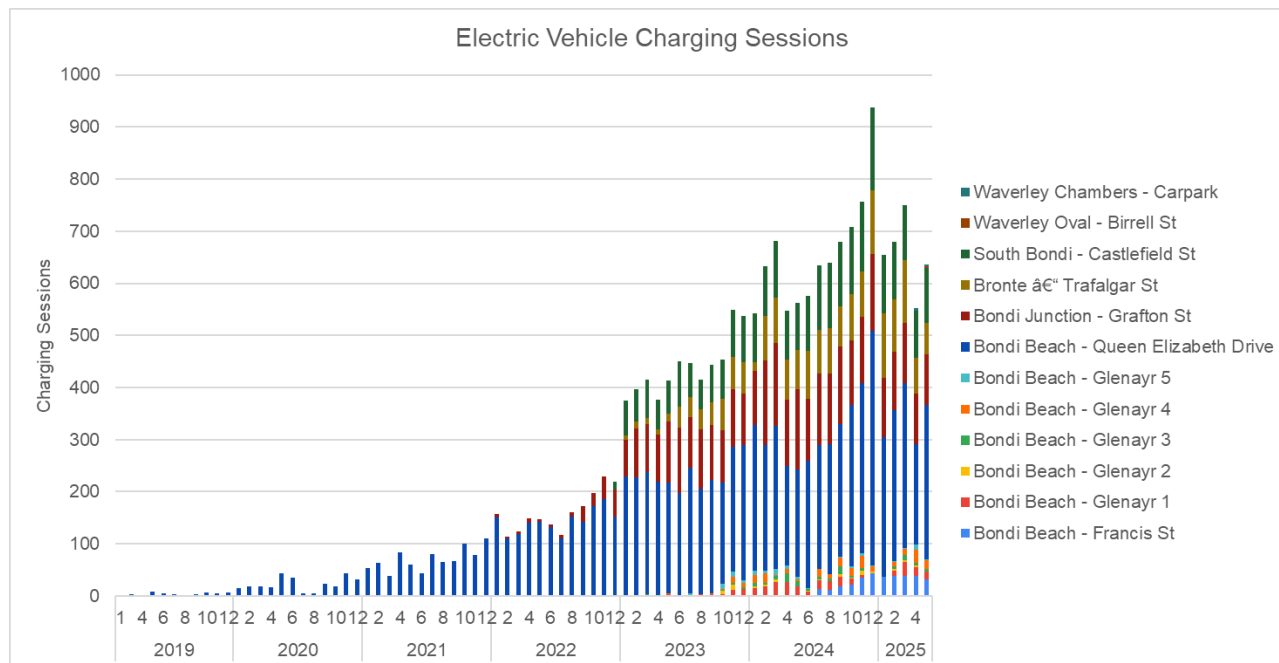


Figure 1. Electric vehicle charging sessions on Waverley public EV chargers.

### Parking Infringements

Since September 2023, 50 infringement notices have been issued for non-electric vehicles parking in EV-only bays. The breakdown by location is as follows:

- Warners Avenue – 19 infringements.
- Queen Elizabeth Road – 8 infringements.
- Ebley Street – 5 infringements.
- Murriverie Road – 4 infringements.
- Bronte Road – 3 infringements.
- Wiley Street – 3 infringements.
- Francis Street – 2 infringements.
- Glenayr Avenue – 2 infringements.
- Castlefield Street – 1 infringement.
- Grafton Street – 1 infringement.
- Macpherson Street – 1 infringement.
- Queen Elizabeth Drive – 1 infringement.

### 5. Financial Impact

There is no financial impact associated with this report.

## **6. Risks/Issues**

During the consultation and roll out of the public EV network, community concerns were raised regarding:

- The appropriateness of designated EV parking.
- The conversion of general spaces into EV only bays.

Although adjustments were made in response to this feedback, ongoing concerns have emerged, particularly regarding requests for new or retrofitted dedicated EV bays. Officers are continuing to monitor usage trends. A clearer picture of utilisation levels is expected in the coming months, which will inform decisions of any future modifications.

## **7. Attachments**

Nil.

**REPORT**  
**PD/5.5/25.08****WAVERLEY**  
COUNCIL

**Subject:** Waverley Business Forum - Community Membership

**TRIM No:** A24/0997

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

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

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**RECOMMENDATION:**

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Appoints the following community members to the Waverley Business Forum to September 2028:
  - (a) Sarah Hudson.
  - (b) Marina Makhlin.

**1. Executive Summary**

This report recommends the appointment of two community members to the two vacant positions on the Waverley Business Forum, following an expression of interest (EOI) process.

**2. Introduction/Background**

The Waverley Business Forum, as outlined in its terms of reference (TOR), aims to strengthen our local economy by fostering collaboration between businesses, Council, the Chamber of Commerce, industry groups and the wider community. The Forum will meet up to three times per year, creating a valuable platform for networking and knowledge-sharing.

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

- Engaging the business community.
- Building collaborative partnerships.
- Advising local government.
- Promoting economic development.
- Networking and knowledge sharing.
- Data gathering and reporting.

Membership comprises:

- The Mayor.
- All Councillors.
- Up to 10 community members who have direct experience in small business, economic development, innovation or tourism either personally, professionally or academically
- A representative from the Bondi Chamber of Commerce.
- A representative from Bondi Innovation.

As of June 2025, the Forum had eight community members appointed to Waverley Business Forum. This report seeks to fill the remaining two vacant positions.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee Meeting 1 April 2025	PD/5.1/25.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats the attachment to the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</li> <li>2. Appoints the following community members to the Waverley Business Forum to September 2028: <ul style="list-style-type: none"> <li>(c) Anthony Brooks.</li> <li>(d) Luke Caleo.</li> <li>(e) Jay Fink.</li> <li>(f) Miriam Guttman-Jones.</li> <li>(g) Victor Negrine.</li> <li>(h) Joshua Roach.</li> <li>(i) Fay Theiss.</li> <li>(j) Debbi Weiss.</li> </ul> </li> <li>3. Notes that Emmanuel Constantinou or nominee is the Bondi and Districts Chamber of Commerce's representative on the Forum.</li> <li>4. Notes that Ross Dawson or nominee is Bondi Innovation's representative on the Forum.</li> <li>5. Invites expressions of interest for additional community members to fill the remaining two vacancies on the Forum and to establish a pool of</li> </ol>

		suitable candidates to fill any future vacancies.
Council 10 December 2024	CM/7.6/24.12	That Council: <ol style="list-style-type: none"> <li>1. Adopts the terms of reference for the Waverley Business Forum attached to the report, subject to the Forum having two deputy chairs.</li> <li>2. Appoints Cr Nemesh as Chair and Crs Fabiano and Masselos as Deputy Chairs of the Waverley Business Forum until the next mayoral election on 15 September 2026.</li> <li>3. Invites expressions of interest for up to 10 community members with experience in small business, economic development, innovation or tourism to be appointed to the Forum.</li> </ol>

#### 4. Discussion

The EOI process sought to fill the remaining two vacancies on the Business Forum and to establish a pool of suitable candidates to fill any future vacancies.

Expressions of interest were run through Council's Have Your Say page and promoted through internal and external emails and distribution lists to local networks. The EOI period ran from 19 May to 8 June 2025 and resulted in two applications.

As outlined in the TOR, the following criteria were used to assess the applicants:

- Demonstrate a connection with Waverley Council through business or property ownership - residential or commercial.
- What is your experience in one or more of the following key areas: small business, economic development, innovation or tourism, either personally, professionally or academically.

The applications were evaluated by the Director, Planning, Sustainability and Compliance, the Mayor and the Councillor members of the Panel, who made recommendations via email. The evaluation of candidates is attached to this report.

#### 5. Financial Impact

Costs for the operation of the Waverley Business Forum will be undertaken within existing Council budgets. There is no remuneration for community members' involvement.

#### 6. Risks/Issues

The scope of this forum is very broad, covering multiple topics that will follow an agenda to be determined prior to each meeting.

#### 7. Attachments

1. EOI evaluation (confidential)

**CLOSED SESSION**  
**PD/7/25.08****Subject:** Moving into Closed Session**Author:** Emily Scott, General Manager**WAVERLEY**  
COUNCIL**RECOMMENDATION:**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

PD/7.1/25.08 CONFIDENTIAL REPORT - Rowe Street Project - Update

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION PD/8/25.08**



**Subject:** Resuming in Open Session

**Author:** Emily Scott, General Manager

**WAVERLEY**  
COUNCIL

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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.