



WAVERLEY  
COUNCIL

## OPERATIONS COMMITTEE MEETING

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

**7.00PM, TUESDAY 2 MAY 2017**

A handwritten signature in black ink that reads "Cathy Henderson". The signature is written in a cursive, flowing style.

Cathy Henderson  
**Acting General Manager**

Waverley Council  
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## Delegations of the Waverley Operations Committee

On 10 December 2013, Waverley Council delegated to the Waverley Operations Committee the authority to determine any matter **other than**:

1. Those activities designated under S377(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 which are required under this Act to be invited by 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 of the Act,
  - (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. 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.
3. The determination of urgent matters raised in the Committee without prior notice.

Committee decisions will be made by majority vote of the quorum present.

The Committee's Minutes will be confirmed at the following committee meeting in line with the provisions of Clause 266 of the Local Government Regulation 2005 which are:

- (1) *Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept.*
- (2) *As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.*

## 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/Leaves of Absence

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

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

#### 4. Confirmation of Minutes

OC/4.1/17.05 Confirmation of Minutes - Operations Committee Meeting - 7 March 2017.....2

#### 5. Reports

OC/5.1/17.05 Waverley's People, Movement and Places.....8

OC/5.2/17.05 Planning Proposal for Dover Heights Synagogue and Shule.....12

OC/5.3/17.05 Flood Study of the Waverley Local Government Area.....30

OC/5.4/17.05 Graffiti Management - Status Report .....33

#### 6. Meeting Closure

**CONFIRMATION OF MINUTES  
OC/4.1/17.05**

**Subject:** Confirmation of Minutes - Operations Committee Meeting  
- 7 March 2017

**TRIM No.:** SF17/80

**Author:** Natalie Kirkup, Governance and Internal Ombudsman Officer

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**RECOMMENDATION:**

That the Minutes of the Operations Committee Meeting held on 7 March 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**Introduction/Background**

The minutes of the Operations Committee meeting must be submitted to Operations Committee for confirmation, in accordance with Section 375 of the Local Government Act 1993.

**Attachments:**

1. Operations Committee Meeting Minutes - 7 March 2017



**MINUTES OF THE OPERATIONS COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 7 MARCH 2017**

**Present:**

Councillor Bill Mouroukas (Chair)	Waverley Ward
Councillor Sally Betts (Mayor)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Joy Clayton	Bondi Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Ingrid Strewé	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Cathy Henderson	Acting General Manager
Linda Bathur	Acting Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Acting Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Crs Wakefield and Wy Kanak, who arrived at 7.10 pm.*

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

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

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

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

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

There were no apologies.

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

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Clayton declared a less than significant non-pecuniary interest in Item OC/5.5/17.03 – Petition – Residential Parking Scheme in Vicars Avenue, North Bondi, and informed the meeting that she lives nearby.
- 2.2 Cr Mouroukas declared a less than significant non-pecuniary interest in item OC/5.1/17.03 – Bondi Road Corridor Transport Strategy, and informed the meeting that he and family members own property on Bondi Road.

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

There were no addresses to Council by members of the public.

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

**OC/4.1/17.03 Confirmation of Minutes - Operations Committee Meeting - 7 February 2017 (SF17/80)**

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

Mover: Cr Cusack

Seconder: Cr Burrill

That the minutes of the Operations Committee Meeting held on 7 February 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

*Crs Wakefield and Wy Kanak were not present for the consideration and vote on this item.*

## 5. Reports

### OC/5.1/17.03 Bondi Road Corridor Transport Strategy (A15/0491)

*Cr Mouroukas declared a less than significant non-pecuniary interest in this item, and informed the meeting that he and family members own property on Bondi Road.*

#### MOTION

Mover: Cr Betts

Seconder: Cr Kay

That Council:

1. Receives and notes the Bondi Road Corridor Transport Strategy prepared by Parsons Brinckerhoff.
2. Places the Bondi Road Corridor Transport Strategy on Council's website for general information.
3. Refers the report to Transport for NSW and seeks State Government support for public transport improvements between Bondi Junction and Bondi Beach, requesting that immediate priority be given to increasing bus capacity during morning peak period and increasing bus capacity during afternoon peak period.

#### AMENDMENT

Mover: Cr Wakefield

Seconder: Cr Strewe

That the motion be adopted subject to clause 3 being amended to read as follows:

'Refers the report to Transport for NSW and seeks State Government support for public transport improvements between Bondi Junction and Bondi Beach, requesting that immediate priority be given to installing a Bus Lane to replace the current Clearway during the morning peak inbound (7 am–9 am) and the afternoon peak outbound (4 pm–6.30 pm).'

THE AMENDMENT WAS PUT AND DECLARED LOST.

#### Division

**For the Amendment:** Crs Masselos, Strewe, Wakefield and Wy Kanak.

**Against the Amendment:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

#### Division

**For the Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

**Against the Motion:** Crs Masselos, Strewe, Wakefield and Wy Kanak.

**DECISION:** That the Motion be adopted.

**OC/5.2/17.03            Waverley's People, Movement and Places: a Study on Where We Go and How We Get There (A15/0302)****MOTION / DECISION**

Mover:     Cr Kay  
Seconder:  Cr Betts

That Council defers consideration of 'Waverley's People Movement and Places' study to the April 2017 Council meeting to:

1.     Allow Councillors to seek clarification on issues raised by the documents and provide feedback by no later than close of business on Monday 13 March 2017, and
2.     Permit time for Officers to review and update the documents, in conjunction with the consultants, in relation to the issues raised by Councillors prior to being presented back to Council for endorsement of the public exhibition.

*Cr Wy Kanak requested that it be recorded in the minutes that he voted against the Motion.*

**OC/5.3/17.03            Local Heroes Award - Panel Recommendations (A16/0639)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Betts  
Seconder:  Cr Goltsman

That Council:

1.     Receives and notes the report.
2.     Endorses the recommendations of the Judging Panel for the Waverley Local Hero Award 2015, Waverley Young Local Hero Award 2016, and Certificate of Commendation as follows:
  - (a)    Waverley Local Hero Award 2016: Joe Coelho, Volunteer, Waverley Library, Local Studies Collection.
  - (b)    Waverley Young Local Hero Award 2016: Niall Hoskins, Volunteer, Waverley Library, Digital Assistance.
  - (c)    Certificate of Commendation, Dr Paul Hotton, North Bondi Surf Club.

**OC/5.4/17.03            Extension of the Term for the Waverley Public Art Committee (A05/0416)****MOTION / UNANIMOUS DECISION**

Mover:     Cr Burrill  
Seconder:  Cr Clayton

That Council extends the term of the Waverley Public Art Committee for a period up to twelve months.



**OC/5.5/17.03            Petition - Residential Parking Scheme in Vicars Avenue, North Bondi (A03/2581)**

*Cr Clayton declared a less than significant non-pecuniary interest in this item, and informed the meeting that she lives nearby.*

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Goltsman

Seconder:    Cr Kay

That the petition requesting a resident parking scheme in Vicars Avenue, North Bondi, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

**6.    Meeting Closure**

**THE MEETING CLOSED AT 8.22 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**2 MAY 2017**

**REPORT**  
**OC/5.1/17.05****Subject:** Waverley's People, Movement and Places**TRIM No.:** SF17/130**Author:** Sara Stace, Manager Sustainable Transport**Director:** Peter Monks, Director Waverley Futures

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**RECOMMENDATION:**

That Council:

1. Authorises the public exhibition of 'Waverley's People, Movement and Places: a study on where we go and how we get there', for a minimum period of 28 days.
2. Notes that, following public exhibition, Council will prepare a report and shortlist of Signature Projects and implementation actions, leading to the next stages of business cases and feasibilities.
3. Requests the Mayor to approach the relevant Ministers and seek their support and co-operation to establish a Project Control Group between Council staff and relevant state government agencies (TfNSW, RMS, Greater Sydney Commission) to progress those projects which require partnership with state government.
4. Notes that the documents have been prepared for public exhibition purposes, and not all statements and actions are supported by Council at this stage.

**1. Executive Summary**

Waverley's People, Movement and Places aims to make our streets easier for people to move around and get to where they want to go. The plan prioritises people on foot, followed by people riding bicycles, using public transport, service vehicles, shared mobility and private motor vehicles.

The Strategy Report (prepared by Bitzios and UTS Institute for Sustainable Futures) provides recommendations to Council to improve the full range of transport options for the community. It includes twelve Signature Projects as well as 126 short, medium and long term actions that Council can undertake between now and 2030, in partnership with the community and state government agencies.

These actions include major improvements such as overhauling the Bondi Junction Interchange; priority bus routes along Bondi Rd, Bronte Rd and Old South Head Rd; shared e-bikes; cycling superhighways; and improvements to car parking along Bondi Beach. It also includes smaller actions, such as safe routes for walking and cycling to schools, and improved pedestrian crossings. Combined, these actions will make our streets safer and more attractive for everyone.

Council is seeking community feedback to help set priorities for the future of transport in the LGA.

## 2. Introduction/Background

The Waverley Together 3 (WT3) community plan and Environmental Action Plan (EAP3) include commitments and targets to making our streetscapes more liveable, sustainable and equitable for everybody in the community. These include targets to reduce car travel (from 11km per person per day to 9.35km by 2030); increase the proportion of public transport, walking and cycling (from 25% by distance travelled to 40% by 2030); stabilise the number of cars registered in Waverley (at 22,237); and reduce the number of 4WD vehicles registered (to 4,696).

To progress these directions and targets further, Council commissioned Bitzios and UTS Institute for Sustainable Futures to prepare a 'Key Issues Paper' (Attachment 3) and 'Strategy Report' (Attachment 2) as part of the Waverley's People, Movement and Places study. These have been summarised into the 'Summary Document' (Attachment 1). These three documents will be placed on public exhibition for community feedback.

## 3. Relevant Council Resolutions

Council or Committee Meeting + Date	Minute No.	Decision
Finance, Ethics and Strategic Planning Committee, 5/11/2013	F-1311.6	That Council: 4. Develop an Interim Access Strategy for the Bondi Road corridor to identify short to medium term options to improve public transport efficiency and maximise patronage, given that light rail is a medium to long term proposition. The investigation is to include consideration of a new bus route between Bondi Beach and Edgecliff via the Rose Bay Ferry Wharf and Double Bay and other public transport options to and from Bondi Beach.
Council Meeting, 16/12/2014	CM/7.4/12.12	That Council: 1. Approves the preparation of a brief for the purposes of inviting tenders for consultants to conduct a Waverley Integrated Movement, Parking and Land Use Study. 2. Conducts a Councillor workshop in February 2015 to inform the preparation of the brief prior to its finalisation. 3. Officers ensure that the brief is outcomes based for each key issue, stating clearly what Council wants to achieve from the study and includes consideration of the following additional matters: - Parking locations for all vehicle types (including bicycles) - Parking patterns - Pedestrian and traffic movement - Shuttle buses, with reference to Council's April 2006 resolution.
Council meeting, 20/10/2015	CM/10.2/15.10	Waverley's People, Movement and Places: a study of where we go and how we get there – Evaluation of Tenders (A15/0302) That: 1. The report be treated as confidential in accordance with section 11(2) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2) of the Local Government Act 1993; 2. Council enters into a contract under Clause 178 of the Local Government (General) Regulation 2005 with Bitzios Consulting Pty Ltd, for 'Waverley's People, Movement and Places: a study on where we go and how we get there.'

Operations Committee, 7/3/2017	OC/5.2/17.03	Waverley's People, Movement and Places: a study on where we go and how we get there (A15/0302) That Council defers consideration of 'Waverley's People Movement and Places' study to the April 2017 Council meeting to: 1. Allow Councillors to seek clarification on issues raised by the documents and provide feedback by no later than close of business on Monday 13 March 2017, and 2. Permit time for Officers to review and update the documents, in conjunction with the consultants, in relation to the issues raised by Councillors prior to being presented back to Council for endorsement of the public exhibition.
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#### 4. Discussion

Council is seeking a holistic approach to transport that offers multi-modal solutions to enhance mobility and access for the long-term future of the LGA. In 2015 Council commissioned external consultants to prepare a series of studies and an overall framework for Council to achieve its transport-related goals and objectives, with priorities for action in the short, medium and long term.

The consultant undertook extensive background research which included a survey of 1,000 people at Bondi Beach and Bondi Junction to gauge their usage of car parking; a broad-level traffic modelling study; an audit of current works by Council (such as Complete Streets, Bondi Junction PAMP, and Bondi Park, Beach and Pavilion POM), and internal consultation and workshops with staff and Councillors. This detailed background work has then been synthesised into a Strategy Paper, which was workshopped twice with Councillors before finalising.

Consultation has included the following:

- Workshop with Councillors on Key Issues Paper and Car Park User Survey (26 Apr 2016)
- Workshop with Councillors on draft Strategy Paper (29 Nov 2016)
- Meetings with the Project Control Group (Oct 2015, Nov 2015, Jan 2016, Mar 2016, Dec 2016)
- Car parking user intercept surveys at Bondi Junction and Bondi Beach (Nov 2015, Jan 2016, Feb 2016) with 1000 surveys undertaken.

At the Council Operations Committee Meeting on 7 March 2017, Council moved to defer consideration of the study to allow Councillors to seek clarification on issues raised in the document. Written feedback was provided by Councillors Betts, Kay and Cusack. These issues have been addressed by the consultants as follows:

Request for clarification	Amendments
Vehicle ownership trends: <ul style="list-style-type: none"> <li>• comparison of Waverley LGA to similar inner Sydney suburbs</li> </ul>	<ul style="list-style-type: none"> <li>• Strategy Report: A new section 3.3 has been prepared by the consultants on 'Car Ownership Trends'</li> <li>• Summary Document: Amended infographic on page 8 to include Inner Sydney suburbs and whole Waverley LGA; and amended text on page 7 (traffic congestion + parking)</li> </ul>
Vehicle ownership trends: <ul style="list-style-type: none"> <li>• clarify difference between RMS data and ABS Census data</li> </ul>	<ul style="list-style-type: none"> <li>• Strategy Report: Amended Figures 3.1, 3.2 and added Figure 3.3 to compare RMS data on vehicle registrations (businesses and residents) with ABS Household Census data (residents only)</li> </ul>
Car parking rates for new development: <ul style="list-style-type: none"> <li>• Clarify whether current Waverley DCP is in accordance with RMS Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Strategy Report: Amended Section 4.5 'Parking Rates for New Development' to clarify position of RMS Guidelines (2002) and SEPP 65 Technical Note (2015) compared to Waverley DCP</li> </ul>

## 5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: L6 Streets are safe and vibrant places which facilitate movement and interaction.  
 Strategy: L6b Stabilise or reduce private passenger vehicle numbers or trips..  
 Deliverable: Infrastructure , education and promotion programs to encourage car efficiency and active travel as an alternative to the private car.

Other directions that are relevant include:

L7 Walking + Cycling: People frequently walk and ride their bikes, particularly for local trips  
 L8 Public Transport: Improved quality, integration and increased frequency of public transport  
 L9 Parking: Parking, both on-street and off-street, is equitably accessed and effectively managed.

## 6. Financial impact statement/Timeframe/Consultation

Following public consultation, including with relevant state government agencies, Council will prepare a shortlist of Signature Projects and implementation actions, and undertake the next stages of business cases and feasibilities.

The key milestones are:

2 May 2017	Council approval for public exhibition
May-June 2017	Public exhibition period
June 2017	Review of submissions
July 2017	Report to Council for adoption

## 7. Conclusion

The Waverley's People, Movement and Places study provides a vision and roadmap for the future of transport for Waverley LGA over the next decade. It provides extensive background research on the key issues to consider, as well as recommending future directions for all transport modes.

Public feedback is now sought on which Signature Projects the community considers are priorities, and how to implement these in the short, medium and long term.

## 8. Attachments:

1. Waverley's People, Movement and Places - Summary Document (under separate cover)
2. Waverley's People Movement and Places - Strategy Report - Bitzios - Changes Highlighted In Red Text (under separate cover)
3. Waverley's People Movement Places - Key Issues Report - Bitzios (under separate cover)

## REPORT

### OC/5.2/17.05



**Subject:** Planning Proposal for Dover Heights Synagogue and Shule

**TRIM No.:** PP-2/2016

**Author:** Tim Sneesby, Strategic Planner

**Director:** Peter Monks, Director Waverley Futures

#### RECOMMENDATION:

That Council:

1. Supports the planning proposal lodged by Dover Heights Shule to amend the Waverley Local Environmental Plan 2012 (WLEP 2012) in respect of the Dover Heights Shule and Synagogue, Napier Street, Dover Heights.
2. Forwards the proposal to the NSW Department of Planning and Environment for a Gateway Determination.
3. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination.
4. Requests the role of Relevant Planning Authority should the delegations be offered under Section 54 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.

#### 1. Executive Summary

Firstly, this report informs Council of the receipt of a planning proposal from Urbis on behalf of Dover Heights Shule (the proponent) for Dover Heights Shule and Synagogue, Napier Street, Dover Heights. The planning proposal and associated documentation was submitted on 20 October 2016.

The planning proposal seeks to amend the Waverley Local Environmental Plan (LEP) 2012 in relation to the subject site by:

- Increasing the maximum permissible height from 8.5 metres to 10.5 metres; and
- Increasing the floor space ratio (FSR) standard from 0.5:1 to 1.3:1.

The zone would remain SP2 Infrastructure (Place of Public Worship and Educational Establishment).

The proposed changes in development standards will facilitate the extension of the existing Shule to accommodate an additional 164 seats (466 pax) and reconfiguration of certain facilities. A new Shule Hall is proposed with a total capacity of 220 seats which will be used for religious services or ancillary gatherings.

Secondly, this report assesses the planning proposal against the criteria in the NSW Department of Planning and Environment's (DP&E) "A Guide to Preparing Planning Proposals" and details the assessment of the proposal by Council's strategic planning, urban design, traffic and sustainable transport officers.

The planning proposal requires endorsement from Council prior to submission to the DP&E for consideration at the "Gateway". The DP&E will determine whether the planning proposal has strategic

merit and may issue a Gateway Determination. The Gateway Determination will set out the community consultation requirements.

In summary, it is recommended that the planning proposal be forwarded to the DP&E Gateway Determination for the purposes of public exhibition.

Should Council not support the planning proposal as recommended, the proponent will be advised accordingly and will have the option to seek a 'Rezoning review' of Council's decision by the DP&E.

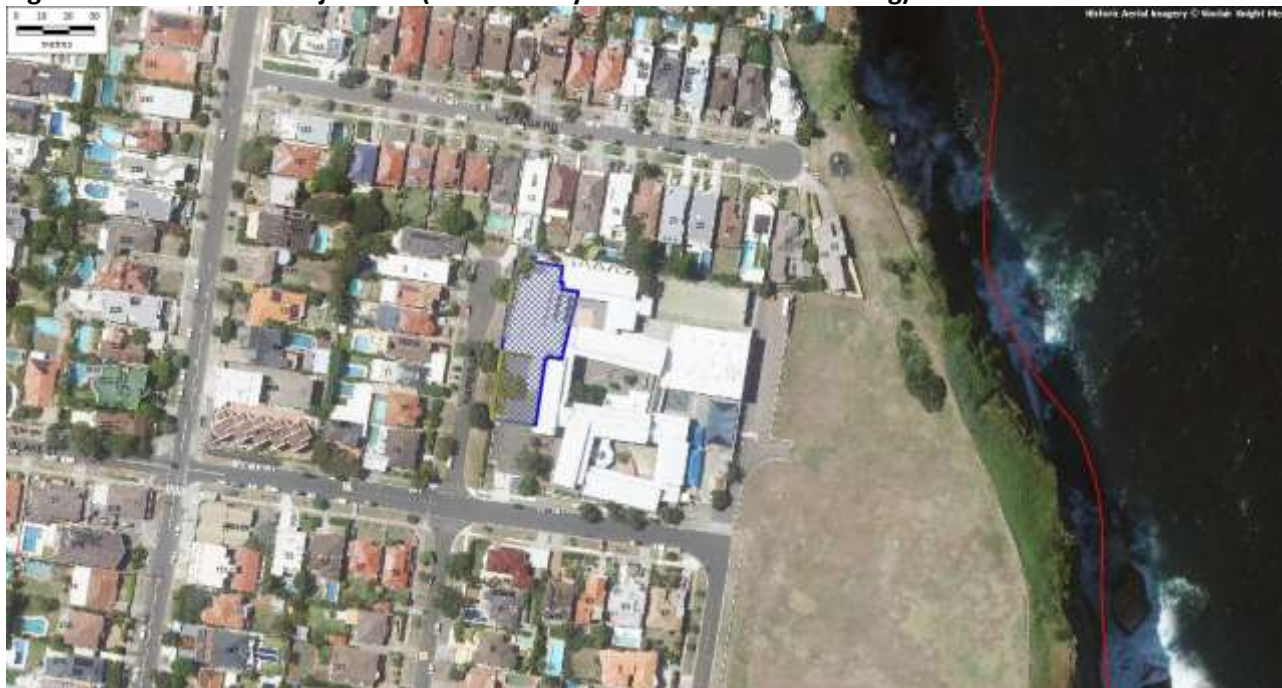
## 2. Introduction/Background

The Dover Heights Shule is a Chabad orthodox Jewish community-based congregation, started in 1997 on the grounds of the former Yeshiva College Dover Heights Campus. The existing Shule building was constructed in 2003. In 2009, the Shule Board purchased the property where the Shule is situated, from the adjacent Kesser Torah College.

The subject site (Lot 1 DP 1132221) is located in Dover Heights with a total site area of 1,245 sqm (refer to Figure 1). The subject site is directly adjacent to Kesser Torah College (Lot 2 DP 1132221) and was originally part of the same site before a subdivision application was approved on 25 March 2008 to separate the original lot into two strata lots (DA-383/2007). As a part of the subdivision application, conditions were added to govern the car parking arrangements between the Synagogue/Shule and the adjacent Kesser Torah College, as outlined below:

2. *The proposal shall be amended as follows: (a) A right to park vehicles associated with Lot 1 be provided over the car spaces located towards the west of the site between Lot 1 and the Blake Street boundary at times when these car spaces are not required for school purposes.*
3. *The rear underground carpark located below the playground of the school must be open and made available for parking for attendees during functions and special events conducted in the Shule.*

**Figure 1: Aerial of the subject site (identified by blue outline and hatching)**



Source: Waverley Council, 2017.

## 2.1 Existing development on the site

The existing development on the subject site includes a two storey building, comprising:

- Ground floor foyer area and the Synagogue with seating for 302 people.
- First floor with a classroom area accessed via stairs on the neighbouring associated school lot (refer to Figures 2 & 3).

The site also includes 18 at-grade parking spaces, allocated as follows:

- Seven car spaces fall within the Shule's car parking area.
- Eleven car spaces are utilised by the Kesser Torah Colleges Day Care pick up / drop off.

The Synagogue and Shule provide regular services throughout the week and on Shabbat (Saturday), Sunday morning & evening, High Holidays and festivals. The Shule also has youth services and programs for boys and girls on Friday evening, Saturday, all festivals and High Holidays, and during the week and Sundays (Urbis, 2016).

**Figure 2: Photograph of the west facing boundary of the site, taken from Napier Street**



Source: Council officer, 2017.

**Figure 3: Photograph of the south elevation of the site, taken from Blake Street**



Source: Council officer, 2017.





**Figure 6: Floor space ratio – 0.5:1 (site outlined in red)**



Source: Waverley Council, 2017.

### 2.3 Planning proposal documentation

On 20 October 2016, the proponent submitted a planning proposal to amend the WLEP 2012 in relation to Dover Heights Shule and Synagogue, Dover Heights.

The proposal seeks to amend the WLEP 2012 by:

- Increasing the maximum permissible height from 8.5 metres to 10.5 metres; and
- Increasing the floor space ratio (FSR) standard from 0.5:1 to 1.3:1.

	Existing	Proposed	Surrounds
<b>Zone</b>	SP2 (Place of Public Worship and Education)	SP2	R2 - Low density
<b>FSR</b>	0.5:1 (0.6:1 existing)	1.3:1	0.5
<b>Height</b>	8.5m (9.6m existing)	10.5m	8.5m
Not a heritage item or subject to heritage overlay			
<b>Prevailing built form</b>	2 storey pitched	3 storey flat (potential)	1-2 storey detached dwellings and 2-3 storey school

As part of the planning proposal, the proponent engaged the following consultant reports:

- Consultation Report (2016) by Urbis;
- Traffic Impact Assessment (2016) by Traffix; and
- Architectural Plans (2016) by MHN Design Union Architects.

The planning proposal includes a concept design which indicates what may be achievable on the site for an extended Shule and Shule Hall. The concept designs submitted with the application indicate an extension of the built form primarily towards the south of the site (see Figures 7 and 8).

**Figure 7: Proposed concept as viewed from the south west on Napier Street**



Source: MHNDUnion

**Figure 8: Proposed concept as viewed from the west on Napier Street**



Source: MHNDUnion

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

There are no council resolutions relevant to this planning proposal.

## 4. Discussion

### 4.1 Planning History of site

The Planning history of the site is as follows:

- **DA 803/2001** – Approval in February 2002 for use of the site as a synagogue. A Traffic Management Plan was approved as part of the development which sought to reduce any on-street parking impact. This included:
  - Installation of street signs which advised users of the school and the synagogue that parking in Blake or Napier Street is prohibited.
  - An officer was also required to patrol nearby streets during times when the synagogue is to be used to ensure that on-street parking was avoided.
- **DA-383/2007** – Subdivision of land into two stratum lots, lot 1 being the synagogue and lot 2 being the school. Conditions to manage car parking between the two new lots were added as follows:
  - A right to park vehicles associated with Lot 1 (Shule/synagogue) be provided over the car spaces when these car spaces are not required for school purposes.
  - The rear underground carpark located below the playground of the school must be open and made available for parking for attendees during functions and special events conducted in the Shule.

### 4.2 Required Considerations

Below is an assessment of the proposal in relation to the required considerations in the DP&E's *"A guide to preparing planning proposals"*.

#### (a) Is the planning proposal the result of any strategic study or report?

The planning proposal site is located within Dover Heights which has not been the subject of recent strategic studies or reports commissioned by Council.

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

The proponent's objective to encourage further expansion of the Synagogue and Shule cannot be achieved with the current controls on the site. The existing building is already above the existing height and FSR for the site. Therefore, a planning proposal is necessary to facilitate expansion of these uses and is the best and most efficient approach to delivering the desired outcome.

Minor changes to development standards can be achieved through a Clause 4.6 variation to development standards as part of a development application. However, the proposed increase in height – from 8.5 to 10.5 metres (24% increase) – and FSR – from 0.5:1 to 1.3:1 (160% increase) – are deemed too significant to warrant a variation to development standards as part of a development application.

#### (c) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

##### ***A Plan for Growing Sydney***

*A Plan for Growing Sydney* (Metropolitan Strategy) was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The Metropolitan Strategy does not specifically refer to or provide directions on places of public worship. However, the plan does aim to “improve the accessibility of cultural and recreational facilities outside the Sydney CBD” and “undertake long-term planning for social infrastructure to support growing communities”. Furthermore, the Metropolitan Strategy states that social infrastructure improvements “create places where people like to gather and feel they belong, leaving less chance for the socially vulnerable to become isolated.”

The planning proposal is consistent with the aims and priorities of the Metropolitan Strategy that encourages the expansion of social infrastructure.

#### **Draft Central District Plan**

Similar to *A Plan for Growing Sydney*, the draft Central District Plan does not specifically refer to or provide directions on places of public worship. The planning proposal is not inconsistent with the draft Central District Plan.

#### **(d) Is the planning proposal consistent with the local Council’s community strategic plan or other local strategic plan?**

An assessment of the planning proposal against the strategies outlined in Council’s community strategic plan, *Waverley Together 3*, can be found below:

Strategy	Consistent?
<i>C2 The community is welcoming and inclusive and people feel they are connected and belong.</i>	
<i>C2a Provide a broad range of relevant, affordable and accessible facilities, spaces, programs and activities that promote harmony, respect and togetherness.</i>	Yes. The proposed changes would facilitate a future expansion of the role and function of the Dover Heights Shule and Synagogue, as demonstrated by the proposed scheme. The function of a Shule and Synagogue are to cater specifically to members of the Jewish faith and not to the broader, secular and other-faith communities. However, the potential expansion of the Shule and Synagogue would cater to the significant Jewish community in and around Dover Heights and within the broader area. To this extent – and on balance – the planning proposal would promote a sense of connection and belonging for members of the Jewish community and therefore meets objectives C2 and C2a.
<i>L4 The unique physical qualities and strong sense of identity of Waverley’s villages is respected and celebrated.</i>	
<i>L4a Use planning and heritage policies and controls to protect and improve the unique built environment.</i>	Yes. The proposed changes would facilitate a future expansion of the role and function of the Dover Heights Shule and Synagogue.

**(e) Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

Most SEPPs are not relevant to this planning proposal or would be a consideration at the development application stage. The relevant SEPP is the State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Infrastructure) 2007 sets out requirements for various public authorities and infrastructure works throughout the state. Under Schedule 3, the SEPP requires the referral of certain traffic generating development to the RMS during the DA assessment process. Places of public worship generating 200 or more motor vehicles are required to be referred to the RMS. The planning proposal is not a development application for an extension to a place of public worship. The Traffic Impact Assessment indicates that there is no change in car occupancy rates.

Therefore the planning proposal does not trigger further requirements from the SEPP (Infrastructure) 2007 and is consistent with this and other SEPPs.

**(f) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The section 117 Ministerial Directions that apply are '3.4 Integrated Land Use and Transport' and '7.1 Implementation of a Plan for Growing Sydney'. An assessment of the planning proposal against these objectives and criteria has been completed below.

Direction	Consistent	Comment
3.4 Integrated Land Use and Transport	Yes	<p>The objective of this direction is to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence.</p> <p>The site is reasonably well-connected to public transport, being a short walking distance from two regular bus services.</p> <p>The traffic and parking matters that may arise as a result of a larger scale Shule on the site are further addressed below in criterion (h).</p>
7.1 Implementation of a Plan for Growing Sydney	Yes	<p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for districts, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p> <p>As indicated above in 3.2 (c) the planning proposal is consistent with the aims and priorities of the Metropolitan Strategy that encourages the expansion of social infrastructure.</p>

**(g) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is not considered that any critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the planning proposal.

**(h) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Traffic and Parking

The proponent submitted a Traffic Impact Assessment (TIA) as part of the planning proposal documentation. The Traffic Management Plan contained in the TIA outlines that the planning proposal would result in a minimal reduction of car parking spaces on site. Figure 9 below identifies the locations of Car Parks 1, 2 and 3 and the table specifies the number of spaces and the associated use.

**Figure 9: Location of Carparks 1, 2 and 3**



Source: Traffix, 2016.

Car park location	Existing capacity (spaces)	Proposed capacity (spaces)	Use
Car park 1	18	17	Used by the Shule / Kesser Torah College and Pre-School pick up / drop off.
Car park 2	27	27	Used by Kesser Torah College exclusively.
Car park 3	30	30	Car parking is available for Shule Patrons outside of Kesser Torah College operating hours.
<b>TOTAL</b>	<b>75</b>	<b>74</b>	

The TIA states that the Synagogue and Shule’s current vehicular access and car parking is accommodated within Car Park 1. Car Park 1 accommodates 18 car spaces comprising:

- 7 x spaces within the Shule’s car parking area utilised by the Shule’s staff and visitors. However, only three of these spaces are available for exclusive use.
- 11 x spaces are utilised by the Kesser Torah Colleges Day Care pick up / drop off and the remaining 3 x spaces are not signposted which are used by both the College and the Shule.

The TIA states that a first principles<sup>1</sup> approach is appropriate to calculate the number of spaces required by the Proposed Scheme Concept Plan (given that the WDCP does not state requirements for Places of Public Worship).

The planning proposal documentation asserts that the objective of increasing the Synagogue and Shule's capacity is not to accommodate an increase in the number of patrons visiting the site rather it will provide an opportunity to improve on-site facilities. Therefore, the TIA notes that the current parking demand will remain unchanged, citing the religious requirement for walking to religious services. Notwithstanding, the TIA makes the following assessment of parking:

- The maximum parking requirement for the Dover Heights Shule is twenty five during special event services occurring seven times throughout the year and do not coincide with the Kesser Torah College operating hours.
- Parking requirement for social events (weekday evenings and weekends) is a maximum requirement of twenty parking spaces. Therefore, it is considered that the social events and festivals parking requirement can be readily accommodated within Car Park 1 and Car Park 3 which provides a total of 47 parking spaces.
- The weekday maximum car parking requirement for the Dover Heights Shule is considered to be ten parking spaces. It is noted that the Shule site car park provides six car parking spaces and is located within Car Park 1, however, the parking spaces are shared with the Day Care centre. It is considered that five car spaces in Car Park 1 are unrestricted and can accommodate the Shule staff and a portion of visitors to the Shule. In addition, the Shule will have access to an additional twelve car parking spaces outside of Day Care pick up and drop off times.
- In the event that the daily maximum number of ten vehicles were to arrive during Day Care pick up and drop off times, two of these vehicles could be accommodated within Car Park 1 (noting that the other 2 spaces are for Shule staff) and the remaining eight vehicles would utilise on-street parking along the frontages of the school. The likelihood of this scenario is extremely low as visitors to the Shule during weekdays are usually throughout the day and during business hours (i.e. after drop off and before pick up times).

To implement these car parking arrangements the TIA argues that *"The existing car park area includes a security booth with monitored security personnel. Additional security measures include a rising bollard and a boom gate. These security devices ensure the occupants of the car park utilise the correct parking spaces"*.

The Traffic Management Plan in the TIA proposes the following travel strategies to encourage active travel for staff and visitors to the Synagogue and Shule:

Proposal	Details	Implementation
Management of Off-Street Parking Facilities	Officer to set up and maintain management of the off-street parking facilities as well as manage all enquiries relating to parking for the Dover Heights Shule. The officer will be responsible for liaising with staff and visitors to the Shule to ensure that off-street parking is utilised so that there is minimal impact to on-street parking.	A minimum of 73 car parking spaces be available at all times on site when any of the permitted uses (Shule or School) are operating, with Car Park 3 to be available for Shule patrons.  The Shule is to provide a permanent officer to patrol nearby areas of Napier and Blake Street at times when the Shule is used to ensure that no attendees park vehicles in the adjoining streets.

<sup>1</sup> A first-principles approach refers to a self-evident proposition or assumption that cannot be deduced from any other proposition or assumption.



Proposal	Details	Implementation
		Congregants attending the Shule are to be reminded on a regular basis that motor vehicles should not be parked in the nearby areas of Napier and Blake Streets.
Walking and Cycling Routes	Providing walking and cycling routes to staff and visitors to promote active travel.	Reviewed annually to ensure any changes or additions to routes in the local area are reflected. The Shule shall provide active travel education to all visitors and promote active travel through annual events.

Previous developments at the subject site (DA-803/2001) have included conditions relating to the specific parking management requirements of the site. It is recommended that any future Development Applications for the site update these parking management restrictions to ensure the smooth operation of the area.

Consultation was conducted by the applicant with the surrounding residents in Napier and Blake Streets and Weonga Road receiving letters and project fact sheets. This consultation highlighted that several residents were concerned about the traffic and car parking impacts of any future intensification of the site. In response, the Consultation report recommended that the Synagogue and Shule would work with the school to explore solutions to traffic and parking impacts. The planning proposal did not outline what these solutions might be.

The planning proposal argues that further development on site would not generate additional traffic to and from the site above existing levels. However, the planning proposal cannot guarantee such an outcome and it is possible that there could be a further net increase in the number of patrons visiting the site above current levels if the Synagogue and Shule expand. Furthermore, it is possible that additional floor space (facilitated by an increase in FSR and height) could be used for special functions that patrons can drive to, such as Bar Mitzvahs, which may not currently be accommodated on site. This is the most significant potential traffic related impact that could arise from development on the site and this impact should not be understated. At the same time, any additional functions accommodated on the site from an increase in floor space would be considered ‘ancillary’ to the primary purpose of the place of public worship. Therefore it is envisaged that appropriate conditions could be outlined in any future development application to manage these impacts.

The internal traffic advice received raises no objections to the planning proposal on transport and traffic grounds on the basis that:

- the location is reasonably well-connected to public transport, being a short walking distance from two regular bus services.
- the location of Dover Heights does not have any particular identified problems associated with overall lack of car parking or high levels of vehicular traffic congestion.
- there are religious requirements for patrons to walk to religious services.
- conditions can be implemented at a Development Application stage to manage traffic related impacts.

Given that the Synagogue / Shule and Kesser Torah College are strata subdivided, and hence are part of the same strata scheme, the management and coordination of car parking arrangements can be more effectively implemented than if the two lots were separate Torrens title. It is expected that any issues relating to managing and ameliorating car parking issues in the future can be managed via coordination between the two strata subdivided uses as well as the implementation of conditions that prescribe specific parking management requirements for the site including an officer to set up and maintain management of the off-street parking facilities.

### *Summary*

There is likely to be greater traffic generation and car parking impacts that would result from the requested built form (height and FSR) changes in the planning proposal. These are planned to be managed via the implementation of a Traffic Management Plan at the DA stage which would govern sharing arrangements with the Kesser Torah College and by staff who would actively manage on-site and off-site parking.

### Consideration of the amenity of neighbouring properties

The changes requested in the planning proposal could result in a building/s that is larger and taller than the existing buildings on site. The planning proposal includes an increase to the height development standard from 8.5 metres to 10.5 metres, as well as an increase to the FSR from 0.5:1 to 1.3:1. These increases could facilitate a three storey development of a greater bulk and scale than existing on the site. *Prima facie*, the planning proposal increases do appear to be significant considering that the subject site is within a predominately low density residential neighbourhood. The increases in bulk and scale have the potential to impact on the amenity of neighbouring properties with regard to overshadowing, privacy and streetscape amenity. Consultation commissioned by the applicant as a part of the planning proposal found that several residents were concerned about the visual impacts relating to scale, bulk and overshadowing. These impacts are discussed in turn below.

### *Visual impact*

The height, bulk and scale of the development under the proposed 10.5 metre height limit and 1.3:1 FSR could create a greater visual impact than existing on site. While a planning proposal is not required to go into the detail required from a DA merit assessment, the acceptability of the proposal is discussed below.

There is an existing large three-storey building– the Kesser Torah College – that faces Napier Street and hence any further development of the subject site would be visually compatible with, and respond to, the existing elements of the streetscape and is unlikely to significantly change the streetscape presence to Napier Street from the west. The surrounding residential area contains mostly two-storey, large residential dwellings that have an FSR closer to 1:1, rather than the existing control of 0.5:1 and in this respect the proposal would not be significantly incompatible with the prevailing built form.

A potential 10.5 metre, three-storey development abutting residential properties to the north could be mitigated through appropriate setbacks and other design solutions. In response to this issue, the Consultation report suggested that a revision had been made to the roofline to be less visually intrusive from neighbours and that a future design (lodged as part of a separate development application) would respond to concerns from neighbours.

There are residential properties to the west and south, but the boundaries of these properties are 20 metres and 47 metres, respectively, from the boundary of the subject site. The distance between these properties and the subject site would attenuate the potential built form impacts arising from the development.

Lastly, the proposed new height and FSR controls would not diminish any views to and from a public place or significant landmark.

### *Overshadowing*

The proposed increases in height and FSR are unlikely to have a significant impact on the amenity of neighbouring properties, particularly in regards to overshadowing impacts. The proposed concept was 3D modelled to ascertain the extent of overshadowing which indicates that the proposed building height would not cast additional shadow on neighbouring dwellings or the public open space in Rodney Reserve (refer to Figures 10-12).



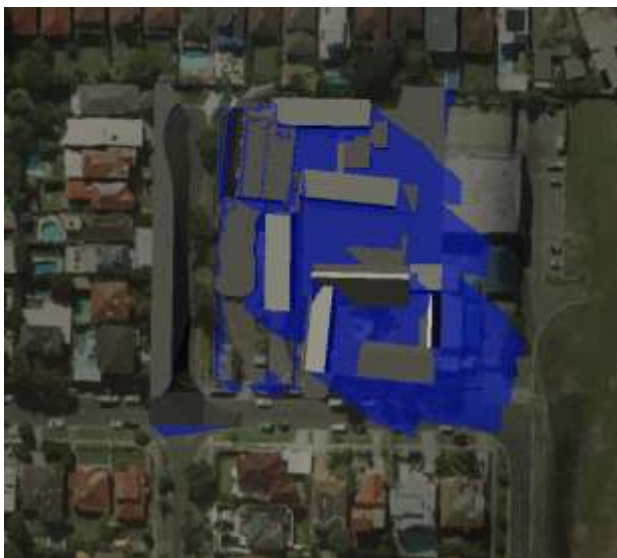
**Figure 10: Proposal at 9am – 21 June**

Source: Waverley Council 2017



**Figure 11: Proposal at 12noon – 21 June**

Source: Waverley Council 2017



**Figure 12: Proposal at 3pm – 21 June**

Source: Waverley Council 2017

*Privacy*

It is possible that a future development could have windows oriented to the north that overlook the backyard of the neighbouring properties to the north, particularly from a third level. This impact could be mitigated or ameliorated through design solutions such as screening and additional setbacks to ensure that the current level of amenity for residents is maintained.

It is envisaged that issues of visual impact, overshadowing and privacy will be managed at the development assessment stage via a merit assessment.

Internal Urban Design advice was received on the issue of overshadowing. The Urban Design referral supported the planning proposal with consideration of the following urban design issues which were raised during the assessment process:

- The proposed building height does not create additional overshadowing of neighbouring dwellings or the public open space in Rodney Reserve.
- A building envelope with a building height of 10.5 metres was also 3D modelled and does not result in overshadowing to the neighbouring residential properties.

However, the Urban Design referral noted that consideration of the following urban design issues, which can be resolved during the development assessment process:

- The additional FSR and proposed built form would have the potential to create an adverse overlooking and solar access impact on the adjacent school building at Kesser College. If the Kesser Torah College is not supportive, then an opaque glass wall and larger setback to the school building may be required.
- The length of the building is approximately 60 metres which creates a large visual edge along the length of Napier Street. The building should be well articulated along this elevation to reduce the impact of bulk and scale on Napier Street.
- The proposed built form adjacent to residential dwellings at 13-15 Weonga Road, should be designed to limit the impact of bulk and scale on these dwellings.

*Summary*

The potential increases in bulk and scale will not create an adverse impact in regards to overshadowing and potential impacts relating to privacy and visual impact on the streetscape can be mitigated via design solutions. Therefore, the planning proposal is supported to proceed to public exhibition on urban design grounds.

**(i) Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal states that the proposed changes would create the following social and economic benefits.

Planning Proposal claim	Comment
The proposed development is in the public interest as it ensures that an important religious establishment in the Dover Heights community continues to provide appropriate spaces for religious services and community gatherings into the future.	To the extent that the planning proposal creates a more functional establishment for the local Jewish community in Dover Heights, then this is a social benefit to this local community, which is strongly represented in the local area.
Future expansion of the structure will meet the needs of local residents into the future and provide additional classrooms and a hall for community celebrations.	An assessment of future needs of local residents for additional classrooms or for an additional hall for community celebrations in this location has not been completed.

Planning Proposal claim	Comment
	Therefore this cannot be claimed to be a definitive benefit.
The proposal will enhance the existing Shule facility. This proposal is a contemporary design that will improve the presentation and function of the building.	The proposed scheme concept plan may enhance the Shule and Synagogue facility. However, the presentation and function of any future development form cannot be claimed, as the planning proposal does not require a particular built form. It is possible that a future design could diminish the presentation and function of the building. Therefore this cannot necessarily be claimed as a benefit.
Community consultation of properties along Blake and Napier Streets and Weonga Road was undertaken by the applicant through the design process as part of an ongoing commitment by the Shule to engage with local residents.	Results from community consultation indicate that there are concerns relating to the visual and traffic impacts from an increased intensification of the site. The Consultation report associated with the planning proposal has recommended to work with neighbours to mitigate any visual and traffic impacts. Furthermore, internal traffic, sustainable transport and urban design referrals raise no objections to the planning proposal proceeding.
The objective of increasing the Shule's capacity is to accommodate the number of patrons already visiting the Shule. Nonetheless, a parking management strategy is proposed for the site which will ensure there are no additional impacts to on street parking.	There are likely to be transport and traffic effects, in particular parking, that would result from the requested built form changes in the planning proposal. However, internal traffic and sustainable transport advice raises no objections to the planning proposal on transport and traffic grounds as indicated above.

There are no obvious economic effects as a result of the development.

### *Summary*

The potential expansion of the Dover Heights Shule and Synagogue would benefit the significant Jewish community in Dover Heights. The planning proposal would facilitate expansion of the existing facilities and hence could create potential traffic, urban design and neighbourhood amenity issues. However, the advice received indicates that the planning proposal addresses these issues as outlined throughout this report above.

### **(j) Is there adequate public infrastructure for the planning proposal?**

Yes, there is adequate public infrastructure for the planning proposal. A more detailed assessment is outlined below:

#### Public Transport

There are adequate public transport connections for this planning proposal. The existing transport infrastructure is capable of handling the additional demand generated. It is a short walking distance from two regular bus services:

- 180 metres walk from the 380 bus route, which connects to Watsons Bay, Vaucluse, North Bondi, Bondi, and Bondi Junction via Bondi Road.

- 300 metres walk from the 323 bus route, which connects to Dover Heights, Rose Bay, Double Bay and Edgecliff train station via New South Head Road.

#### Roads

The site is located at the corner of Blake and Napier Streets, Dover Heights, both of which are local roads accessible by the existing road network.

#### Waste Management Services

Waste management and recycling services will continue to be provided by Waverley Council.

#### Utility Services

Existing utility services will adequately service the future development of the site as per the planning proposal. The proponent has committed to upgrading utilities where required.

### **(k) What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination and have they resulted in any variations to the planning proposal?**

The views of State and Commonwealth public authorities have not been sought at this point in time and will be sought in accordance with any requirements of the Gateway Determination.

## **5. Relationship to Waverley Together 3 & Delivery Program 2013-17**

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
Strategy:	L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected..
Deliverable:	Strategic Land Use policies and plans reviewed regularly .

## **6. Financial impact statement/Timeframe/Consultation**

### **6.1 Financial Impact Statement**

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the assessment. These costs have been accounted for in Shaping Waverley's operational budget.

### **6.2 Timeframe**

Should Council accept the recommendation to support the planning proposal, the proposal will be forwarded to the DP&E for a Gateway Determination before mid-2017.

Whilst it is difficult to accurately provide a timeframe for the project as it involves corresponding with external bodies such as the DP&E and Parliamentary Counsel, the anticipated timeframe for further work on this project is as follows:

May / June 2017	Lodge planning proposal & Gateway Determination request with Department of Planning and Environment (DP&E).
July / August / 2017	Negotiate with DP&E and legal team.

August 2017	Prepare technical information if requested.
September 2017	Public exhibition of planning proposal. Further consultation with Councillors.
October 2017	Consideration of planning proposal post-exhibition. Report to Council. Submission to the DP&E to finalise LEP.
End 2017 / Early 2018	Finalisation of planning proposal with Parliamentary Counsel and anticipated gazettal.

### 6.3 Consultation

#### Internal consultation

The Shaping Waverley sub program area have had ongoing consultation with a range of Council staff who have expertise on particular matters involved with this project. Council staff who have been consulted include urban designers, traffic engineers and sustainable transport officers. The comments from Council staff on particular matters involved with the project have been incorporated in to this report.

#### Consultation with the proponent

The Shaping Waverley subprogram area have been in ongoing consultation with the applicant in regards to requesting additional information and timeframes.

#### Public consultation

The applicant has completed public consultation with the findings of this consultation incorporated into their planning proposal documentation.

#### Future public consultation

If the planning proposal is supported, future community consultation will occur in accordance with the Gateway Determination. Notwithstanding this, it is considered that an exhibition period of not less than 28 days would be appropriate given the nature of the amendment. It is also suggested that:

- Notice be given in the Wentworth Courier being the local paper that services the Waverley municipal area;
- The planning proposal will be advertised on Council's website;
- The planning proposal will be exhibited in Council's Customer Service Centre and Library;
- Letters will be sent to key stakeholders including the adjoining Kesser Torah College, Woollahra Council, Randwick Council, local residents and business owners in the vicinity of the subject site.

### 7. Conclusion

The planning proposal includes a proposed increase to the height development standard from 8.5 metres to 10.5 metres, as well as an increase to the FSR from 0.5:1 to 1.3:1. The changes requested in the planning proposal and the proposed concept demonstrate sufficient strategic merit for the purposes of proceeding to public exhibition and should be supported by Council.

### 8. Attachments:

Nil

**REPORT**  
**OC/5.3/17.05****Subject:** Flood Study of the Waverley Local Government Area**TRIM No.:** A17/0168**Author:** Minas Kassiou, Manager Design**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Receives and notes the report.
2. Accepts the Grant in the amount of \$225,333 from the office of Environment and Heritage to undertake a flood study of the Waverley Council LGA and that Council's contribution of \$112,667 be funded from the SAMP Stormwater Reserve.
3. Proceeds with the seeking of quotes from consultants from the Local Government Procurement Panel 12083 and authorise the Director of Waverley Renewal to engage a suitably qualified consultant.

**1. Executive Summary**

Waverley Council was recently successful in securing a grant from the State Floodplain Management program managed by the Office of Environment and Heritage (OEH) to undertake a flood study of the Waverley Council LGA. OEH will provide 2/3 (\$225,333) of the cost and Waverley Council 1/3 (\$112,667) with the total cost being \$338,000.

The primary objective of the flood study is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

**2. Introduction/Background**

This project involves conducting a flood study, which is a comprehensive technical investigation of flood behaviour that provides the main technical foundation for the development of a floodplain risk management plan. It aims to provide a better understanding of the full range of flood behaviour and consequences in the study area. It involves consideration of the local flood history, available collected flood data, and the development of hydrologic and hydraulic models that are calibrated and verified, where possible, against historic flood events and extended, where appropriate, to determine the full range of flood behaviour.



### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Nil	Nil	Nil

### 4. Discussion

The overall project provides an understanding of, and information on, flood behaviour and associated risk to inform:

- Relevant government drainage information systems such as Sydney Water trunk drainage and Council drainage systems,
- Reviewing Council's map of flood prone areas and mitigate risk of flooding,
- Informing the community and key stakeholders on flood risk,
- Flood risk management planning for existing and future development through DCP controls, and
- Emergency management planning for existing and future development, and strategic and development scale land-use planning to manage growth in flood risk areas.

OEH will oversee, monitor and provide assistance for the duration of the flood study. They have provided a time frame of approximately 18 to 24 months based on past experience with other Councils.

Upon approval to proceed with the flood study, OEH will arrange to conduct a Councillor workshop to inform Council of the process and outline the benefits.

A stormwater flood study working group will be set up, consisting of Councillors, and representatives from OEH, State Emergency Service, Sydney Water, Road and Maritime Services and the community/residents. The working group will meet regularly with the consultant to review progress, data collected, flood model and recommendations

### 5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: E2 Waverley and its community is well prepared for the impacts of climate change.  
 Strategy: E2b Ensure Council and the community are well prepared for inevitable climate change impacts.  
 Deliverable: Community educated and informed about identified climate change risks.

### 6. Financial impact statement/Timeframe/Consultation

Total cost of flood study is estimated to be \$338,000. The grant secured from OEH will provide 2/3 (\$225,333) of the cost and Waverley Council 1/3 (\$112,667) of the total cost. Council's contribution to the project will be funded from the SAMP Stormwater Reserve.

Consultation will be undertaken by the successful consultant in the form of a survey to residents and further consultation will occur with residents that are impacted directly

### 7. Conclusion

- Receive and note the report.
- Accept the Grant from the office of Environment and Heritage to undertake a flood study of the Waverley Council LGA.

- Proceed with the seeking of quotes from consultants from the Local Government Procurement Panel 12083 and authorise the Director of Waverley Renewal to engage a suitably qualified consultant.

**8. Attachments:**

Nil

**REPORT**  
**OC/5.4/17.05**

**Subject:** Graffiti Management - Status Report

**TRIM No.:** A05/1643

**Author:** Margaret Diebert, Manager, Resource Recovery and Public Place Cleansing

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council receives and notes the report from the Director Waverley Renewal on the status of Council's Graffiti Management Policy.

**1. Executive Summary**

The purpose of this report is to advise Council of the current status of officer's work in accordance with the Graffiti Management Policy.

From 1 January 2016 to 31 December 2016 Council removed 1580 pieces of graffiti, an increase from 2015 where 1416 incidents of graffiti were removed, as well as approximately 40,000 posters from the Local Government Area (an increase from 2015, due to new areas being targeted).

The presence of graffiti produces both real and perceived impacts for different sectors of the community. Research suggests that "graffiti can have a negative impact on community perceptions of safety and public amenity" (Australian Government. Institute of Technology. Research in Practice. No. 6 2009, P. 1). Graffiti impacts the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage and atmospheric impacts caused by aerosol sprays. Graffiti affects the community and the council financially through costs associated with its removal, management and associated decreased property values.

**2. Introduction/Background**

Graffiti is defined as an act to "...write, draw, mark, scratch or otherwise deface property by any means so that the defacement is not readily removable by wiping with a dry cloth". Graffiti comes in a number of varieties:

- Tagging. A 'tag' is a calligraphic signature. Most tagging is written in paint but also with chalk, oil based crayons and felt tip pens.
- Hip Hop / Political. Hip Hop incorporates narrative images or throw ups.
- Stickers and Stenciling.

Unauthorized graffiti on public and private property is illegal and can be prosecuted under the Graffiti Control Act 2008. The Graffiti Control Act plays an important part in controlling and minimising the proliferation of graffiti in NSW. Waverley Council's Graffiti Management Policy seeks to minimise incidents of graffiti on both public and private property by prompt removal particularly in highly pedestrian areas whilst providing legitimate avenues for the expression and dissemination of community information and art.

The Graffiti Management Policy was adopted by Council in May 2009. In 2014 it was noted that Waverley's Graffiti and Bill Poster Protocol response was within 7-10 days for routine areas. Based on the decrease in response time, Council approved an amendment to the Graffiti Management and Bill Poster Removal Policy and amended the 20 day response standard to 5-10 day response standard. This report looks at the statistical outcomes of reporting and removal.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Not Applicable		

### 4. Discussion

A review of the graffiti prevention measures from Melbourne City Council, Randwick City Council, Woollahra Council and City of Sydney indicate Councils share the same prevention strategies and very similar clean up and removal procedures. Noting that rapid removal of graffiti tags is the most effective means of preventing reoccurrence, Waverley Council continue to use quick removal as the lynchpin of its efforts to prevent further graffiti. This rapid response approach is based upon research that indicates the quicker graffiti is removed, the less likely people will re-graffiti in the same area because, and for many people it is dispiriting to see a tag removed so quickly after it was placed. The presence of graffiti encourages others to place tags in the same area therefore removing quickly also deters other graffiti offenders.

#### Graffiti Removal Day 2016.

In 2012 The New South Wales Government established a State wide graffiti removal and prevention day known as "**Graffiti Removal Day**" committed to reducing graffiti vandalism by encouraging local communities to get involved in the removal and prevention of graffiti. Graffiti removal day for 2016 was cancelled due to the unavailability of a site that satisfied the requirements stipulated by the organisers.

The organisers wanted a site with high exposure to the public and unfortunately there was no site in the LGA that satisfied that requirement on the day.

#### Bill Posters Removal

Included in the Graffiti Management Policy is the Graffiti & Bill Poster Removal Protocol which states ..."Bill Poster Removal

- \_ Council will remove bill posters located within High Profile Areas within 48 hours.
- \_ Council will remove bill posters located within Routine Areas within five working days.
- \_ Statistical information is to be recorded and forwarded on to Compliance for further follow up.

This protocol supports the Graffiti Control Act 2008 and the Graffiti Control Amendment Bill 2014 [NSW] which state:-Posting Bills

*A person must not intentionally affix a placard or paper on any premises so that the placard or paper is within view from a public place, unless the person has first obtained the consent of the following:*

- (a) if the premises are occupied—the occupier or person in charge of the premises,*
- (b) if the premises are unoccupied—the owner or person in charge of the premises.*

In 2016, the Public Place Cleansing team removed 40,000+ posters throughout the LGA. This on average equates to 770+ posters removed per week.

There are 3 “Poster Pillars” (with one removed in 2016 as part of a public spaces project) located in the Local Government Area, offering a free and legal way to promote events. The pillars operate on a ‘first come, first served’ basis and all posters are removed weekly.

## **5. Relationship to Waverley Together 3 & Delivery Program 2013-17**

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: L3 Waverley’s public places and spaces look and feel good.
- Strategy: L3a Ensure that public places are clean and well maintained..
- Deliverable: Community awareness of and engagement with strategies to prevent/ manage graffiti.

## **6. Financial impact statement/Timeframe/Consultation**

The Graffiti Management Plan is funded within the existing budget allocations of the 2015/2016 budget. External contractors are used for specialized removal such as work that requires abseiling; work “at heights” or for “overflow” situations where Council resources are fully engaged.

Waverley Council provides quotations for removal work required on private properties, price based on the current pricing structure of the contractor.

## **7. Conclusion**

Councils continued focus on rapid removal of graffiti has seen a reduction in the number of graffiti incidences both reported to Council and required to be removed from within the Local Government Area. Council will continue to monitor incidents of graffiti and conduct surveillance of ‘hot spots’ to further reduce the impacts of graffiti throughout Waverley.

## **8. Attachments:**

1. GRAFFITI REPORT 2016 - STATS

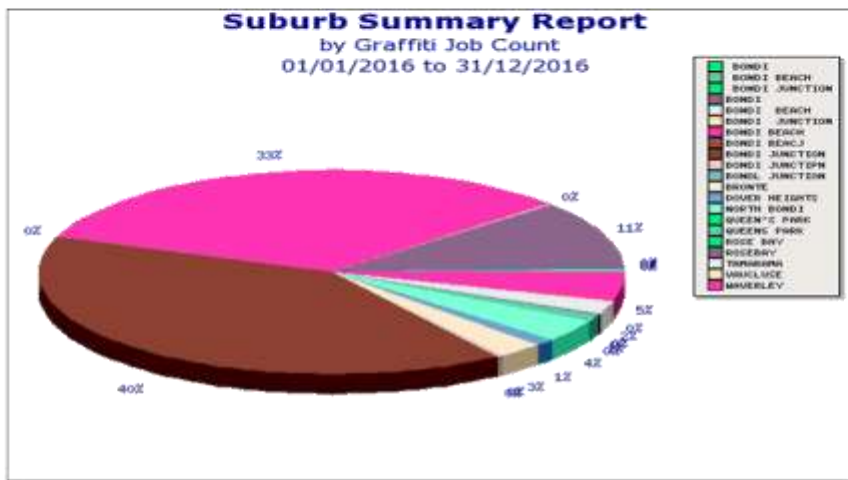


**Annual Statistics –Graffiti Management Report to Council 2016**

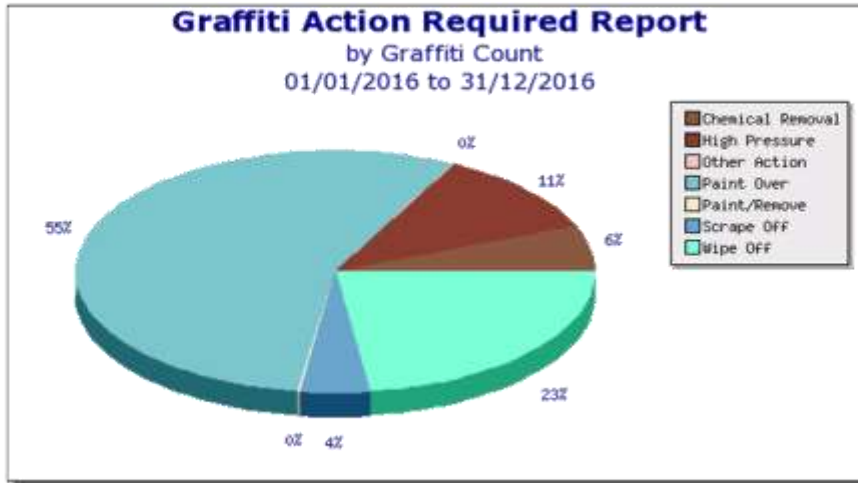
All graffiti that is removed by Council is recorded in an online register linked to Council website ([http://www.ausgr.com.au/private\\_rep.php?GRP=WAVE.ln](http://www.ausgr.com.au/private_rep.php?GRP=WAVE.ln) ).In summary:

- 1,580 pieces of graffiti was removed by Council in 2016.
- 3,326 Sq Meters of graffiti was removed
- 229 were reported by the public using Councils customer request management system.
- 1,379 were proactively reported by Council staff and were removed by the graffiti team.
- The incidence of graffiti reported by the public dropped from 747 in 2012, 431 in 2013, 324 in 2014 and increased to 390 in 2015 and decreased to 201 in 2016. This action can be attributed to the service delivery improvements of the graffiti team and from staff proactively reporting graffiti as they undertake their daily duties.

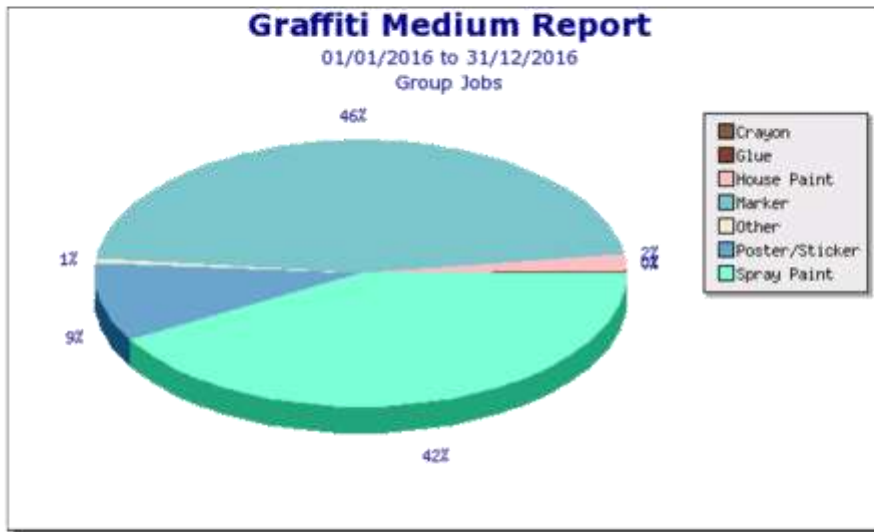
**Removal summary**



SUBURB		SUBURB		SUBURB	
BONDI	176	QUEENS PARK	15	ROSEBAY	4
BONDI BEACH	522	ROSE BAY	1	TAMARAMAMA	29
BONDI JUNCTION	642	DOVER HEIGHTS	18	VAUCLUSE	3
BRONTE	40	NORTH BONDI	57	WAVERLEY	73



Graffiti Type	Graffiti Count
Chemical Removal	97
High Pressure	177
Other Action	2
Paint Over	872
Paint/Remove	3
Scrape Off	68
Wipe Off	361



Graffiti Medium	Count
Crayon	4
Glue	2
House Paint	31
Marker	726
Other	8
Poster/Sticker	150
Spray Paint	659