



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

EXTRAORDINARY COUNCIL MEETING

An extraordinary meeting of W A V E R L E Y C O U N C I L will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

6:00 PM, TUESDAY 27 FEBRUARY 2024

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

Emily Scott
General Manager

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Statement of Ethical Obligations

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

Live Streaming of Meetings

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

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

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

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

The Mayor will read the following Acknowledgement of Indigenous Heritage:

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

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Notices of Motions

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5. Urgent Business

6. Meeting Closure

NOTICE OF MOTION
CM/4.1/24.02E**Subject:** Barracluff Park - Acoustic Impacts**TRIM No:** A06/0357**Submitted by:** Councillor Nemesh
Councillor Betts

MOTION:

That Council:

1. Notes the Barracluff Park playground was upgraded in 2021 with new facilities and amenities, including but not limited to new multi play equipment, hard courts, furniture, landscaping and lighting.
2. Further notes that while the park and playground is widely used by the community, the ongoing and increasing noise from the playground on neighbouring residents' amenity is unacceptable.
3. Investigates options to reduce the acoustic impacts on surrounding residents including but not limited to:
 - (a) Replacing the basketball hoop with a hoop which can be detached or is retractable.
 - (b) Installing soft material on the hard vertical walled surfaces to minimise objects being hit or bounced on that surface.
 - (c) Fencing the area around the multipurpose courts to potentially restrict access where appropriate.
 - (d) Providing additional signage that specifies when the multipurpose courts can be accessed and used.
4. Officers prepare a report to Council by April 2024 on its investigations to reduce acoustic impacts and provide options and costings.

This item was deferred from the Council meeting on 20 February 2024.

Background

The playground and multi-purpose courts are widely used by the community since their upgrade in 2021. However, the use of the courts in particular at night or in the evenings greatly affects the amenity of local residents, many of whom have young families.

This motion proposes that Council officers investigate options to lessen the acoustic impacts while still enabling the community to use the facilities.

General Manager's comment

Council officers have progressed investigation of elements of the items raised in the notice of motion, including the submission of grant applications for fencing, and can report back on this including costings in April 2024.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION
CM/4.2/24.02E**Subject:** Strata Assistance**TRIM No:** A24/0129**Submitted by:** Councillor Nemesh
Councillor Kay

MOTION:

That Council:

1. Notes that the Waverley local government area is one of the most densely populated areas within NSW with over 80% of residents living in multi-unit dwellings.
2. Investigates options to improve communication and resourcing between Council, strata managers and owners corporations (also including company title buildings and community title), including but not limited to:
 - (a) A page on Council's website dedicated to multi-unit living and in particular strata title.
 - (b) Information on how strata schemes operate.
 - (c) Educational resources dedicated to:
 - (i) Best practice waste management for multi-unit dwellings.
 - (ii) Different forms of development including renovations and when and how Council is required to be notified.
 - (iii) Issues related to compliance in particular regarding fire safety standards and parking.
 - (d) Quarterly communication between Council and strata managers who manage strata schemes within Waverley.
 - (e) A strata forum convened by Council in 2024 to:
 - (i) Better educate the public on how strata schemes operate and the role of Council.
 - (ii) Provide a platform for strata managers to engage with Council and provide feedback on issues related to strata buildings.
3. Writes to the Strata and Property Services Commissioner and the Owners Corporation Network of Australia informing them of this motion.
4. Officers prepare a report to Council by April 2024 that investigates the above options and provides costings.

This item was deferred from the Council meeting on 20 February 2024.

Background

It is anticipated that nearly three million people will be living in apartments, townhouses or villas by 2040 within Greater Sydney. Waverley is already one of the most densely populated local government areas with the vast majority of residents living in multi-unit dwellings. This trend is likely to continue with NSW government policy focus on increasing housing density.

While the legislation for running and operating strata schemes falls under the purview of the NSW government, Council has a role to play in providing additional resources for our community who live or intend to live in multi-unit strata apartments.

In particular, a strata forum could identify problems that strata managers and residents currently face and provide solutions that Council could adopt and/or advocate reform to NSW government.

Strata living has received increased attention within the media as a consequence of the housing policies of the NSW government and I note a recent article written by Caitlin Fitzimmons in the *Sydney Morning Herald* on 2 February 2024 titled 'Confidence is waning: New Strata Commissioner's urgent task to support high-rise city', which identifies past, ongoing and future issues that people within strata schemes face.

Council can and should be working with government to address issues of concern and improve the standard of living enjoyed by members of our community.

General Manager's comment

Officers have been undertaking a process to review and update the content on the Waverley website. The website has content currency issues, and the sheer volume of content is beyond what customers are looking for or Council has the resources to maintain. So far in 2024 there have been 187,618 page views of content on the primary site, and 51% of these page views came from just 20 web pages (in a website of 1756 pages).

At present, the information needs of strata managers and those living in multi-unit living are served very well in some areas (for example, waste and recycling, parking, public gardening) and could be enhanced in other areas (for example, drawing resident attention to the [excellent web resources the NSW Government provide](#) regarding strata law).

In terms of a 'one-stop shop' for web content related to multi-unit living, this can be addressed as part of the current web review. We are actively grouping related information, making clearer distinctions between content related to residents and business, cross-promoting aligned information in different web sections, and making it easier for visitors to navigate.

Much of Council's core function in the Notice of Motion is already well serviced on the primary website, for instance Council provides a very popular [waste and recycling resource hub for multi-unit living](#) which provides everything from free signage to free strata by-law templates. There is also a Sustainable Apartments newsletter ([last edition here](#)) although this may be incorporated into the more popular Second Nature newsletter in the future ([last edition here](#)).

NSW Fair Trading provide excellent property newsletters including which Council can help promote:

- The Letterbox newsletter – For renters, landlords and real estate agents.
- Property Matters newsletter – For the property industry.
- Strata Update newsletter – For people who live in and work with strata and community schemes.

Council has held a number of successful forums for renters in the past six months, and officers can investigate hosting a similar forum for strata schemes.

Ben Thompson
Director, Community, Culture and Customer Experience

NOTICE OF MOTION
CM/4.3/24.02E**Subject:** Flying Foxes and Fig Trees**TRIM No:** A14/0116**Submitted by:** Councillor Nemesh
Councillor Betts

MOTION:

That Council:

1. Notes the ongoing mess and safety issues, and destruction of personal property such as motor vehicles, caused by dropped berries and flying foxes (also known as fruit bats) in various locations around Waverley, in particular areas such as The Avenue, Rose Bay, and a section of Murray Street, Bronte, during the berry season from January to March each year and sometimes for a second time during the winter months.
2. Notes that residents have for many years had to ask Council to clean up The Avenue and Murray Street to address the safety and health issues arising from:
 - (a) The berries falling onto private property, our pavements and roads.
 - (b) Flying fox urine and faeces, and the detritus left behind, which may contain deadly viruses including Hendra, Nipah and Lyssa.
 - (c) The increased danger of an accident from pedestrians walking on our pavements and roads.
3. Investigates options to address these issues, including but not limited to:
 - (a) De-fruiting trees at certain times of the year.
 - (b) Removing branches and/or replacing whole trees that attract the fruit bats with a more suitable species of tree.
 - (c) Encouraging the bats to relocate through the use of ultrasonic devices
4. Officers prepare a report to Council by April 2024 with options and costings.

This item was deferred from the Council meeting on 20 February 2024.

Background

Residents in Waverley, especially those in The Avenue, Rose Bay, and Murray Street, Bronte (around 28-32 Murray Street on both sides of the road), are continuously frustrated by being inundated by flying foxes and a significant number of berries falling from the trees during January to March each year and sometimes in the winter months too.

The flying foxes leave a mess across front gardens, verges and footpaths, and within private properties where tree branches overhang. This mess creates a health and safety hazard to private property residents and their pets, to pedestrians who have to walk on the road to avoid the slippery footpath, and to parked vehicles.

It requires Council to clean up the areas impacted more than once (and sometimes daily) during the times stated at some expense to Council.

Additionally, the flying foxes make an undue noise at night, disturbing the amenity of local residents.

A more permanent solution is required to be investigated.

General Manager's comment

Council officers note that with approximately 600 fig trees across the local government area, a replacement strategy is required for when they approach the end of life. Over the last month as the fig trees have fruited, we have received complaints and requests from residents regarding the impact of the fruiting. The tree audit completed in 2023 includes the data that will enable this planning. If resolved by Council, officers can prepare a report in line with the notice of motion.

Sharon Cassidy
Director, Assets and Operations

NOTICE OF MOTION
CM/4.4/24.02E

Subject: Bondi Junction Commercial Centre - Late Night Trading Hours

TRIM No: A16/0262

Submitted by: Councillor Masselos

MOTION:

That Council:

1. Prepares a draft amendment to part D (Commercial and Retail Development), section 1.3 (Hours of Operation) of the Waverley Development Control Plan 2022 (DCP) to amend the Bondi Junction E2 Commercial Centre zone (formerly B3 Commercial Core) to change the general base trading hours within the Oxford Street Mall precinct to 'Sunday to Saturday: 6.00 am to 3.00 am.'
2. Considers the following items in the draft amendment:
 - (a) An analysis of the Bondi Junction E2 Commercial Centre zone with particular focus on Oxford Street Mall, including:
 - (i) The existing business mix.
 - (ii) Approved trading hours.
 - (iii) Number of liquor licences.
 - (iv) Outdoor dining licences.
 - (v) Number of any complaints relating to adverse impacts of late-night trading on residents.
 - (vi) Anti-social behaviour.
 - (vii) Any other relevant information including venue sound management.
 - (b) Recommended boundary adjustments to limit impacts as identified above within Oxford Street Mall.
 - (c) A proposed consultation strategy to seek input from local businesses, visitors, and residents.
3. Officers prepare a report and a draft amendment to the DCP no later than April 2024 for Council to consider whether to proceed to public exhibition.

This item was deferred from the Council meeting on 20 February 2024.

Background

Part D (Commercial and Retail Development) of the Waverley Development Control Plan 2022 sets out Council's adopted policy position in relation to trading hours. In relation to the Bondi Junction E2 Commercial Centre Zone, section 1.3 (Hours of Operation) of the DCP provides for extended trading hours as follows:

- (a) *General base trading hours:*
 - (i) *Monday to Saturday: 7.00am to 11.00pm; and*
 - (ii) *Sunday: 7.00am to 10.00pm.*
- (b) *Extended trading hours on a 1 year trial basis will be considered up to:*
 - (i) *Sunday to Wednesday: 6.00am to midnight; and*
 - (ii) *Thursday, Friday and Saturday: 6.00am to 1.00am.*

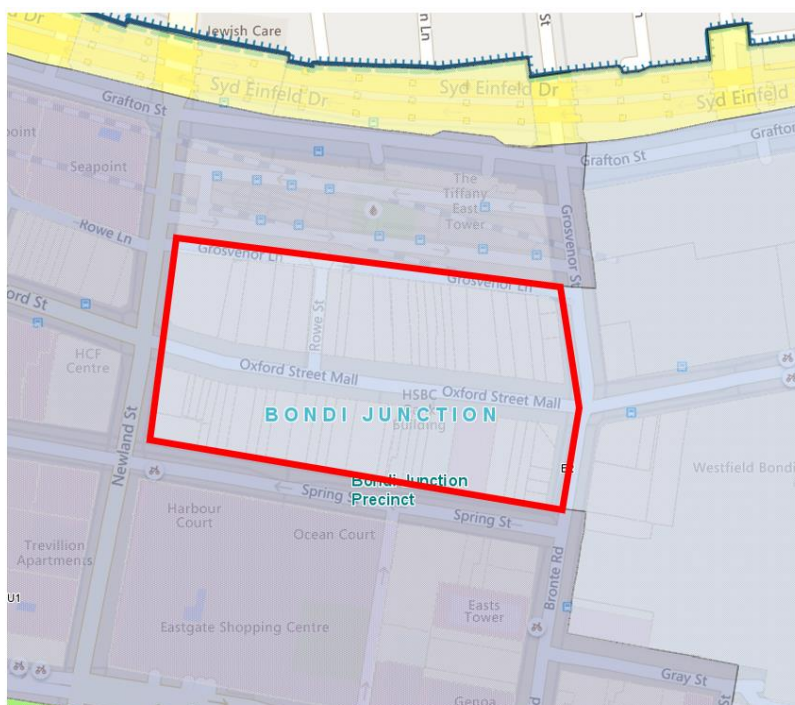


Figure 1. Bondi Junction E2 – Oxford Street Mall.

Feedback suggests that the current approach to late-night and extended trading hours is limiting potential new operators from investing in Bondi Junction. The proposal to amend late night trading with permanent trading to 3am on Sunday to Saturday would make a significant contribution to the local economy, cultural identity and economic sustainability of the Bondi Junction core, while considering the needs of residents by limiting the change to Oxford Street Mall.

General Manager's comment

If resolved by Council, officers can prepare a report and draft amendment to the Waverley Development Control Plan 2022 within the requested time frame.

Fletcher Rayner
Director, Planning, Sustainability and Compliance