



WAVERLEY  
COUNCIL

**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 5 MARCH 2024**

**Present:**

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Michelle Gray	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Tim Murray	Waverley Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

*At the commencement of proceedings at 7.49 pm, those present were as listed above.*

*Crs Kay and Wy Kanak attended the meeting by audio-visual link.*

*At 7.52 pm, during item 3, Cr Murray left the meeting and did not return.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager 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**

Apologies were received from Cr Elaine Keenan and Cr Will Nemesh.

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

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

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

- 3.1 A Richards – PD/5.3/24.03 – Waverley Development Control Plan 2022 (Amendment No. 2) – Flood Planning – Adoption.

**ITEMS BY EXCEPTION****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Masselos

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

- PD/4.1/24.03 Confirmation of Minutes – Strategic Planning and Development Committee Meeting – 6 February 2024.
- PD/5.5/24.03 Clause 4.6 Variations to Development Standards – Quarterly Report – October-December 2023.
- PD/5.7/24.03 Draft South Head General Cemetery Plan of Management – Exhibition

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

#### 4. Confirmation of Minutes

**PD/4.1/24.03 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 February 2024 (A23/0763)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Masselos

That the minutes of the Strategic Planning and Development Committee meeting held on 6 February 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

#### 5. Reports

**PD/5.1/24.03 Planning Proposal - Dwelling Density - Exhibition (PP-3/2023)**

**MOTION**

Mover: Cr Masselos  
Seconder: Cr Fabiano

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to limit the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination or amendments requested by the DPHI.
3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to limit the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination for the purposes of public exhibition, subject to the following amendment:
  - (a) Page 20 of the agenda, 'Executive Summary', fourth paragraph – Add a third dot point as follows: 'Keep dwelling houses and attached dwelling as permissible uses.'
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway

determination or amendments requested by the DPHI.

3. Requests and accepts, if offered, the role of the Local Plan Making Authority from the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the *Waverley Local Environmental Plan 2012*.

**Division:**

**For the Motion:** Crs Betts, Fabiano, Goltsman, Gray, Lewis, Masselos and Wy Kanak.

**Against the Motion:** Crs Burrill and Kay.

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

**PD/5.2/24.03                      Planning Proposal - Affordable Housing Contribution Scheme - Post-Exhibition (A04/0302)**

**MOTION**

Mover: Cr Masselos

Seconder: Cr Fabiano

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to introduce affordable housing provisions in the *Waverley Local Environmental Plan 2012 (WLEP)*, and the submissions received during public exhibition, to the Department of Planning, Housing and Infrastructure (DPHI) with a recommendation to proceed to finalisation and gazettal.
2. Adopts the amended Affordable Housing Contribution Scheme attached to the report (Attachment 2).
3. Publishes the exhibited contribution square metre rates on Council's website, with adjustments on an annual basis.
4. Requests the DPHI to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend the WLEP.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSE 2 AND THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Forwards the planning proposal attached to the report (Attachment 1) to introduce affordable housing provisions in the *Waverley Local Environmental Plan 2012 (WLEP)*, and the submissions received during public exhibition, to the Department of Planning, Housing and Infrastructure (DPHI) with a recommendation to proceed to finalisation and gazettal.
2. Adopts the amended Affordable Housing Contribution Scheme attached to the report (Attachment 2), subject to the following amendments:
  - (a) Page 34 of the attachments under separate cover, section 2.2.1, 'Dedication of dwellings' –

Amend to read as follows: ‘Council’s preference is for whole units to be dedicated to Council in perpetuity, rather than monetary contributions. However, where a whole unit of at least 50 sqm cannot be dedicated to Council, then a monetary contribution would be appropriate.’

- (b) Page 36 of the attachments under separate cover, section 3.4, ‘How tenants are assessed and allocated homes’ – Amend so that three years is replaced by five years as the maximum period available to any tenant in the WAHP.
3. Officers update the Planning Agreement Policy without delay to prevent ‘double dipping’ of funds for affordable housing, where a contribution is levied under the Affordable Housing Contribution Scheme and a planning agreement is offered at the same time.
  4. Publishes the applicable contribution square metre rates on Council’s website, as required by the DPHI Gateway Determination attached to the report (Attachment 3).
  5. Requests the DPHI to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 to amend the WLEP.

**Division:**

**For the Motion:** Crs Betts, Burrill, Fabiano, Goltsman, Gray, Kay, Lewis, Masselos and Wy Kanak.

**Against the Motion:** Nil.

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

**PD/5.3/24.03                      Waverley Development Control Plan 2022 (Amendment No. 2) - Flood Planning - Adoption (SF21/4935)**

*A notice of motion to rescind this resolution has been submitted with the General Manager. The rescission motion will be considered at the Council meeting on 19 March 2024.*

**MOTION**

Mover: Cr Lewis

Seconder: Cr Masselos

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 2) on flood planning attached to the report (Attachments 1 and 2), to take effect when notified on Council’s website.
2. Writes to all those who made submissions advising them of Council’s decision.
3. Notes that the draft budget 2024–25 will propose a reduction in fees for Council’s TUFLOW Flood Model for smaller developments.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 3 SUCH THAT IT NOW READS AS FOLLOWS:

‘Notes that the draft budget 2024–25 will propose a reduction in fees for Council’s TUFLOW Flood Model for smaller developments, with officers seeking to reduce the fee below \$2,500, which is the figure stated in the report.’

**FORESHADOWED MOTION**

Mover: Cr Kay

Seconder: Cr Betts

That Council defers this item to the Council meeting on 16 April 2024 meeting to permit:

1. Officers to contact all those who made submissions advising them of the 5 March 2024 Strategic Planning and Development Committee report on the Waverley Development Control Plan (Amendment No. 2) on flood planning and that officers will be available to receive further submissions until Monday, 25 March.
2. Councillors extra time to peruse the complex report and its attachments, discuss concerns with Council officers and receive responses from officers to any further questions.
3. The new Floodplain Management Committee to consider the report and its recommendation and make comment.
4. Officers to consider updates to the February report prior to it being included in the 16 April Council meeting agenda.

THE MOTION WAS PUT AND DECLARED LOST.

**Division:**

**For the Motion:** Crs Fabiano, Gray, Lewis and Masselos.

**Against the Motion:** Crs Betts, Burrill, Goltsman, Kay and Wy Kanak.

THE FORESHADOWED MOTION THEN BECAME THE MOTION.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council defers this item to the Council meeting on 16 April 2024 meeting to permit:

1. Officers to contact all those who made submissions advising them of the 5 March 2024 Strategic Planning and Development Committee report on the Waverley Development Control Plan (Amendment No. 2) on flood planning and that officers will be available to receive further submissions until Monday, 25 March.
2. Councillors extra time to peruse the complex report and its attachments, discuss concerns with Council officers and receive responses from officers to any further questions.
3. The new Floodplain Management Committee to consider the report and its recommendation and make comment.
4. Officers to consider updates to the February report prior to it being included in the 16 April Council meeting agenda.

**Division:**

**For the Motion:** Crs Betts, Burrill, Goltsman, Kay and Wy Kanak.

**Against the Motion:** Crs Fabiano, Gray, Lewis and Masselos.

*Cr Murray was not present for the votes on this item.*

*A Richards addressed the meeting.*

**PD/5.4/24.03                    Waverley Development Control Plan 2022 (Amendment No. 3) - Excavation - Exhibition (A24/0031)****MOTION / DECISION**

Mover:        Cr Gray  
Seconded:    Cr Masselos

That Council:

1. Publicly exhibits the draft Waverley Development Control Plan 2022 (Amendment No. 3) attached to the report on excavation controls for a minimum of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. Officers prepare a report to Council following the exhibition period.

**Division:**

**For the Motion:**        Crs Betts, Burrill, Fabiano, Goltsman, Gray, Kay, Lewis and Masselos.

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

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

**PD/5.5/24.03                    Clause 4.6 Variations to Development Standards - Quarterly Report - October-December 2023 (A23/0244)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis  
Seconded:    Cr Masselos

That Council notes the clause 4.6 variations to development standards for the period 1 October 2023 to 31 December 2023 attached to the report.

**PD/5.6/24.03                    Council Emissions, Energy Use and Water Savings - Annual Report (A20/0266)****MOTION**

Mover:        Cr Masselos  
Seconded:    Cr Lewis

That Council:

1. Notes the achievement of Council's emission reduction and water conservation targets for the 2022-2023 financial year, as set out in the report.
2. Notes that reducing fleet emissions and the measuring and reporting of scope 3 emissions will become increasingly important going forward.

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

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

**UNANIMOUS DECISION**

That Council:

1. Notes the achievement of Council’s emission reduction and water conservation targets for the 2022-2023 financial year, as set out in the report.
2. Notes that reducing fleet emissions and the measuring and reporting of scope 3 emissions will become increasingly important going forward.
3. Notes that to offset residual (scope 1, 2 and estimated scope 3) emissions, credits will be purchased to be ‘carbon neutral’ for 2022-2023. Council has budgeted \$15,000 in the 2023–24 budget to purchase credits to offset Council’s remaining emissions.

**Division:**

**For the Motion:** Crs Betts, Burrill, Fabiano, Goltsman, Gray, Kay, Lewis, Masselos, Murray and Wy Kanak.

**Against the Motion:** Nil.

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

**PD/5.7/24.03 Draft South Head General Cemetery Plan of Management - Exhibition (A23/0599)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr Masselos

That Council:

1. Publicly exhibits the draft South Head General Cemetery Plan of Management attached to the report for 42 days.
2. Officers prepare a report to Council following the exhibition period.

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

**6. Urgent Business**

There was no urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 9.20 PM.**

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**SIGNED AND CONFIRMED**  
**CHAIR**  
**7 MAY 2024**