



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

## EXTRAORDINARY COUNCIL MEETING

An extraordinary meeting of WAVERLEY COUNCIL will be held at the  
Boot Factory, Spring Street, Bondi Junction at:

**8.00 PM, TUESDAY 5 AUGUST 2025**

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

Emily Scott  
**General Manager**

Waverley Council  
PO Box 9  
Bondi Junction NSW 1355  
DX 12006 Bondi Junction  
Tel: 9083 8000  
Email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

## **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 Mayor 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 by Members of the Public**
- 4. Reports**  
**CM/4.1/25.08E 49 Mitchell Street, Bondi Beach - Land Classification ..... 4**
- 5. Urgent Business**
- 6. Meeting Closure**

## REPORT

### CM/4.1/25.08E



**Subject:** 49 Mitchell Street, Bondi Beach - Land Classification

**TRIM No:** A25/0571

**Manager:** Andrew Best, Executive Manager, Property and Facilities

**Director:** Shane Smith, Acting Director, Assets and Operations

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### RECOMMENDATION:

That Council classifies 49 Mitchell Street, Bondi Beach (Lot 1 DP 14454), as operational land in accordance with section 31 of the *Local Government Act 1993*.

#### 1. Executive Summary

Council purchased 49 Mitchell Street, Bondi Beach, on 8 May 2025 for use as affordable housing. The building consists of six two-bedroom units, which will be leased under Council's Affordable Housing Tenancy Policy. To enable Council to continue to lease the units going forward, the land must be classified as operational land.

Sections 31 and 34 of the *Local Government Act 1993* (the Act) require Council, within three months of the acquisition of land, to give public notice of the intended classification of the land. This notice must be for a period of not less than 28 days and must include a description of the land and the terms of the proposed resolution. If Council does not resolve to classify the land within the three-month time frame, the property will automatically default to community land.

The classification of public land can only be approved via a resolution of Council at a Council meeting and cannot be delegated to Council committees or the General Manager, in accordance with section 377(1)(l) of the Act.

#### 2. Introduction/Background

On 27 March 2025, Council acquired a property at 49 Mitchell Street, Bondi Beach, for the purpose of affordable housing. The building consists of six two-bedroom units and is zoned R3 Medium Density under the *Waverley Local Environmental Plan 2012*. Settlement occurred on 8 May 2025.

The *Local Government Act 1993* requires that all council-owned land be classified as either 'community' or 'operational' land. Operational land is land used for the day-to-day functions of a council and may not be open to the public. Community land is land that Council makes available for use by the public, such as parks, reserves and sports grounds. Community land cannot be sold, exchanged or otherwise disposed of by a Council. It can be leased, but there are restrictions on the grant of leases and licences and the way the land can be used. A plan of management, adopted by Council, is required for all community land that details the specific uses and management of the land.

In the case of 49 Mitchell Street, the land must be operational land as it is intended to be leased as part of Council's Affordable Housing Program.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Extraordinary Council 4 March 2025	CM/4.1/25.03E	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(c) of the <i>Local Government Act 1993</i>. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.</li> <li>2. Purchases the property identified in section 4 of the report (the Property) as part of its affordable and social housing program, subject to: <ol style="list-style-type: none"> <li>(a) The due diligence reports being to the satisfaction of the General Manager, Mayor and Deputy Mayor.</li> <li>(b) The maximum bid or offer to purchase the Property being the amount agreed to at the Council meeting or a lower figure as determined by the General Manager.</li> </ol> </li> <li>3. Authorises the General Manager to appoint an agent or delegate to bid on the Property on Council's behalf at the auction, or make an offer, up to and including the maximum bid as agreed at the meeting.</li> <li>4. Should it be successful at the auction, authorises the General Manager and the Mayor to execute, and affix Council's seal to, the contract for sale and any other documentation to finalise the matter.</li> </ol>

### 4. Discussion

The public notice process commenced on 11 June 2025 with a Have Your Say page, an advertisement in the *Wentworth Courier* and a notice placed on the premises.

The public notice period closed on 8 July 2025 with 79 total views by 64 different visitors. There was one submission via Have Your Say, but it was spam and not related to the classification matter. The public exhibition period therefore concluded with no formal submissions and Council may now resolve to classify the land as operational land.

Council can only classify land by a resolution passed at a Council meeting, in accordance with section 377(1)(l) of the *Local Government Act*.

**5. Financial Impact**

There are no financial impacts associated with Council classifying the land as operational land. Council will continue to receive the rents from existing lessees whilst they are leased at market rent to private sector tenants, with the units to be gradually transitioned into the Affordable Housing Program over the coming months.

**6. Risks/Issues**

There are no risks in Council reclassifying the land as operational land as it is a legislative requirement under section 31 of the *Local Government Act 1993*.

**7. Attachments**

Nil.