



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 5 AUGUST 2025**

**Present:**

Councillor Michelle Stephenson (Chair)	Bondi Ward
Councillor Will Nemesh (Mayor)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

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

*At the commencement of proceedings at 7.30 pm, those present were as listed above.*

*Cr Wy Kanak attended the meeting by audio-visual link.*

## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.*

### 1. Apologies

Apologies were received from Cr Paula Masselos.

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

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

### 3. Addresses by Members of the Public

There were no addresses by members of the public.

## ITEMS BY EXCEPTION

### MOTION / UNANIMOUS DECISION

Mover: Cr Stephenson

Seconder: Cr Nemesh

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

- |              |                                                                                                               |
|--------------|---------------------------------------------------------------------------------------------------------------|
| PD/4.1/25.08 | Confirmation of Minutes – Strategic Planning and Development Committee Meeting – 1 July 2025.                 |
| PD/5.1/25.08 | Sustainability and Transport Expert Advisory Panel Meeting – 22 April 2025 – Minutes.                         |
| PD/5.2/25.08 | Waverley Development Control Plan 2022 (Amendment No. 5) and Solar Panels and Heritage Guidelines – Adoption. |
| PD/5.4/25.08 | Electric Vehicle Charging Stations – Monitoring and Usage.                                                    |
| PD/5.5/25.08 | Waverley Business Forum – Community Membership.                                                               |
| PD/7.1/25.08 | CONFIDENTIAL REPORT – Rowe Street Project – Update.                                                           |

#### 4. Confirmation of Minutes

**PD/4.1/25.08 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 1 July 2025 (A25/0079)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council confirms the minutes of the Strategic Planning and Development Committee meeting held on 1 July 2025 as a true record of the proceedings of that meeting.

#### 5. Reports

**PD/5.1/25.08 Sustainability and Transport Expert Advisory Panel Meeting - 22 April 2025 - Minutes (A24/0996)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

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

**PD/5.2/25.08 Waverley Development Control Plan 2022 (Amendment No. 5) and Solar Panels and Heritage Guidelines - Adoption (A25/0317)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

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

**Division**

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

**Against the Motion:** Nil.

**PD/5.3/25.08                      Footpath Seating Policy and Guidelines and Waverley Development  
Control Plan 2022 - Adoption (A25/0635)**

**MOTION**

Mover:        Cr Stephenson

Seconder: Cr Westwood

That Council:

1.     Adopts the Footpath Seating Policy and Guidelines attached to the report (Attachment 1), subject to the following amendments:

- (a)    Page 141 of the agenda, section 3.1, 'Location', clause (c) – Amend to read as follows:

‘Where the footpath seating is adjacent to the kerb, applications should leave the following clearances from the kerb:

- A standard minimum setback of 0.6 metres when next to normal parking conditions including the edge of a cycleway.
- 1 metre when next to a loading zone.
- 1.5 metres when next to an accessible parking spot.
- 2 metres when next to a public transport stop, bus zones, taxi and PUDO zones.’

- (b)    Page 141 of the agenda, section 3.1, 'Location' – Add a new clause after clause (c) to read as follows:

‘Applicants should leave the following clearances around their outdoor dining areas:

- 0.25 metres side clearance at the side boundary of the footway area to create a gap between adjacent outdoor dining areas.
- 1.5 metre mid-area clearance for dining areas longer than 15 metres to allow access to the street.’

- (c)    Page 141 of the agenda, section 3.1, 'Location' – Delete clause (g).

- (d)    Page 141 of the agenda, section 3.1, 'Location', clause (i) – Amend to read as follows:

‘The minimum width of a clear, unobstructed pedestrian footpath is 2 metres. This distance is exclusive of street furniture, bus stops, accessible parking spaces, parking meters, telephone boxes or the like.’

- (e)    Page 141 of the agenda, section 3.1, 'Location' – Delete clauses (j) and (k).

- (f)    Page 144 of the agenda, section 3.2, 'Furniture and Accessories', clause (a) – Delete the words ‘weather-resistant, salt resistant’.

- (g)    Page 144 of the agenda, section 3.2, 'Furniture and Accessories' – Delete clauses (b), (f) and (h).

- (h)    Page 145 of the agenda, section 3.2.1, 'Umbrellas' – Amend clause (f) to read as follows:

‘Umbrellas may reasonably overhang outside the approved footpath seating area to account for the variety of site-specific conditions.’

- (i) Page 145 of the agenda, section 3.2.2, 'Barriers and Planters', clause (a) – Amend to read as follows:
- 'Barriers may be used at either end of the outdoor seating.'
- (j) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval', clause (a) – Delete the words 'inclusive of a 6 month trial period and' and add 'with'.
- (k) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval', clause (b) – Amend to read as follows:
- 'A permit may be cancelled, revoked or amended if:
- The proprietor fails to comply with the permit conditions.
  - There are changed conditions affecting the outdoor seating area in its particular location, such as increased risk to health and safety.
  - The footpath is needed for public works.
  - Permit holder are issued three or more infringement notices for the same of similar breach of policy.'
- (l) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval' – Add a new clause after clause (b) to read as follows:
- 'Where Council needs to cancel, revoke or amend an approval, the approval holder will be given notice of Council's intention and will be given an opportunity to respond.'
- (m) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval', clause (f) – Amend to read as follows:
- 'For unlicensed premises with no access to sanitary facilities, the maximum footpath seating area permitted is to accommodate less than 19 patrons'.

2. Adopts the associated amendments to the Waverley Development Control Plan 2022 attached to the report (Attachment 2).

## AMENDMENT

Mover: Cr Wy Kanak  
Seconder: Cr Fabiano

That the following clause 1(n) be added to the motion:

'Footpath seating areas be prohibited from encroaching on Council's roundels and public footpath inset information.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That Council:

1. Adopts the Footpath Seating Policy and Guidelines attached to the report (Attachment 1), subject to the following amendments:

- (a) Page 141 of the agenda, section 3.1, 'Location', clause (c) – Amend to read as follows:

'Where the footpath seating is adjacent to the kerb, applications should leave the following clearances from the kerb:

- A standard minimum setback of 0.6 metres when next to normal parking conditions including the edge of a cycleway.
- 1 metre when next to a loading zone.
- 1.5 metres when next to an accessible parking spot.
- 2 metres when next to a public transport stop, bus zones, taxi and PUDO zones.'

- (b) Page 141 of the agenda, section 3.1, 'Location' – Add a new clause after clause (c) to read as follows:

'Applicants should leave the following clearances around their outdoor dining areas:

- 0.25 metres side clearance at the side boundary of the footway area to create a gap between adjacent outdoor dining areas.
- 1.5 metre mid-area clearance for dining areas longer than 15 metres to allow access to the street.'

- (c) Page 141 of the agenda, section 3.1, 'Location' – Delete clause (g).

- (d) Page 141 of the agenda, section 3.1, 'Location', clause (i) – Amend to read as follows:

'The minimum width of a clear, unobstructed pedestrian footpath is 2 metres. This distance is exclusive of street furniture, bus stops, accessible parking spaces, parking meters, telephone boxes or the like.'

- (e) Page 141 of the agenda, section 3.1, 'Location' – Delete clauses (j) and (k).

- (f) Page 144 of the agenda, section 3.2, 'Furniture and Accessories', clause (a) – Delete the words 'weather-resistant, salt resistant'.

- (g) Page 144 of the agenda, section 3.2, 'Furniture and Accessories' – Delete clauses (b), (f) and (h).

- (h) Page 145 of the agenda, section 3.2.1, 'Umbrellas' – Amend clause (f) to read as follows:

'Umbrellas may reasonably overhang outside the approved footpath seating area to account for the variety of site-specific conditions.'

- (i) Page 145 of the agenda, section 3.2.2, 'Barriers and Planters', clause (a) – Amend to read as follows:

'Barriers may be used at either end of the outdoor seating.'

- (j) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval', clause (a) – Delete the words 'inclusive of a 6 month trial period and' and add 'with'.

- (k) Page 148 of the agenda, section 4.3, 'Other Conditions of Approval', clause (b) – Amend to read as follows:

‘A permit may be cancelled, revoked or amended if:

- The proprietor fails to comply with the permit conditions.
- There are changed conditions affecting the outdoor seating area in its particular location, such as increased risk to health and safety.
- The footpath is needed for public works.
- Permit holder are issued three or more infringement notices for the same or similar breach of policy.’

- (l) Page 148 of the agenda, section 4.3, ‘Other Conditions of Approval’ – Add a new clause after clause (b) to read as follows:

‘Where Council needs to cancel, revoke or amend an approval, the approval holder will be given notice of Council’s intention and will be given an opportunity to respond.’

- (m) Page 148 of the agenda, section 4.3, ‘Other Conditions of Approval’, clause (f) – Amend to read as follows:

‘For unlicensed premises with no access to sanitary facilities, the maximum footpath seating area permitted is to accommodate less than 19 patrons’.

2. Adopts the associated amendments to the Waverley Development Control Plan 2022 attached to the report (Attachment 2).

**Division**

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

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

**PD/5.4/25.08 Electric Vehicle Charging Stations - Monitoring and Usage (A17/0586)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

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

**PD/5.5/25.08 Waverley Business Forum - Community Membership (A24/0997)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council:

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

2028:

- (a) Sarah Hudson.
- (b) Marina Makhlin.

## 6. Urgent Business

There was no urgent business.

## 7. Closed Session

**PD/7/25.08 Closed Session**

**PD/7.1/25.08 CONFIDENTIAL REPORT - Rowe Street Project - Update (A22/0011)**

*Council dealt with this item in open session.*

### **MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson  
Seconder: Cr Nemesh

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. 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.
2. Approves the mutual termination of the following agreements relating to the Rowe Street Project:
  - (a) The Project Agreement dated 2 May 2022 between Council and Zondaro Pty Ltd.
  - (b) The Project Management Agreement between Council and Blare Management.
3. Notes that, before termination, a review of accounts will be undertaken between the parties in relation to project costs incurred, and that Council will retain the bank guarantee until any amounts owed to Council are settled.
4. Authorises the General Manager to finalise the mutual termination of both agreements and, if required, to enter into an informal arrangement with Zondaro Pty Ltd and Blare Management to enable use of the project's existing intellectual property and allow Council to independently pursue a breakthrough agreement with Transport for NSW to continue the broader project of improving pedestrian access to the interchange.

**8. Meeting Closure**

**THE MEETING CLOSED AT 7.55 PM.**

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**SIGNED AND CONFIRMED**  
**CHAIR**  
**2 SEPTEMBER 2025**