

**Minutes of Bondi Beach Precinct Meeting**  
**11 August 2014: 7:00pm to 9:00pm**  
**Ocean Room Bondi Pavilion**

Chairperson: Lenore Kulakauskas  
 Meeting opened at 7:09pm

**1. Welcome and apologies**

Welcome: We acknowledge this land as the traditional lands of the Aboriginal and Torres Strait Islander People of Australia, and specifically the Kadigal people, who traditionally occupied the Sydney Coast. We respect their spiritual relationship to Country and acknowledge the Aboriginal Elders both past and present.

Apologies: Mark Delaney Beach Rd Hotel, Cr Clayton, Cr Betts, Mary Tanner, Maria Gerakiteys

**2. Guest Speaker: Anthony Marich: Fitness and Health**

This was put off until a later meeting

**3. Minutes of previous meeting**

Accepted

Proposed: Ray Johnson

Seconded: Hugh Norton

**4. Business arising**

**RESPONSE REPORT BONDI BEACH**

<b>Waverley Council Response Report to Bondi Beach Precinct meeting from June 2014 and presented to August 2014</b>		
<b>Date</b>	<b>Motion</b>	<b>Response</b>
23/06/14	<p><b>Motion 1</b>            That Council provide clarification of its Tree Management Policy with regard to:</p> <ol style="list-style-type: none"> <li>1. Liability for tree removal when a tree on private land is declared dangerous - both for DA and no DA situation, and where owner refuses to remove tree</li> <li>2. Notification of nearby residents when an application to remove a significant tree on private land is made</li> <li>3. Frequency of Council of trees on public land (streets and</li> </ol>	<p>Motion was forwarded to the <b>Acting Executive Manager, Clean and Attractive Waverley</b> and to the Parks Operations Supervisor and the Strategic Tree Planning Officer.</p> <p><b><u>1. Liability for tree removal when a tree on private land is declared dangerous - both for DA and no DA situation, and where owner refuses to remove tree</u></b></p> <ul style="list-style-type: none"> <li>●The owner of a tree on private property has sole liability for any damage a tree may cause. NSW Councils do not have any powers to force owners to remove a tree on private property.</li> <li>●If a neighbour has concerns about the safety of a tree on private property they can lodge an</li> </ul>

	<p>parks) to see if they pose imminent danger.</p> <p>4. Notification of nearby residents when removal of a significant tree on public land is being considered.</p>	<p>application in the Land and Environment Court. under the Tree Disputes between Neighbours Act 2006. This is a very similar process to lodging a tree permit with Council with the exception that the Act has specific powers and penalties enforcing the owner of a tree to take whatever actions the commissioner recommends including removal. For development applications, if a tree is regarded as potentially hazardous by the Tree Management Officer, an arboricultural impact assessment report from a consulting arborist (AQF Level 5) is required to be submitted (page 47 of TMP). If the report recommends removal of a potentially hazardous tree, the recommendations can then become a condition of the approval.</p> <p><b><u>2. Notification of nearby residents when an application to remove a significant tree on private land is made</u></b></p> <p>Removal or major pruning of a significant tree requires a development application with a report from a consulting arborist (AQF Level 5). Notification follows the same procedure as all development applications (pg 37 of Waverley TMP)</p> <p><b><u>3. Frequency of Council of trees on public land (streets and parks) to see if they pose imminent danger.</u></b></p> <p>As part of Council's Strategic Asset Management Plan, street trees have been assessed with a condition rating from 1 (Excellent) to 4 (Poor) and 5 (Dead) . Gradual removal and replacement of these condition 4 and 5 trees has been underway for the last 3 years. A program of assessment for park trees is due to be undertaken soon.</p> <p><b><u>4. Notification of nearby residents when removal of a significant tree on public land is being considered.</u></b></p> <p>Removal of a significant tree requires a development application and this also applies to significant trees on public land. Notification follows the same procedure as all development applications</p>
	<p><b>Motion 2</b> Several properties including numbers 32 and 36 Sir Thomas</p>	<p>Motion was forwarded to Divisional Manager, Technical Services, Manager Transport and</p>

	<p>Mitchell Rd were previously refused approval for off street parking (36 STMR - 3 times and 32 STMR - twice). In a recent decision Council recommended approval for off street parking for 32 STMR. Could Council please explain why they recommended approval? Is this a change of policy for Council? Is there a separate policy for streets in heavily congested traffic areas? Proposed: Lenore Kulakauskas Seconded: Hugh Norton Passed unanimously.</p>	<p>Development.</p> <p>1. Car Parking spaces for No. 36 Sir Thomas Mitchell Rd whilst refused 3 times by Council was eventually approved by the Land and Environment Court. (Plater vs Waverley Council [2012]NSWLEC) on 23 May, 2012. The judgement also dealt with the issue of private car space verses public space on the street and in this regard Commissioner J Fake states in section 56 of the judgement <i>“While I acknowledge the limited on-street parking in the area and I accept that two small vehicles may currently be able to park on the street outside the applicant’s property, only one space is marked and a compliant space will be retained. Technically, at worst there is a neutral impact or at best, a gain of one space.”</i></p> <p>2. Car Parking for No.32 Sir Thomas Mitchell Rd was previously refused twice by Council. One of the main reasons was that it would have resulted in the removal of a significant tree within the front yard area. However recently, the subject tree was given permission to be removed through TPO-53/2014 given that the tree has shifted within its location and is now leaning. The application was therefore reconsidered on its merits. Having regard to the LEC approval for No.36 and the issue of the tree removed together with the fact that two car parking spaces were proposed at the cost of one on street parking space, the proposal was considered to be acceptable. Also whilst considering the proposal the Development and Building Unit noted that the south-western side of Sir Thomas Mitchell Rd, between Lucius St and Campbell Pde there are a total of 11 properties out of 15 that have off-street parking in the form of garages or hardstand car spaces and therefore the proposal was not considered to be inconsistent with the streetscape character. There has been no drastic change in Council's parking policy and parking proposals such as No.32 STM Rd are assessed on its merits.</p>
	<p><b>Motion 3</b> Urge Council to resist residents pressure to provide hard stand parking and on garages at expense of public parking spaces Proposed Paul Paech: Seconded: Lenore Kulakauskas Motion for both Bondi Beach</p>	<p>Motion was forwarded to Divisional Manager, Technical Services, Manager Transport and Development. The applications for off street car parking on site are assessed in accordance with the policies given in the DCP. However, the DCP is a guide and these guidelines are sometimes varied having regard to</p>

	and Bondi West. Votes 5 for 2 against.	the circumstances of the case. Council officers always consider the impact on street parking when assessing applications for new hard stands and garages especially where on street parking is at a premium. Council officers will not recommend on-site parking which will result in the loss of more than 1 on-street car parking space.
	Why work has halted on the South Bondi Toilet Block.	The work has been temporarily halted due to the recent staff changes flowing from the restructure.
	Why the Lifeguards hand written board, which showed the actual water temperature at Bondi Beach, has been removed from their window and replaced with a duplicate of the electronic temperature details in the other window. The electronic temperature details are not for the actual Beach and are often not even up in the morning.	Decision to Change came from the Director.  The new sign records water temperature, air temp, tides, weather, flag information, operates 24/7, automatically updates from Coastal Watch website.

**MOTION 1: That a wider range of residents be notified when a significant street tree on either private or public land is to be removed, and that the Precinct is advised as to whether this will occur.**

**REQUEST 1: That a relevant council officer attend the next Bondi Beach Precinct meeting to discuss the Tree Policy.**

Proposed: Lenore Kulakauskas

Seconded: Richard Davis

One vote against – carried

**QUESTION 1: Could Council please advise their justification for the following relationship: The relationship between a parking policy which endorses a *neutral impact* in relation to off-street parking, *and*, a final outcome, where displacing public parking spaces with a driveway would result in a significant reduction of on-street parking.**

Proposed: Lenore Kulakauskas

Seconded: Hugh Norton

Unanimous

Paul Nicholson spoke of his ideas to put all traffic underground and referred to his website [undergroundroads.com](http://undergroundroads.com)

## 5. Art Deco update

Hugh advised that the beautification works around Bondi are progressing, albeit slowly

## 6. Mermaids at Ben Buckler

Hugh raised a proposal to put the mermaids (copies in bronze) on the rock at Ben Buckler. He obtained a quote of \$140k for them to be cast in bronze, by the sculptor who did the recent sculptures at Bronte of the lifesaver 'diggers'. Hugh said they could be anchored into the rock and maybe be lit up of a night.

**MOTION 2: That the Mermaids be recreated in bronze and placed in their original position on the big rock at Ben Buckler. Further that the mermaids be lit up of a night. That Bondi Beach Precinct be involved in this project.**

Proposed: Hugh Norton

Seconded: Richard Davis

Unanimous

## 7. Alcohol Issues: update Bondi Courthouse Bar & Grill & Bar 34

Alcohol issues as it relates to Bar 34, previously BB's. This is the third business that has leased these premises having complaints made against them.

**MOTION 3: That the relevant Departments note concerns for any future licensed premises at 78 Campbell Pde (currently described as Bondi Courthouse Bar & Grill) in view of the history of ongoing issues associated with this venue. It is also requested that Council make submissions to OLGR in this regard, and that Bondi Beach Precinct are notified as to whether this will occur.**

Proposed: Lenore Kulakauskas

Seconded: Ray Johnson

Unanimous

## 8. DA issues

Cr Wakefield advised that councilors cannot address WDAP as councilors - only as residents.

**MOTION 4: That Council be urged to develop and implement a management plan that addresses the negative impact on the residential amenity due to the continuing intensification of commercial operations in the Hall St Town Centre.**

Proposed: Paul Paech

Seconded: Marie Heritage

Unanimous

**REQUEST 2: That a relevant council officer attend the next Bondi Beach Precinct meeting to discuss the functioning of the WDAP.**

## 9. General Business

### BBP&PPOM

**MOTION 5: That the pressures on the public areas of Bondi Park, Beach and Pavilion require that these valuable assets be defended against the demands by commercial users and that these areas be used overwhelmingly for passive purposes.**

Proposed: Paul Paech

Seconded: Richard Davis

Unanimous

**MOTION 6: That as the underground carpark will have a net gain of 0 parking spaces, it should not**

**go ahead. It is proposed instead that any money allocated for this for this go towards other Bondi Beach infrastructure.**

Proposed: Lenore Kulakauskas

Seconded: Hugh Norton

Unanimous

**MOTION 7: Due to the absence in the BBP&PPOM of specific recommendations regarding the Bondi Pavilion, Council is asked to ensure that this signature building's pivotal role in the area and the wider community is included in the plan.**

Proposed: Paul Paech

Seconded: Richard Davis

Unanimous

### **The Gobbler**

An email from the Mayor relating to 'The Gobbler' was read out (see attached).

### **Polo Match on the Beach**

Emails to the Mayor, GM, and Director Cathy Henderson and a reply from Cathy were read out.

Further action to be taken in the future. (see attached)

### **Pedestrian Crossing in Roscoe St**

Richard Heritage remarked that a pedestrian crossing in Roscoe St has not been painted after being removed when the road was re-laid. Cr Wakefield took note and said it would be taken care of.

Anthony Marich Secretary  
Lenore Kulakauskas Convenor  
Bondi Beach Precinct  
19 August 2014