

Register of Voting on Planning Matter						
Meeting	Date	Report Type	Item No.	Subject	Resolution (That Council.)	Planning Divisions
PD	04/04/2023	Report	PD/5.4/23.04	Affordable Housing Contribution Scheme - Gateway Determination Amendments - Exhibition (A04/0302)	<p>1. Notes that the Affordable Housing Contribution Scheme was adopted by Council in December 2020.</p> <p>2. Notes that Council previously approved the submission and exhibition of a planning proposal to implement the Affordable Housing Contribution Scheme in accordance with any conditions of the Gateway Determination that may be issued by the Department of Planning and Environment.</p> <p>3. Publicly exhibits the amended Waverley Affordable Housing Contribution Scheme 2023 attached to the report (Attachments 2 and 3) for 28 days alongside an amended planning proposal, subject to the following amendments:</p> <p>(a) Throughout the document, replace 'multi-dwellings' with 'multi-dwelling houses'.</p> <p>(b) Throughout the document, replace 'spot rezoning' with 'planning proposal'.</p> <p>(c) Page 73 of the agenda, section 2.2, 'Monetary contribution rates in the LEP' – Amend as follows:</p> <p>(i) In the first sentence, replace 'around the time of the development' with 'at the time of the planning proposal being assessed and before a Gateway Determination.'</p> <p>(j) In the second dot point, add 'be sought of' after 'will'.</p> <p>(iii) After the second dot point, add 'Sites that have previously received uplift through the planning proposal process and have also provided a contribution in line with Council's AHCS will not be subject to the prescribed levy of 1% of the total gross floor area at DA stage referred to above.'</p> <p>(d) Page 70 of the agenda, third paragraph, second sentence – Replace 'upzoning' with 'uplift' and add the following third sentence to the paragraph: "'Uplift" in a planning proposal refers to situations where a site's value increases through increased gross floor area, a change of zoning or other planning variations.'</p> <p>4. Officers prepare a report to Council following the exhibition period.</p>	<p>Division</p> <p>For the Motion: Crs Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos and Murray.</p> <p>Against the Motion: Cr Nemesh.</p>
PD	04/04/2023	Report	PD/5.6/23.04	Planning Proposal - Bus Shelter and Communication Panel Advertising (A08/0325)	<p>1. Prepares a planning proposal to insert exempt provisions for advertising into the Waverley Local Environmental Plan 2012, provided that the advertising:</p> <p>(a) Must either not extend beyond 10 m from the perimeter of a bus shelter or must be directly attached to freestanding communication panels.</p> <p>(b) Must not contain flashing or neon signage.</p> <p>(c) Must not be located on land that comprises a heritage item.</p> <p>(d) Must not be located in a heritage conservation area (excluding Birrell Street, Blair Street, Bondi Road, Bronte Road, Campbell Parade, Macpherson Street and Oxford Street).</p> <p>(e) Must be erected by, or on behalf of, Council.</p> <p>2. Refers the planning proposal to the Waverley Local Planning Panel for advice, with officers to prepare a report to Council on the advice prior to lodging the proposal with the NSW Department of Planning and Environment.</p> <p>3. Notes that Council will receive a further report with the proposed advertising locations for approval prior to inviting tenders on the open market.</p>	<p>Division</p> <p>For the Motion: Crs Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos, Murray and Nemesh.</p> <p>Against the Motion: Nil.</p>
PD	04/04/2023	Confidential Report	PD/7.1/23.04	CONFIDENTIAL REPORT - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Use of Council Land (A21/0252)	<p>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.</p> <p>2. Approves in principle Option 2, as set out in the report, and the negotiation threshold as amended at the meeting, in relation to Westgate Bondi Junction Pty Ltd's proposed use of Council land in Osmund Lane, Bondi Junction, as part of the development of 194–214 Oxford Street and 2 Nelson Street.</p> <p>3. Authorises the General Manager or delegate to enter into negotiations, with a report to be prepared to Council on the outcome in order to finalise the matter.</p> <p>4. Notes that as part of the negotiation, officers will be seeking improvements in the public domain designs in line with community feedback including the following items:</p> <p>(a) More trees and greenery along Osmund Lane.</p> <p>(b) Wider pedestrian zones between the two towers where paving can be converted to a grassed area.</p> <p>(c) Improved waste service options; for example, bin storage for the retail terraces.</p> <p>(d) Improved traffic management, including restricting resident parking scheme permits to not include the towers.</p> <p>(e) Any monetary contribution from the negotiations be allocated to the Strategic Asset Management Plan Reserves for renewal and upkeep of infrastructure in the Bondi Junction/Hill Hill area.</p>	<p>Division</p> <p>For the Motion: Crs Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos and Murray.</p> <p>Against the Motion: Cr Nemesh.</p>
CM	16/05/2023	Officer Report	CM/7.12/23.05	Voluntary Planning Agreement - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction (SF21/3455)	<p>1. Approves the planning agreement attached to the report applying to land at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, offering a total contribution of \$7.45 million, comprising a \$1.15 million in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution to be allocated to the items set out in schedule 1 of the planning agreement, in accordance with Council's Planning Agreement Policy.</p> <p>2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</p>	<p>For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Lewis, Masselos, Murray and Nemesh.</p> <p>Against the Motion: Crs Keenan and Wy Kanak.</p>
PD	06/06/2023	Officer Report	PD/5.2/23.06	Planning Proposal - 34-36 Flood Street, Bondi - Heritage Listing (PP-1/2023)	<p>1. Forwards the planning proposal seeking to list 34–36 Flood Street, Bondi (Lot 1 DP 1094020), as a local Heritage Item in the Waverley Local Environmental Plan 2012 (LEP) to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.</p> <p>2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.</p> <p>3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 in relation to the making of the amendment.</p> <p>4. Submits an application to NSW Heritage to nominate 34–36 Flood Street for State Heritage Item listing on the State Heritage Register.</p> <p>5. Writes to the NSW Minister for Heritage seeking support to urgently process Council's application for State Heritage Listing of 34–36 Flood Street.</p> <p>6. Urges the NSW Minister for Planning and Public Spaces in respect of the rezoning of 34–36 Flood Street from SP2 Infrastructure to R3 Medium Density Residential, seeking an urgent meeting for the Mayor and senior Council officers to request that:</p> <p>(a) The rezoning be refused by the Department of Planning and Environment, or</p> <p>(b) Should the Minister or his delegate decide to finalise the rezoning, the LEP amendment includes a site-specific provision to protect the existing community/educational/religious facilities at basement and ground levels as per the advice of the Sydney Eastern City Planning Panel and in consultation with Council officers.</p>	<p>For the Motion: Crs Betts, Burrill, Goltzman, Gray, Kay, Keenan, Lewis, Masselos and Nemesh.</p> <p>Against the Motion: Nil.</p>
PD	04/07/2023	Officer Report	PD/5.1/23.07	5 Tamarama Street, Tamarama - Rezoning (PP-4/2022)	<p>1. Approves the following amendments to the Waverley Local Environmental Plan 2012 in respect of 5 Tamarama Street, Tamarama, known as Lot 1 in DP 1188291:</p> <p>(a) Amend the land use zone from R3 Medium Density Residential to R2 Low Density Residential.</p> <p>(b) Amend the floor space ratio from 0.6:1 to 0.5:1.</p> <p>(c) Amend the maximum building height from 9.5 m to 8.5 m.</p> <p>2. Requests the Department of Planning and Environment to finalise the amendments.</p> <p>3. Notes Council resolutions CM/8.3/22.02 and PD/5.5/22.04 on this matter.</p>	<p>For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos, Murray, Nemesh and Wy Kanak.</p> <p>Against the Motion: Nil.</p>
PD	01/08/2023	Officer Report	PD/5.1/23.08	War Memorial Hospital (Edina Estate) - Development Control Plan - Adoption (SF21/655)	<p>1. Notes:</p> <p>(a) That the Conservation Management Plan prepared by the architect Hector Abrahams:</p> <p>(i) Details the historical significance of the site as an outstanding example of private philanthropy and its conversion to a war memorial hospital, which should be preserved and not obscured.</p> <p>(ii) The aspects of the site that are of rare aesthetic significance should be preserved, including four Victorian houses and stables, private streetscape, Victorian and 1920s landscape planting and features, 1930s hospital and chapel.</p> <p>(iii) The mansion tower and Norfolk pines should be preserved as landmarks in the surrounding areas.</p> <p>(b) The significance of the historic gates at the corner of Bronte Road and Birrell Street, and that the draft Development Control Plan (DCP) preserves continued public access via these gates at a minimum of nine daylight hours per day, as well as setbacks from the street frontage that will provide opportunities for landscaping, including mature tree planting.</p> <p>(c) That the Edina Estate contains 20 trees listed on Council's Significant Tree Register. Of these trees, one magnolia grandiflora tree, which is located on the boundary of the proposed building zone, may be impacted along with a significant fig near the existing tennis court.</p> <p>(d) That the War Memorial gardens are part of an important, continuous ecological corridor that spans from Waverley Oval to Centennial Park.</p> <p>(e) The 30% deep planting requirement within the draft DCP.</p> <p>(f) The Waverley Local Environmental Plan requires at least 10% of the gross floor area of 99–117 Birrell Street be used for the purposes of affordable housing.</p> <p>2. Adopts the Waverley Development Control Plan 2022, Part E7 – Edina Estate, attached to the report, subject to the following amendments:</p> <p>(a) Page 41 of the agenda, clause 6.4.1, 'Significant Fabric, Views, Spaces and Relationships' – Add the following additional controls:</p> <p>(i) Ensure that the design of the central building is such that the significant fig near the existing tennis court is retained, along with the significant magnolia grandiflora, and their wellbeing preserved.</p> <p>(ii) Maximise the protection of significant trees on the site and their corresponding tree protection zones.</p> <p>(b) Page 41 of the agenda, clause 6.4.1(g), 'Significant Fabric, Views, Spaces and Relationships' – Amend the second sentence to read as follows: 'This must include the use of the gates as a pedestrian access to the site.'</p> <p>3. Urgently seeks a further report from the General Manager on the cost to engage an independent report from a level 5 arborist to assess all trees on the War Memorial site to identify any additional trees, and their corresponding tree protection zones, that should be placed on Waverley's Significant Tree Register or the Waverley DCP.</p> <p>4. Urgently seeks a meeting with the Minister for Heritage, the Hon Penny Sharpe, to urgently place the War Memorial site on the State Heritage Register.</p> <p>5. Writes to all those who made submissions advising them of Council's decision.</p> <p>6. Officers circulate the amended DCP to Councilors before it is published on Council's website.</p>	<p>For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos and Murray.</p> <p>Against the Motion: Cr Wy Kanak.</p>
CM	15/08/2023	Officer Report	CM/7.7/23.08	Sydney Eastern City Planning Panel - Community Membership (A16/0688)	<p>1. Appoints the following community representatives to the Sydney Eastern City Planning Panel up to 30 July 2026:</p> <p>(a) Jan Murrell.</p> <p>2. Sets the remuneration of the members at \$500 per briefing meeting and \$1,500 per determination meeting.</p> <p>3. Defers the appointment of the three additional community representatives to further consider how all candidates have addressed the selection criterion 'demonstrate their knowledge of the local area and be able to represent and communicate the interests of the local community at Panel meetings.' As these applicants are to be selected as community representatives, this criterion is to be asked highly.</p> <p>4. Officers prepare a report to Committee or Council with new recommendations for three additional community representatives.</p>	<p>For the Motion: Crs Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis, Masselos, Murray and Nemesh.</p> <p>Against the Motion: Nil.</p>
CM	17/10/2023	Officer Report	CM/7.9/23.10	Amended Voluntary Planning Agreement - 194-214 Oxford Street and 2 Nelson Street, Bondi Junction (SF21/3455)	<p>1. Approves the amended planning agreement attached to the report applying to land at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, offering a total contribution of \$7.45 million, comprising a \$1.15 million in-kind contribution (a through site link and a public plaza on the development site) and a \$6.3 million cash contribution to be allocated to the items set out in schedule 1 of the planning agreement, in accordance with Council's Planning Agreement Policy.</p> <p>2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</p>	<p>For the Motion: Crs Betts, Burrill, Goltzman, Gray, Keenan, Lewis, Masselos, Murray and Nemesh.</p> <p>Against the Motion: Crs Fabiano and Wy Kanak.</p>
PD	07/11/2023	Officer Report	PD/5.2/23.11	Planning Proposal - 34 Flood Street, Bondi - Post-Exhibition (PP-1/2023)	<p>1. Forwards the planning proposal attached to the report (Attachment 1) to list 34 Flood Street, Bondi (Lot 1 DP 1094020), as a local heritage item in the Waverley Local Environmental Plan 2012 (WLEP), subject to officers considering the emails and attachments referred to in the representations from members of the public, and the submissions received during public exhibition, to the Department of Planning and Environment (DPE) with a recommendation to proceed to finalisation and gazettal.</p> <p>2. Requests the DPE to exercise the delegations issued by the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979 to amend the WLEP.</p> <p>3. Notifies the owner of 34 Flood Street of Council's decision.</p>	<p>Division</p> <p>For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Masselos, Murray and Wy Kanak.</p> <p>Against the Motion: Nil.</p>
CM	21/11/2023	Officer Report	CM/7.9/23.11	Planning Agreement - 122-128 Hewlett Street, Bronte (DA-304/2022/A)	<p>1. Publicly exhibits the planning agreement attached to the report applying to land at 122–128 Hewlett Street, Bronte, offering a total monetary contribution of \$498,940, with 100% to be allocated to the Charing Cross Streetscape Upgrade.</p> <p>2. Officers prepare a report to Council following the exhibition period.</p>	<p>Division</p> <p>For the Motion: Crs Burrill, Gray, Fabiano, Masselos and Murray.</p> <p>Against the Motion: Crs Betts, Goltzman, Kay, Keenan, Nemesh and Wy Kanak.</p>
PD	05/12/2023	Officer Report	PD/5.1/23.12	Planning Proposal - Council Advertising on Public Domain Assets (PP-2/2023)	<p>1. Forwards the planning proposal attached to the report (Attachment 1) on Council advertising on public domain assets to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition, subject to the following amendment:</p> <p>(a) Page 27 of the agenda, part 2, 'Signage – Council communications panels advertising' – Add the following new clause 8: 'Must not include any political advertising.'</p> <p>2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.</p> <p>3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE 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.</p> <p>4. Notes that Council will determine the location of multi-functional communication panels as part of a separate process and that the request for tender documentation will detail specifications, including location, size and content, which will come to Council for approval prior to inviting tenders from the open market.</p>	<p>Division</p> <p>For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis and Masselos.</p> <p>Against the Motion: Nil.</p>
CM	05/12/2023	Officer Report	PD/5.2/23.12	Planning Proposal - Dwelling Density (PP-3/2023)	<p>1. Forwards the planning proposal attached to the report (Attachment 1) to prevent the loss of residential density in R3 Medium Density Residential and R4 High Density Residential zones to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.</p> <p>2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.</p> <p>3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE 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.</p>	<p>Division</p> <p>For the Motion: Crs Fabiano, Gray, Keenan, Lewis and Masselos.</p> <p>Against the Motion: Crs Betts, Burrill, Goltzman and Kay.</p>

CM	12/12/2023	Notice of Motion	CM/8.1/23.12	RESCISSIION MOTION - PD/5.2/23.12 - Planning Proposal - Dwelling Density (PP-3/2023)	Defers this matter to a Councillor workshop in early 2024 for consideration of the planning proposal and to discuss how it fits into Council's strategic vision.	Division For the Motion: Crs Betts, Burrill, Fabiano, Goltzman, Gray, Kay, Keenan, Lewis and Nemesch. Against the Motion: Cr Wy Kanak.
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