



Response Report to Bondi  
Beach Precinct Motions  
from March 2020 meeting

**BONDI WARD**  
**BONDI BEACH PRECINCT**

**Waverley Council Response Report to motions from March 2020 Bondi Beach Precinct meeting**

Meeting Date	Motion	Council Officer Response	Directorate	Status
2 March 2020	<p><b>Motion 1:</b> Bondi Beach Precinct requests a meeting on site in the next month with the Executive Manager Asset Maintenance to look at the erosion in the upper slope and beneath the Norfolk Island Pines in view of the advice given in the November 2019 Response Report to Motion 1 that ‘There are no further works in scope for the remainder of Financial Year 19/20.’</p>	<p>This Motion was forwarded to the Executive Manager Asset Maintenance and to the Director, Community, Assets and Operations for follow-up and action. Officers have met to consider the issues and have commissioned an independent Arborist report. A meeting with the Precinct Convenor will be held once we have established the timeline of identified works.</p> <p><i>*Please see attached Appendix to this report for the update sent to the Convenor Lenore Kulakauskas on 1 September 2020.</i></p>	Community, Assets and Operations	Action in progress
2 March 2020	<p><b>Motion 2:</b> Bondi Beach Precinct is not satisfied with the response from the Director Planning etc. This is a fact not a perception, as the ARHSEPP through it’s allowing a ‘boarding house’ to be a housing option, is able to cater to backpacker and short stay accommodation rather than longer term affordable housing for people on lower incomes. The questions are;</p> <ul style="list-style-type: none"> <li>• Can a boarding house under the ARHSEPP be used for backpacker and short stay accommodation?</li> <li>• Is it acceptable to Council that a boarding house under the ARHSEPP can be used for</li> </ul>	<p>Motion was to the Director Planning, Environment &amp; Regulatory for reply. Issues relating to “backpacker” styled accommodation are subject to a range of local and state government legislation and are not easy to understand, even for some planners experienced in dealing with development applications. The types of accommodation described in the Precincts motion are very different. They all have different definitions in the Waverley LEP. Any development that seeks development consent for these uses must meet those particular requirements. Backpacker styled accommodation is commonly used by the community to describe a range of short stay accommodation behaviours but there are a wide variety of accommodation types where short stay housing occurs (but which is not specifically defined as backpacker accommodation).</p> <p>The definitions from the WLEP are:  <b>affordable housing</b> has the same meaning as in the Act.  The EP &amp; A Act defines it as:  <b>affordable housing</b> The term is defined as housing for very low income households, low income households or moderate income households, being such households as</p>	Planning, Environment & Regulatory	Finalised

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	backpacker and short stay accommodation?	<p>are prescribed by the regulations or as are provided for in an environmental planning instrument.</p> <p>Backpacker accommodation is a different type of use to affordable housing. It has its own definition and it's a part of a group of uses defined as <i>tourist and visitor accommodation</i> :</p> <p><b><i>tourist and visitor accommodation</i></b> means a building or place that provides <u>temporary or short-term accommodation on a commercial basis</u>, and includes any of the following— backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, serviced apartments, but does not include— camping grounds, or caravan parks, or eco-tourist facilities.</p> <p><b><i>backpackers' accommodation</i></b> means a building or place that— provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room).</p> <p>A Boarding house is also a different type of use to backpackers. It provides longer term accommodation (3months or more) and it is defined as a type of affordable rental accommodation but there are no limits on how much they can charge (a matter that is being reviewed by the State Govt):</p> <p><b><i>boarding house</i></b> means a building that— is wholly or partly let in lodgings, and provides lodgers with a principal place of residence for 3 months or more, and</p>		

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		<p>may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</p> <p>Backpacker accommodation does not fall within the types of accommodation that the ARHSEPP applies and has a separate definition under the WLEP. Boarding houses are a type of affordable rental housing so the SEPP applies to this type of use. They also have a separate definition and is a different type of use. A residential flat building may also fall under the ARHSEPP but these units must be rented and be managed by a registered community housing provider for a minimum of 10 years.</p> <p>The ARHSEPP over-rides the Council's LEP wherever there is a conflict.</p> <p>An application for a backpackers must be used and operated in accordance with that definition and is generally subject to different conditions. They can also only be approved in certain zones. There are only a small number of specifically approved backpackers establishments throughout Waverley.</p> <p>The challenge Council has faced is that "backpacker styled" short stay tenants can occur in a wide variety of accommodation options other than just approved Backpacker premises. The main complaints Council receives relating to "backpacker styled" accommodation at present are from approved residential flat buildings run by one specific real estate managing agent where tenants with approved short stay tenancy agreements behave in an anti-social manner that impacts on the local community.</p> <p>Council has found the existing legislation does not easily assist in addressing the anti-social behaviour from these premises in an easy manner. Council's solicitors have been working continuously with Council's Compliance officers in an attempt to address these conflicts and are greatly appreciative of the assistance from NSW Police about after-hours noise and behavioural issues.</p>		

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2 March 2020	<p><b>Motion 3:</b> That Council investigate and then ensure that some kinds of community and cultural activities are maintained during the period of restoration of the building, especially during the intense summer periods, and also that Council provides shower and change amenities for beachgoers through the entire period.</p>	<p>Motion was forwarded to the Manager, Events for follow-up. The Manager discussed the Precinct Motion with the Bondi Beach Precinct Convenor and advised the Convenor of the following recent Council Resolution:</p> <p><b>MOTION</b> Mover: Cr Masselos Seconder Cr Wy Kanak</p> <p>That Council endorses the option outlined in the report to provide a short-term temporary facility in North Bondi Park to accommodate the Flickerfest Short Film Festival in January 2021 and 2022 with the budget to be allocated from the 2020/21 and 2021/22 financial years. <b>DECISION:</b> That the Motion be adopted.</p> <p>Planning for a temp event site in North Bondi Park for Flickerfest is well underway and, subject to further easing of public health orders, will go ahead at the end of January. The events team have received positive indications from Create NSW that furthering easing of restrictions will happen if cases remain low.</p> <p>Bondi Festival, Mermaid Festival and Carols by the Sea have been cancelled for 2020. However in lieu of no Carols by the Sea, some alternative unpublicised Christmas pop up performances with local musicians are being programmed and subject to approval will take place in the lead up to Christmas. The performances will be short 15 minute sets with 2-3 performers at various undisclosed locations.</p> <p>Communications, Culture and Events Unit will continue to support externally run events however Ocean Lovers has been postponed until October 2021, Bondi Blitz is tentatively planned for April 2021. It is unknown whether Latin American Festival will take place or not. A decision on Outdoor Cinema will be made in the next 2 weeks.</p>	Customer Service & Organisation Improvement	Finalised

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		Head On Photography Festival will have a second outdoor exhibition on the Bondi Beach promenade railing this year, the exhibition will be installed this week and will remain until early December.		
2 March 2020	<p><b>Motion 4:</b> Bondi Beach Precinct does not support spending \$100,000 on 'additional landscaping works at Marks Park headland, including regrading adjacent to the ridgeline path, to maximise the sculpture placement potential for future events.' We strongly object to public funds being used to support a particular design for a private event that runs for 3 weeks of the year. We strongly recommend that any contract with the organisers of Sculpture by the Sea:</p> <ul style="list-style-type: none"> <li>• be aligned with the usual terms in contracts made with organisers of other events on public land in the Bondi Beach area;</li> <li>• include full remediation of the site, particularly the grassed areas in Marks Park;</li> <li>• does not allow specific and extra landscaping works.</li> </ul>	Motion was forwarded to the General Manager, to the Director Customer Service & Organisation Improvement and the Director Community, Assets and Operations for consideration in deliberations.	<p>Customer Service &amp; Organisation Improvement</p> <p>Community, Assets &amp; Operations</p>	Finalised

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2 March 2020	<p><b>Motion 5:</b> Bondi Beach Precinct requests that steps be taken to recognise McKenzie's as an off-leash dog area.</p> <p>Background: MacKenzie's is a rocky inlet between between the Boot (a rocky inlet next to Bondi Beach) and Tamarama. Every few years sand covers some of the rocky area. This only lasts for a very short period of time. Swimming isn't recommended due to underwater jagged rocks and rips. It's a popular dog-friendly place as it's not an official beach.</p>	<p>Motion was forwarded to the Open Spaces Planning Manager for reply.</p> <p>In regard to dogs off-leash at Mackenzies Bay, on the 18 of February Council passed the following motion: CM/8.7/20.02 Off-leash Dog Area - Mackenzies Bay, Tamarama (A11/0440) MOTION / DECISION Mover: Cr Kay Seconder: Cr Goltsman That Council:</p> <ol style="list-style-type: none"> <li>1. Investigates that Mackenzies Bay, Tamarama, be a daily off-leash dog area.</li> <li>2. Officers prepare a report for Council to consider public exhibition/community consultation of any proposal.</li> <li>3. Notes that Mackenzies Bay includes a 'pop-up beach', as it changes from a rocky inlet to a sandy beach, and back, due to environmental factors.</li> <li>4. Notes that residents have used Mackenzies Bay over many years for exercising their dogs even though it is designated as 'dogs prohibited'.</li> <li>5. Notes that there is a community change.org petition that has over 600 names supporting that dogs be permitted at Mackenzies Bay (at the time when the motion was lodged with Council on 14 January 2020).</li> <li>6. Notes that there is a community change.org petition that has around 1,200 names supporting that dogs be permitted at Mackenzies Bay.</li> </ol> <p>Subsequent to the motion an investigation took place and was presented to Council. During this meeting Council passed another motion in 2 June 2020 DECISION: That Council:</p> <ol style="list-style-type: none"> <li>1. Continues to prohibit dogs at Mackenzies Bay.</li> <li>2. Replaces the entrance sign and relocates it to the top of the Mackenzies Bay stairs.</li> <li>3. Continues assessing the suitability of other potential off-leash dog areas.</li> <li>4. Undertakes community consultation for a trial of a timed off-leash dog beach at Mackenzies Bay, with a further report to come back to Council following the consultation.</li> </ol>	Community, Assets and Operation	Action in progress

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		<p>A consultation plan is currently being drafted to consult on the idea of a trial of a timed off-leash dog beach. Following consultation, a report will be presented to Council to make a final decision.</p> <p>On 18 August 2020, all Precincts were emailed the link to the Have you Say-Mackenzie Bay dog off-leash area site, inviting feedback on the proposal when it was on public exhibition.</p>		

**Appendix 1 - Further update to the response to Motion 1**

Below is the Norfolk Island Pines update prepared by Ben Kusto, as well as the proposal for remedial works based on the recommendations listed in *The Tree Fellas* Tree Risk Assessment at Bondi Park (prepared 01 July 2020). This was forwarded to Lenore Kulakauskas on 1 September 2020.

**Summary update**

In summarising the Risk outcome, the following is noted

- The VALID risk assessment showed that the risk level of the Subject Trees was as low as reasonably practicable
- The QTRA risk assessment showed that all of the Subject Trees had a Broadly Acceptable risk of harm rating
- With such low levels of risk, no immediate hazard mitigation work was required as the associated expense would far outweigh any degree of risk reduction achieved by the work
- The risk of harm from the branches with decay observed during the aerial inspection of Tree 261 represent a low level of risk as a result of the form of the species. The branches pose a low possibility of failure and the lower scaffold branches will reduce the impact of the failed branches should a failure occur
- As a result of the site being of high occupancy, the trees should be monitored on an annual basis to reassesses the level of risk posed by them. This includes an aerial inspection to monitor the condition of tree 261 and the possible previous co-dominance

*Despite no specific work being required in regards to risk reduction, it is not unreasonable for other maintenance pruning to be undertaken on some or all of the trees. This can be at the Council's discretion if it believes it will have the beneficial effect of reducing any fear that site users may have in regards to the trees or simply as a matter of improved aesthetics.*

Based on the report, *Objectives/Outcomes* listed as part remedial works

1. Reduce soil erosion around structural root zone of trees
2. Reduce occupancy rates/human activity directly below the trees
3. Stabilise area around exposed root zones

Based on the report, *Recommendations* for consideration

- Remove debris from around trunk of trees in preparation
- Prune/remove suckers and foreign vegetation from around trunk of trees
- Prune/uplift lower canopy
- Remove weeds/foreign matter in preparation for soil
- Level out area for soil application
- Apply native soil to re-stabilize landscape around trees to a 3m radius
- Increase soil profile on Eastern side of trees
- Install Coir logs at a 4m radius from trunk of trees (South, East and North) and 1m to the (West)
- Apply mulch to the base of trees to a depth of 75-100mm (Organic Composted fine leaf litter) or a heavier mulch (Woodchip)
- Mulch should be kept 50mm out from base of trunk and extend out to Coir log perimeter
- Hessian/Burlap covering may be applied for extra protection over the top of the mulch to stop migration down the slope (Optional)
- Barricade if necessary (for a period of establishment)

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Draft sketch below of the proposed works using tree identified as 261 (subject tree)



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Remedial works will include tree(s) identified as 257, 258, 259, 260 and 261.



The Open Spaces team will have final preparations/planning and ordering of materials Monday 31 August, works will begin once materials arrive.