

**Register of Voting on Planning Items**

Meeting	Year	Date	Res No.	Subject	Action required (That/That Council...)	Planning
Operations	2017	7/02/17	OC/5.1/17.02	21-23 Niblick Street & 27-29 Gilgandra Road, North Bondi - Rezoning from R2 Low Density Residential to RE1 Public Recreation (PP-2/2015)	<ol style="list-style-type: none"> <li>Adopts the planning proposal to rezone 21-23 Niblick Street &amp; 27-29 Gilgandra Road, North Bondi from R2 Low Density Residential to RE1 Public Recreation in order to maintain their use as local parks.</li> <li>Amends the Land Reservation Acquisition Map to remove 21-23 Niblick Street, North Bondi as Council is now the registered owner but retain 27-29 Gilgandra Road, North Bondi identified as a property for future acquisition (Attachment 1 ).</li> <li>Forwards this report and the planning proposal to the Department of Planning and Environment to draft the legal instrument and finalise the LEP.</li> </ol>	Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewe, Wakefield and Wy Kanak. Against the Motion: Nil.
Operations	2017	7/02/17	OC/5.3/17.02	Planning Agreement associated with DA-184/2013/C at 33-37 Waverley Street, Bondi Junction (DA-184/2013/C)	<ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 33-37 Waverley Street, Bondi Junction that contributes \$200,000.33 to Council for the Bondi Junction Complete Streets Program and Affordable Housing subject to clause 3 below.</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> <li>Notes that 10% of the Planning Agreement contribution is to be dedicated to the affordable housing fund in accordance with Waverley Planning Agreement Policy 2014.</li> </ol>	Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas. Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.
Operations	2017	7/02/17	OC/5.4/17.02	Planning Agreement associated with DA-503/2014/A at 304-308 Oxford St, Bondi Junction (DA-503/2014/A)	<ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 304-308 Oxford Street, Bondi Junction that contributes \$1,451,812 to Council for the Bondi Junction Complete Streets Program and Affordable Housing subject to clause 3 below.</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> <li>Notes that 10% of the Planning Agreement contribution is to be dedicated to the affordable housing fund in accordance with Waverley Planning Agreement Policy 2014.</li> </ol>	Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas. Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.
Operations	2017	7/02/17	OC/5.5/17.02	Planning Agreement associated with DA-164/2015 at 41 O'Donnell St, North Bondi (DA-164/2015)	The following Motion be adopted subject to Council noting that when considering where the funds should be spent within the Bondi area, Council gives regard to the streets of Middleton, Gould, O'Donnell to Wairoa and Frederick Street and off streets from Murriverie to O'Donnell: <ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 41 O'Donnell Street that contributes \$168,086.72 to Council for public works for the improvement and regeneration of the Bondi area and Affordable Housing subject to clause 3 below .</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> <li>Notes that 10% of the Planning Agreement contribution is to be dedicated to the affordable housing fund in accordance with Waverley Planning Agreement Policy 2014.</li> <li>Notes that when considering where the funds should be spent within the Bondi area, Council gives regard to the landscaping improvements, returfing and irrigation upgrades proposed within Bondi Park.</li> </ol>	Division For the Substantive Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos and Mouroukas. Against the Substantive Motion: Crs Strewe, Wakefield and Wy Kanak.
Operations	2017	2/05/17	OC/5.2/17.05	Planning Proposal for Dover Heights Synagogue and Shule (PP-2/2016)	<ol style="list-style-type: none"> <li>Supports the planning proposal lodged by Dover Heights Shule to amend the Waverley Local Environmental Plan 2012 (WLEP 2012) in respect of the Dover Heights Shule and Synagogue, Napier Street, Dover Heights.</li> <li>Forwards the proposal to the NSW Department of Planning and Environment for a Gateway Determination.</li> <li>Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination.</li> <li>Requests the role of Relevant Planning Authority should the delegations be offered under Section 54 of the Environmental Planning and Assessment Act 1979 in relation to the making of the amendment.</li> </ol>	Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Masselos and Mouroukas. Against the Motion: Nil.
Council	2017	16/05/17	CM/7.7/17.05	Planning Agreement associated with modification application for 344-354 Oxford Street, Bondi Junction (DA-01/2014/B)	<ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 344-354 Oxford Street, Bondi Junction that provides a total contribution of \$985,712; of which \$887,141 is to be dedicated to Council for the Bondi Junction Complete Streets Program and \$98,571 (10%) towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> </ol>	DIVISION For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Mouroukas and Wakefield. Against the Motion: Crs Strewe and Wy Kanak.
Council	2017	16/05/17	CM/7.8/17.05	Planning Agreement associated with development application at 157-159 Military Road, Dover Heights (DA-316/2015)	<ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 157-159 Military Road, Dover Heights that provides a total contribution of \$143,605.68. Of this amount, \$129,245.10 is to be dedicated towards public works for the upgrade to the intersection of Military Road and Blake Street, Dover Heights. The remaining \$14,360.58 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> </ol>	DIVISION For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Mouroukas and Wakefield. Against the Motion: Crs Strewe and Wy Kanak.
Council	2017	20/06/17	CM/7.5/17.06	Voluntary Planning Agreement Associated with Development Application at 695 Old South Head Road, Vaucluse (DA-156/2016)	<ol style="list-style-type: none"> <li>Endorses the draft Planning Agreement attached to this report applying to land at 695 Old South Head Road, Vaucluse, that provides a total contribution of \$230,380. Of this amount, \$207,342 is to be dedicated towards public works for the improvement of Kimberley Reserve, Vaucluse. The remaining \$23,038 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.</li> <li>Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.</li> </ol>	UNANIMOUS DECISION Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos Mouroukas and Wakefield. Against the Motion: Nil.

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Council	2017	20/06/17	CM/7.6/17.06	Campbell Parade Footpath Seating Pilot Project (FPS-12/2015)	<ol style="list-style-type: none"> <li>1. Revokes resolutions 1 and 4 from CM/7.2/15.08 of its meeting held on 18 August 2015 concerning the Bondi Pacific Pilot Project for outdoor dining at Campbell Parade relating to the waiving of footpath dining fees for a three year period, and which prevented the southern footpath dining area from being used or associated with any proposed hotel licensed premises within the adjacent Pacific Bondi development.</li> <li>2. Endorses the Bondi Pacific footpath seating Pilot Project operating for a four-year period with footpath seating fees being waived for the duration of this period.</li> <li>3. Supports, in principle, the use of the southern footpath dining area being constructed and used by the operator of the adjacent licensed hotel premises, subject to:               <ol style="list-style-type: none"> <li>(a) The assessment and determination of the outdoor dining development application for construction and use of the southern outdoor dining location.</li> <li>(b) Any approval for this location, being restricted to the nominated hotel operator and the style of premises and management of the operation as detailed by the applicant and detailed in this report.</li> <li>(c) The range of management and risk mitigation outlined by the applicant being enforced as conditions of consent and included in the approved Plan of Management for the Pilot Project.</li> </ol> </li> </ol>	Division For the Motion: Crs Betts, Burrill, Cusack, Goltsman and Mouroukas. Against the Motion: Crs Clayton, Guttman-Jones, Masselos and Wakefield.
Council	2017	20/06/17	CM/8.2/17.06	Footpath Seating - Bronte Beach (A03/2371)	<ol style="list-style-type: none"> <li>1. The Sunday hours of operation for the outdoor footpath dining areas for the cafes and restaurants at Bronte Beach be amended to a 7 am starting time until the adoption of the next DCP amendment changes.</li> <li>2. All existing cafes and restaurants with approved footpath dining areas be notified of this change.</li> </ol>	UNANIMOUS DECISION For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas and Wakefield. Against the Motion: Nil.
Council	2017	18/07/17	CM/7.1/17.07	Planning Proposal at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction - Post-exhibition Report (PP-1/2015)	That Council: <ol style="list-style-type: none"> <li>1. Not supports the planning proposal at 194–214 Oxford Street and 2 Nelson Street, Bondi Junction, for the following reasons:               <ol style="list-style-type: none"> <li>(a) The proposed height and floor space ratio will result in an overdevelopment of the site and will present an unacceptable built form scale, particularly to Oxford Street.</li> <li>(b) The proposal has not sufficiently addressed the impacts of bulk and scale, and is not sympathetic to and does not provide an acceptable transition to the heritage items on the subject site (Norfolk Island Pine), in the surrounding area (Nelson Hotel) and Centennial Park.</li> <li>(c) The majority of community feedback received opposes the proposal, with 69% of objections relating to increased traffic congestion, lack of parking and pedestrian safety.</li> <li>(d) The value of the public benefits offered as part of the planning proposal are not aligned with the expected value uplift of the proposal and does not comply with the Council’s Planning Agreement Policy 2014. No planning agreement has therefore been entered into as part of this planning proposal.</li> <li>(e) The proposal does not provide affordable rental housing in accordance with the benchmarks stated in the draft District Plans, and is not consistent with Council’s methodology for valuing uplift.</li> <li>(f) The proposal is inconsistent with the recommendations of the Government Architect’s Office Final Report on the West Oxford Street Precinct Plan.</li> </ol> </li> </ol>	Division For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas, Wakefield and Wy Kanak. Against the Motion: Nil.
Council	2017	8/08/17	CM/5.1/17.08	Support for the Jewish Community (DA-134/2016)	<ol style="list-style-type: none"> <li>1. Council is disappointed that the Jewish community has been distressed by inaccurate information being spread by the media in relation to the refusal by the Land and Environment Court (LEC) of Friends of Refugees of Eastern Europe’s (FREE’s) development application (DA) for two three-storey blocks of units and a place of worship.</li> <li>2. Council confirms that the LEC refusal relates to a development application for a number of buildings and is not a discussion about freedom of religion in Australia.</li> <li>3. Council confirms that Council did not refuse the DA for a synagogue as has been widely reported, and reaffirms Council’s continued support for the Jewish community, who are an essential and integral part of the Waverley community.</li> <li>4. Council notes that Council has approved added security measures for many Jewish organisations, synagogues and schools without the DAs being taken to court and without much publicity.</li> <li>5. Council notes that all DAs are subject to rigorous assessment under planning controls and State Government legislation and that no DAs are assessed on religious grounds.</li> <li>6. Council notes the applicant submitted a Preliminary Risk and Threat Analysis report that included significant security risks for the subject property and did not satisfactorily address impacts upon passers-by or adjoining properties, and that led the LEC Commissioner to conclude that ‘a more sophisticated risk assessment process could be required for matters such as a potential terrorist threat...Having found that Contention 3 identifies a potential unacceptable risk of threat and there is a factual basis for the contention, the onus to address the contention rests with the applicant’ (paragraphs 63 and 64 of the judgement).</li> <li>7. Council advises Councillors that the Mayor approached Rabbi Ulman and FREE, and they have agreed to meet with Council tomorrow with the General Manager and a Senior Planner to talk through their options in the future and to see if, jointly, Council and FREE can reassure our community that Waverley is a safe and friendly place to live.</li> <li>8. To minimise any probity issues related to the presence of the Mayor at the proposed meeting, Council officers take minutes that are subsequently distributed under confidential cover to all Councillors.</li> </ol>	Division For the Substantive Motion: Crs Betts, Burrill, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Streve and Wakefield. Against the Substantive Motion: Cr Wy Kanak.

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Council	2017	8/08/17	CM/9.1/17.08	Proposed Synagogue at 105 Wellington Street, Bondi Beach (DA-134/2016)	That Council, in light of the Land and Environment Court decision on the 105 Wellington Street development application: 1. Requests an urgent briefing to be conducted with the Councillors on why the Land and Environment Court refused the development application on security grounds. 2. Reaffirms Council's support of the Jewish community and its vital contribution to Waverley life. 3. Takes immediate steps to restore the confidence of the Jewish community of both Waverley and the greater Jewish community of Sydney through a major communications campaign. 4. Requests that the General Manager arranges a confidential briefing for Councillors following the close of tonight's meeting.	UNANIMOUS DECISION For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewé, Wakefield and Wy Kanak. Against the Motion: Nil.
SPD	2017	7/11/17	PD/5.1/17.11	Waverley Development Contributions Plan 2006 (Amendment No. 8) (A17/0472)	That Council publicly exhibits Amendment No. 8 to the Waverley Council Development Contributions Plan 2006 (attached to this report) for a period of 28 days in accordance with clause 28 of the Environmental Planning and Assessment Regulation 2000.	Division For the Motion: Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak. Against the Motion: Nil.
SPD	2017	7/11/17	PD/5.3/17.11	Short-term Holiday Letting – Submission to State Government (A12/0147)	1. Receives and notes the submission to the State Government dated 25 October 2017 (Attachment 2 to this report) on the Short-term Holiday Letting in NSW Options Paper. 2. Prepares an addendum to Council's submission for lodgement with the State Government that includes the following issues: (a) Providing Council with better enforcement powers when complaints are made, including making formal inspections with less notice than the currently prescribed 14 days. (b) Enhancing the legislation, if and where necessary, to permit Council to better address amenity impacts on neighbouring properties. (c) Limiting the number of occupants for an entire home (perhaps according to the number of bedrooms) to a reasonable number and thereby constrain the amenity impact on neighbours.	Division For the Motion: Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak. Against the Motion: Nil.
SPD	2017	7/11/17	PD/5.4/17.11	Waverley Development Assessment Panel (WDAP) - Community Representatives (A13/0229)	1. Appoints the existing eligible community representatives of the Waverley Development Assessment Panel, Allyson Small and Sandra Robinson, to the new Local Planning Panel to take effect from 1 March 2018. 2. Advertises within the local community for additional community representatives to act as alternates as required, and authorises the General Manager to appoint up to two new members.	Division For the Motion: Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak. Against the Motion: Nil.
Council	2017	21/11/17	CM/7.7/17.11	Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse (DA482/2016)	1. Endorses the draft Planning Agreement attached to this report applying to land at 701-707 Old South Head Road, Vaucluse that provides a total contribution of \$517,537. Of this amount, \$465,783 is to be dedicated towards the upgrade and improvement of Diamond Bay Reserve, Vaucluse. The remaining \$51,754 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014. 2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.	Division For the Motion: Crs Betts, Burrill, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield. Against the Motion: Crs Copeland, Keenan and Wy Kanak.
Council	2017	21/11/17	CM/7.8/17.11	Voluntary Planning Agreement - 2 Warners Avenue, North Bondi (DA-586/2015)	1. Endorses the draft Planning Agreement attached to this report applying to land at 2 Warners Avenue, North Bondi that provides a total contribution of \$419,773. Of this amount, \$377,796 is to be dedicated towards the Baracluff Park and playground. The remaining \$41,977 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014. 2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.	Division For the Motion: Crs Betts, Burrill, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield. Against the Motion: Crs Copeland, Keenan and Wy Kanak.
Council	2017	12/12/17	CM/7.14/17.12	Voluntary Planning Agreement - 109-119 Oxford Street, Bondi Junction (DA-569/2015/A)	1. Endorses the draft Planning Agreement attached to this report applying to land at 109–119 Oxford Street, Bondi Junction that provides a total contribution of \$2,844,438. Of this amount, \$2,559,994 is to be dedicated towards the Bondi Junction Complete Streets Program and \$284,444 (10%) towards Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014. 2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.	Division For the Motion: Crs Betts, Burrill, Copeland, Lewis, Masselos, Nemesh, O'Neill and Wakefield. Against the Motion: Crs Keenan and Wy Kanak.
Council	2017	12/12/17	CM/7.15/17.12	Voluntary Planning Agreement - 59-69 Oxford Street, Bondi Junction (DA-585/2015/A)	1. Endorses the draft Planning Agreement attached to this report applying to land at 59–69 Oxford Street, Bondi Junction, that provides a total contribution of \$4,713,956. Of this amount, \$4,242,560 is to be dedicated towards the Bondi Junction Complete Streets Program and \$471,396 (10%) towards Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014. 2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.	Division For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Lewis, Masselos, Nemesh, O'Neill and Wakefield. Against the Motion: Crs Keenan and Wy Kanak.