



WAVERLEY  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE ON TUESDAY, 17 AUGUST 2021**

**Present:**

Councillor Paula Masselos (Mayor) (Chair)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Director, Planning, Environment and Regulatory
Teena Su	Acting Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Risk

*At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Wakefield who arrived at 7.07 pm during obituaries and Cr Nemesh who arrived at 7.13 pm during addresses by members of the public.*

community safety concerns.

**CM/7.9/21.08                    Biodiversity Action Plan - Remnant Sites 2021-2030 (SF20/2340)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council:

1. Publicly exhibits the draft Biodiversity Action Plan: Remnant Sites 2021–2030 attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

*Cr Wakefield was not present for the vote on this item.*

**CM/7.10/21.08                Environmental Upgrade Agreements (A09/1017)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Supports the implementation of Environmental Upgrade Agreements within the Waverley local government area.
2. Appoints a third-party provider to deliver streamlined Environmental Upgrade Agreements for a trial period of two years.
3. Supports the integration of Environmental Upgrade Agreements within Council's finance systems.
4. Officers prepare a report to Council at the end of the trial period on the performance of the Environmental Upgrade Agreements.

**CM/7.11/21.08                Planning Proposal - Waverley War Memorial Hospital - Campus Site (PP-1/2017)**

**MOTION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the draft Site Specific Development Control Plan (DCP) in order to consider the following matters prior to finalising and reporting to Council for adoption:
  - (a) The Conservation Management Plan design principles are used to provide guidance to ensure

that the heritage significance of Edina and the gardens are respected in any future development.

- (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
  - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved, and the site will remain accessible to the public and that pedestrian accessibility through the site will be improved.
  - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
  - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
- (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
  - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
4. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
5. Writes to property owners to provide an update on the Conditional Gateway Determination.
6. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

THE MOVER OF THE MOTION THE ACCEPTED AMENDMENTS TO CLAUSES 2 AND 2(c) SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:
  - (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.

- (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
  - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.
  - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
  - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
- (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
  - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
4. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
5. Writes to property owners to provide an update on the Conditional Gateway Determination.
6. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

**AMENDMENT**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That clause 1 be amended to read as follows:

'Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley, subject to the alternative building heights being changed from 15 metres to 12.5 metres and 21 metres to 18 metres, and the floor space ratio being changed from 1.2:1 to 1:1.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Keenan and Wy Kanak.

**Against the Amendment:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

THE MOVER OF THE MOTION THE ACCEPTED THE ADDITION OF NEW CLAUSES.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Officers review the following matters and update the draft Site Specific Development Control Plan (DCP) prior to it being adopted for exhibition:
  - (a) The Conservation Management Plan design principles are used to provide guidance to ensure that the heritage significance of Edina and the gardens are respected in any future development.
  - (b) Inclusion of a development standard or objective to ensure that the DCP maintains or exceeds the existing mature tree canopy and habitat corridor available on the site in any future development.
  - (c) The main entry gates to the site at the corner of Birrell Street and Bronte Road are conserved and the site will be accessible to the public via these gates, and that pedestrian accessibility through the site will be improved.
  - (d) Setbacks and proposed building footprints for future buildings consider the location of existing mature trees on the site and minimise the loss of mature landscaping where possible.
  - (e) Minimise the potential adverse impacts of parking and traffic generation associated with the proposal on the surrounding street network.
3. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
  - (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
  - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
  - (c) A request for consideration of options for rehousing existing residents in a sensitive and considered way, including giving preference to existing residents in the future development.
4. Officers, in any future development application, give consideration to rehousing existing residents.
5. Officers discuss the potential inclusion of social impact mitigation provisions with the applicant to be included in the planning proposal, Site Specific DCP or any other planning instrument.
6. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.

7. Writes to property owners to provide an update on the Conditional Gateway Determination.
8. Requests the Mayor to write to the Hon. Don Harwin, Minister for the Arts (and the minister responsible for heritage), to express Council's concern that Heritage NSW believes that the War Memorial Hospital site is not considered a priority for State Heritage Register listing and that the Minister reconsider Council's request for the site to be included in the State Heritage Register.

**Division**

**For the Motion:** Crs Betts, Burrill, Copeland, Kay, Keenan, Lewis, Masselos, Lewis, Nemesh and Wakefield.

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

*G Vaughan (on behalf of Bronte Beach Precinct), M Cusack, D Caretti (on behalf of Charing Cross Precinct), S Swifte (on behalf of Queens Park Precinct), J Jungheim, M Main and S Furness (on behalf of Uniting) addressed the meeting.*

*At 10.00 pm, following the vote on this item, the meeting adjourned for short break.*

*At 10.07 pm, the meeting resumed.*

**CM/7.12/21.08 Voluntary Planning Agreement - 12 Burge Street, Vaucluse (SF21/3706)**

**MOTION / DECISION**

Mover: Cr Lewis

Seconder: Cr Copeland

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 12 Burge Street, Vaucluse, offering a total monetary contribution of \$61,200 to go 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, Kay, Lewis, Masselos, Nemesh and Wakefield.

**Against the Motion:** Crs Keenan and Wy Kanak.

**CM/7.13/21.08 Voluntary Planning Agreement - 97 Glenayr Avenue, Bondi Beach (SF21/3457)**

**MOTION / DECISION**

Mover: Cr Lewis

Seconder: Cr Goltsman

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 97 Glenayr Avenue, Bondi Beach, offering a total monetary contribution of \$541,860, with \$406,395 (75%) to go towards Biddigal Reserve design upgrades including a playground, landscaping, paving and seating, and \$135,465 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.