

8th April 2024, 7:00pm – 8:30pm, Yagalang Room, Bondi Pavilion

Meeting opened: 7:00pm

Chair: Lenore Kulakauskas

1. WELCOME AND APOLOGIES

Acknowledgement of Country

We acknowledge this land as the traditional lands of the Aboriginal and Torres Strait Islander People of Australia, respect their spiritual relationship to Country and pay respect to their Elders past and present.

We acknowledge that we meet on the land of the Gadigal people of the Eora Nation and the important role all Aboriginal and Torres Strait Islander people continue to play within Australia and our community.

Apologies

Brad Cole, Michelle Gray, Leon Goltsman

2. FLETCHER RAYNER, Director of Planning, Sustainability & Compliance at Waverley Council

(i) Amendments to State Environmental Planning Policy (SEPP) - Low-Mid Rise Housing Policy

Objective of the policy is to increase housing availability in Sydney by over 350,000 dwellings in line with the Federal Housing targets.

The state government will seek to impose the policy on local councils.

Summary of Director's Explanations:

- Within 400 - 800 metres of shops, the policy will allow increased heights up to 4 storey or 6 storeys. This would be over most of Waverley.
- Impact on heritage listed buildings
- Uncontrolled development in a heritage conservation area
- Under the policy council could not refuse developments based on height and FSR alone. It would have to be for other reasons.
- The changes could double the population over a long period – do we have the infrastructure such as adequate waste disposal and transport?
- The plans are in conflict with Waverley's existing strategic plans, e.g. in an R2 area under the SEPP could result in 6 storey buildings in an R2 area
- New development in Waverley is not going to satisfy the needs of first homeowners because properties will be too expensive
- Buildings allowed under the SEPP will be much bulkier, either FSR of 2:1 or 3:1 as opposed to Waverley council FSR 9:1
- The changes will impact Waverley's ability to raise funds through the variations to DA's which are charged when developers exceed existing development standards. The changes will gift these increased development opportunities to developers but will prevent council from sharing in the uplift in value which is used for infrastructure

- Only current homeowners or land holders will benefit from the increase in land value as a result of increased FSR
- Council intends to protect existing density by limiting reduction in density (preventing the reduction of dwellings in a unit block) Proposed 15% cap on reducing density.
- Developers can receive bonus's by delivering 20% of a development for affordable housing but this expires after 15 years.

Relevant Links:

<https://www.nsw.gov.au/media-releases/new-rules-to-fast-track-low-rise-and-mid-rise-housing>

https://www.waverley.nsw.gov.au/data/assets/pdf_file/0004/186412/LTFP.pdf

(ii) Excavation Amendment

- The DCP was updated a few years ago. There was a 2-tier approach that allowed increased excavation on a cubic metre basis according to increase in area of the development. That is, the bigger the area the more excavation could occur. There were 2 tables, one for houses and semis etc and one for larger residential and commercial buildings.
- This is problematic for developers and problematic for assessing officers who unable to assess the cubic area of soil being removed. Council assessing officers don't have the software or resources to review it.
- In summary the DCP amendments focus only on the small landholdings such as semis and dual lots to reduce and limit excavation in small scale development. The amendments seek to restrict homeowners excavating for land uses other than parking (such as wine cellars or attempts to make habitable spaces out of basements).
- For commercial development, excavation will not be reduced but the assessment process will be simplified because 'we don't see poor outcomes or other land uses creeping in' with the commercial developments. Developers are entitled to pitch their development with parking.
- The Director of Planning admitted there were issues with excavation and basement construction on large developments, but council planning is not focussed on that but on the conditions relating to the assessment process. He argued that council was only approving a concept design during the development application process. Issues relating to structural stability rest with the developers' engineers to manage, and any resultant issues are a *civil* matter, outside of council's jurisdiction.
- The Director said the issues that have arisen with the destabilization of surrounding buildings is a 'wicked problem' and not one that council can solve. The Director submitted that it is not council's responsibility to protect residents' properties from any type of damage or destruction resulting from any type of excavation.
 - The Director's reasons that council could not get involved in the protection of residents was that unfortunately this is the system we have; the horse has bolted due to the introduction of private certification and council can't do anything about it. He explained the jurisdiction is with the Certifier not Council.

- It is not the role of Council to review each CDC after it has been lodged. The Director deferred responsibility to other agencies such as The Department of Fair Trading, The National Construction Code, and the Building Commissioner etc.
- Finally, the Director recommended the community focus instead on the State Government's Low to Mid rise housing policy which would result in 'excavation on steroids'.

MOTION 1

That Bondi Beach Precinct thanks the Director of Planning for his frank explanations of various planning issues in Waverley and urges Councillors and Council Officers to investigate ways to address what the Planning Director described as the 'wicked problem' of the serious structural damage being caused to nearby buildings in the Bondi Basin & in particular urges council to investigate developing specific new geotechnical controls to stop the reality of damage to buildings resulting from excavation in the unstable sand that characterises the Bondi Basin.

See Appendix to Motion 1

Moved by Paul Paech, Seconded by Marylyn Tanner

3. Reports from Councillors

Councillor Dominic Kanak

Cr Kanak suggests the precinct make a submission to council in relation to a bigger budget for Planning, as Planning department is under resourced for the purposes of detailed evaluation of CDC's.

Cr Kanak suggested increased budgets were needed for council to mount challenges in court against the approvals from private certifiers that contain reports indicating risks as a part of the development. The budgets are not there yet.

Some planning laws are based in the State Government, the community could apply pressure to politicians to change planning laws. Some State governments in the past have made promises to return the planning powers to local council.

Cr Kanak does not agree with the amendments to the Excavation DCP. This change was brought to council by the developers and the changes are designed to benefit the developers. He does not support the excavation amendments.

Council elections will be held in September. Cr Kanak intends to run again.

The current State Government Low to mid-rise housing are on exhibition currently. The exhibition might be a strategy whereby a grand scheme is presented which developers hope to achieve just some of.

Cr Kanak has attended the Land & Environment court for some developments to represent the community. Only 6 speakers are currently allowed to speak at a Land & Environment Court hearing.

The council put in a submission to the State Govt. about the heritage listing of the Harry Seidler designed synagogue in Flood Street. Cr Kanak appeared before the planning commission to put forward the heritage factors to consider.

Cr Kanak is seeking feedback from the community about the uses of The Bondi Pavilion.

Residents' comments / questions:

- Bondi Pavilion has become a commercial venture.
- Where is the basketball hoop that the community requested in the courtyard?
- Can we have community basketball courts and tennis courts behind the Pavilion?
- The courtyard is now a dead space, it used to be vibrant, handball was played and other activities.
- There is a sink hole in Lamrock Avenue, 500 metres up from Campbell Parade -Cr will investigate.
- The council seems to say that it is up to residents to come up with uses for the space at Bondi Pavilion however the council is **paying** people to organise things for this event space. What are they doing?

The council is beginning the Community Strategic Planning Process. The Community Strategic Plan occurs every 10 years and Budgets occur every year.

Relevant Links:

[https://www.waverley.nsw.gov.au/data/assets/pdf_file/0012/204213/Waverley Community Strategic Plan 2022-2032.pdf](https://www.waverley.nsw.gov.au/data/assets/pdf_file/0012/204213/Waverley_Community_Strategic_Plan_2022-2032.pdf)

[https://www.waverley.nsw.gov.au/data/assets/pdf_file/0020/163424/Community Engagement Strategy 2023.pdf](https://www.waverley.nsw.gov.au/data/assets/pdf_file/0020/163424/Community_Engagement_Strategy_2023.pdf)

The precinct can make their voice heard via suggestions.

ACTION

Invite the directors for Bondi Pavilion and Ben Thompson to the next meeting.

4. Mermaids on Mermaid Rock

MOTION 2

Bondi Beach Precinct requests that the community is consulted about

1. the location of the Mermaids and
2. whether there is a preference for the original mermaid statues to be recast or for a mermaid inspired design.

Background: As Council is aware Bondi Beach Precinct voted unanimously to have a replica of the Bondi Mermaids installed in their original location in 2013. This was agreed on by Council in their Waverley Public Art Master Plan (see p 12) with the proviso that:

the location is subject to extreme and ever changing weather conditions, including rain and storm conditions, and precipitation as well as a high level of public engagement. Proposals

must exhibit a clear understanding of the impact of these conditions and outline measure undertaken to ensure artwork can withstand them. the location is subject to extreme and ever changing weather conditions, including rain and storm conditions, and precipitation as well as a high level of public engagement. Proposals must exhibit a clear understanding of the impact of these conditions and outline measure undertaken to ensure artwork can withstand them.

An overview of this was sent to Council after our February meeting.

Without any consultation on location, Council determined the location and asked for mermaid themed designs to be submitted.

Mayor Masselos in a media release said:

“Big Rock commands an awe-inspiring location but it’s safer and more enjoyable for everyone to have this new mermaid sculpture on terra firma.”

The terra firma she is alluding to (I assume a rock is not terra firma) also has its share of 'risks'. The south park is heavily utilised by dogs, children, exercise groups etc, is exposed to the same harsh conditions as Big Rock (except waves, hopefully). The park has always been subject to erosion in heavy rain and has been covered in sand in particularly fierce storms.

Moved by Paul Paech, Seconded by Marylyn Tanner

See Appendix to Motion 2 – Bondi Beach Mermaids

MEETING CLOSED: 8:45pm

Appendices

Motion 1 – Aqualine Vibration Letter Annotated

Motion 2 – Bondi Beach Mermaids

Notes

There are 2 streams of development, Development Applications assessed by council and Complying Development assessed by a private certifier and submitted to council via the planning portal.

The provisions for Exempt and Complying Development are overseen by State legislation in the form of State Environment Planning Policies. These override local controls and provide an avenue for some forms of development, without the requirement to lodge a Development Application.

https://www.waverley.nsw.gov.au/planning/development_applications/exempt_and_complying_development