



W A V E R L E Y  
C O U N C I L

## COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at Waverley Council Chambers  
Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.00 PM, THURSDAY 27 SEPTEMBER 2018**

A handwritten signature in black ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**General Manager**

Waverley Council  
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### **Live Streaming of Council Meetings**

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## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

The Mayor will read the following Acknowledgement of Indigenous Heritage:

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

- 1. Apologies/Leaves of Absence**
- 2. Declarations of Pecuniary and Non-Pecuniary Interests**
- 3. Addresses by Members of the Public**
- 4. Confirmation and Adoption of Minutes**

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*At the time of issuing this agenda, this report was not available. It will be issued to Councillors under separate cover and published online prior to the meeting.*

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The following matter is proposed to be dealt with in closed session, and has been distributed to Councillors separately with the agenda:

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- 12. Meeting Closure**

## CONFIRMATION AND ADOPTION OF MINUTES CM/4.1/18.09



**Subject:** Confirmation of Minutes - Council Meeting - 21 August 2018

**TRIM No.:** SF18/215

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That the minutes of the Council meeting held on 21 August 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

The minutes of the Council meeting must be submitted to Council for confirmation, in accordance with section 375 of the *Local Government Act 1993*.

### Attachments

1. Council Meeting Minutes - 21 August 2018



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 21 AUGUST 2018**

**Present:**

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

**Staff in attendance:**

Ross McLeod	General Manager
Rachel Jenkin	Acting Director Waverley Life
Peter Monks	Director Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.03 pm, those present were as listed above, with the exception of Crs Nemesh and Betts who arrived at 7.34 pm and 8.00 pm respectively.*

## **PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

The Mayor read the following Acknowledgement of Indigenous Heritage:

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

### **1. Apologies/Leaves of Absence**

There were no apologies.

Cr Burrill was previously granted leave of absence by Council for this meeting.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in Item CM/8.1/18.08 - Lifeguard Service Risk Review Survey, and informed the meeting that he is a member of the North Bondi Surf Club.
- 2.2 Cr Nemesh declared a significant non-pecuniary interest in Item CM/9.1/18.08 - Support for Waverley's Cultural Diversity, and informed the meeting that he works for the NSW Jewish Board of Deputies.

### **3. Addresses by Members of the Public**

1. J Hatsaturis – CM/4.2/18.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 26 July 2018.
2. A resident of Tamarama – CM/8.5/18.08 – Tamarama Beach Pedestrian Crossing.
3. L Menaker – CM/8.9/18.08 – Overnight Parking in Wellington Place Car Park.
4. E and M Katz – CM /8.11/18.08 – Bondi Beach Resident Parking Scheme Area 8.
5. M Berkovits – CM/8.12/18.08 – Proposed RMS extended clearway along Old South Head Road.

#### 4. Confirmation and Adoption of Minutes

##### **CM/4.1/18.08 Confirmation of Minutes - Council Meeting - 17 July 2018 (SF18/215)**

##### **MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the minutes of the Council Meeting held on 17 July 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### **CM/4.2/18.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 July 2018 (SF18/241)**

##### **MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 26 July 2018 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

TC/V.04/18.07 – Onslow Street, Rose Bay – ‘No Parking’ Zones.

And that this item be dealt with separately below.

##### **CM/4.2.1/18.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 July 2018 - TC/V.04/18.07 - Onslow Street, Rose Bay – ‘No Parking’ Zones (A02/0637-02)**

*This item was saved and excepted by Cr Kay.*

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Kay

Seconder: Cr Goltsman

That the Council Officer’s Proposal be adopted subject to the addition of a clause 4 to read as follows:

4. ‘installs lane dotted edge lines and driveway edge lines to RMS standards for the new No Parking zones referred to in clause 1’.

*J Hatsatouris addressed the meeting.*

## 5. Mayoral Minutes

### CM/5.1/18.08 Bondi Pavilion (A15/0272)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council, in regard to the Bondi Pavilion Restoration and Conservation project:

1. Acknowledges the approval by the Heritage Office of the Bondi Pavilion Conservation Management Plan (CMP).
2. Recognises that the next phase of planning for the conservation and restoration of Bondi Pavilion will require extensive community consultation over a period of several months.
3. Considers it desirable to undertake any maintenance and improvement work and any restoration preparation works that can be commenced consistent with the Bondi Pavilion Conservation Management Plan (CMP).
4. Prepares a report detailing permissible works to the internal, external and curtilage areas of the Pavilion.

## 6. Obituaries

Gerard Morvan  
Valerie Rosenstrauss

*Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.*

## 7. Reports

### CM/7.1/18.08 Teachers Hollywood Car Park Permit - Results of Community Consultation (A18/0183)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council takes no action to introduce a Teachers Hollywood Car Park Parking Permit.

### CM/7.2/18.08 Parking Meter Fees and Charges - Results of Public Exhibition (SF17/2867)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council amends the fees in the Parking Meter section of the Pricing Policy, Fees and Charges 2018-19 as detailed in Table 2 of this report.

**CM/7.3/18.08 Planning Agreement Policy 2014 - Review (A15/0046)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Adopts the Waverley Planning Agreement Policy 2014 (Amendment No. 2) attached to this report subject to the following amendment:
  - (a) The reference to a 25% allocation of funds to affordable housing in sections 2.4 and Appendix 6 of the policy being amended to 10% consistent with Council's current policy and noting that a future workshop will be held with Councillors to discuss increasing the percentage (currently 10%) of VPA funds going towards the Waverley Affordable Housing Program.
2. Notes the purpose of this amendment to the Waverley Planning Agreement Policy 2014 is to implement pre-scheduled development contribution rates, implement and clarify the process for applying planning agreements to planning proposals in order to fund public infrastructure needs and housekeeping updates.
3. Notes that the proposed amendments relating to standardised, pre-scheduled development contribution rates are consistent with the value sharing principles that have been applied to Planning Agreements negotiated to date.
4. Notes that the proposed amendments relating to a planning proposal are consistent with the principles which have been applied to planning agreements negotiated for development applications, with the latter providing certainty for the community and development industry.

**Division****For the Motion:** Crs Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.**Against the Motion:** Crs Keenan and Wy Kanak.**CM/7.4/18.08 Voluntary Planning Agreement - 67-69 Penkivil Street, Bondi (DA-531/2015/A)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 67-69 Penkivil Street, Bondi. The draft Planning Agreement offers a total monetary contribution of \$583,152 to Council with \$524,836.80 going towards public works for the improvement and regeneration of Waverley Park, and \$58,315.20 going 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 Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.**Against the Motion:** Crs Keenan and Wy Kanak.

**CM/7.5/18.08 Voluntary Planning Agreement - 82-84 Curlewis Street, Bondi Beach (DA-334/2016)****MOTION / DECISION**

Mover: Cr Wakefield  
Seconder: Cr Lewis

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 82–84 Curlewis Street, Bondi Beach. The draft Planning Agreement offers a total monetary contribution of \$240,000 with \$216,000 to go towards public works for the improvement of the Seven Ways intersection and 10%, or \$24,000, to go to 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, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O’Neill and Wakefield.

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

**CM/7.6/18.08 Voluntary Planning Agreement - 110-116 Bronte Road, Bondi Junction (DA-419/2015)****MOTION / DECISION**

Mover: Cr Wakefield  
Seconder: Cr Lewis

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 110–116 Bronte Road, Bondi Junction. The draft Planning Agreement offers a total monetary contribution of \$69,537 with \$62,583 going towards Council’s Complete Streets Program and/or any other public purpose benefit for the improvement of Bondi Junction and \$6,954 going 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, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O’Neill and Wakefield.

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

**CM/7.7/18.08 Building Futures - Grant (A17/0658)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses grant matched funding of up to \$5,000 for the 7 buildings with under 100 apartments to undertake energy saving upgrades as part of the Building Futures program.
2. Endorses grant matched funding of up to \$10,000 for the 3 buildings with over 100 apartments to undertake energy saving upgrades as part of the Building Futures Program.

**CM/7.8/18.08 Green/Socially Responsible Bonds Investment Options (A05/0197)****MOTION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council approves investment in 'Green' or 'Socially Responsible' bonds issued by Australian licensed banks where opportunity arises.

**AMENDMENT**

Mover: Cr Goltsman

Seconder: Cr Kay

That the Motion be adopted subject to it being amended to read as follows:

'That Council approves investment in "Green" or "Socially Responsible" bonds issued by the four major Australian licensed banks where opportunity arises.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Betts, Goltsman, Kay and Nemesch.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.

**CM/7.9/18.08 Waverley Council Floodplain Management Committee (A17/0168)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Establishes the Waverley Council Floodplain Management Committee.
2. Adopts the Constitution and Terms of Reference for the Committee attached to this report subject to amending the Constitution by the addition of two more community members chosen by way of

expressions of interest so that residents can have input into the process.

3. Appoints the Mayor, or their delegate, as Chair of the committee, and Crs Copeland and Betts as councillor members, and amends the constitution accordingly.

**CM/7.10/18.08          Six Monthly Progress Report against Delivery Program (A17/0149)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wakefield  
Seconder:   Cr Wy Kanak

That Council receives and notes progress to 30 June 2018 with respect to the deliverables detailed in the Delivery Program as per Attachment 1 to this report.

**CM/7.11/18.08          Petition - Removal of Roadside Guardrail in Bulga Road, Dover Heights  
(A03/0603)**

**MOTION / DECISION**

Mover:      Cr Lewis  
Seconder:   Cr Wakefield

That:

1. An officer be requested to inspect the site and email advice to Ward Councillors.
2. A copy of the petition be forwarded to Ward Councillors.

**CM/7.12/18.08          Carry Over Request from 2017/18 to 2018/19 (A03/0346)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wakefield  
Seconder:   Cr Wy Kanak

That Council approves the carrying forward of budget funds from the 2017/18 financial year to the 2018/19 financial year, as presented in Attachment 1 to this report.

**CM/7.13/18.08          Unattended Boat Trailers - Amendment to Impounding Act 1993 (A17/0135)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Wakefield  
Seconder:   Cr Lewis

That Council undertakes community consultation as outlined in this report to determine levels of support within the Local Government Area to opt in to the enforcement of unattended registered boat trailers following a ten day period for councillor feedback on the draft survey and frequently asked questions.

**CM/7.14/18.08 Investment Portfolio Report - July 2018 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Investment Summary Report for July 2018 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

**CM/7.15/18.08 SSROC Suppliers Panel for Council Owned Lighting (Public Lighting) Tender (SF18/3077)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the attachment to this 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)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Receives and notes this Tender Recommendation Report for the Council Owned Lighting (Public Lighting) tender, as per Attachment 1 to this report.
3. Accept the preferred suppliers listed below as the successful tender respondents for the Council Owned Lighting (Public Lighting) tender, for a period of two years, with commencement date of 1 August 2017. The panel comprises:
  - (a) Category 1 – Outdoor Lighting Design:
    - (i) Beca Consultants Pty Ltd.
    - (ii) Electrolight Australia Pty Ltd.
    - (iii) GHD Pty Ltd.
    - (iv) Rubidium Light Pty Ltd.
    - (v) Steensen Varming (Australia) Pty Ltd.
  - (b) Category 2 – Electrical Design:
    - (i) Ausgrid Operating Partnership T/A Ausgrid.
    - (ii) Beca Consultants Pty Ltd.
    - (iii) GHD Pty Ltd.

- (iv) Grid Power Pty Ltd.
- (c) Category 3 – Luminaire Supply:
  - (i) Form and Light Pty Ltd.
  - (ii) Gerard Lighting Pty Ltd.
  - (iii) HUB Pty Limited Pty Ltd.
  - (iv) Baker & McAuliffe Holdings Pty Ltd t/a JSB Lighting.
  - (v) Light Culture Pty Ltd.
  - (vi) Orangetek Pty Ltd.
  - (vii) The Trustee for the Pecan Johnstone Unit Trust t/a Pecan Lighting.
  - (viii) Philips Lighting Limited.
- (d) Category 5 – Columns:
  - (i) Urban Lighting Group Pty Ltd.
  - (ii) Bonnell's Supply Pty Ltd T/A International Poles.
  - (iii) GM Poles NSW Pty Ltd.
  - (iv) HUB Australasia Pty Ltd.
- (e) Category 6 – Installation and Maintenance:
  - (i) Ausgrid Operating Partnership T/A Ausgrid.
  - (ii) Harnleigh Pty Ltd.
  - (iii) Sydney Data & Electrical Pty Ltd.

**CM/7.16/18.08 Establishment of Place Managers (A04/2016)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Endorses the proposal for the establishment of a place management team within Waverley Renewal as detailed in this report.
2. Considers the most effective resourcing strategy for the establishment of a place management team as part of the broader organisational review being undertaken by the General Manager.

**CM/7.17/18.08 Enterprise Risk Management Program (A17/0245)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes the approach to enterprise risk management being introduced to the organisation.
2. Notes the General Manager's intended program of work to improve rigour, coordination and coherence in the areas of enterprise risk management, probity, internal audit, management control environment and complaints management.
3. Notes that the Risk and Safety Manager and the General Manager will report to the Audit and Risk Committee on the work referred to in 1 and 2 above.
4. Notes the intention of the General Manager to schedule a Councillor's Workshop on Enterprise Risk.
5. Notes the additional level of resource and emphasis being added to the review of Beach Safety and Operational risk as the first operational area to be examined in detail within the newly introduced Enterprise Risk Management approach.

**8. Notices of Motion****CM/8.1/18.08 Lifeguard Service Risk Review Survey (A18/0453)**

*Cr Goltsman declared a less than significant non-pecuniary interest in this item, and informed the meeting that he is a member of the North Bondi Surf Club.*

**MOTION**

Mover: Cr Goltsman

Seconder: Cr Betts

That Council:

1. Requests Mayor Wakefield and Cr. O'Neill to apologise unreservedly to the North Bondi Surf Club, the Bondi Surf Club, Lets Go Surfing, Bondi Longboard Club, Bondi Girls Surfriders, Icebergs, the Bondi Amateur Swimming club, Surf Life Saving Australia and all the regular users of Bondi Beach for the unfortunate July 2018 Council survey (in response to a Mayoral Minute) implying that changes could take place on the beach whereby all users, including children, of any surf craft could be forced to use the unsafe southern side of the beach.
2. Further requests Mayor Wakefield to apologise to the Waverley Lifeguards for stating that they do an unsatisfactory job.
3. Encourages Cr. O'Neill to stand down as Chair of the Surf Club Committee for failing to consult with the members of the Committee prior to the release of the survey.
4. Agrees to consult with all stakeholders in future, prior to any public survey being released.

**FORESHADOWED MOTION**

Mover: Cr Wakefield

Seconder: Cr O'Neill

That Council:

1. Notes item CM/7.17/18.08 Enterprise Risk Management Program in particular the additional level of resource and emphasis being added to the review of Beach Safety and Operational risk as the first operational area to be examined in detail within the newly introduced Enterprise Risk Management approach.
2. Further notes the release of the Lifeguard Service Risk Profile September 2015, the Lifeguard Service Risk Profile September 2016, and the Operational Risk Profile 2017 all contained in Item CM/7.17/18.08 Enterprise Risk Management.
3. Notes that these documents had not been received by Council in the previous term under the Mayoralty of Cr Betts.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED THE ADDITION OF A CLAUSE 5 AND AN AMENDMENT TO CLAUSE 5 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Requests Mayor Wakefield and Cr. O'Neill to apologise unreservedly to the North Bondi Surf Club, the Bondi Surf Club, Lets Go Surfing, Bondi Longboard Club, Bondi Girls Surfriders, Icebergs, the Bondi Amateur Swimming club, Surf Life Saving Australia and all the regular users of Bondi Beach for the unfortunate July 2018 Council survey (in response to a Mayoral Minute) implying that changes could take place on the beach whereby all users, including children, of any surf craft could be forced to use the unsafe southern side of the beach.
2. Further requests Mayor Wakefield to apologise to the Waverley Lifeguards for stating that they do an unsatisfactory job.
3. Encourages Cr. O'Neill to stand down as Chair of the Surf Club Committee for failing to consult with the members of the Committee prior to the release of the survey.
4. Agrees to consult with all stakeholders in future, prior to any public survey being released.
5. Notes the General Manager's comment as set out in the Agenda as follows:
  1. *The survey questionnaire referred to was commissioned by the Executive Manager Safe Waverley and developed by independent risk consultant Paul Chivers in conjunction with the Executive Manager. Mr Chivers has worked with the Council on the operational risk profiles for Lifeguard Services and the Lifeguard Operations Manual since 2012.*
  2. *The survey was developed in response to the unanimous resolution of Council from March 2018 that resolved to consult with the community on a number of items relating to beach safety and amenity including buffer zones, hard boards, and cycling and skateboarding along the Bondi Beach promenade. It was incorporated into the development of the operational risk profile for 2018.*
  3. *Neither the Mayor, Councillor O'Neill nor any other Councillor was involved in the preparation of the survey questionnaire. No Councillor sighted or had input into the survey before it was issued, and no Councillor was consulted over its issue. It appears that there was an insufficiently robust process for checking and signing off on the survey questionnaire before it*

was issued.

4. *A review of Council's email system shows that the survey was sent to targeted stakeholder groups, including Councillor email addresses, on Friday 13 July 2018, prior to its issue to the public on Wednesday 18 July 2018. It appears that media outlets obtained a copy of the survey questionnaire during this initial distribution phase. Media comment focussed on wording in the survey questionnaire that implied the possibility of restrictions on surfing at Bondi Beach. Council staff are not aware of any Council proposal to ban surfing at Bondi Beach.*
5. *Inquiries to date indicate that frontline Lifeguard staff were not consulted regarding specific wording of the survey nor were they advised prior to its issue. The survey questionnaire was however commissioned by the manager responsible for managing beach safety and the lifeguard team.*
6. *The wording of the survey did not reflect the intention of the Council resolution and has since been corrected. As General Manager, I must take responsibility for the organisational failures that led to this situation. Steps are being taken to ensure a similar occurrence does not occur again. On behalf of this organisation, I apologise for the reputational damage caused.*

subject to noting that in relation to clause 4 that not all councillors received the survey on Friday 13 July 2018 as indicated.

*At 9.27 pm, the Chair adjourned the meeting to restore order as permitted under clause 13.4 of Council's Code of Meeting Practice.*

*At 9.36 pm, the meeting resumed with all Councillors in attendance present.*

*At 9.39 pm, the Chair adjourned the meeting to restore order as permitted under clause 13.4 of Council's Code of Meeting Practice.*

*At 9.41 pm, the meeting resumed with all Councillors in attendance present.*

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR COPELAND, WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

AT THIS STAGE IN THE PROCEEDINGS, CR GOLTSMAN, SECONDED CR KAY, MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE FORESHADOWED MOTION IS NOT SUBSTANTIALLY DIFFERENT TO THE MOTION LISTED ON THE AGENDA.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

**AMENDMENT**

Mover: Cr Goltsman

Seconder: Cr Betts

That the Substantive Motion be adopted subject to clause 3 being amended to read as follows:

'Notes that these documents had not been received by Council in the previous term under the Mayoralty of Cr Betts and former Councillor Clayton as Chair.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**AMENDMENT**

Mover: Cr Goltsman

Seconder: Cr Betts

That the Substantive Motion be adopted subject to the deletion of clause 3.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**DECISION:** That Council:

1. Notes item CM/7.17/18.08 Enterprise Risk Management Program in particular the additional level of resource and emphasis being added to the review of Beach Safety and Operational risk as the first operational area to be examined in detail within the newly introduced Enterprise Risk Management approach.
2. Further notes the release of the Lifeguard Service Risk Profile September 2015, the Lifeguard Service Risk Profile September 2016, and the Operational Risk Profile 2017 all contained in Item CM/7.17/18.08 Enterprise Risk Management.
3. Notes that these documents had not been received by Council in the previous term under the Mayoralty of Cr Betts.

**CM/8.2/18.08                    Establishment of Perpetual Fund for Ongoing Maintenance of Monuments and Graves within Waverley and South Head Cemeteries (A02/0658-06)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Investigates the establishment of a perpetual fund that is used to fund ongoing maintenance of the Waverley Cemetery and South Head monuments and graves.
2. Analyses the benefits and weaknesses of each option.
3. Reports back to Council with a recommendation.

**CM/8.3/18.08                    UNESCO Status for Waverley Cemetery (A02/0658-06)**

*This Notice of Motion was withdrawn at the meeting by Cr Masselos.*

**MOTION (WITHDRAWN)**

That Council officers investigate the requirements for UNESCO heritage status for Waverley Cemetery and report back to Council.

**CM/8.4/18.08 Macpherson Street Pedestrian Crossing - Improved Lighting (A03/0539)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Investigates the level of lighting over the marked pedestrian crossing in Macpherson Street, Bronte just west of St Thomas Street, Bronte.
2. Works with Ausgrid to upgrade the lighting of the pedestrian crossing to improve safety as a matter of urgency.

**CM/8.5/18.08 Tamarama Beach Pedestrian Crossing (A03/0845)****MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Copeland

That Council investigates the introduction of a pedestrian crossing and speed calming measures near the intersection of Tamarama Marine Drive and Pacific Avenue, Tamarama.

*A resident of Tamarama addressed the meeting.*

**CM/8.6/18.08 Inter-War Buildings Heritage Assessment (A13/0648)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wakefield

That Council:

1. Notes the recent heritage assessment report from John Oultram Heritage and Design concerning 27–29 Macpherson Street.
2. Recognises the current heritage audit of buildings throughout the municipality presently being conducted by Council officers.
3. Ensures that this audit considers and identifies Inter-War buildings that should be considered for heritage listing.
4. If this research reveals other Inter-War buildings that should be heritage listed, then Council commences a process to have these identified Inter-War buildings listed.

**CM/8.7/18.08 Public Notice of Planning Agreements (A15/0046)****MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan

Seconder: Cr Wy Kanak

That all public notices in relation to Planning Agreements contain both the FSR and the actual square

metres of space that will be provided as part of the planning agreement.

**Division**

**For the Motion:** Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O’Neill Wakefield and Wy Kanak.

**Against the Motion:** Nil.

**CM/8.8/18.08 Creation of Animal Advisory Committee (A18/0499)****MOTION / DECISION**

Mover: Cr Keenan

Seconder: Cr Copeland

That Council Officers prepare a report examining the creation of an Animal Advisory Committee and report back to Council by the end of year. The purpose of such a committee would be to serve as an advisory body to Council to assist with the development of policies, programmes, services and plans in relation to both companion and native animals.

**CM/8.9/18.08 Investigate Overnight Parking in Wellington Place Car Park (A02/0146)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay

Seconder: Cr Goltsman

That Council:

1. Notes the report to Council’s Operations Committee on 4 March 2014, and the resolution of the Committee for the matter to be deferred.
2. Officers further investigate the operation of the Wellington Place Car Park, Bondi and its relationship to the adjoining property at 46–48 Ocean Street (north), including document research and consultation with Housing NSW and the residents of 46–48 Ocean Street, to determine:
  - (a) Any conditions in the original development consent or elsewhere for:
    - (i) Overnight parking to not be permitted from 10 pm–8 am.
    - (ii) No resident parking being permitted.
  - (b) How overnight parking and/or resident parking could be facilitated in relation to existing conditions of consent, and whether any conditions of consent need to be varied or deleted.
  - (c) Whether extended hours of operation are warranted for the car park, and what may be the up-take of users for overnight parking.
3. Officers prepare a report for Council consideration.

*L Menaker addressed the meeting.*

**CM/8.10/18.08 Completion of Coastal Walk (A03/1331-05)****MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis  
Seconder: Cr Wakefield

That Council

1. Investigates and reports back on options to provide coastal and near coastal walking routes linking Raleigh Park, Dover Heights to Ben Buckler, Bondi Beach. The report is to consider a route incorporating Hugh Bamford Reserve and Williams Park and identify possible solutions to ensure safety of passage through Williams Park which is currently used as a golf course. The report is to also identify the significant cultural, physical and natural locations along the possible routes.
2. As part of the investigation, undertakes a cliff top coastal walk feasibility study and allocate a budget of \$50,000 in the Q1 amendment to the current capital works program 2018/19.

**CM/8.11/18.08 Bondi Beach Resident Parking Scheme Area 8 (A03/2581)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council officer's report on the current parking arrangements in Bondi Beach Resident Parking Scheme Area 8 in regard to subsidiary permits, such as the Short Term Visitors Parking Permit, for Council's consideration.

*E and M Katz addressed the meeting.*

**CM/8.12/18.08 Proposed RMS Extended Clearway along Old South Head Road (A03/0526)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Nemes

That Council:

1. Notes the unanimous Council decision to not support the RMS proposal for an extended Clearway on Old South Head Road, between Flood Street and Victoria Road, and the RMS proposal to convert the 'left turn only buses excepted' lane in Old South Road at Flood Street into a shared left turn / straight through lane.
2. Notes community dissatisfaction with the RMS relocation of the bus stop on Old South Head Road from the approach to the departure side of Flood Street as per representations to councillors and the Member for Vacluse, and the undue impacts that have resulted.
3. Employs the services of a specialised traffic consultant to review the RMS data for the proposed extended Clearway along Old South Head Road, between Curlewis Street and Syd Einfield Drive, and report on the impact of the following intersections and pinch points on Old South Head Road travel times:
  - (a) Old South Head Road/Bondi Road/ Oxford Street/ Syd Einfield Drive.

- (b) Old South Head Road/Curlewis Street/O'Sullivan Road/Birriga Road.
  - (c) The right turn from Old South Head Road into Victoria Road after 10am weekdays, and the benefit of introducing a green right turn arrow.
  - (d) The current 'left turn only, buses excepted' nearside lane at the Flood Street traffic lights that immediately follows the bus lane from Penkivil Street, and if there is any benefit to the RMS proposal to convert this nearside lane to a shared left turn / straight through movement.
4. Undertakes the traffic review expeditiously so that outcomes and recommendations may be submitted to the RMS for inclusion in their considerations.
  5. Notes funding confirmation will be provided during Council's Quarter 1 financial review.

*M Berkovits addressed the meeting.*

#### **CM/8.13/18.08 Street Libraries and Book Sharing Initiatives (A18/0503)**

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman  
 Seconder: Cr Kay

That Council:

1. Prepares a report detailing what changes to Council's current regulations and policies would be needed to allow businesses and community organisations in Waverley to give away books on condition that the placement of the books on the pavement does not create a safety hazard for pedestrians or unduly impede pedestrian flow and legitimate footpath use, complies with relevant regulations and that the containers of books are brought into the store overnight.
2. Continues to promote the establishment of community based 'Street Libraries' aimed at encouraging more local participation of free book sharing services.

#### **9. Urgent Business**

##### **CM/9.1/18.08 Support for Waverley's Cultural Diversity (A15/0517)**

*Council resolved to deal with this matter as an item of urgent business.*

*Midway through this item, Cr Nemesh declared a significant non-pecuniary interest and informed the meeting that he works for the NSW Jewish Board of Deputies. Cr Nemesh was not present at, or in sight of, the meeting for the remainder of the consideration and vote on this item.*

##### **MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
 Seconder: Cr Lewis

That Waverley Council recognises and supports our multicultural society and as such:

1. Condemns Senator Fraser Anning's inflammatory and racist maiden speech and writes to him expressing this condemnation.

2. Rejects in the strongest terms Senator Anning's reference to the 'final solution,' understanding the extreme distress, anguish and fear such a statement elicits, especially within the Jewish community.
3. Rejects in the strongest terms Senator Anning's reference to the discredited White Australia policy of the past by calling for ending all further Muslim immigration, understanding the reasons given by Senator Anning are untrue, vexatious, distressing and alienating of hard working and committed Australians of the Muslim faith.
4. Believes all tiers of Australian government should be providing enlightened leadership that supports and enhances an inclusive and dynamic multicultural society that does not tolerate the prejudice evident in Senator Anning's speech.
5. Congratulates the Prime Minister, Leader of the Opposition and the Leader of the Australian Greens for joining together in condemning Senator Anning's speech.
6. Reaffirms that the Waverley LGA is an open, strong, inclusive, resilient and fair multicultural community.
7. Notes the existing motion for Waverley's Walk for Respect, an event in support of multiculturalism and our various culturally and linguistically diverse communities, and aims to hold the event in November 2018.
8. Writes to the Executive Council of Australian Jewry, NSW Jewish Board of Deputies and the Australian Federation of Islamic Councils (also known as Muslims Australia) condemning Senator Anning's sentiment and supporting our Jewish and Muslim communities.
9. Issues a media release stating Waverley's support for our culturally diverse community and multiculturalism and their important contribution to our society.

#### **10. Closed Session**

There were no matters dealt with in closed session

#### **11. Meeting Closure**

**THE MEETING CLOSED AT 10.47 PM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**27 SEPTEMBER 2018**

## CONFIRMATION AND ADOPTION OF MINUTES CM/4.2/18.09



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 23 August 2018

**TRIM No.:** SF18/241

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 23 August 2018 be received and noted, and that the recommendations contained therein be adopted.

### Introduction/Background

The Waverley Traffic Committee (WTC) is not a committee of Council. The WTC operates under delegation from the Roads and Maritime Services (RMS), an agency of the NSW Government. It is advisory only and has no decision-making powers.

The purpose of the WTC is to make recommendations and provide advice to Council on the technical aspects of proposals to regulate traffic on local roads in Waverley. The recommendations of the WTC must be adopted by Council before they can be implemented.

Part 1 of the minutes of WTC meetings must be submitted to Council for adoption in accordance with clause 18 of the Waverley Traffic Committee Charter.

Council has the opportunity to 'save and except' any of the recommendations listed in Part 1 of the minutes for further consideration in accordance with clause 18.1 of the Charter.

### Attachments

1. Waverley Traffic Committee Minutes - 23 August 2018

**MINUTES OF THE WAVERLEY TRAFFIC  
COMMITTEE MEETING HELD AT WAVERLEY  
COUNCIL CHAMBERS, CNR PAUL STREET AND  
BONDI ROAD, BONDI JUNCTION ON  
THURSDAY, 23 AUGUST 2018**



**Voting Members Present:**

Cr J Wakefield	Waverley Council (Chair)
Sgt L Barrett	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr B Morrow	Representing Bruce Notley-Smith, MP, Member for Coogee
Mr M Tita	Roads and Maritime Services – Traffic Management (South East Precinct)
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vacluse

**Also Present:**

Cr T Kay	Waverley Council (Alternate Chair)
Snr Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr J Forsyth	Sydney Buses (Eastern Region)
Mr D Joannides	Waverley Council – Executive Manager, Creating Waverley
Mr G Garnsey	Waverley Council – Manager, Transport and Development
Mr K Mowad	Waverley Council – Senior Traffic Engineer
Mr S Samadian	Waverley Council – Traffic Engineer

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*At the commencement of proceedings at 10.05 am, those present were as listed above, with the exception of Mr B Morrow (representing Bruce Notley-Smith, MP, Member for Coogee), who arrived at 10.41 am.*

**Apologies**

There were no apologies.

**Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and none were received.

**Adoption of Previous Minutes by Council - 26 July 2018**

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 26 July 2018 were adopted by Council at its meeting on 21 August 2018, with the following change:

1. TC/V.04/18.07 – Onslow Street, Rose Bay – ‘No Parking’ Zones.

Council adopted the recommendation of the Traffic Committee, subject to the addition of the following clause:

‘Installs lane dotted edge lines and driveway edge lines to RMS standards for the new No Parking zones referred to in clause 1’.

**PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS**

***NOTE: The matters listed under this part of the agenda propose that Council either does or does not exercise the traffic related functions delegated to it by the RMS. The recommendations made by the Committee under this part of the agenda will be submitted to Council for adoption.***

**TC/C      STATE ELECTORATE OF COOGEE****TC/C.01/18.08      Hegarty Lane, Bondi Junction - Tower Crane Removal (A02/0216)****COUNCIL OFFICER’S PROPOSAL:**

That:

1. Council approves the temporary full-road closure of Hegarty Lane and the temporary removal of parking from the western side of Vernon Street on Sunday, 2 September 2018, in accordance with Traffic Control Plan No 1370-6 prepared by Local Traffic Services and dated 17 July 2018 attached to this report.
2. Vehicular access to driveways be maintained at all times.
3. Council delegates authority to the Executive Manager, Creating Waverley, to approve any alternative closure date of Hegarty Lane should it be required.
4. Businesses and residents affected by the closures be notified of the closures in writing by the applicant not less than seven days prior to implementation, and a VMS board be used.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer’s Proposal be adopted subject to changes to clauses 1 and 4, such that the WTC recommendation now reads as follows:

That:

1. Council approves the temporary full-road closure of Hegarty Lane and the temporary removal of parking from the western side of Vernon Street on Sunday, 2 September 2018 between 7 am and

5 pm, in accordance with Traffic Control Plan No 1370-6 prepared by Local Traffic Services and dated 17 July 2018 attached to this report, subject to:

- (a) The removal of parking on both sides of Vernon Street.
  - (b) Additional traffic control at Vernon Street and Oxford Street for ingress and egress.
  - (c) A Council compliance officer being present at the applicant's expense.
  - (d) Egress from the site being via Vernon Street, right into Oxford Street.
2. Vehicular access to driveways be maintained at all times.
  3. Council delegates authority to the Executive Manager, Creating Waverley, to approve any alternative closure date of Hegarty Lane should it be required.
  4. Businesses and residents affected by the closures be notified of the closures in writing by the applicant not less than seven days prior to implementation, and a VMS board be used and installed seven days prior to the closures.

*Voting members present for this item: NSW Police representative, RMS representative and Waverley Council representative (Chair).*

*The representative of the Member for Coogee was not present for this item.*

*R Sanderson (on behalf of Growthbuilt Pty Ltd) and R Trimmingham (on behalf of Kraneworx Vertical Management Australia Pty Ltd) addressed the meeting.*

**TC/C.02/18.08                    Grosvenor Lane, Bondi Junction - Installation of a 'Loading Zone' (A02/0637-02)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs 5 m of 'Loading Zone 8 am–4 pm' and 'No Parking at Other Times' on the southern side of Grosvenor Lane, Bondi Junction, rear of 452–454 Oxford Street, as shown in Figure 3 of this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: NSW Police representative, RMS representative and Waverley Council representative (Chair).*

*The representative of the Member for Coogee was not present for this item.*

**TC/C.03/18.08 Fletcher Street and Dudley Street, Tamarama - Bus Zone Changes (A02/0225-02)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a new 14 m long 'Bus Zone' on the southern side of Fletcher Street, Tamarama, commencing immediately east of the existing 'No Stopping' sign outside 43 Fletcher Street, as shown in Figure 4 of this report.
2. Removes the existing 13 m long Bus Zone (Stop ID: 202657) on the eastern side of Dudley Street, Bondi, immediately north of the intersection with Fletcher Street, and replaces it with '2P 8 am–10 pm Permit Holders Excepted Area 11' signage, as shown in Figure 4 of this report.
3. Shortens the existing 'No Stopping' zone on the eastern side of Dudley Street immediately north of the intersection with Fletcher Street from 16 m to the statutory 10 m, as shown in Figure 4 of this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: NSW Police representative, RMS representative and Waverley Council representative (Chair).*

*The representative of the Member for Coogee was not present for this item.*

**TC/V STATE ELECTORATE OF VAUCLUSE****TC/V.01/18.08 Chaley Street, Rose Bay - Installation of 'P Disability Only' Zone (A02/0273-02)****COUNCIL OFFICER'S PROPOSAL:**

That Council Installs a 5.5 m long 'P Disability Only' zone outside 14–16 Chaley Street, Rose Bay.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**TC/V.02/18.08 Murriverie Road, North Bondi - Refuge Island Upgrade (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council approves the upgraded pedestrian refuge and associated changes to parking restrictions, line marking and signage at the intersection of Hardy Street, Murriverie Road and Mitchell Street, North Bondi, in accordance with Drawing 8703 Issue A attached to this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That:

1. The Council Officer's Proposal not be adopted.
2. The item be deferred for an on-site review by Committee members of bus movements and the intersection.

*Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**TC/V.03/18.08 Anglesea Street, Bondi - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That:

1. Council installs a 10 m long 'No Parking 7 am–3 pm Monday–Friday; 8 am–12 pm Saturday Council Authorised Vehicles Excepted – Excludes Public Holidays' zone outside 30 Anglesea Street, Bondi.
2. There be no blockage to through traffic on Anglesea Street other than for short periods of time when manoeuvring vehicles into and out of the zone.
3. Council delegates authority to the Executive Manager, Creating Waverley, to extend the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**TC/CV      ELECTORATES OF COOGEE AND VAUCLUSE****TC/CV.01/18.08      Multiple Streets - Installation of 'No Stopping' Zones (A02/0637-02)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs 'No Stopping' zones at the following intersections:

1. O'Donnell Street and Midelton Avenue, North Bondi:
  - (a) 10 m on the northern side of O'Donnell Street, west of Midelton Avenue.
  - (b) 10 m on the northern side of O'Donnell Street, east of Midelton Avenue.
  - (c) 10 m on the western side of Midelton Avenue, north of O'Donnell Street.
  - (d) 10 m on the eastern side of Midelton Avenue, north of O'Donnell Street.
2. Alt Street and Denison Lane, Queens Park:
  - (a) 10 m on the southern side of Denison Lane, west of Alt Street.
  - (b) Replace 10 m of the existing 'No Parking' zone with 'No Stopping' on the northern side of Denison Lane, west of Alt Street.
3. The Avenue and Polyblank Parade, Rose Bay:
  - (a) 10 m on the eastern side of Polyblank Parade, south of The Avenue.
  - (b) 10 m on the western side of Polyblank Parade, south of The Avenue.
  - (c) 10 m on the southern side of The Avenue, east of Polyblank Parade.
  - (d) 10 m on the southern side of The Avenue, west of Polyblank Parade.
4. William Street and Polyblank Parade, North Bondi:
  - (a) 10 m on the western side of Polyblank Parade, south of William Street.
  - (b) 10 m on the western side of Polyblank Parade, north of William Street.
  - (c) 10 m on the northern side of William Street, west of Polyblank Parade.
  - (d) 10 m on the southern side of William Street, west of Polyblank Parade.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

*Voting members present for this item: Representative of the Member for Coogee, Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**THE MEETING CLOSED AT 10.49 AM.**

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**SIGNED AND CONFIRMED**  
**MAYOR**  
**27 SEPTEMBER 2018**

## MAYORAL MINUTES CM/5/18.09



WAVERLEY  
COUNCIL

**Subject:** Mayoral Minutes  
**Author:** Mayor of Waverley, Cr John Wakefield

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Mayoral minutes are permissible at Waverley Council meetings under the provisions of the *Local Government (General) Regulation 2005* and Council's Code of Meeting Practice. Clause 243 of the Regulation and clause 9.1 of the Code state:

*If the mayor is the chairperson at a meeting of Council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of Council or of which Council has official knowledge.*

*Such a minute, when put to the meeting, takes precedence over all business on Council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.*

*A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a Council employee is, so far as adopted by Council, a resolution of Council.*

As noted in Council's Code of Meeting Practice, mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice given to the councillors.

**OBITUARIES**  
**CM/6/18.09**



**W A V E R L E Y**  
COUNCIL

**Subject:** Obituaries  
**Author:** Ross McLeod, General Manager

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Bill Andoniadis  
Peter Bowden

The Mayor will ask Councillors for any obituaries.

*Council will rise for a minute's silence for the souls of people generally who have died in our Local Government Area.*

**REPORT**  
**CM/7.1/18.09**

**Subject:** Election of Deputy Mayor

**TRIM No:** SF18/2233

**Author:** Ross McLeod, General Manager

**Director:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That Council:

1. Agrees to elect a Deputy Mayor for the ensuing 12-month term to September 2019.
2. Notes the procedure for the election of Deputy Mayor by Councillors outlined in this report.
3. Determines the method of voting for the election of Deputy Mayor be one of the following, should more than one nomination be received:
  - (a) Open voting method.
  - (b) Ordinary ballot method.
  - (c) Preferential ballot method.

**1. Executive Summary**

Council may elect a person from among their number to be the Deputy Mayor. This report recommends to Council that it elects a Deputy Mayor for a 12-month term to coincide with the next scheduled mayoral election in September 2019.

The procedure to elect a Deputy Mayor is prescribed by schedule 7 of the *Local Government (General) Regulation 2005*. The procedure is outlined in this report and will be determined in part by the method of voting Council wishes to use for the election.

**2. Introduction/Background**

Under section 231 of the *Local Government Act 1993* (the Act), Council may elect a person from among their number to be the Deputy Mayor.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function.

The term of the Deputy Mayor may be for the period of the mayoral term or a shorter term. Council is aware of the recent amendment to the Act increasing the term of office of a Mayor elected by councillors to two years (section 230(1)).

At its meeting in September 2017, Council elected a Deputy Mayor for a 12-month term. Council can make an appointment for either a one or two year term.

The Act and the *Local Government (General) Regulation 2005* (the Regulation) determines the requirements and procedures for the election of a Deputy Mayor by Councillors. I have outlined the key elements of the procedures below, and have attached the relevant sections of the Act and Regulation to this report at Attachments 1, 2 and 3.

Before conducting the election itself, Council is required to determine the method of voting it wishes to use for the election. If more than one nomination is received, the method of voting can be either by open voting method, ordinary ballot method or preferential ballot method. I will explain each voting method in more detail below.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Mayoral Election 26 September 2017	ME/3.1/17.09	That Council: <ol style="list-style-type: none"> <li>1. Receives and notes the procedure for the election of Mayor and Deputy Mayor by Councillors.</li> <li>2. Notes the recent amendment to the Local Government Act increasing the term of office of a mayor elected by councillors to two years (section 230(1) LGA).</li> </ol>
Mayoral Election 26 September 2017	ME/3.2/17.09	That Council agrees to elect a Deputy Mayor for a term of 12 months.
Mayoral Election 26 September 2017	ME/3.3/17.09	That the voting for the election of the Mayor and Deputy Mayor be by open voting method.

### 4. Discussion

The Returning Officer for the election of the Deputy Mayor by Councillors is the General Manager; however, the General Manager may appoint another person to be the Returning Officer. I have decided to appoint Council's Internal Ombudsman, Jane Worthy, to the role of Returning Officer for the election.

To assist you in understanding the various procedures for the election and the requirements for voting, I have summarised the key elements.

#### Nomination forms

Under the Act, Councillors may be nominated without notice for election as Deputy Mayor. The nomination must be in writing by two or more Councillors (one of whom may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing. The nomination forms can be delivered to the Returning Officer any time up to and including the calling of nominations for the election.

Once the Returning Officer has finished the call for nominations they will announce the names of the nominees received. If there is one nomination, that Councillor is declared to be elected. If there is more than one nomination the Returning Officer will proceed to the election. Copies of the nomination form to

be used for the election are attached to this report at Attachment 4 and will also be distributed to councillors separately with the agenda.

### **Method of voting**

The Returning Officer will carry out the election in accordance with the method of voting determined by Council.

The open voting method means voting by a show of hands or similar means.

In the event that Council chooses the Ordinary Ballot or Preferential Ballot method, the Returning Officer has prepared a ballot paper which will be distributed at the meeting. The Returning Officer will give clear instructions to Councillors on their requirements for voting in the election and each ballot paper will include instructions on the face of the paper. The Returning Officer will conduct the election using a ballot box for the return of the ballot papers, and the appropriate documents for the recording of votes.

On counting of the ballot papers, the Returning Officer will use the relevant provisions of the Regulation to determine formality and informality of ballot papers. These provisions are attached to this report at Attachment 3. The Returning Officer will check each vote for formality, count the votes for the Councillors nominated, and declare the election, so long as there is no equal number of votes.

In the case of an equal number of votes, the Returning Officer will need to then proceed to choose the candidate by lot.

### **Choosing by lot**

The names of the candidates who have equal number of votes will be written on a similar slip of paper by the Returning Officer then folded by the Returning Officer so as to prevent the names from being seen. The Returning Officer will then place the slips into identical containers. The containers will be placed into the ballot box and then mixed and one is drawn at random by the Returning Officer. The candidate whose name is on the slip within the drawn container is chosen.

### **Results**

The result of the election, including the name of the candidate elected as Deputy Mayor, will be announced at the meeting by the Returning Officer and the next day notified to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

## **5. Financial Impact Statement/Timeframe/Consultation**

### **Financial Impact Statement**

There is no unbudgeted cost to Council in holding the election as it forms part of a scheduled Council meeting.

### **Timeframe**

The Deputy Mayor will assume the office for the period specified by Council as soon as he or she is declared elected to the office by the Returning Officer.

### **Consultation**

No consultation is necessary for the Deputy Mayoral election.

## 6. Conclusion

Council may elect a person from among their number to be the Deputy Mayor. Should Council decide to do so the procedures for the election are outlined in this report.

## 7. Attachments

1. Local Government Act 1993 - Section 231 - Deputy Mayor [↓](#)
2. Local Government (General) Regulation 2005 - Schedule 7 - Election of Mayor (and Deputy Mayor) by Councillors [↓](#)
3. Local Government (General) Regulation 2005 - Regulation 345 Informal ballot-papers [↓](#)
4. Nomination form for election of Deputy Mayor [↓](#) .



**Australasian Legal Information Institute**

**New South Wales Consolidated Acts**

## **LOCAL GOVERNMENT ACT 1993 - SECT 231 Deputy mayor**

### **LOCAL GOVERNMENT ACT 1993 - SECT 231**

#### **Deputy mayor**

#### **231 DEPUTY MAYOR**

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.



**Australasian Legal Information Institute**

**New South Wales Consolidated Regulations**

## **LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7**

### **LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7**

#### **SCHEDULE 7 – ELECTION OF MAYOR BY COUNCILLORS**

(Clause 394)

#### **Part 1 - Preliminary**

##### **1 RETURNING OFFICER**

The general manager (or a person appointed by the general manager) is the returning officer.

##### **2 NOMINATION**

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

##### **3 ELECTION**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

**"ballot"** has its normal meaning of secret ballot.

**"open voting"** means voting by a show of hands or similar means.

## **Part 2 - Ordinary ballot or open voting**

### **4 APPLICATION OF PART**

This Part applies if the election proceeds by ordinary ballot or by open voting.

### **5 MARKING OF BALLOT-PAPERS**

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

### **6 COUNT--2 CANDIDATES**

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### **7 COUNT--3 OR MORE CANDIDATES**

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **Part 3 - Preferential ballot**

#### **8 APPLICATION OF PART**

This Part applies if the election proceeds by preferential ballot.

#### **9 BALLOT-PAPERS AND VOTING**

(1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

#### **10 COUNT**

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this clause,

**"absolute majority"** , in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### **11 TIED CANDIDATES**

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal--the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes--the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

#### **Part 4 - General**

##### **12 CHOOSING BY LOT**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

##### **13 RESULT**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

**New South Wales Consolidated Regulations****LOCAL GOVERNMENT (GENERAL) REGULATION 2005 -  
REG 345 Informal ballot-papers****LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 345****Informal ballot-papers****345 INFORMAL BALLOT-PAPERS**

(1) A ballot-paper of an elector at an election is informal if:

- (a) the elector has failed to record a vote on it in the manner directed on it, or
- (b) it has not been initialled on the front by an election official, or
- (c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.

(2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares have been left blank. In such a case the tick or the cross is to be treated as a first preference.

(4) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows at least the minimum number of preferences required by the directions.

(5) Despite subclause (1), a ballot-paper of an elector at an election is not informal merely because it has not been initialled on the front by an election official, so long as it bears the mark referred to in clause 305 (2).

(6) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

(6A) Despite subclause (1), a ballot-paper is not informal by reason only that the elector has placed one or more numbers, a tick or one or more crosses adjacent to but outside a square or squares if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. In such a case, each such number, tick or cross is taken to have been placed within the relevant square.

(7) Nothing in subclause (2) authorises any person to encourage a voter to place a tick or a cross in a square on a ballot-paper.

**Note :** Section 308C of the Act makes provision concerning the formality of ballot-papers where the voter marks, crosses or ticks a group voting square, or where the ballot papers contain the name of a candidate whom a court has declared to be incapable of being elected.



**NOMINATION FORM**

**ELECTION OF DEPUTY MAYOR**

We, the undersigned, nominate:

\_\_\_\_\_

For election to the position of Deputy Mayor

Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

Dated \_\_\_\_\_

**CONSENT OF NOMINEE**

**I consent to my nomination for election to the position of Deputy Mayor**

Councillor \_\_\_\_\_

Dated \_\_\_\_\_

**This form is to be submitted to the Returning Officer**

**REPORT  
CM/7.2/18.09**

**Subject:** Appointment of Councillors to Committees

**TRIM No:** SF18/2233

**Author:** Ross McLeod, General Manager

**Director:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That Council appoints Councillors to the committees, and delegates to the various organisations, listed in section 4 of this report for a 12-month term to September 2019.

**1. Executive Summary**

In September each year, Council appoints Councillors, and chairs where required, to its standing committees, advisory and community committees, and delegates to various organisations.

A list of committees and organisations requiring Councillor appointments, and their most recent membership is included in section 4 of this report.

It is recommended that Council appoints Councillors to these positions for a 12-month term to September 2019.

**2. Introduction/Background**

Each year in September, Councillors are appointed to Council's standing committees, advisory and community committees for a period of 12 months. The appointments occur in September because it coincides with council elections and mayoral elections also held in September, generally every four years and two years respectively.

Delegates to various organisations are also appointed every year in September as required by each of the organisations.

A list of committees and organisations requiring Councillor appointments, and their most recent membership is included in section 4 of this report.

The Mayor automatically chairs the committees established by Council under section 355 of the *Local Government Act* (Council's Standing Committees) unless she or he declines to do so. If the Mayor declines, Council should appoint the chair of the Standing Committee. If Council does not appoint the chair, the Standing Committee may appoint its own chair.

Unless specified otherwise by a committee's charter or terms of reference the Mayor, or the Mayor's nominee, chairs Council's advisory and community committees.

**3. Relevant Council Resolutions**

<b>Council or Committee Meeting and Date</b>	<b>Minute No.</b>	<b>Decision</b>
Strategic Planning and Development Committee 3 July 2018	PD/5.2/18.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopts the Terms of Reference for the Waverley Cycling Advisory Committee attached to this report subject to the following amendments: <ol style="list-style-type: none"> <li>(a) In 'Meetings of the Committee' section 4th and 5th bullet points: change 'members' to 'members and all councillors'.</li> <li>(b) In 'Media Protocol' section: delete 'without the Mayor or the Chairperson's approval'.</li> </ol> </li> <li>2. Appoints Councillor Lewis (Mayor's delegate), Councillor Copeland and Councillor Goltsman to the Committee.</li> <li>3. Appoints the following BIKEast members to the Committee: <ol style="list-style-type: none"> <li>(a) Anish Bhasin.</li> <li>(b) Tanya Bosch.</li> </ol> </li> <li>4. Appoints the following community members to the Committee: <ol style="list-style-type: none"> <li>(a) Bastien Wallace.</li> <li>(b) Wil Meaden.</li> <li>(c) Neil Lessem.</li> <li>(d) Kate Marshall.</li> <li>(e) Mina Nada.</li> </ol> </li> <li>5. Notifies unsuccessful candidates that they are welcome to attend the Committee as members of the public.</li> </ol>
Council Meeting 20 March	CM/8.9/18.03	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council establishes a Cycleway and Bike Facilities Advisory Committee.</li> <li>2. The Committee consist of: <ol style="list-style-type: none"> <li>(a) Three Councillors (Mayor or delegate, two Councillors).</li> <li>(b) Two nominees representing BIKEast (one male, one</li> </ol> </li> </ol>

		<p>female).</p> <p>(c) Five community members.</p> <p>3. Council officers establish Terms of Reference for the Committee, which will include, but not be limited to, the purpose of the committee, which is to enhance consultation between Council and the bike-riding community, including:</p> <p>(a) Reviewing and providing advice on proposed Council bike-related capital work projects.</p> <p>(b) Yearly draft budget process by recommending appropriate bike-related projects.</p> <p>(c) Cycleway and bike facility issues involving significant planning proposals and development applications before Council.</p> <p>(d) The Waverley Council bike plan.</p> <p>(e) Regional Cycle Strategy with neighbouring Councils.</p> <p>(f) Promoting and encouraging cycling at schools.</p> <p>4. Council officers report back to Council.</p>
Operations and Community Services Committee 6 March 2018	OC/5.4/18.03	<p>That Council appoints the following councillors to replace Cr Kay on the groups below for the remainder of the term ending on 27 September 2018:</p> <p>1. Cr Wy Kanak as alternate member of the Sydney Coastal Council Group.</p> <p>2. Cr Masselos as member of the Waverley Surf Life Saving Club Committee.</p> <p>3. Cr Goltsman as Deputy Chair of the Waverley Access Committee.</p>
Council 26 September 2017	ME/3.6/17.09	See Attachment 1 for an extract of Council's appointment of Councillors to committees and various organisations.

#### 4. Discussion

In most cases, the requirements for the appointment of Councillors to Council's advisory and community committees are set out in each committee's charter or terms of reference. However, the charters and terms of reference are inconsistent and will soon be updated to align the number and term of appointments, and the appointment of committee chairs.

Councillors will notice below that the Waverley Housing Advisory Committee requires Councillor appointments. The role of the Committee is to consider and make recommendations on the operation of Council's housing programs. The Committee has not met for several years; however, the Acting Director,

Waverley Life, has requested that Councillors be appointed to the Committee as it is intended that the Committee will meet at least once per year.

Councillors will also notice that the Waverley Cycling Advisory Committee is not on the list of committees requiring Councillor appointments. The Committee was established by Council in March 2018 and Councillors Lewis (as Chair), Copeland and Goltsman were duly appointed in July 2018. Council's resolution and the Committee's Terms of Reference adopted by Council are silent on the tenure of the Councillor members. Consequently, the General Manager, in consultation with the Director, Waverley Futures, has determined that the appointment of the Councillor members is to be for the period until September 2019 to coincide with the next scheduled mayoral election. It is therefore not necessary to appoint Councillors to the committee at this meeting.

The committees and organisations requiring Councillor appointments are listed below:

### **STANDING COMMITTEES**

<b>Committee name:</b>	<b><u>Operations &amp; Community Services Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	<i>Local Government (General) Regulation 2005</i> states the Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Current membership:</b>	Crs Copeland (Chair), Lewis (Deputy Chair) and all other Councillors.
<b>Committee name:</b>	<b><u>Strategic Planning &amp; Development Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	<i>Local Government (General) Regulation 2005</i> states the Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Current membership:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and all other Councillors.

### **OTHER COMMITTEES**

<b>Committee name:</b>	<b><u>Waverley Traffic Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
<b>Chair of Committee:</b>	The Chair of the Committee is Council's voting representative.
<b>Current membership:</b>	Cr Wakefield (Mayor) (Chair) (Alternate: Cr Kay).

**Committee name:** **Environmental Sustainability Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and three Councillors.

**Chair of Committee:** A Councillor appointed by Council.

**Current membership:** Cr Wakefield (Mayor), Crs Keenan (Chair), Copeland (Deputy Chair) and Nemesh.

**Committee name:** **Community Safety Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Current membership:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Burrill.

**Committee name:** **Waverley Surf Life Saving Club Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Current membership:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Masselos.

**Committee name:** **Waverley Access Committee**

**No. of Councillors to be appointed:** All Councillors are members of this committee.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Current membership:** Crs Keenan (Chair), Goltsman (Deputy Chair) and all other Councillors.

**Committee name:** **Multicultural Advisory Committee**

**No. of Councillors to be appointed:** One – the Mayor or the Mayor's nominee.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Current membership:** Crs Masselos (Chair), Wy Kanak (Deputy Chair), and all other Councillors as invitees.

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<b>Committee name:</b>	<b><u>Waverley Public Art Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Maximum of three.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Current membership:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.
<b>Committee name:</b>	<b><u>Waverley Housing Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor's nominee) and three Councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Current membership:</b>	Cr Wakefield (Mayor), Crs Wy Kanak (Chair), Copeland and Nemesh.
<b>Committee name:</b>	<b><u>Waverley Business Forum</u></b>
<b>No. of Councillors to be appointed:</b>	The Mayor, and an alternate, the Deputy Mayor.
<b>Co-Chair of Forum:</b>	The Mayor, or in the absence of the Mayor, the Deputy Mayor, is co-chair of the Forum.
<b>Current membership:</b>	Cr Wakefield (Mayor) Alternate: Cr Wy Kanak (Deputy Mayor).
<b>Committee name:</b>	<b><u>Waverley Council Audit Committee</u></b>
<b>No. of Councillors to be appointed:</b>	One and an alternate. The Mayor cannot be a member of this Committee.
<b>Chair of Committee:</b>	An Independent Member (non-Councillor).
<b>Current membership:</b>	Cr Copeland (Alternate: Cr Lewis).

**APPOINTMENT OF COUNCILLORS AS DELEGATES  
TO VARIOUS ORGANISATIONS**

**Name:** **Southern Sydney Regional Organisation of Councils**

**No. of Councillors to be appointed:** A maximum of two delegates and two alternates (one delegate to be the Mayor).

**Current membership:** Cr Wakefield (Mayor) and Cr Wy Kanak (Alternates: Crs Copeland and O'Neill).

**Name:** **Southern Sydney Regional Organisation of Councils – Program Delivery Committee**

**Description:** Deals with asset management, public works, procurement, waste management and SSROC financial reports.

**No. of Councillors to be appointed:** One.

**Current membership:** Cr Wakefield (Mayor) (Alternate: Cr Wy Kanak).

**Name:** **Southern Sydney Regional Organisation of Councils – Sustainability Program Committee**

**Description:** Deals with regional planning, environmental management, transport planning and management, and community development.

**No. of Councillors to be appointed:** One.

**Current membership:** Cr Keenan (Alternate: Cr O'Neill).

**Name:** **Sydney Coastal Council Group**

**No. of Councillors to be appointed:** Two and an alternate.

**Current membership:** Crs Copeland and Masselos (Alternate: Cr Wy Kanak).

**Name:** **NSW Public Libraries Association**

**No. of Councillors to be appointed:** One.

**Current membership:** Cr Lewis.

## **5. Financial impact statement/Timeframe/Consultation**

### **Financial Impact statement**

There is no unbudgeted cost to Council in appointing Councillors to the committees and various organisations.

### **Timeframe**

Councillors will be considered members of their respective committees for the term specified by Council as soon as the decision is declared. Appointment to the various organisations is for a 12-month term as set by each organisation.

### **Consultation**

The various organisations have been consulted to confirm membership requirements.

## **6. Conclusion**

It is recommended that Council appoints Councillors, and chairs where required, to its standing committees, advisory and community committees, and as delegates to various organisations as listed in section 4 of this report for a 12 month term to September 2019.

## **7. Attachments**

1. Minute Extract - Council Meeting Mayoral Election September 2017 [↓](#)

**THIS IS AN EXCERPT OF THE MINUTES OF THE COUNCIL MEETING (MAYORAL ELECTION)  
HELD ON 26 SEPTEMBER 2017**

**ME/3.6/17.09                      Appointment of Committee Members and Delegates (A04/0335)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Wakefield

Seconder:  Cr Wy Kanak

That Council:

1.    Renames the Operations Committee to the Operations and Community Services Committee with the current delegations.
2.    Establishes a Strategic Planning and Development Committee, to commence in November 2017, with membership to consist of all Councillors and its role to be to receive and consider reports on the LEP, DCP, heritage matters, compliance including short-stay letting, complying development and private certification policy matters, and development-related legal matters.
3.    Receives a report at the 10 October Council meeting to consider the terms of reference, order of business, meeting schedule and delegations for the new Strategic Planning and Development Committee.
4.    Appoints the Chair, Deputy Chair and members of each committee that the Mayor declines to chair for a term of one year as follows:

**STANDING COMMITTEES**

<b>Committee name:</b>	<b><u>Operations &amp; Community Services Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	<i>Local Government (General) Regulation 2005</i> states the Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Appointment:</b>	Crs Copeland (Chair), Lewis (Alternate Chair) and all other Councillors.
<b>Committee name:</b>	<b><u>Strategic Planning &amp; Development Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	<i>Local Government (General) Regulation 2005</i> states the Mayor unless s/he declines in which case Council will appoint the Chair.

**Appointment:** Crs Masselos (Chair), Keenan (Deputy Chair) and all other Councillors.

#### **OTHER COMMITTEES**

**Committee name:** **Waverley Traffic Committee**

**No. of Councillors to be appointed:** Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.

**Chair of Committee:** Council's voting representative is the Chair of this Committee.

**Appointment:** Mayor (Chair) (Alternate: Cr Kay).

**Committee name:** **Environmental Sustainability Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and three Councillors.

**Chair of Committee:** A Councillor appointed by Council.

**Appointment:** Mayor, Crs Keenan (Chair), Copeland (Deputy Chair) and Nemesh.

**Committee name:** **Community Safety Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.

**Appointment:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Burrill.

<b>Committee name:</b>	<b><u>Waverley Surf Life Saving Club Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor's nominee) and two Councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.
<b>Appointment:</b>	Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Kay.
<b>Committee name:</b>	<b><u>Waverley Access Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.
<b>Appointment:</b>	Crs Keenan (Chair), Kay (Deputy Chair) and all other Councillors.
<b>Committee name:</b>	<b><u>Multicultural Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.
<b>Appointment:</b>	Crs Masselos (Chair), Wy Kanak (Deputy Chair) and all other Councillors.
<b>Committee name:</b>	<b><u>Waverley Public Art Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Three.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.
<b>Appointment:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

<b>Committee name:</b>	<b><u>Waverley Housing Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor's nominee) and three Councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee for the Mayoral term.
<b>Appointment:</b>	Mayor, Crs Wy Kanak (Chair), Copeland and Nemesh.
<b>Committee name:</b>	<b><u>Waverley Business Forum</u></b>
<b>No. of Councillors to be appointed:</b>	One, the Mayor, and an alternate, the Deputy Mayor.
<b>Co-Chair of Forum:</b>	The Mayor, or in the absence of the Mayor the Deputy Mayor to co-chair the Forum for the Mayoral term.
<b>Appointment:</b>	Mayor (Alternate: Deputy Mayor).
<b>Committee name:</b>	<b><u>Waverley Council Audit Committee</u></b>
<b>No. of Councillors to be appointed:</b>	One and an alternate. The Mayor cannot be a member of this Committee.
<b>Chair of Committee:</b>	An Independent Member (non-Councillor).
<b>Appointment:</b>	Cr Copeland (Alternate: Cr Lewis).

**APPOINTMENT OF COUNCILLORS AS DELEGATES  
TO VARIOUS ORGANISATIONS**

<b>Name:</b>	<b><u>Southern Sydney Regional Organisation of Councils</u></b>
<b>No. of Councillors to be appointed:</b>	A maximum of two delegates and two alternates (one delegate to be the Mayor).
<b>Appointment:</b>	The Mayor and Cr Wy Kanak (Alternates: Crs Copeland and O'Neill).

**Name:** Southern Sydney Regional Organisation of Councils – Program Delivery Committee

**Description:** Deals with asset management, public works, procurement, waste management and SSROC financial reports.

**No. of Councillors to be appointed:** One.

**Appointment:** The Mayor (Alternate: Cr Wy Kanak).

**Name:** Southern Sydney Regional Organisation of Councils – Sustainability Program Committee

**Description:** Deals with regional planning, environmental management, transport planning and management, and community development.

**No. of Councillors to be appointed:** One.

**Appointment:** Cr Keenan (Alternate: Cr O'Neill).

**Name:** Sydney Coastal Council Group

**No. of Councillors to be appointed:** Two and an alternate.

**Appointment:** Crs Copeland and Masselos (Alternate: Cr Kay).

**Name:** NSW Public Libraries Association

**No. of Councillors to be appointed:** One.

**Appointment:** Cr Lewis.

**REPORT**  
**CM/7.3/18.09**

**Subject:** Hawkesbury Shelf Marine Bioregion - Marine Park Proposal - Submission

**TRIM No:** A07/0323

**Author:** Sam McGuinness, Executive Manager, Sustainable Waverley

**Director:** Peter Monks, Director, Waverley Futures

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**RECOMMENDATION:**

That Council endorses the attached submission on the 'Hawkesbury Shelf Marine Bioregion – Marine Park Proposal.'

**1. Executive Summary**

The purpose of this report is to provide an update on the 'Hawkesbury Shelf Marine Bioregion – Marine Park Proposal' and seek endorsement of the attached submission which supports the creation of a Marine Park in the Hawkesbury Bioregion which goes from Wollongong to Newcastle.

On 17 September 2018, the Department of Primary Industries Minister, Niall Blair, released a press release saying that 'there will be no loss of fishing rights or access under proposed Marine Park sites put forward by the NSW Marine Estate Management Authority (MEMA).' The Marine Park Proposal and discussion papers on the NSW Marine Estate website on 18 September were unchanged. The remainder of this report and the attached submission were prepared based on the information available on the website and has not been amended since the announcement. While much of the submission discusses issues relating to spatial management within the bioregion, which may or may not be under consideration, issues relating to water quality in the bioregion and plans of management are still highly relevant.

**2. Introduction/Background**

Our coastal environments are famous for good fishing, diving, swimming and whale watching, but we cannot afford to take them for granted.

The beaches and coasts of Waverley have very high social, economic, cultural and environmental benefits. They are known for sustaining a diverse range of marine life including blue gropers and weedy sea dragons. They also sustain diverse uses including recreational and social uses such as surfing, swimming, snorkelling, fishing and diving.

Community consultation undertaken with 666 local residents in 2018 for Strategic Planning purposes shows that 3 of the 7 key elements most valued by the community have to do with our natural assets, particularly our coastline and beaches and flora and fauna (Waverley Council Consultation report 2018). Moreover, protecting biodiversity and ensuring the cleanliness of our beaches and coastline were identified as key items for Council to work on.

The NSW Government has recently released the NSW Marine Estate Management Strategy 2018-2028 (the Strategy) and announced a proposed Hawkesbury Shelf Marine Bioregion marine park. The Strategy includes nine management initiatives. Implementation of the establishment of a Hawkesbury Shelf Marine

Bioregion marine park would address many of these initiatives along our local coastline and is seeking submissions on this proposal.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 19 June 2018	CM/8.4/18.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Calls on the NSW Government and the NSW Marine Management Authority to establish a Sydney Marine Park.</li> <li>2. Notes that the Australian Marine Conservation Society and the Nature Conservation Council NSW have petitioned for a marine park.</li> <li>3. Notes that it has been shown that marine parks increase fish stocks in surrounding areas.</li> <li>4. Notes that, within marine parks, sanctuary zones could protect certain species and other designated areas could allow recreational and commercial fishing.</li> <li>5. Notes that only one per cent of Sydney's waters are protected.</li> <li>6. Notes that plastic and other pollution has a detrimental effect on the marine environment.</li> <li>7. Officers provide feedback to Council from local stakeholder groups on how they might be affected.</li> <li>8. Carries out a survey to determine if residents support a marine park in their local area.</li> </ol>

### 4. Discussion

The NSW Marine Estate Management Strategy 2018-2028 details how the Marine Estate Management Authority will achieve its vision healthy coast and sea, managed for the greatest wellbeing of the community now and into the future over the next ten years. The strategy provides for an overarching, strategic approach to the coordination and management of the marine estate; identifies nine management initiatives to address the priority threats based on the findings of the NSW marine estate threat and risk assessment; and seeks to balance economic growth, use and conservation of the marine estate.

The nine management initiatives of the NSW Marine Estate Management Strategy 2018-2028 are:

- Improving water quality and reduced litter in ocean.
- Delivering healthy coastal habitats with sustainable use development.
- Planning for climate change.
- Protecting the Aboriginal cultural values of the marine estate.
- Reducing impacts on threatened and protected species.
- Ensuring sustainable fishing and aquaculture.

- Enabling safe and sustainable boating.
- Enhancing social, cultural and economic benefits.
- Delivering effective governance.

Stage one of the strategy will focus on addressing the most severe threats to the health of the marine estate from pollution and marine litter.

The aim of the proposed Hawkesbury Shelf Marine Bioregion marine park is to reduce these risks at a local scale from some site-based threats, while helping to conserve marine biodiversity. It is designed to complement the initiatives and management actions of the Strategy, while allowing for a wide range of recreational and commercial activities to still occur.

The proposed marine park will aim to enhance the conservation of marine biodiversity and maximise environmental, social, cultural and economic benefits to the NSW community. The Hawkesbury Shelf Bioregion is located on the interface of warmer tropical and cooler temperate waters and is particularly important to marine biodiversity of the whole of Australia's east coast.

This new marine park would consist of a network of 25 distinct sites rather than a single large marine park. These sites are located along the coast between Newcastle and Wollongong. Three zone types - sanctuary zones, conservation zones and special purpose zones are proposed across the 25 sites, including a 'Sanctuary Zone' from South Bondi to Coogee (named the 'Bronte-Coogee site' in Attachment 2). This would combine the Bronte-Coogee Aquatic Reserve and the South Bondi Intertidal Protected Area that have been in place since 2002.

Waverley Council is a member of the Sydney Coastal Councils Group (SCCG), who are also submitting a more detailed submission on the Hawkesbury Shelf Marine Bioregion Marine Park proposal. While the SCCG submission is supported by Waverley Council, this submission provides additional feedback and comments on issues relating to the Waverley area.

## **5. Financial impact statement/Timeframe/Consultation**

There is no financial impact to Council as this is a State Government initiative.

## **6. Conclusion**

Marine parks are important in helping to reduce stress on marine ecosystems. Sanctuary zones have been scientifically proven to encourage growth and recover of stocks of fish and marine life—benefits that flow over into other areas.

Waverley residents and visitors would benefit from the proposed Hawkesbury Shelf Marine Bioregion marine park. It has the potential to contribute to cleaner water, greater biodiversity and conservation of marine species, and the economic and cultural values of the area.

## **7. Attachments**

1. Hawkesbury Marine Bioregion proposal Waverley Council Draft Submission September 2018 [↓](#)
2. Map of Proposed Hawkesbury Shelf Marine Park [↓](#)

**Waverley Council**

**SUBMISSION**

**Hawkesbury Shelf Marine Bioregion – Marine Park Proposal**

**To:** Marine Estate Management Authority

**Prepared by:** Waverley Council | Sustainable Waverley

**Date:** September 2018

**Contact details:** Sam McGuinness (Executive Manager, Sustainable Waverley)  
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Waverley Council is pleased to provide a submission into the Hawkesbury Shelf Marine Bioregion – Marine Park Proposal. The reproduction of any material from this publication is allowed as long as appropriate acknowledgement of the source, publisher and authorship is made.

## Introduction

Thank you for the opportunity to comment on the Hawkesbury Bioregion Marine Park proposal. Waverley Council is strongly supportive of the proposal to create a Hawkesbury Shelf Marine Bioregion - Marine Park. The creation of a marine park in Sydney will assist in the protection of our marine biodiversity and coasts in the Sydney region. At the June 2018 Council meeting a Councillor motion was adopted calling for a Sydney Marine Park to be established.

Waverley Council is a member of the Sydney Coastal Councils Group (SCCG), who are also submitting a more detailed submission on the Hawkesbury Shelf Marine Bioregion marine park proposal. While the SCCG submission is supported by Waverley Council, this submission provides additional feedback and comments on issues relating to the Waverley area.

Over the past few decades, the beaches and coastline of Waverley Council have gone from being highly degraded due to pollution, to being classified as having a constant good water quality rating under the Beachwatch rating system (State of the Beaches report 2016/2017).

The beaches and coasts of Waverley have very high social, economic and environmental benefits. They are known for sustaining a diverse range of marine life including blue groper and weedy seadragons. They also sustain diverse uses including recreational and social uses such as surfing, swimming, snorkelling, fishing and diving.

Community consultation undertaken with 666 local residents in 2018 for Strategic Planning purposes shows that 3 of the 7 key elements most valued by the community have to do with our natural assets, particularly our coastline and beaches and flora and fauna (Waverley Council Consultation report 2018<sup>1</sup>). Moreover, protecting biodiversity and ensuring the cleanliness of our beaches and coastline were identified as key items for Council to work on.

Waverley Council is also aware of the cultural benefits of protecting and enhancing our aquatic environment and strongly supports efforts to do this and the need to balance the need of all users and stakeholders of our coastline.

Within Waverley, the Bronte-Coojee Aquatic Reserve and the South Bondi Intertidal Protected Area have been in place since 2002.

Council supports the proposal to establish a marine park and makes the following recommendations to improve the environmental, social and economic benefits deriving from the park.

## Recommendations

### 1. Overall Marine Park

1. **That the percentage of areas within the marine park declared as sanctuary and conservation zones is increased to reflect CAR (Comprehensive, Adequate and Representative) principles in spatial management design “where social, economic or environment risks are considered best managed by spatial management initiatives”.**
2. **That no-take and sanctuary zone areas within the park are declared based on the best available science and through close consultation with the broad community and relevant stakeholders.**

Well managed MPAs, particularly no-take zones within MPA, contribute to the long term sustainability of commercial and recreational fishing by allowing fish populations to replenish in surrounding fishing grounds (Roberts 2005; Harrison et al., 2012; Dalhgren, 2014)<sup>2,3,4</sup>.

In recent years, a range of new State and Federal Marine Protected Areas (MPA) have been added to Australia’s existing National Representative System of Marine Protected Areas. The benefits of Marine Parks and the CAR principles (Comprehensive, Adequate and Representative) used to identify and manage these MPAs are well researched. How to better manage and balance the different uses that exist in marine parks is also becoming better understood. Using the CAR principles is essential to ensuring the purpose of Marine Parks as defined by the legislation which is to “*conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate*” is achieved.

Council recognises that balancing the uses within a marine park in a heavily populated bioregion like ours is difficult and requires a holistic and balanced approach based on the CAR principles, science and consultation with the community and key stakeholders. Moreover, the use of a zoning classification system rather than a ‘one-classification-fits-all’ approach is essential in reaching this balance.

The scientific literature and research on the effectiveness of MPAs proposes that a minimum of 20% (Jessen et al., 2016; World Park Congress, 2014; Neville 2006 and IUCN, 2012)<sup>5,6,7</sup> of a MPA to be set aside as no extractive areas. This level of protection is recommended for threats to the ecosystems that is being protected to be properly addressed. The conservation and long term benefits to the ecosystem in well managed no take zones are well known. In New Zealand, reef fish abundances and Lobster densities were found to be greater in no-take zones than in MPAs where no fishing was allowed compared to MPA where recreational fishing was allowed (Denny and Babcock 2004; Shears et al, 2006)<sup>8,9</sup>. In Australia, a ground-breaking study carried out at Keppel Island group (GBRMP) using DNA samples to track the dispersal pathways of juvenile coral trout and stripey snappers’ larvae, found that 65% of the juveniles tracked settled in nearby areas that are open to fishing. Most of the baby fish settled within one to five kilometres of reserves but a significant proportion dispersed 10 kilometres or more to find a new home ([12TH INTERNATIONAL CORAL REEF SYMPOSIUM, 2012](#)). This means no-take zones are an important breeding and sustaining ground for larvae of species that can later disperse and replenish areas where finishing is allowed.

The conservation of target species is critical to benefit fisheries and entire ecosystems. The size of the area proposed as a non-extractive zone (sanctuary zone) within the marine park as a whole is of

approximately 2%. The proposed percentage is far from the internationally recommended minimum no-take percentage for MPA and it does not reflect the CAR principles to provide adequate protection to the functioning of the marine ecosystems represented with the bioregion. Based on this scientific literature, the proposed marine park in combination with the Marine Estate Management Strategy effectively does not properly address the identified priority threats and enhance benefits, in particular marine biodiversity conservation in the bioregion.

Waverley Council supports the creation of sanctuary and conservation zones that will provide protection to our aquatic biodiversity. The conversion of the Bronte-Coogee Aquatic Reserve and the South Bondi Intertidal Protected Area to a sanctuary zone supported by an offshore conservation zone is supported. Council believes that these sites will result in environmental benefits for this area and that these will have social and economic benefits to the users of the marine park. There are also likely benefits to stakeholders outside of the protected areas where, for example, fishing has shown to be more productive.

The proposal outlines that approximately 2.8km out of 9km of the Waverley coastline will be designated as a sanctuary zone for the Bronte to Coogee site. Compared to most other local government areas Waverley has a very significant proportion of our coastline proposed to be in a conservation or sanctuary zone. This site along with the other open coast sites at Forresters and Bouddi are the proposed sites that are of close to sufficient size to achieve some benefits to the local aquatic biodiversity. As sites become smaller and more fragmented, their effectiveness will be reduced. While Council sees the benefit of larger sanctuary and conservation zones, these will reduce the amount of areas available for uses such as line fishing and it is important that a balance is achieved.

- 3. That a detailed and well-resourced Compliance program involving all state and local governments is developed and implemented as a key priority to ensure the efficient management of the park.**
- 4. That compliance officers are properly trained.**
- 5. That the effectiveness of policy implementation is included as a key item to be measured in any monitoring and evaluation plan regarding the proposed marine park.**

The success of MPAs and no-take zones is highly dependent on science, stakeholder support and compliance. Upon reviewing of this section in the management strategy, Waverley Council feels too much is left to self-compliance and there is a lack of detail on how compliance will be undertaken and evaluated. It is very important that the Marine Estate Management Authority has sufficient resources to effectively manage the Marine Park as a whole.

As such, the Marine Park Strategy should ensure that a detailed and well-resourced Compliance Policy involving all levels of government is developed and implemented as a key priority to ensure the efficient management of the park. Furthermore, compliance officers should be properly trained and the effectiveness of policy implementation should be included as a key item to be measured in any monitoring and evaluation plan regarding the proposed marine park.

Waverley Council is supportive of the development of a targeted education program so that the local community and relevant stakeholders are aware of the new park and zones in our LGA. Council has supported educational workshops at North Bondi within the intertidal area and there is significant scope to expand this to other areas. This could occur through snorkelling guides, promotion of species present in the area and explanatory information at key locations. With the large amounts of visitation to the area there is significant scope for education activities and channels to reach a large amount of visitors.

- 6. That a detailed and well-sourced short, medium and long term monitoring and evaluation program is developed and implemented as a priority to assess the efficiency of the proposed Marine Park in successfully managing the key identified themes.**

Monitoring and evaluation (M&E) is essential to determine the effectiveness of the management of MPAs. Waverley Council feels that M&E has been oversimplified in the current strategy and lacks the detail needed to properly comment on it. Plans of Management around the different sites are required so that both the human uses of the sites are managed but also so that biodiversity in the area can be better understood, researched and monitored so that active management can occur. While species such as the Blue Groper are well known, the number of algae, sea grasses, invertebrates and fish species and their interrelationships could be better understood. It is important to monitor species at key locations.

### Site Specific Recommendations

- 1. Consider renaming the proposed Bronte to Coogee sanctuary zone the Bondi (or South Bondi) to Coogee Marine Park reflecting its actual proposed location.**

The proposed Bronte to Coogee site naming convention has been adopted from the name of the current aquatic reserve. This name should be amended to include Bondi (or South Bondi) as the sanctuary zone includes the South Bondi IPA and extends past Tamarama to Bondi.

Species such as the Eastern Blue Groper, the Seaweed Dragon and the Grey Nurse Shark are known for inhabiting or moving through our coastal waters. In a study carried out by Macquarie University in 2009-2001, it was found that from a total of 29 Blue Gropers tagged during the research, 15 inhabited our current IPA whilst 7 (30% of the studied population) inhabited immediate adjacent areas to the IPA ([Blue Gropper Tagging Project](#)). Sexually mature blue gropers tend to exhibit long residency times. This means that classifying the adjacent areas where 30% of the studied population lives as sanctuary zones, may have positive outcomes for this species by protecting their habitats. This should be determined through research and should be taken into account when creating no-take zones.

In analysing the specific impacts of the proposed Bronte to Coogee site, it is recognised that this will impact on existing rock fishing locations such as near to Waverley Cemetery, between Bronte and Tamarama Beaches, near to Marks Park and beach fishing at Bronte and Tamarama Beaches. The sanctuary and conservation zone extend to 3 nautical mile and this will impact on boat based fishing including from local fishing clubs. As such, Waverley Council sees it as very important that the needs of all stakeholders including boat and rock based fishing stakeholders are considered in defining these sanctuary and conservation zones.

In terms of Bondi Beach itself a limited amount of beach fishing occurs on the beach. When compared to the number of swimmers and surfers who regularly use the Beach the number of people beach fishing is very small. An extension of the sanctuary zone to the northern end of Bondi Beach to include all of the popular swimming areas may be a viable option that would most probably receive community support due to its high non-extractive use by swimmers, snorkelers and divers. Further consultation would be required to progress this.

The northern end of Bondi Beach between the boat ramp is a very popular location used by a wide range of locals and visitors. This includes a popular Sydney scuba diving site 'The Cathedral' which is accessed as a shore dive and occasionally as a boat dive. This area is a very popular swimming and snorkelling spot where a range of fish can be easily seen. The location is also popular for line fishing and spear fishing. This can generally occur without conflict with other users, but there are instances where there have been problems between the different users. Declaring this area as a sanctuary zone has the potential to increase visitation by swimmers, divers and snorkelers and to result in positive economic and social outcomes for the local community.

Impacts to the Waverley coastline due to Climate Change include, but are not limited to, extreme weather events, higher sea surface temperatures, loss of intertidal zone from sea level rise, and impacts by invasive species or non-indigenous species due to changing conditions.

Climate Change can also result in ocean acidification, which impacts local species, particularly those with a shell or an exoskeleton that becomes weaker and frail as the water becomes more acidic. As these impacts occur, it not only threatens the biodiversity and ecosystems of the area, but it also affects the individual enjoyment of our residents and user groups if the coastlines are negatively impacted, become damaged or destroyed and or become non-existent.

Implementing conservation and sanctuary zones based on the CAR principles have the potential to increase the resilience of these zones so that when changes in species and their diversity occurs, some species will be able to maintain their current densities.

In summary, the protection of our beaches and coastal environment was identified as one of the key priorities in our community consultation for the development of Council's strategic plan. However, Council understands the importance of ensuring that all relevant stakeholders are involved in the development of the park and its zones. Council has not undertaken any consultation on this particular location but would like the Marine Estates Management Authority to assess the feedback from local stakeholders and scientifically assess the benefit to the local aquatic biodiversity if the sanctuary zone was extended to North Bondi, North Bondi Boat Ramp or to Ben Buckler headland.

**2. That management plans for individual zones are developed and implemented under clear strategies for the management of biodiversity as well as social, economic and cultural aspects related to the proposed areas.**

The direct links between community health & wellbeing and the health of ecosystems and pursuit of outdoor based activities are broadly researched. Moreover, there is increasing evidence of the positive effects that thriving biodiversity has on social, cultural and economic aspects of communities (WHO, 2015; Thompson et al, 2010; GreenGym project 2015).

Council believes the proposed marine park, with a higher and more representative percentage of no-take zoning, has the potential to provide for:

- Better quality fishing, snorkelling and diving.
- Increase education opportunities
- Increase tourism and tourist activities to the Waverley area by more people particularly divers, snorkelers, surfers and swimmers resulting in higher levels of positive interactions with the local environment and between people.

Waverley Council is supportive of the development of a targeted education program so that the local community and relevant stakeholders are aware of the new park and zones in our LGA, what they mean and why they are in place.

Waverley Council also strongly supports the development of management plans for individual zones with clear strategies for the management of biodiversity as well as social, economic and cultural aspects related to the proposed areas. In the case of the sites proposed for the Waverley LGA, the relevant plans should be developed in close partnership with Waverley Council.

**3. That point source untreated effluent outfalls within the proposed Marine Park, such as at Vaucluse and Diamond Bay be urgently fixed.**

Waverley Council is working to reduce stormwater pollution through end of pipe solutions such as Gross Pollutant Traps (GPTs) and through other stormwater quality improvement devices (SQIDS) such as bioretention gardens and stormwater harvesting schemes. There is low coordinated support at a catchment or regional level on reducing pollutant load entering our receiving waters and additional support and further funding would be required to achieve this.

The most significant water quality issue in our LGA impacting on the Hawkesbury Marine Bioshelf is the continuous untreated effluent entering the coast through the Vaucluse and Diamond Bay sewage outfalls. These outfalls are from the Watsons Bay, Vaucluse, Diamond Bay and Rose Bay suburbs that are not connected to the Bondi Waste Water Treatment Plant and result in approximately 5ML of untreated effluent entering the coast each day.

Waverley is working with Sydney Water so that a solution to this problem can be determined and then implemented. This should be a priority for the management of the Marine Park so that water quality is improved and impacts on the aquatic biodiversity in these locations is reduced.

## Literature

<sup>1</sup> *Waverley Community Strategic Plan, Community Consultation Report 2018.*

<sup>2</sup> *Roberts, C.M., J.P. Hawkins, and F.R. Gell. 2005. The role of marine reserves in achieving sustainable fisheries. Philosophical Transactions of the Royal Society of London B Biological Sciences 360:123-132.*

<sup>3</sup> *Harrison, H.B., D.H. Williamson, R.D. Evans, G.R. Almany, S.R. Thorrold, G.R. Russ, K.A. Feldheim, L. van Herwerden, S. Planes, M. Srinivasan, M. L. Berumen, and G.P. Jones. 2012. Larval export from marine reserves and the recruitment benefit for fish and fisheries. Current Biology 22:1023-1028.*

<sup>4</sup> *Dahlgren, Craig & Tewfik, Alexander. (2015). Benefits of No-take Zones for Belize and the Wider Caribbean Region.*

<sup>5</sup> [Jessen, Sabine, Lance Morgan, and Juan Bezaury-Creel. 2016. Dare to be Deep: SeaStates Report on North American's Marine Protected Areas \(MPAs\). Ottawa, Seattle, and México City: Canadian Parks and Wilderness Society, Marine Conservation Institute, 52pp.](#)

<sup>6</sup> *World Park Congress Sydney 2014.*

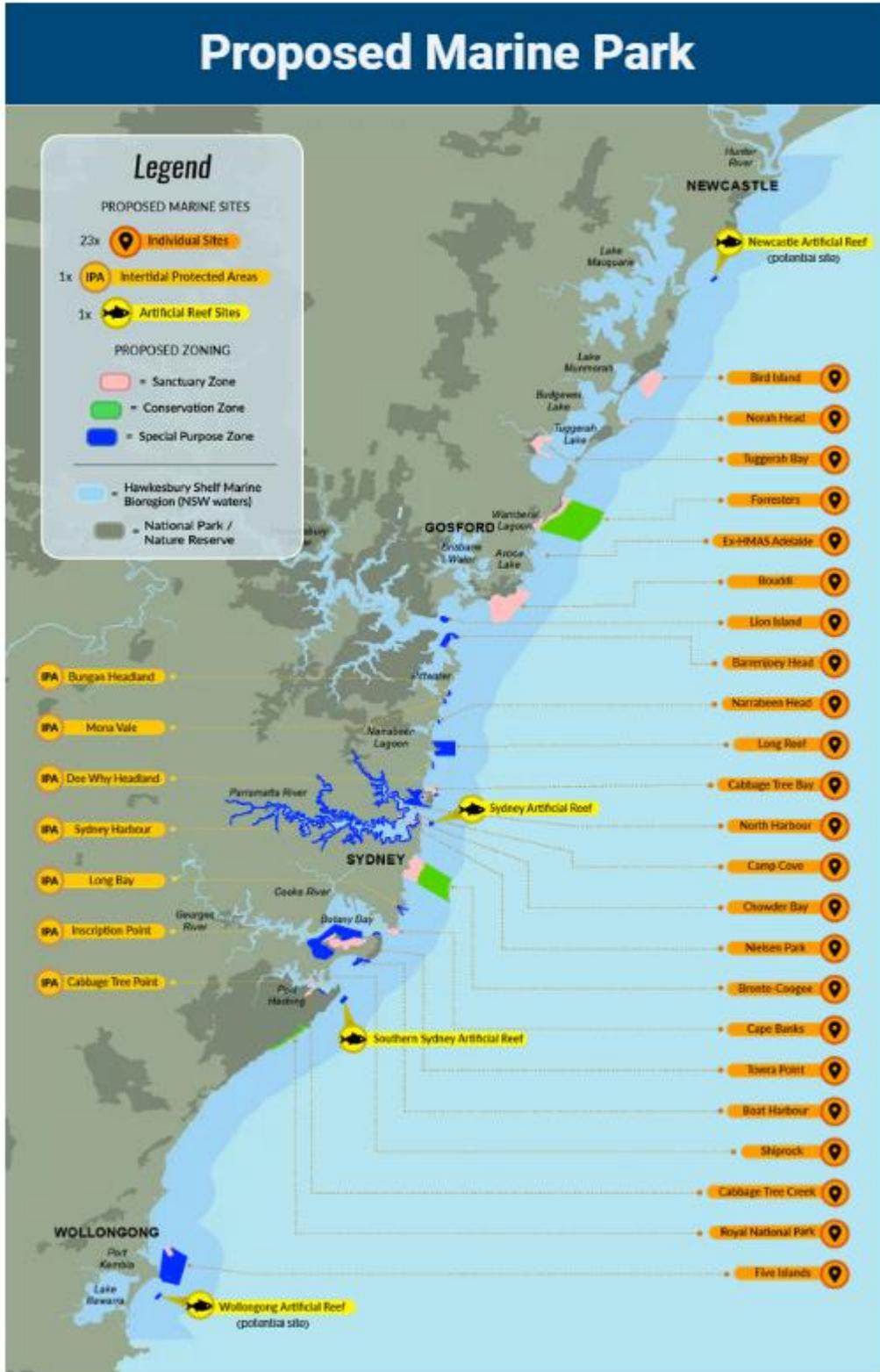
<sup>7</sup> [Nevill, J. 2006. Marine no-take areas: how large should marine protected areas network be?](#)

<sup>8</sup> [Denny, C. and R. Babcock. 2004. Do partial marine reserves protect reef fish assemblages? Biological Conservation 116:119-129.](#)

<sup>9</sup> [Shears, N.T., R.V. Grace, N.R. Usmar, V. Kerr, and R.C. Babcock. 2006. Long-term trends in lobster populations in a partially protected vs. no-take Marine Park. Biological Conservation 132:222-231.](#)

**Attachment 2:**

Map of Proposed 'Hawkesbury Shelf Marine Bioregion - Marine Park'



**REPORT**  
**CM/7.4/18.09**

**Subject:** Code of Conduct Review

**TRIM No:** A18/0585

**Author:** Jane Worthy, Internal Ombudsman

**Director:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That Council:

1. Retains its existing Code of Conduct and Procedure until the Model Code of Conduct and Procedure are prescribed by regulation.
2. Holds a Councillor workshop on the Model Code of Conduct and Procedure, with a report to come back to Council with a new Code of Conduct and Procedure for adoption.

**1. Executive Summary**

Council is required to review its Code of Conduct and Procedure. Council also must adopt a Code of Conduct and Procedure that incorporate the provisions of the Model Code of Conduct and Procedure prepared by the Office of Local Government (OLG). The OLG has just released its final Model Code of Conduct and Procedure, but these documents have not yet been prescribed by regulation and therefore have no effect. Officers have undertaken a preliminary assessment of the final Models against Council's current Code and Procedure, and there are substantial differences. This report proposes that Council continues with its current Code of Conduct and Procedure until the model Code and Procedure are prescribed by regulation. It also recommends that a Councillor workshop to discuss the documents and changes, and that, following the workshop, officers prepare a draft Code of Conduct and Procedure ready for Council's adoption.

**2. Introduction/Background**

The *Local Government Act 1993* (the Act) requires Council to review its Code of Conduct and Procedure.

In October 2017, the OLG released a new draft Model Code of Conduct for Local Councils in NSW (Model Code) and the draft Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Procedure).

Council held a councillor workshop on the draft Model Code and Procedure in November 2017, and made a submission to the OLG in December 2017.

On 2 September 2018, the OLG released the final Model Code and Procedure (see Attachments 1 and 2). However, they are yet to be prescribed by the *Local Government (General) Regulation 2005* (the Regulation). This means they have no force, and therefore their provisions cannot be incorporated into Council's Code of Conduct and Procedure.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 12 December 2017	CM/7.19/17.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the submission on the Draft Model Code of Conduct for Local Councils in NSW and associated Draft Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW attached to this report.</li> <li>2. Forwards the submission to the Office of Local Government.</li> </ol>

### 4. Discussion

Section 440(3) of the Act requires Council to adopt a code of conduct and procedure that incorporates the provisions of the Model Code of Conduct and Procedure, which are developed by the OLG. Council's current Code of Conduct and Procedure are based on the Model Code and Procedure that OLG released in 2012. The OLG has now finalised the new Model Code and Procedure, and released them earlier this month.

Council officers commenced the review of its Code of Conduct and Procedure in October 2017, following the release of the draft Model Code and Procedure. Officers are now completing a detailed assessment of the changes and the likely impact on Council.

While the Model Code and Procedure have now been finalised and released, Council cannot adopt them until they are prescribed by the Regulation. This report recommends that Council holds a Councillor workshop to garner feedback on the models. This will allow officers to then draft a new code of conduct and procedure that incorporate the provisions of the final Model Code and Procedure, as well as any additions that Councillors propose.

### 5. Financial impact statement/Timeframe/Consultation

#### Financial impact statement

There has been no unbudgeted cost to Council in carrying out the review to date.

#### Timeframe

The OLG has advised that the Model Code and Procedures will be prescribed soon, but has not given a date.

The OLG has further advised that, once the Model Code and Procedures are prescribed, Council will have six months to adopt a code of conduct and procedure that meet the new requirements.

#### Consultation

Officers have previously consulted Councillors on the draft Models.

It is proposed that officers now hold a Councillor workshop on the final Model Code and Procedures. The purpose of the workshop will be to present the documents and to invite feedback, including any proposed

additions or amendments. Council officers will also suggest additions for Councillors' consideration; for example, extending the application of the Code and Procedure to volunteers.

The Act provides that Council may include provisions that supplement the Model Code and Procedure. Provisions that are inconsistent with the Models will have no effect. Section 440(6) of the Act also states that a 'provision of a council's adopted code is not inconsistent with the model code merely because the provision makes a requirement of the model code more onerous for persons required to observe the requirement.'

## **6. Conclusion**

Council is required to review its Code of Conduct and Procedure. Officers commenced this process late last year, but due to the delay in the release of the final Model Code and Procedure, officers have been unable to recommend amendments to the current Code and Procedure. The OLG has now released these documents. A councillor workshop is proposed in order to present, and receive feedback on, the Model Code and Procedure. Officers will then prepare a draft Code of Conduct and Procedure for Council's adoption.

## **7. Attachments**

1. Model Code of Conduct (under separate cover) [⇒](#)
2. Model Code of Conduct Procedures (under separate cover) [⇒](#)

**REPORT**  
**CM/7.5/18.09**

**Subject:** Draft 2017/18 Financial Statements

**TRIM No.:** A18/0184

**Author:** Teena Su, Executive Manager, Financial Waverley

**Director:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2018:
  - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
  - (b) To the best of the Council's knowledge and belief, the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records.
  - (c) Council is unaware of any matter that would render the financial statements false or misleading in anyway.
2. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
3. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special purpose Financial Statements, be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
4. The financial statements be referred to Council's auditors for audit.
5. Arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
6. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
7. The audited financial statements be presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.
8. Public notice of the meeting to be held on Tuesday, 20 November 2018, be published in newspapers in the week commencing 12 November 2018, including the publication of all documents required

under section 418 of the *Local Government Act 1993*.

9. Council notes that, at the meeting to be held on Tuesday, 20 November 2018, Council will present its Audited Financial Report and Auditor's Report to the public.

### **1. Executive Summary**

The purpose of this report is to present Council's draft Annual Financial Statements for the year ended 30 June 2018 and to refer the Draft Annual Financial Statements to audit.

### **2. Introduction/Background**

Section 413 of the *Local Government Act 1993* (the Act) requires a council to prepare financial reports for each year, and to refer them for audit as soon as practical and resolve to refer the Draft Annual Financial Statements for Audit.

A declaration must be attached to the relevant financial statements and signed by the Mayor and one other Councillor as well as the General Manager and Responsible Accounting Officer. The purpose sought by the Act is an acceptance of responsibility by the Council's elected members for its published annual financial statements.

Following this resolution, Council will then await the receipt of the Auditor's Report and then publicly advertise that the Audited Financial Statements are available for inspection and comment by members of the public.

The Executive Manager, Financial Waverley has prepared and attached a set of Draft Annual Financial Statements, and advises that the listed recommendations may be considered by the Council. The Draft Annual Financial Statements incorporate the:

- General Purpose Income Statement.
- General Purpose Statement of Comprehensive Income.
- General Purpose Balance Sheet.
- General Purpose Statement of Changes in Equity.
- General Purpose Statement of Cash Flows.
- Special Purpose Income Statement for Council's Other Business Activities.
- Special Purpose Balance Sheet for Council's Other Business Activities.

### **3. Relevant Council Resolutions**

Nil.

### **4. Discussion**

The 2017/18 Annual Financial Statements are to be referred to the Council's auditor, NSW Audit General, for audit.

The draft results for the 2017/18 financial year show that Council's operating result for the year was a surplus of \$17.897 million, and that Council continues to maintain a sound financial position as shown by the following summary of the income statement, balance sheet, cash and cash investments balance.

<b>Income Statement - \$million</b>	<b>2017/18</b>	<b>2016/17</b>	<b>% Change Better/(Worse)</b>
• Total income from continuing operations	\$144.413m	\$138.106m	4.6%
• Total expenses from continuing operations	\$126.516m	\$126.933m	0.3%
• Operating surplus from continuing operations	\$17.897m	\$11.173m	60.2%

<b>Balance Sheet - \$million</b>	<b>2017/18</b>	<b>2016/17</b>	<b>% Change Better/(Worse)</b>
• Total Assets	\$1,275.794m	\$1,259.116m	1.4%
• Total Liabilities	\$41.100m	\$41.319m	0.5%
• Net Assets	\$1,235.694m	\$1,217.797m	1.5%

<b>Financial Overview - \$million</b>	<b>2017/18</b>	<b>2016/17</b>	<b>% Change Better/(Worse)</b>
• Operating Surplus	\$17.897m	\$11.173m	60.2%
• Net Assets(Equity)	\$1,235.694m	\$1,217.797m	1.5%
• Cash & Cash Investments	\$171.782m	\$157.727m	8.9%

*Table 1. Summary of the income statement, balance sheet, cash and cash investments balance.*

The draft net operating result for the year increased by \$6.7 million or 60.2% from the previous financial year.

## **5. Financial impact statement/Timeframe/Consultation**

### **Timeframe**

The Act specifies the timeframe with which Council must complete its Annual Financial Statements, present them to the public and the Division of Local Government, Department of Premier and Cabinet. The following timetable will allow these processes to be satisfied and for the Annual Financial Statements to be adopted by Council.

### **27 September 2018**

Council Meeting – Draft Annual Financial Statements presented to the Council requesting Council to refer the Financial Statements to the Auditors.

### **31 October 2018**

Audited Financial Statements, including the Auditors Report, and the Financial Data Return to be lodged with OLG: s 417(5).

### **13 November 2018**

Public notice of the meeting to be held on Tuesday, 20 November 2018, be given to the newspapers to be published in the week commencing 12 November 2018. The public notice will also advise that the Annual Financial Statements are available for inspection and that submissions will be received until 27 November 2018.

**20 November 2018**

Council Meeting. Council's Auditors report on the Annual Financial Statements is formally presented to Council.

**27 November 2018**

The closing date for public submissions on the Annual Financial Statements. All submissions received must be referred to Council's Auditor for consideration: s 420(3). Council may take such action as it considers appropriate with respect to any submissions received.

**6. Conclusion**

The Executive Manager, Financial Waverley, as the Responsible Accounting Officer, advises that Council's financial position is satisfactory.

**7. Attachments**

1. Draft 2017/18 Financial Statements (under separate cover) [⇒](#)

## REPORT CM/7.6/18.09



**Subject:** Investment Portfolio Report - August 2018

**TRIM No:** A03/2211

**Author:** Sid Ali, Revenue Co-ordinator  
Teena Su, Executive Manager, Financial Waverley

**Director:** Ross McLeod, General Manager

### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for August 2018 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

#### 1. Executive Summary

For the month of August 2018, Council's Investment Portfolio generated \$410,428 of interest.

The interest on investment budget for the 2018/19 financial year was adopted by Council at June 19, 2018 Council meeting and was set at \$3,974,000.

The interest income for the year to date figure as at 31 August 2018 is tracking at 19.66% (\$781,258) of the Budget.

#### 2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

The following table illustrates the monthly interest income received by Council and how this tracks against the Budget:

Month	2018/19 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Original Budget %
July	3,974,000	370,830	370,830	9.33%
August	3,974,000	410,428	781,258	19.66%

Table 1. Monthly interest income received by Council.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 21 August 2018	CM/7.14/18.08	That Council: <ol style="list-style-type: none"> <li>1. Receives and notes the Investment Summary Report for July 2018 attached to this report</li> <li>2. Notes that all investments have been made in accordance with the requirements of section 625 of the Local Government Act 1993 and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.</li> </ol>

### 4. Discussion

For the month of August 2018, Council's cash investment portfolio generated interest earnings of \$410,428 or 10.33% of the Current Budget of \$3,974,000.

Council's investment portfolio posted a return of 3.05% pa for the month of August versus the Ausbond Bank Bill Index benchmark return of 1.99% pa. Without market-to-market influences, Council's investment portfolio yielded 2.90% pa for the month.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 0.86% pa (2.71% vs 1.85% pa).

#### Portfolio Value

Council's investment portfolio, as at 31 August 2018, has a current market value of \$184,822,184 which represents a gain of \$1,573,038 on the \$183,249,146 face value of the portfolio with the portfolio generating a 2.82% average yield. The table below provides a summary by investment (asset) type.

Asset Group	Face Value	Current value	\$ Gain / (Loss)	Current Yield
Bonds	\$ 3,000,000	\$ 3,076,607	\$ 76,607	3.50%
Cash	\$ 9,638,866	\$ 9,638,866	\$ -	1.05%
Floating Rate Note	\$ 31,400,000	\$ 31,632,934	\$ 232,934	3.32%
Floating Rate Term Deposits	\$ 12,500,000	\$ 12,567,590	\$ 67,590	2.89%
Managed Funds	\$ 6,710,280	\$ 6,710,280	\$ -	2.41%
Term Deposit	\$ 120,000,000	\$ 121,195,907	\$ 1,195,907	2.79%
<b>Total</b>	<b>\$ 183,249,146</b>	<b>\$ 184,822,184</b>	<b>\$ 1,573,038</b>	<b>2.82%</b>

Table 2. Portfolio value – Summary by investment (asset) type.

#### Analysis

Attached to this report is the Summary of Investment Portfolio for the period ending 31 August 2018. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

Included in these report are tables showing that Council's investment portfolio for the month of August 2018 has exceeded the AusBond bank bill index by 1.06% pa (3.05% to 1.99%pa). The Portfolio outperformed the stated benchmark measure 'Rate of return on cash exceeds AusBond Bank Bill Index' as illustrated in the table below:

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Jul -18	2.98	2.26	0.72
Aug-18	3.05	1.99	1.06
<b>Average % return Over the last 12 months</b>	<b>2.71</b>	<b>1.85</b>	<b>0.86</b>

Table 3. Portfolio return.

### Fossil Fuel Lending ADIs vs Non-Fossil Fuel Lending ADIs

As at the end of August 2018, 52% of Council's portfolio was invested in non-fossil fuel lending ADIs, while fossil fuel lending ADIs accounted for 44.5% of the portfolio. The remaining 3.5% is invested with TCorp.

### 5. Financial impact statement/Timeframe/Consultation

This report has been prepared in consultation with Council's independent financial advisor, Prudential Investment Services Corp.

### 6. Conclusion

Council's investment portfolio has accounted a year to date total interest earning of \$781,258 as at 31 August 2018, and it is on track to achieve the budgeted interest of \$3,974,000.

### 7. Attachments

1. Investment Summary Report - August 2018



WAVERLEY  
COUNCIL

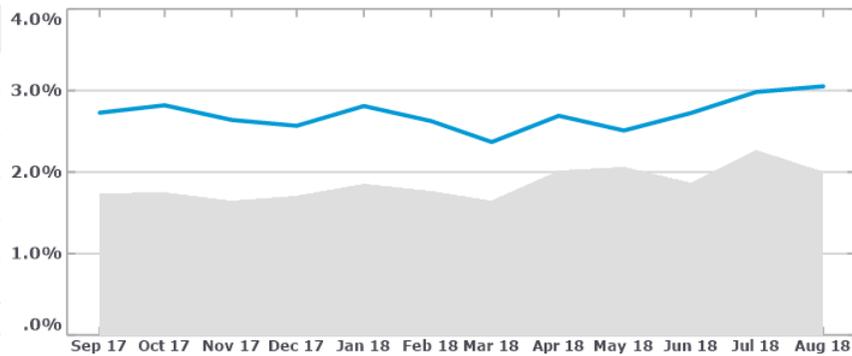
**Investment Summary Report  
August 2018**

**Waverley Council**  
Executive Summary



**Investment Holdings** **Investment Performance**

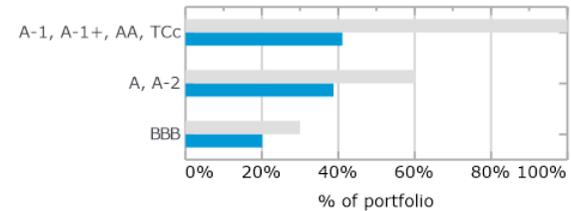
	Face Value (\$)	Current Value (\$)	Gain/ (Loss)(\$)	Current Yield (%)
Bonds	3,000,000.00	3,076,607.03	76,607.03	3.5000
Cash	9,638,865.91	9,638,865.91	0.00	1.0512
Floating Rate Note	31,400,000.00	31,632,933.75	232,933.75	3.3218
Floating Rate Term Deposits	12,500,000.00	12,567,589.82	67,589.82	2.8878
Managed Funds	6,710,280.11	6,710,280.11	0.00	2.4051
Term Deposit	120,000,000.00	121,195,907.07	1,195,907.07	2.7927
<b>Total</b>	<b>183,249,146.02</b>	<b>184,822,183.69</b>	<b>1,573,037.67</b>	<b>2.8215</b>



■ Portfolio Annualised Return    ■ Bloomberg BB Index Annualised Return

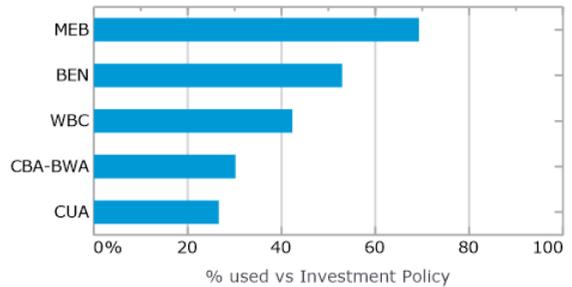
**Investment Policy Compliance**

**Total Credit Exposure**



■ Portfolio Exposure    ■ Investment Policy Limit

**Highest Individual Exposures**



% used vs Investment Policy

**Term to Maturities**

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	123,849,146	68% 100%
Between 1 and 3 Years	53,050,000	29% 50%
Between 3 and 10 Years	6,350,000	3% 30%
<b>Total</b>	<b>183,249,146</b>	



## Waverley Council

### Investment Holdings Report



Cash Accounts							
Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
4,933,946.63	1.1000%	Commonwealth Bank of Australia	A-1+	4,933,946.63	120789	24hr Call	
3,239,723.57	1.0000%	Commonwealth Bank of Australia	A-1+	3,239,723.57	120794	General Funds	
37,512.90	1.0000%	Commonwealth Bank of Australia	A-1+	37,512.90	120795	Trust Funds	
273,565.36	1.0000%	Commonwealth Bank of Australia	A-1+	273,565.36	120796	Cemetery Funds	
612,926.45	1.0000%	Commonwealth Bank of Australia	A-1+	612,926.45	120797	Depositor Funds	
59,370.66	1.0000%	Commonwealth Bank of Australia	A-1+	59,370.66	120799	Library CP	
357,362.36	1.0000%	Commonwealth Bank of Australia	A-1+	357,362.36	120800	Eastgate CP	
94,261.11	1.0000%	Commonwealth Bank of Australia	A-1+	94,261.11	120801	Hollywood Av CP	
30,196.87	1.0000%	Commonwealth Bank of Australia	A-1+	30,196.87	370151	Library Gift	
<b>9,638,865.91</b>	<b>1.0512%</b>			<b>9,638,865.91</b>			

Managed Funds							
Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,087,137.13	2.7754%	NSW T-Corp (Cash)	TCc	Strategic Cash Facility	2,087,137.13	411310	Builder Deposits
4,623,142.98	2.2379%	NSW T-Corp (Cash)	TCc	Cash Facility	4,623,142.98	505262	
<b>6,710,280.11</b>	<b>2.4051%</b>				<b>6,710,280.11</b>		

Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
11-Sep-18	3,000,000.00	2.6000%	National Australia Bank	A-1+	3,000,000.00	13-Sep-17	3,075,435.62	535777	75,435.62	At Maturity	
11-Sep-18	4,000,000.00	2.6000%	Commonwealth Bank of Australia	A-1+	4,000,000.00	5-Sep-17	4,017,625.62	535708	17,625.62	SemiAnnually	
11-Sep-18	2,500,000.00	2.5800%	Commonwealth Bank of Australia	A-1+	2,500,000.00	30-Aug-17	2,510,931.28	535663	10,931.28	SemiAnnually	
26-Sep-18	4,000,000.00	3.1000%	Westpac Group	A-1+	4,000,000.00	20-Sep-16	4,117,545.21	534344	117,545.21	Annually	
26-Sep-18	2,000,000.00	2.6200%	National Australia Bank	A-1+	2,000,000.00	27-Sep-17	2,048,667.40	535804	48,667.40	At Maturity	
2-Oct-18	2,000,000.00	2.6200%	ME Bank	A-2	2,000,000.00	3-Jan-18	2,034,598.36	536118	34,598.36	At Maturity	
16-Oct-18	3,000,000.00	2.7500%	Bank of Queensland	A-2	3,000,000.00	10-Apr-18	3,032,547.95	536529	32,547.95	At Maturity	

## Waverley Council

### Investment Holdings Report



Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
23-Oct-18	3,000,000.00	2.6500%	AMP Bank	A-1	3,000,000.00	17-Jan-18	3,049,442.47	536139	49,442.47	At Maturity	
30-Oct-18	3,000,000.00	2.7500%	Bank of Queensland	A-2	3,000,000.00	11-Apr-18	3,032,321.92	536533	32,321.92	At Maturity	
6-Nov-18	2,000,000.00	3.0000%	Westpac Group	A-1+	2,000,000.00	3-Nov-16	2,049,643.84	534489	49,643.84	Annually	
13-Nov-18	2,000,000.00	2.6500%	AMP Bank	A-1	2,000,000.00	8-Feb-18	2,029,767.12	536221	29,767.12	At Maturity	
21-Nov-18	1,000,000.00	2.6000%	Bank of Queensland	A-2	1,000,000.00	22-Nov-17	1,020,158.90	535982	20,158.90	At Maturity	
27-Nov-18	3,000,000.00	2.8200%	Rural Bank	A-2	3,000,000.00	31-May-18	3,021,555.62	536685	21,555.62	At Maturity	
4-Dec-18	2,000,000.00	2.6500%	ME Bank	A-2	2,000,000.00	13-Dec-17	2,038,043.84	536084	38,043.84	At Maturity	
5-Dec-18	3,000,000.00	2.6500%	Credit Union Australia	A-2	3,000,000.00	6-Dec-17	3,058,590.41	536064	58,590.41	At Maturity	
18-Dec-18	3,000,000.00	2.6500%	Credit Union Australia	A-2	3,000,000.00	7-Mar-18	3,038,769.86	536367	38,769.86	At Maturity	
8-Jan-19	3,000,000.00	2.8000%	Suncorp Bank	A-1	3,000,000.00	14-Jun-18	3,018,180.82	536751	18,180.82	At Maturity	
15-Jan-19	1,000,000.00	2.5800%	Commonwealth Bank of Australia	A-1+	1,000,000.00	7-Feb-18	1,014,561.10	536210	14,561.10	At Maturity	
22-Jan-19	2,000,000.00	2.6100%	Commonwealth Bank of Australia	A-1+	2,000,000.00	20-Feb-18	2,027,601.64	536246	27,601.64	At Maturity	
5-Feb-19	4,000,000.00	2.8500%	ME Bank	A-2	4,000,000.00	11-Jul-18	4,016,241.10	536838	16,241.10	At Maturity	
26-Feb-19	3,000,000.00	2.6200%	Westpac Group	A-1+	3,000,000.00	27-Feb-18	3,001,076.71	536315	1,076.71	Quarterly	
12-Mar-19	2,500,000.00	2.6800%	Westpac Group	A-1+	2,500,000.00	14-Mar-18	2,514,501.37	536438	14,501.37	Quarterly	
19-Mar-19	2,500,000.00	2.8000%	Suncorp Bank	A-1	2,500,000.00	19-Jun-18	2,514,191.78	536756	14,191.78	At Maturity	
2-Apr-19	3,000,000.00	2.8300%	Rural Bank	A-2	3,000,000.00	8-May-18	3,026,981.92	536617	26,981.92	At Maturity	
23-Apr-19	2,000,000.00	2.7700%	Westpac Group	A-1+	2,000,000.00	24-Apr-18	2,005,919.45	536548	5,919.45	Quarterly	
7-May-19	1,000,000.00	2.8500%	ME Bank	A-2	1,000,000.00	24-Jul-18	1,003,045.21	536866	3,045.21	At Maturity	
7-May-19	1,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,000,000.00	17-Aug-18	1,001,130.14	536979	1,130.14	At Maturity	
15-May-19	3,000,000.00	2.9000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	18-May-17	3,025,265.75	535251	25,265.75	Annually	
21-May-19	1,500,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,500,000.00	21-Aug-18	1,501,243.15	536989	1,243.15	At Maturity	
28-May-19	3,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	3,000,000.00	14-Aug-18	3,004,068.49	536954	4,068.49	At Maturity	
4-Jun-19	3,000,000.00	2.8200%	Bendigo and Adelaide Bank	A-2	3,000,000.00	30-May-18	3,021,787.40	536672	21,787.40	At Maturity	
25-Jun-19	1,500,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,500,000.00	21-Aug-18	1,501,243.15	536990	1,243.15	At Maturity	

## Waverley Council

### Investment Holdings Report



Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	20-Jul-18	3,010,072.60	536862	10,072.60	At Maturity	
9-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	18-Jul-18	3,010,541.10	536857	10,541.10	At Maturity	
16-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	17-Jul-18	3,010,775.34	536856	10,775.34	At Maturity	
30-Jul-19	2,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	17-Aug-18	2,002,260.27	536980	2,260.27	At Maturity	
13-Aug-19	3,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	3,000,000.00	16-Aug-18	3,003,616.44	536976	3,616.44	At Maturity	
20-Aug-19	3,000,000.00	2.7500%	ME Bank	A-2	3,000,000.00	24-Aug-18	3,001,808.22	537009	1,808.22	At Maturity	
26-Aug-19	2,000,000.00	3.2000%	Westpac Group	A-1+	2,000,000.00	24-Aug-16	2,001,402.74	534167	1,402.74	Annually	
3-Sep-19	3,000,000.00	2.7500%	ME Bank	BBB	3,000,000.00	29-Aug-18	3,000,678.08	537027	678.08	Annually	
10-Sep-19	3,000,000.00	2.7500%	ME Bank	BBB	3,000,000.00	31-Aug-18	3,000,226.03	537044	226.03	Annually	
24-Sep-19	3,000,000.00	2.9000%	Bank of Queensland	BBB+	3,000,000.00	20-Sep-17	3,082,471.23	535796	82,471.23	Annually	
22-Oct-19	4,000,000.00	2.8900%	ING Bank (Australia)	A	4,000,000.00	13-Nov-17	4,092,480.00	535953	92,480.00	Annually	
29-Oct-19	2,500,000.00	2.9700%	ING Bank (Australia)	A	2,500,000.00	1-Nov-17	2,561,841.10	535905	61,841.10	Annually	
8-Jun-21	6,000,000.00	3.1500%	Westpac Group	AA-	6,000,000.00	6-Jun-18	6,045,049.32	536715	45,049.32	Quarterly	
<b>120,000,000.00</b>		<b>2.7927%</b>			<b>120,000,000.00</b>		<b>121,195,907.07</b>		<b>1,195,907.07</b>		

Floating Rate Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
16-May-22	2,500,000.00	3.0550%	Westpac Group 3moBBSW+1.10%	AA-	2,500,000.00	16-May-17	2,503,347.95	535241	3,347.95	16-Nov-18	
11-Jun-19	3,000,000.00	2.8281%	Westpac Group 3moBBSW+0.76%	A-1+	3,000,000.00	14-Jun-18	3,018,363.28	536749	18,363.28	14-Sep-18	
18-Jun-19	4,000,000.00	2.8281%	Westpac Group 3moBBSW+0.76%	A-1+	4,000,000.00	14-Jun-18	4,024,484.37	536750	24,484.37	18-Sep-18	
10-Jun-21	3,000,000.00	3.1361%	Commonwealth Bank of Australia ¾yr@4% then BBSW+1.08%	AA-	3,000,000.00	10-Jun-16	3,021,394.22	535380	21,394.22	10-Sep-18	
<b>12,500,000.00</b>		<b>2.9474%</b>			<b>12,500,000.00</b>		<b>12,567,589.82</b>		<b>67,589.82</b>		

## Waverley Council Investment Holdings Report



Floating Rate Notes											
Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
14-Nov-18	2,000,000.00	3.2280%	BEN Snr FRN (Nov18) BBSW+1.27%	A-2	2,004,260.00	5-Feb-14	2,006,392.82	420520	3,183.78	14-Nov-18	
29-Nov-19	2,000,000.00	3.4600%	GBS Snr FRN (Nov19) BBSW+1.50%	BBB	2,000,000.00	29-Nov-16	2,000,703.71	534564	568.77	29-Nov-18	
21-Feb-20	3,000,000.00	3.0575%	BEN Snr FRN (Feb20) BBSW+1.10%	BBB+	3,000,000.00	21-Nov-16	3,016,594.32	534540	2,764.32	21-Nov-18	
20-Mar-20	3,000,000.00	3.3927%	CUA Snr FRN (Mar20) BBSW+1.30%	BBB	3,000,000.00	20-Mar-17	3,033,946.20	534995	20,356.20	20-Sep-18	
20-Mar-20	3,200,000.00	3.3927%	CUA Snr FRN (Mar20) BBSW+1.30%	BBB	3,235,232.00	24-Nov-17	3,236,209.28	535984	21,713.28	20-Sep-18	
7-Apr-20	3,000,000.00	3.4105%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	3,000,000.00	7-Apr-15	3,028,907.01	504013	15,137.01	8-Oct-18	
7-Apr-20	1,000,000.00	3.4105%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	1,011,250.00	1-Dec-17	1,009,635.67	536004	5,045.67	8-Oct-18	
9-Nov-20	2,250,000.00	3.2172%	ME Bank Snr FRN (Nov20) BBSW+1.25%	BBB	2,250,000.00	9-Nov-17	2,257,013.87	535919	4,561.37	9-Nov-18	
12-Apr-21	1,500,000.00	3.4000%	SUN Snr FRN (Apr21) BBSW+1.38%	A+	1,500,000.00	12-Apr-16	1,531,366.03	533415	7,126.03	12-Oct-18	
16-Apr-21	2,500,000.00	3.2932%	ME Bank Snr FRN (Apr21) BBSW+1.27%	BBB	2,500,000.00	17-Apr-18	2,512,051.40	536513	10,601.40	16-Oct-18	
18-May-21	2,000,000.00	3.4350%	BoQ Snr FRN (May21) BBSW+1.48%	BBB+	2,000,000.00	18-May-16	2,029,778.63	533605	2,258.63	19-Nov-18	
2-Jul-21	2,100,000.00	3.4700%	TMB Snr FRN (Jul21) BBSW+1.37%	BBB	2,100,000.00	2-Jul-18	2,119,780.27	536787	12,178.27	2-Oct-18	
30-Aug-21	1,500,000.00	3.2519%	BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	BBB	1,500,000.00	30-Aug-18	1,500,267.28	536983	267.28	30-Nov-18	
25-Jan-23	1,250,000.00	3.0160%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,250,874.93	536145	3,924.93	25-Oct-18	
6-Feb-23	1,100,000.00	3.3664%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,099,412.33	536174	2,536.33	7-Nov-18	
<b>31,400,000.00</b>		<b>3.3218%</b>			<b>31,450,742.00</b>		<b>31,632,933.75</b>		<b>112,223.27</b>		

Fixed Rate Bonds											
Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
20-Oct-20	3,000,000.00	3.5000%	SUN Snr Bond (Oct20) 3.50%	A+	3,042,780.00	18-May-18	3,076,607.03	536638	38,027.03	3.0000%	
<b>3,000,000.00</b>					<b>3,042,780.00</b>		<b>3,076,607.03</b>		<b>38,027.03</b>	<b>3.0000%</b>	

**Waverley Council**  
Accrued Interest Report - August 2018



<b>Accrued Interest Report</b>										
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>	
<b>Bonds</b>										
SUN Snr Bond (Oct20) 3.50%	536638		3,000,000.00	18-May-18	20-Oct-20		31	8,797.30	3.45%	
<b>Bonds Total</b>								<b>8,797.30</b>	<b>3.45%</b>	
<b>Floating Rate Note</b>										
BEN Snr FRN (Nov18) BBSW+1.27%	420520		2,000,000.00	10-Feb-14	14-Nov-18	16,055.89	31	5,452.55	3.21%	
GBS Snr FRN (Nov19) BBSW+1.50%	534564		2,000,000.00	29-Nov-16	29-Nov-19	17,341.37	31	5,846.58	3.44%	
BEN Snr FRN (Feb20) BBSW+1.10%	534540		3,000,000.00	21-Nov-16	21-Feb-20	22,943.54	31	7,752.05	3.04%	
CUA Snr FRN (Mar20) BBSW+1.30%	534995		3,000,000.00	20-Mar-17	20-Mar-20		31	8,644.41	3.39%	
CUA Snr FRN (Mar20) BBSW+1.30%	535984		3,200,000.00	24-Nov-17	20-Mar-20		31	9,220.71	3.39%	
NPBS Snr FRN (Apr20) BBSW+1.35%	504013		3,000,000.00	07-Apr-15	07-Apr-20		31	8,689.76	3.41%	
NPBS Snr FRN (Apr20) BBSW+1.35%	536004		1,000,000.00	01-Dec-17	07-Apr-20		31	2,896.59	3.41%	
ME Bank Snr FRN (Nov20) BBSW+1.25%	535919		2,250,000.00	09-Nov-17	09-Nov-20	18,176.30	31	6,141.92	3.21%	
SUN Snr FRN (Apr21) BBSW+1.38%	533415		1,500,000.00	12-Apr-16	12-Apr-21		31	4,331.51	3.40%	
ME Bank Snr FRN (Apr21) BBSW+1.27%	536513		2,500,000.00	17-Apr-18	16-Apr-21		31	6,992.41	3.29%	
BoQ Snr FRN (May21) BBSW+1.48%	533605		2,000,000.00	18-May-16	18-May-21	17,589.59	31	5,813.97	3.42%	
TMB Snr FRN (Jul21) BBSW+1.37%	536787		2,100,000.00	02-Jul-18	02-Jul-21		31	6,188.95	3.47%	
BOZ 'SRI' Snr FRN (Aug21) BBSW+1.30%	536983		1,500,000.00	30-Aug-18	30-Aug-21		2	267.28	3.25%	
BEN Snr FRN (Jan23) BBSW+1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23		31	3,201.92	3.02%	
NPBS Snr FRN (Feb23) BBSW+1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23	9,412.99	31	3,150.22	3.37%	
<b>Floating Rate Note Total</b>						<b>101,519.68</b>		<b>84,590.83</b>	<b>3.32%</b>	
<b>Floating Rate Term Deposits</b>										
Westpac Group	535380		3,000,000.00	10-Jun-16	10-Jun-21		31	7,205.84	2.83%	
Westpac Group	536750		4,000,000.00	14-Jun-18	18-Jun-19		31	9,607.79	2.83%	

**Waverley Council**  
Accrued Interest Report - August 2018



<b>Accrued Interest Report</b>										
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>	
Commonwealth Bank of Australia	535380		3,000,000.00	10-Jun-16	10-Jun-21		31	7,990.61	3.14%	
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22	18,904.11	31	6,430.14	3.03%	
<b>Floating Rate Term Deposits Total</b>						<b>18,904.11</b>		<b>31,234.38</b>	<b>2.94%</b>	
<b>Managed Funds</b>										
Strategic Cash Facility	411310	Builder Deposits	2,087,137.13	01-Dec-15			31	4,847.18	2.78%	
Cash Facility	505262		4,623,142.98	30-Jul-15			31	8,682.13	2.24%	
<b>Managed Funds Total</b>								<b>13,529.31</b>	<b>2.40%</b>	
<b>Term Deposits</b>										
Commonwealth Bank of Australia	535686		3,000,000.00	04-Sep-17	14-Aug-18	73,512.33	13	2,778.08	2.60%	
Bank of Queensland	535632		4,000,000.00	22-Aug-17	21-Aug-18	103,715.07	20	5,698.63	2.60%	
Westpac Group	534166		3,000,000.00	24-Aug-16	24-Aug-18	93,000.00	23	5,860.27	3.10%	
ME Bank	536003		3,000,000.00	28-Nov-17	29-Aug-18	59,003.84	28	6,029.59	2.62%	
Commonwealth Bank of Australia	535663		2,500,000.00	30-Aug-17	11-Sep-18		31	5,555.24	2.62%	
Commonwealth Bank of Australia	535708		4,000,000.00	05-Sep-17	11-Sep-18		31	8,957.28	2.64%	
National Australia Bank	535777		3,000,000.00	13-Sep-17	11-Sep-18		31	6,624.66	2.60%	
Westpac Group	534344		4,000,000.00	20-Sep-16	26-Sep-18		31	10,531.51	3.10%	
National Australia Bank	535804		2,000,000.00	27-Sep-17	26-Sep-18		31	4,450.41	2.62%	
ME Bank	536118		2,000,000.00	03-Jan-18	02-Oct-18		31	4,450.41	2.62%	
Bank of Queensland	536529		3,000,000.00	10-Apr-18	16-Oct-18		31	7,006.85	2.75%	
AMP Bank	536139		3,000,000.00	17-Jan-18	23-Oct-18		31	6,752.06	2.65%	
Bank of Queensland	536533		3,000,000.00	11-Apr-18	30-Oct-18		31	7,006.85	2.75%	
Westpac Group	534489		2,000,000.00	03-Nov-16	06-Nov-18		31	5,095.89	3.00%	
AMP Bank	536221		2,000,000.00	08-Feb-18	13-Nov-18		31	4,501.37	2.65%	

**Waverley Council**  
Accrued Interest Report - August 2018



Accrued Interest Report										
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return	
Bank of Queensland	535982		1,000,000.00	22-Nov-17	21-Nov-18		31	2,208.22	2.60%	
Rural Bank	536685		3,000,000.00	31-May-18	27-Nov-18		31	7,185.21	2.82%	
ME Bank	536084		2,000,000.00	13-Dec-17	04-Dec-18		31	4,501.37	2.65%	
Credit Union Australia	536064		3,000,000.00	06-Dec-17	05-Dec-18		31	6,752.05	2.65%	
Credit Union Australia	536367		3,000,000.00	07-Mar-18	18-Dec-18		31	6,752.05	2.65%	
Suncorp Bank	536751		3,000,000.00	14-Jun-18	08-Jan-19		31	7,134.24	2.80%	
Commonwealth Bank of Australia	536210		1,000,000.00	07-Feb-18	15-Jan-19		31	2,191.24	2.58%	
Commonwealth Bank of Australia	536246		2,000,000.00	20-Feb-18	22-Jan-19		31	4,433.42	2.61%	
ME Bank	536838		4,000,000.00	11-Jul-18	05-Feb-19		31	9,682.20	2.85%	
Westpac Group	536315		3,000,000.00	27-Feb-18	26-Feb-19	19,596.16	31	6,675.61	2.62%	
Westpac Group	536438		2,500,000.00	14-Mar-18	12-Mar-19		31	5,690.41	2.68%	
Suncorp Bank	536756		2,500,000.00	19-Jun-18	19-Mar-19		31	5,945.20	2.80%	
Rural Bank	536617		3,000,000.00	08-May-18	02-Apr-19		31	7,210.69	2.83%	
Westpac Group	536548		2,000,000.00	24-Apr-18	23-Apr-19		31	4,705.20	2.77%	
ME Bank	536866		1,000,000.00	24-Jul-18	07-May-19		31	2,420.55	2.85%	
Bendigo and Adelaide Bank	536979		1,000,000.00	17-Aug-18	07-May-19		15	1,130.14	2.75%	
Bendigo and Adelaide Bank	535251		3,000,000.00	18-May-17	15-May-19		31	7,389.04	2.90%	
Bendigo and Adelaide Bank	536989		1,500,000.00	21-Aug-18	21-May-19		11	1,243.15	2.75%	
Bendigo and Adelaide Bank	536954		3,000,000.00	14-Aug-18	28-May-19		18	4,068.49	2.75%	
Bendigo and Adelaide Bank	536672		3,000,000.00	30-May-18	04-Jun-19		31	7,185.21	2.82%	
Bendigo and Adelaide Bank	536990		1,500,000.00	21-Aug-18	25-Jun-19		11	1,243.15	2.75%	
ME Bank	536862		3,000,000.00	20-Jul-18	02-Jul-19		31	7,261.64	2.85%	
ME Bank	536857		3,000,000.00	18-Jul-18	09-Jul-19		31	7,261.65	2.85%	

**Waverley Council**  
Accrued Interest Report - August 2018

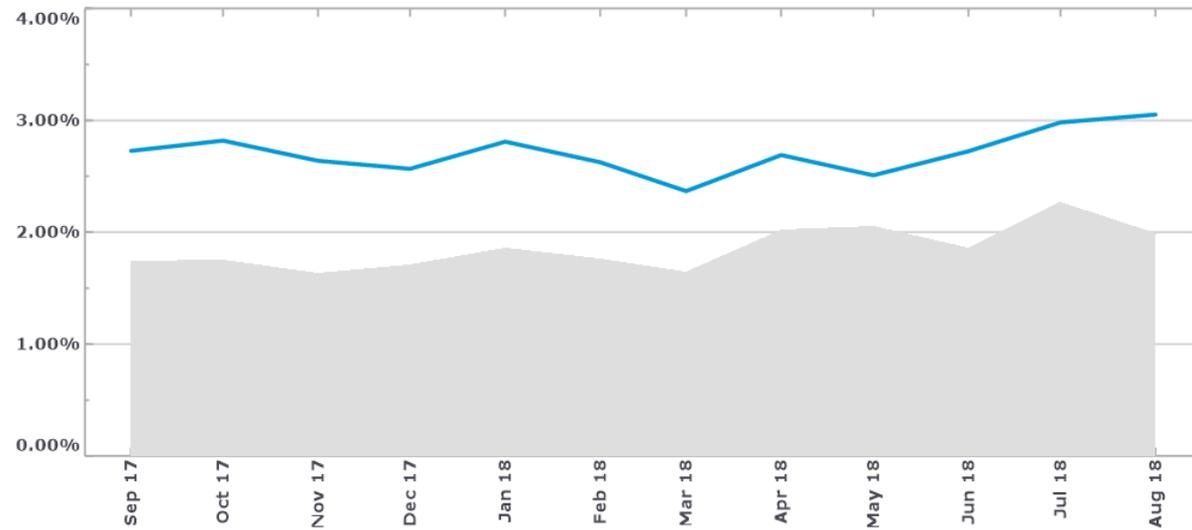


<b>Accrued Interest Report</b>										
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>	
ME Bank	536856		3,000,000.00	17-Jul-18	16-Jul-19		31	7,261.64	2.85%	
Bendigo and Adelaide Bank	536980		2,000,000.00	17-Aug-18	30-Jul-19		15	2,260.27	2.75%	
Bendigo and Adelaide Bank	536976		3,000,000.00	16-Aug-18	13-Aug-19		16	3,616.44	2.75%	
ME Bank	537009		3,000,000.00	24-Aug-18	20-Aug-19		8	1,808.22	2.75%	
Westpac Group	534167		2,000,000.00	24-Aug-16	26-Aug-19	64,000.00	31	5,435.62	3.20%	
ME Bank	537027		3,000,000.00	29-Aug-18	03-Sep-19		3	678.08	2.75%	
ME Bank	537044		3,000,000.00	31-Aug-18	10-Sep-19		1	226.03	2.75%	
Bank of Queensland	535796		3,000,000.00	20-Sep-17	24-Sep-19		31	7,389.04	2.90%	
ING Bank (Australia)	535953		4,000,000.00	13-Nov-17	22-Oct-19		31	9,818.08	2.89%	
ING Bank (Australia)	535905		2,500,000.00	01-Nov-17	29-Oct-19		31	6,306.17	2.97%	
Westpac Group	536715		6,000,000.00	06-Jun-18	08-Jun-21		31	16,052.06	3.15%	
<b>Term Deposits Total</b>						<b>412,827.40</b>		<b>272,420.88</b>	<b>2.80%</b>	
						<b>533,251.19</b>		<b>410,572.70</b>	<b>2.90%</b>	

**Waverley Council**  
Investment Performance Report



**Annualised Monthly Return (Marked to Market)**



■ Portfolio Annualised Return      ■ AusBond BB Index Annualised Return

Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Aug 2018	3.05%	1.99%	1.06%
Last 3 Months	2.92%	2.04%	0.88%
Last 6 Months	2.72%	1.97%	0.75%
Financial Year to Date	3.02%	2.13%	0.89%
Last 12 months	2.71%	1.85%	0.86%



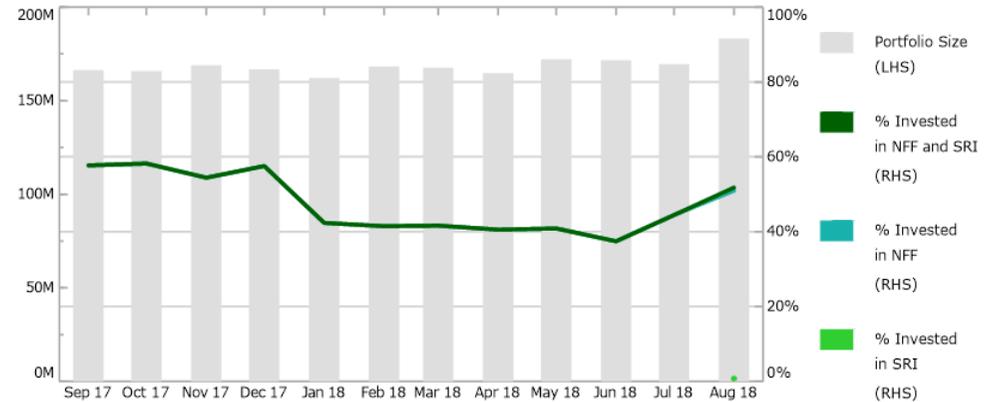
**Waverley Council**  
Environmental Commitments Report - August 2018



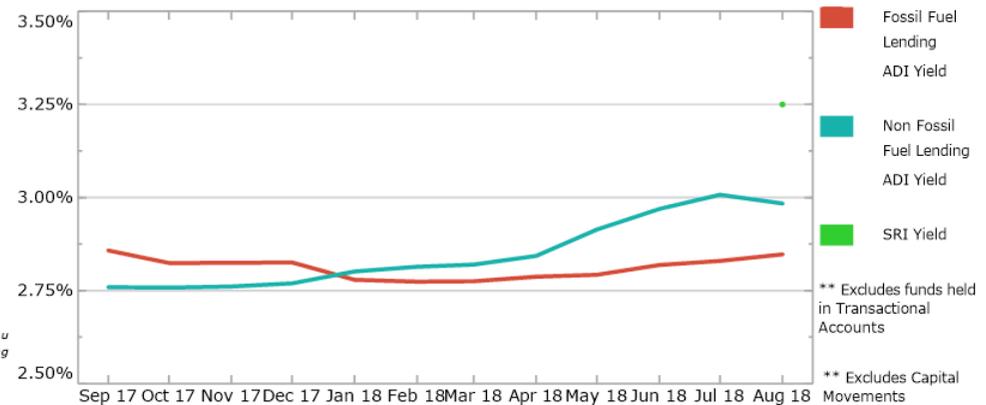
**Current Breakdown** **Historical Portfolio Exposure to NFF Lending ADIs and SRIs**

ADI Lending Status *	Current Month (\$)	Previous Month (\$)
<b>Fossil Fuel Lending ADIs</b>		
AMP Bank	5,000,000	5,000,000
Bank of Queensland	12,000,000	16,000,000
Commonwealth Bank of Australia	22,138,866	20,945,891
ING Group	6,500,000	6,500,000
National Australia Bank	5,000,000	5,000,000
Westpac Group	31,000,000	34,000,000
	<b>81,638,866 45%</b>	<b>87,445,891 52%</b>
<b>Non Fossil Fuel Lending ADIs</b>		
Bendigo and Adelaide Bank	24,250,000	12,250,000
Credit Union Australia	12,200,000	12,200,000
Greater Building Society	2,000,000	2,000,000
Members Equity Bank	31,750,000	25,750,000
Newcastle Permanent Building Society	5,100,000	5,100,000
Rural Bank	6,000,000	6,000,000
Suncorp Bank	10,000,000	10,000,000
Teachers Mutual Bank	2,100,000	2,100,000
	<b>93,400,000 51%</b>	<b>75,400,000 44%</b>
<b>Other</b>		
NSW T-Corp (Cash)	6,710,280	6,696,751
	<b>6,710,280 4%</b>	<b>6,696,751 4%</b>
<b>Socially Responsible Investments</b>		
Bank Australia (Sustainability)	1,500,000	
	<b>1,500,000 1%</b>	
	<b>183,249,146</b>	<b>169,542,642</b>

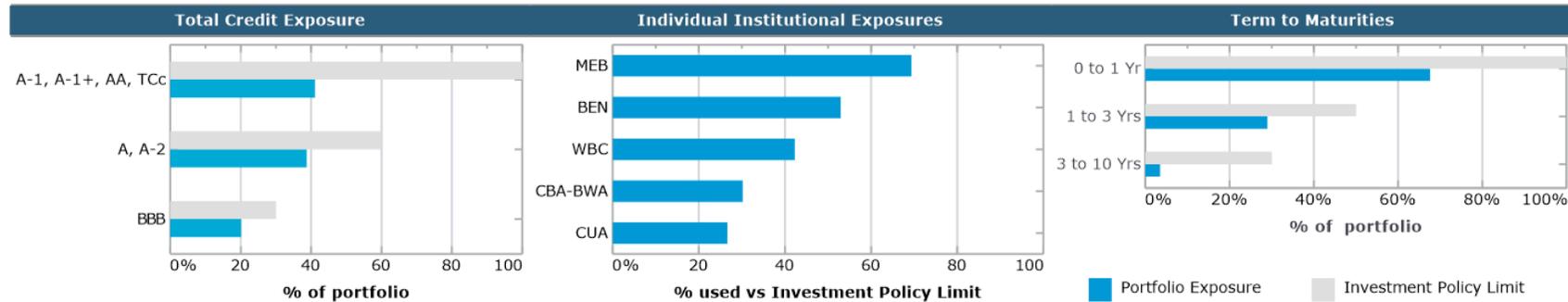
\* source: <http://www.marketforces.org.au>  
Percentages may not add up to 100% due to rounding



**Weighted Average Yield - FF vs NFF Lending ADIs vs SRIs**



**Waverley Council**  
Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	10,500,000	
Short Term	A-1+	46,638,866	
Short Term	TCc	6,710,280	
Long Term	AA	11,500,000	
		<b>75,349,146</b>	<b>41%</b> <b>100%</b> ✓
Short Term	A-2	60,000,000	
Long Term	A	11,000,000	
		<b>71,000,000</b>	<b>39%</b> <b>60%</b> ✓
Long Term	BBB	36,900,000	
		<b>36,900,000</b>	<b>20%</b> <b>30%</b> ✓
		<b>183,249,146</b>	<b>100%</b>

✓ = compliant  
X = non-compliant

Institution	% used vs Investment Policy Limit
Members Equity Bank (A-2, BBB)	69% ✓
Bendigo and Adelaide Bank (A-2, BBB+)	53% ✓
Westpac Group (A-1+, AA-)	42% ✓
Commonwealth Bank of Australia (A-1+, AA-)	30% ✓
Credit Union Australia (A-2, BBB)	27% ✓
Bank of Queensland (A-2, BBB+)	26% ✓
Suncorp Bank (A-1, A+)	22% ✓
Newcastle Permanent Building Society (A-2, BBB)	19% ✓
ING Group (A-1, A)	14% ✓
AMP Bank (A-1, A)	14% ✓
Rural Bank (A-2, BBB+)	13% ✓
Teachers Mutual Bank (A-2, BBB)	8% ✓
Greater Building Society (A-2, BBB)	7% ✓

Term	Face Value (\$)	Policy Max
Between 0 and 1 Year	123,849,146	68% 100% ✓
Between 1 and 3 Years	53,050,000	29% 50% ✓
Between 3 and 10 Years	6,350,000	3% 30% ✓
	<b>183,249,146</b>	

Detailed Maturity Profile	Face Value (\$)	Policy Max
00. Cash + Managed Funds	16,349,146	9%
01. Less Than 30 Days	15,500,000	8%
02. Between 30 Days and 60 Days	11,000,000	6%
03. Between 60 Days and 90 Days	10,000,000	5%
04. Between 90 Days and 180 Days	21,000,000	11%
05. Between 180 Days and 365 Days	50,000,000	27%
06. Between 365 Days and 3 Years	53,050,000	29%
07. Between 3 Years and 5 Years	6,350,000	3%
	<b>183,249,146</b>	

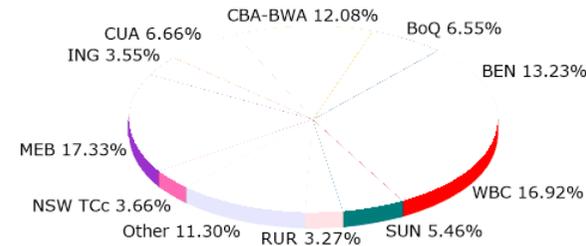
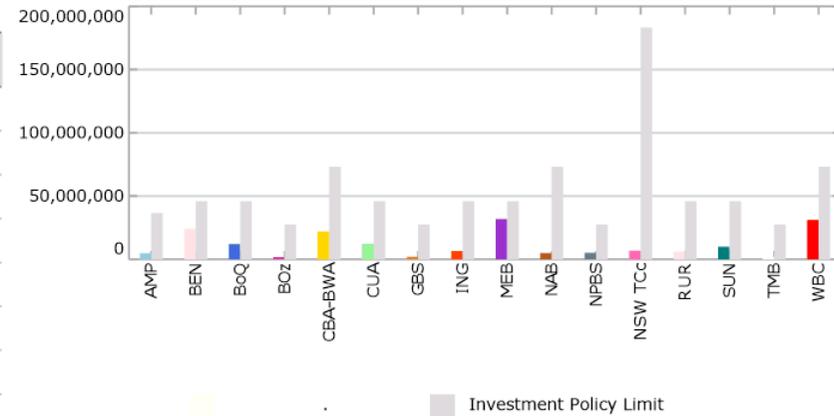


**Waverley Council**  
Individual Institutional Exposures Report



**Individual Institutional Exposures** **Individual Institutional Exposure Charts**

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A, A-1	5,000,000	36,649,829
Bank Australia	A-2, BBB	1,500,000	27,487,372
Bank of Queensland	A-2, BBB+	12,000,000	45,812,287
Bendigo and Adelaide Bank	A-2, BBB+	24,250,000	45,812,287
Commonwealth Bank of Australia	A-1+, AA-	22,138,866	73,299,658
Credit Union Australia	A-2, BBB	12,200,000	45,812,287
Greater Building Society	A-2, BBB	2,000,000	27,487,372
ING Group	A-1, A	6,500,000	45,812,287
Members Equity Bank	A-2, BBB	31,750,000	45,812,287
National Australia Bank	A-1+, AA-	5,000,000	73,299,658
Newcastle Permanent Building Society	A-2, BBB	5,100,000	27,487,372
NSW T-Corp (Cash)	TCc	6,710,280	183,249,146
Rural Bank	A-2, BBB+	6,000,000	45,812,287
Suncorp Bank	A-1, A+	10,000,000	45,812,287
Teachers Mutual Bank	A-2, BBB	2,100,000	27,487,372
Westpac Group	A-1+, AA-	31,000,000	73,299,658
		<b>183,249,146</b>	



## Waverley Council Cash Flows Report



<b>Current Month Cashflows</b>						
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>	
<b>7-Aug-18</b>	536174	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	9,412.99	
					<u>Deal Total</u>	<u>9,412.99</u>
					<b>Day Total</b>	<b>9,412.99</b>
<b>9-Aug-18</b>	535919	ME Bank	Floating Rate Note	Coupon - Received	18,176.30	
					<u>Deal Total</u>	<u>18,176.30</u>
					<b>Day Total</b>	<b>18,176.30</b>
<b>14-Aug-18</b>	420520	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	16,055.89	
					<u>Deal Total</u>	<u>16,055.89</u>
	535686	Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	3,000,000.00	
		Commonwealth Bank of Australia	Term Deposits	Interest - Received	73,512.33	
					<u>Deal Total</u>	<u>3,073,512.33</u>
	536954	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00	
					<u>Deal Total</u>	<u>-3,000,000.00</u>
					<b>Day Total</b>	<b>89,568.22</b>
<b>16-Aug-18</b>	535241	Westpac Group	Floating Rate Term Deposits	Interest - Received	18,904.11	
					<u>Deal Total</u>	<u>18,904.11</u>
	536976	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00	
					<u>Deal Total</u>	<u>-3,000,000.00</u>
					<b>Day Total</b>	<b>-2,981,095.89</b>
<b>17-Aug-18</b>	536979	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00	
					<u>Deal Total</u>	<u>-1,000,000.00</u>
	536980	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00	
					<u>Deal Total</u>	<u>-2,000,000.00</u>
					<b>Day Total</b>	<b>-3,000,000.00</b>
<b>20-Aug-18</b>	533605	Bank of Queensland	Floating Rate Note	Coupon - Received	17,589.59	
					<u>Deal Total</u>	<u>17,589.59</u>

## Waverley Council Cash Flows Report



<b>Current Month Cashflows</b>					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<b>Day Total</b>					<b>17,589.59</b>
<b>21-Aug-18</b>	534540	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	22,943.54
<u>Deal Total</u>					<u>22,943.54</u>
	535632	Bank of Queensland	Term Deposits	Maturity Face Value - Received	4,000,000.00
		Bank of Queensland	Term Deposits	Interest - Received	103,715.07
<u>Deal Total</u>					<u>4,103,715.07</u>
	536989	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-1,500,000.00
<u>Deal Total</u>					<u>-1,500,000.00</u>
	536990	Bendigo and Adelaide Bank	Term Deposits	Settlement Face Value - Paid	-1,500,000.00
<u>Deal Total</u>					<u>-1,500,000.00</u>
<b>Day Total</b>					<b>1,126,658.61</b>
<b>24-Aug-18</b>	534166	Westpac Group	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Term Deposits	Interest - Received	93,000.00
<u>Deal Total</u>					<u>3,093,000.00</u>
	534167	Westpac Group	Term Deposits	Interest - Received	64,000.00
<u>Deal Total</u>					<u>64,000.00</u>
	537009	ME Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
<u>Deal Total</u>					<u>-3,000,000.00</u>
<b>Day Total</b>					<b>157,000.00</b>
<b>27-Aug-18</b>	536315	Westpac Group	Term Deposits	Interest - Received	19,596.16
<u>Deal Total</u>					<u>19,596.16</u>
<b>Day Total</b>					<b>19,596.16</b>
<b>29-Aug-18</b>	534564	Greater Building Society	Floating Rate Note	Coupon - Received	17,341.37
<u>Deal Total</u>					<u>17,341.37</u>
	536003	ME Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposits	Interest - Received	59,003.84
<u>Deal Total</u>					<u>3,059,003.84</u>

## Waverley Council Cash Flows Report



<b>Current Month Cashflows</b>					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
				<u>Deal Total</u>	3,059,003.84
	537027	ME Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				<u>Deal Total</u>	-3,000,000.00
				<b>Day Total</b>	<b>76,345.21</b>
<b>30-Aug-18</b>	536983	Bank Australia	Floating Rate Note	Settlement Face Value - Paid	-1,500,000.00
				<u>Deal Total</u>	-1,500,000.00
				<b>Day Total</b>	<b>-1,500,000.00</b>
<b>31-Aug-18</b>	537044	ME Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				<u>Deal Total</u>	-3,000,000.00
				<b>Day Total</b>	<b>-3,000,000.00</b>
				<b>Net Cash Movement for Period</b>	<b>-8,966,748.82</b>

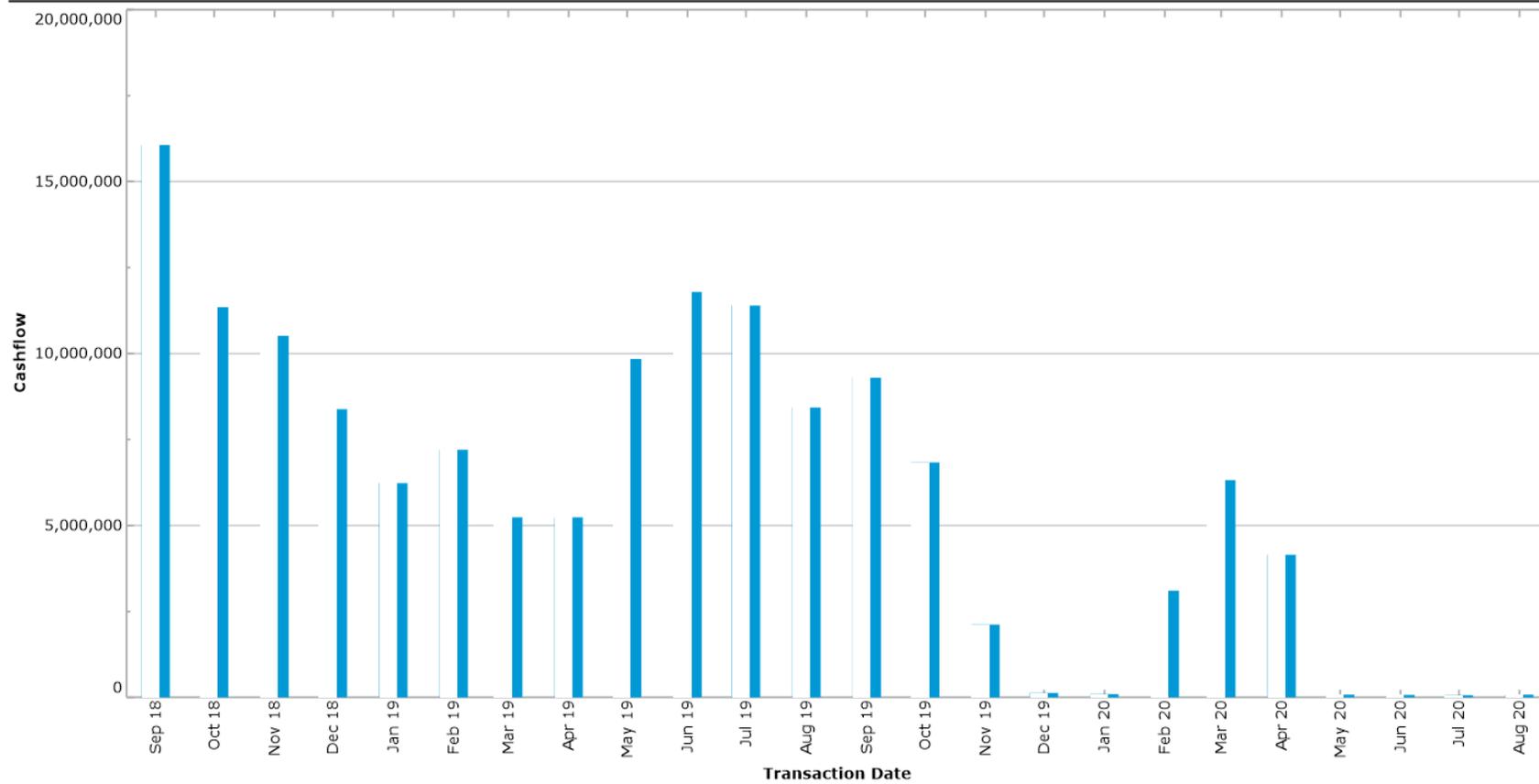
<b>Next Month Cashflows</b>					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<b>6-Sep-18</b>	536715	Westpac Group	Term Deposit	Interest - Received	47,638.36
				<u>Deal Total</u>	47,638.36
				<b>Day Total</b>	<b>47,638.36</b>
<b>10-Sep-18</b>	535380	Commonwealth Bank of Australia	Floating Rate Term Deposits	Interest - Received	23,714.07
				<u>Deal Total</u>	23,714.07
				<b>Day Total</b>	<b>23,714.07</b>
<b>11-Sep-18</b>	535663	Commonwealth Bank of Australia	Term Deposit	Interest - Received	12,723.29
		Commonwealth Bank of Australia	Term Deposit	Maturity Face Value - Received	2,500,000.00
				<u>Deal Total</u>	2,512,723.29
	535708	Commonwealth Bank of Australia	Term Deposit	Interest - Received	20,515.07
		Commonwealth Bank of Australia	Term Deposit	Maturity Face Value - Received	4,000,000.00
				<u>Deal Total</u>	4,020,515.07
	535777	National Australia Bank	Term Deposit	Interest - Received	77,572.60
		National Australia Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00

**Waverley Council**  
Cash Flows Report



<b>Next Month Cashflows</b>						
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>	
				<u>Deal Total</u>		<u>3,077,572.60</u>
				<b>Day Total</b>		<b>9,610,810.96</b>
<b>14-Sep-18</b>	536438	Westpac Group	Term Deposit	Interest - Received		16,887.67
				<u>Deal Total</u>		<u>16,887.67</u>
	536749	Westpac Group	Floating Rate Term Deposits	Interest - Received		21,385.08
				<u>Deal Total</u>		<u>21,385.08</u>
				<b>Day Total</b>		<b>38,272.76</b>
<b>18-Sep-18</b>	536750	Westpac Group	Floating Rate Term Deposits	Interest - Received		29,753.16
				<u>Deal Total</u>		<u>29,753.16</u>
				<b>Day Total</b>		<b>29,753.16</b>
<b>20-Sep-18</b>	534344	Westpac Group	Term Deposit	Interest - Received		124,000.00
				<u>Deal Total</u>		<u>124,000.00</u>
	534995	Credit Union Australia	Floating Rate Note	Coupon - Received		25,654.39
				<u>Deal Total</u>		<u>25,654.39</u>
	535796	Bank of Queensland	Term Deposit	Interest - Received		87,000.00
				<u>Deal Total</u>		<u>87,000.00</u>
	535984	Credit Union Australia	Floating Rate Note	Coupon - Received		27,364.68
				<u>Deal Total</u>		<u>27,364.68</u>
				<b>Day Total</b>		<b>264,019.07</b>
<b>26-Sep-18</b>	534344	Westpac Group	Term Deposit	Maturity Face Value - Received		4,000,000.00
		Westpac Group	Term Deposit	Interest - Received		2,038.36
				<u>Deal Total</u>		<u>4,002,038.36</u>
	535804	National Australia Bank	Term Deposit	Interest - Received		52,256.44
		National Australia Bank	Term Deposit	Maturity Face Value - Received		2,000,000.00
				<u>Deal Total</u>		<u>2,052,256.44</u>
				<b>Day Total</b>		<b>6,054,294.79</b>
				<b>Net Cash Movement for Period</b>		<b>16,068,503.17</b>

### Waverley Council Cash Flows Report



**REPORT**  
**CM/7.7/18.09**

**Subject:** Asbestos Policy - Review

**TRIM No:** A05/0190

**Author:** Emily Scott, Director, Waverley Renewal

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Adopts the Asbestos Policy attached to this report.
2. Updates all relevant policy information on Council's website.

**1. Executive Summary**

The purpose of this report is to seek Council's approval of a new Asbestos Policy, following review by the Executive Team, Council's internal Business Continuity Planning group and LGNSW.

**2. Introduction/Background****Model Asbestos Policy for NSW Councils**

In 2012, Local Government NSW prepared a Model Asbestos Policy to ensure a consistent approach to asbestos management by local Councils across NSW. The policy was developed in conjunction with the Heads of Asbestos Coordination Authorities Working Group (comprising LGNSW and state agency representatives) and consulted via a Local Government Reference Group and broader staff consultation.

The Model Policy was issued to Councils in May 2013 by the Office of Local Government under section 23A of the *Local Government Act 1993* (NSW) as a guideline that must be considered by councils in carrying out their functions. The policy was later updated and reissued in 2015.

The Model Policy defines the legislative requirements of Council for minimising the risks from asbestos for both the public within the LGA and for workers (employees and other persons) in Council workplaces. Following the OLG circular, Waverley Council adopted the Model Policy in 2013.

In response to the recent asbestos incident at Waverley Council Chambers, it was necessary to undertake a review of the Asbestos Policy 2013 and incorporate any required changes. An internal PCG was established through the Business Continuity Planning project control group (PCG) and a review completed. Furthermore, the draft was reviewed by LGNSW with all suggested amendments included within the report. The draft Asbestos Policy 2018 is attached to this report.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 16 July 2013	1307.13.4.1	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Council adopts the Asbestos Policy attached to this report, and that it be sold to the public at \$10.00 a copy.</li> <li>2. An annual budget of \$15,000 be established in the future for the purpose of engaging the services of an Occupational Hygienist in situations that arise which are outside the expertise of Council's Environmental Health Officers.</li> <li>3. The Director, Planning and Environmental Services:               <ol style="list-style-type: none"> <li>(a) Investigates the reference to 10 square metres in clause 9.4.1 of the Asbestos Policy in respect of WorkCover requirements and, in particular, the requirements for the removal of smaller amounts of asbestos.</li> <li>(b) Reports back to Council the results of the investigation.</li> </ol> </li> </ol>

### 4. Discussion

#### LGNSW Review of the Asbestos Policy

An external review of the draft Asbestos Policy 2018 was completed in July 2018 by the LGNSW Asbestos Policy division and identified minor amendments to be made to the policy. The proposed changes were updates to current legislation, the addition of new appendices, as well as minor administrative changes. All suggested changes have been included in the draft Policy.

#### Planning Framework for asbestos management in Council buildings

In addition to a review of Council's Asbestos Policy, Council is in the process of undertaking a full HAZMAT survey of all buildings. This survey will inform the preparation of an Asbestos Management Plan for all Council buildings and will include the recently endorsed Asbestos Management Plan for Council Chambers. The planning framework governing asbestos management within Council buildings is detailed in Figure 1 below.

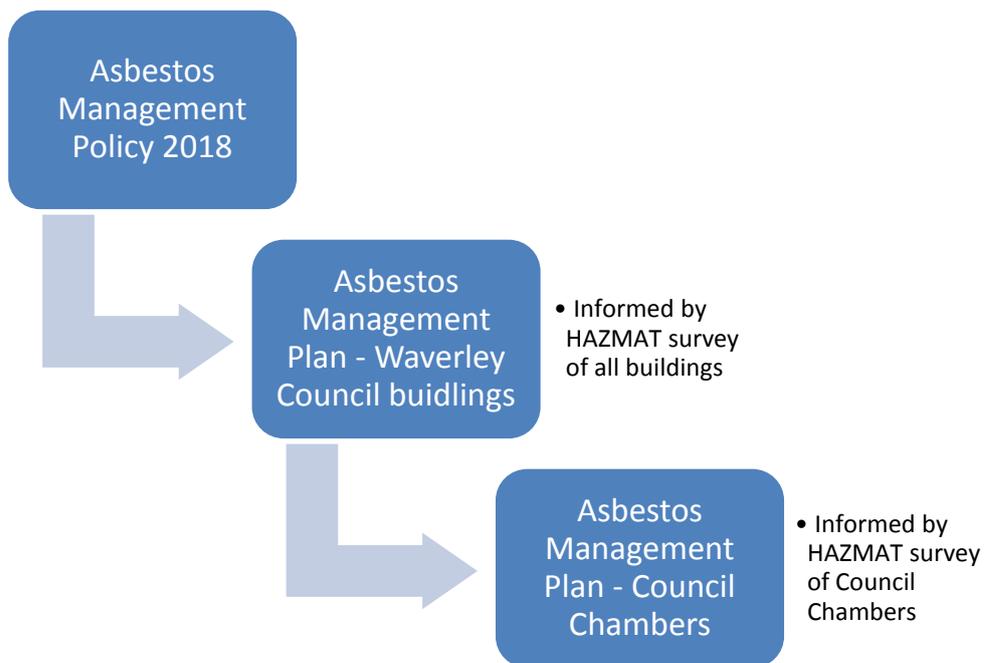


Figure 1. Planning framework governing asbestos management.

#### 5. Financial impact statement/Timeframe/Consultation

The preparation of the Asbestos Policy 2018 was completed using internal resources and had no additional budget impact.

#### 6. Conclusion

Following an extensive review, it is recommended that Council adopts the Asbestos Policy attached to this report, and updates information on the website.

#### 7. Attachments

1. Asbestos Policy - Draft (under separate cover) ⇒

**REPORT  
CM/7.8/18.09**

**Subject:** 2018-19 Financial Assistance Grants

**TRIM No:** A03/2167-02

**Author:** Teena Su, Executive Manager, Financial Waverley

**Director:** Ross McLeod, General Manager

---

**RECOMMENDATION:**

That Council:

1. Notes the 2018/19 Financial Assistance Grant entitlement of \$1,959,787 attached to this report.
2. Amends the Financial Assistance Grant income budget increase by \$33,225 to reflect the new entitlement.

**1. Executive Summary**

Council has been advised that it has been allocated \$1,959,987 in Financial Assistance Grants (FAG) being a small increase of 1.7% compared to last year. The allocation of the funds is set out below:

- \$1,519,439 for general purposes.
- \$440,348 for local roads.

**2. Introduction/Background**

The FAGs are funds from the Australian Government paid to local councils to help councils deliver services to their communities. Councils are free to use these funds at their discretion and are accountable to their ratepayers. There are two components in the FAG:

- General Purpose – population basis.
- Local Roads – local road and bridge length basis.

The Grants commission in each state is responsible for allocating their share of the funds. The NSW Local Government Grants Commission is responsible for making the grant allocation recommendation to the NSW Minister for Local Government. Funds are allocated in accordance with the National Principles laid out in the Federal legislation, *Local Government (Financial Assistance) Act 1995*.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

On 23 August 2018, Council received advice that its 2018–19 entitlement is \$1,959,788, a 1.7% increase from the previous financial year. A table showing last year's and this year's grant and the components is shown below

Year	General Purpose	Local Roads	Total	
2017-18	\$1,495,952	\$431,005	\$1,926,957	Change
2018-19	\$1,519,439	\$440,348	\$1,959,787	1.7%

*Table 1. FAG entitlements.*

FAG funds are distributed based on the individual council's population, road length and bridge length. There are 20 expenditure categories and more than 47 disability factors in the Allocation Model calculations for council's FAG entitlement is gathered from the Council's financial accounts and special data returns submitted to the Grants Commission.

The confirmed grant entitlement is \$33,225 higher than anticipated. The estimated expenditure for the 2018-19 general and local roads activities have been fully budgeted, hence it is a favourable adjustment to the current year budget surplus position from \$46,876 to \$80,101.

#### 5. Financial impact statement/Timeframe/Consultation

The confirmed entitlement is a favourable budget adjustment of \$33,225.

#### 6. Conclusion

The 2018-19 FAG estimates is confirmed at \$1,959,787, representing 1.7% increase from previous year 2017-18.

#### 7. Attachments

1. 2018-19 Financial Assistance Grants [↓](#)



5 O'Keefe Avenue NOWRA NSW 2541  
 Locked Bag 3015 NOWRA NSW 2541

Our Reference: GC 147  
 A591375/A591380

Contact: Helen Pearce  
 02 4428 4131

Mr Ross McLeod  
 General Manager  
 Waverley Council  
 By email: [Ross.mcleod@waverley.nsw.gov.au](mailto:Ross.mcleod@waverley.nsw.gov.au)  
 Cc: [waver@waverley.nsw.gov.au](mailto:waver@waverley.nsw.gov.au)

23 August 2018

Dear Mr McLeod

In accordance with the Commission's policy of providing information to councils about the way it calculates financial assistance grants (FAGs), please find attached (**Appendix A**) a summary of Council's 2018-19 estimated FAG entitlement.

The national figure for 2018-19 was made up of \$1.702 billion for the general purpose component and \$755 million for the local roads component.

The general purpose component was distributed across the States on a population basis. NSW received 32% or \$544 million, which represents a 3.7% increase on last year's figure.

The local roads component is based on a historical formula. NSW's share of the total road funding is a fixed 29% share, or \$219 million, which was in-line with the previous year. The total, then, for NSW was \$763 million.

The Council's 2018-19 FAG estimated entitlement compared to 2017-18 final entitlement is as follows:

Waverley Council				
Year	General Purpose	Local Roads	Total	
2017-18	\$1,495,952	\$431,005	\$1,926,957	Change
2018-19	\$1,519,439	\$440,348	\$1,959,787	1.7%

To assist councils with budgeting and bank reconciliations, a breakdown of the 2018-19 quarterly instalments is available on our website at [www.olg.nsw.gov.au/commissions-and-tribunals/grants-commission](http://www.olg.nsw.gov.au/commissions-and-tribunals/grants-commission).

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. In allocating the grants the Commission has had regard to these policies.

T 02 4428 4131 F 02 4428 4199 TTY 02 4428 4209  
 E [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au)  
 W <http://www.olg.nsw.gov.au> (follow the "Commissions & Tribunals" links)



Strengthening local government

A key challenge for the Commission is the application of the minimum per capita grant which has a significant impact on the ability of the Commission to redirect funding. Councils with relative advantage (typically metropolitan councils) generally have increasing populations, whereas councils with relative disadvantage (typically rural and remote councils) are generally depopulating. The map contained in the attached Factsheet (**Appendix B**) identifies the rate of population change in NSW from 2006 to 2016. The Factsheet also provides an update on the model review and transition arrangements councils were initially advised of on 21 June 2018 in GC circular 147.

In addition to these calculations, in its 2018 Budget, the Federal Government decided to retain the practice of forward payments of 50 per cent of the financial assistance grants based on the 2017-18 estimates for payment. Councils, therefore, received half of their estimated 2018-19 FAGs on 21 June 2018. The remainder of the grant entitlements will be paid in quarterly instalments in August 2018, November 2018, February 2019 and May 2019.

#### **SPECIAL SUBMISSIONS RELATING TO 2018-19 GRANTS**

As usual, special submissions from councils will be considered by the Commission. The purpose of a submission is to give council the opportunity to present information on the financial impact of inherent expenditure disabilities beyond its control that are not generally recognised in the current methodology. This allows the Commission to adequately consider all legitimate factors that affect council's capacity to deliver services.

**Appendix C**, titled *Guidelines for Special Submissions*, contains guidelines for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au) by **30 November 2018**.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters please contact me on (02) 4428 4131.

Yours sincerely



**Helen Pearce**  
Executive Officer

# APPENDIX A

**Schedule of Payments 2018-19**

Councils	2018-19	2018-19	2018-19	2017-18	2017-18	2017-18	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19
	Recommended General Purpose Entitlement	Recommended Local Roads Entitlement	Recommended Total Entitlement	General Purpose CPI/Pop Adjustment	Local Roads CPI/Pop Adjustment	Total CPI/Pop Adjustment	General Purpose Advance Payment	Local Roads Advance Payment	Total Advance Payment	General Purpose Payments	Local Roads Payments	Total Payments
Albury (C)	4,972,242	1,399,696	6,371,938	1,474	(175)	1,299	2,534,513	696,569	3,231,082	2,439,203	702,952	3,142,155
Armidaale Regional	4,179,541	2,435,519	6,615,060	1,195	(305)	890	2,053,815	1,214,528	3,268,343	2,126,921	1,220,686	3,347,607
Ballina (S)	3,080,185	1,395,209	4,475,394	893	(173)	720	1,534,316	686,338	2,220,654	1,546,762	708,698	2,255,460
Balranald (S)	2,659,070	1,320,202	3,979,272	757	(166)	591	1,301,302	661,050	1,962,352	1,358,525	658,986	2,017,511
Bathurst Regional	4,384,987	1,979,000	6,363,987	1,300	(248)	1,052	2,234,302	987,889	3,222,191	2,151,985	990,863	3,142,848
Bayside	3,535,701	1,168,806	4,704,507	989	(144)	845	1,699,655	573,495	2,273,150	1,837,035	595,167	2,432,202
Bega Valley (S)	5,094,243	1,936,878	7,031,121	1,490	(245)	1,245	2,561,466	973,821	3,535,287	2,534,267	962,812	3,497,079
Bellingen (S)	2,776,199	942,498	3,718,697	786	(119)	667	1,351,923	474,856	1,826,779	1,425,062	467,523	1,892,585
Berrigan (S)	3,308,743	1,390,904	4,699,647	942	(174)	768	1,619,631	690,731	2,310,362	1,690,054	699,999	2,390,053
Blacktown (C)	13,503,800	3,390,098	16,893,898	4,007	(421)	3,586	6,887,597	1,673,822	8,561,419	6,620,210	1,715,855	8,336,065
Bland (S)	4,568,631	2,932,030	7,500,661	1,323	(371)	952	2,275,024	1,475,033	3,750,057	2,294,930	1,456,626	3,751,556
Blayney (S)	1,784,332	851,636	2,635,968	505	(106)	399	867,745	422,504	1,290,249	917,092	429,026	1,346,118
Blue Mountains (C)	7,429,580	1,377,680	8,807,260	2,204	(175)	2,029	3,789,324	694,221	4,483,545	3,642,460	683,284	4,325,744
Bogan (S)	2,615,411	1,444,792	4,060,203	740	(183)	557	1,271,855	725,612	1,997,467	1,344,296	718,997	2,063,293
Bourke (S)	3,878,670	1,901,880	5,780,550	1,111	(239)	872	1,909,728	951,593	2,861,321	1,970,053	950,048	2,920,101
Brewarrina (S)	2,606,401	1,300,607	3,907,008	736	(164)	572	1,264,817	652,224	1,917,041	1,342,320	648,219	1,990,539
Broken Hill (C)	4,194,707	492,280	4,686,987	1,178	(64)	1,114	2,024,931	252,550	2,277,481	2,170,954	239,666	2,410,620
Burwood	813,374	268,134	1,081,508	224	(33)	191	385,513	130,533	516,046	428,085	137,568	565,653
Byron (S)	1,964,161	1,157,180	3,121,341	560	(145)	415	962,435	575,379	1,537,814	1,002,286	581,656	1,583,942
Cabonne	2,838,846	2,050,662	4,889,508	804	(259)	545	1,382,755	1,028,363	2,411,118	1,456,895	1,022,040	2,478,935
Camden	2,447,071	1,386,403	3,833,474	737	(166)	571	1,267,261	659,873	1,927,134	1,180,547	726,364	1,906,911
Campbelltown (C)	8,279,001	1,753,562	10,032,563	2,494	(219)	2,275	4,287,436	868,955	5,156,391	3,994,059	884,388	4,878,447
Canada Bay (C)	1,948,883	639,709	2,588,592	556	(80)	476	954,958	317,216	1,272,174	994,481	322,413	1,316,894
Canterbury-Bankstown	8,276,591	2,661,787	10,938,378	2,493	(335)	2,158	4,286,190	1,331,359	5,617,549	3,992,894	1,330,093	5,322,987
Carrahoolee (S)	3,518,899	2,308,927	5,827,826	1,011	(290)	721	1,738,574	1,151,759	2,890,333	1,781,336	1,156,878	2,938,214
Central Coast	21,286,511	4,393,529	25,680,040	6,314	(555)	5,759	10,857,104	2,207,224	13,064,328	10,435,721	2,185,750	12,621,471
Central Darling (S)	3,828,577	1,587,910	5,416,487	1,096	(200)	896	1,884,729	796,350	2,681,079	1,944,944	791,360	2,736,304
Cessnock (C)	5,506,721	1,688,686	7,195,407	1,632	(211)	1,421	2,805,422	837,960	3,643,382	2,702,931	850,515	3,553,446
Clarence Valley	7,620,974	3,251,476	10,872,450	2,255	(413)	1,842	3,875,925	1,643,301	5,519,226	3,747,304	1,607,762	5,355,066
Cobar (S)	3,999,159	1,720,090	5,719,249	1,154	(217)	937	1,983,554	862,799	2,846,353	2,016,759	857,074	2,873,833
Coffs Harbour (C)	5,269,082	2,190,657	7,459,739	1,562	(272)	1,290	2,685,855	1,081,421	3,767,276	2,584,789	1,108,964	3,693,753
Coolamon (S)	2,379,115	1,224,347	3,603,462	671	(154)	517	1,153,448	612,712	1,766,160	1,226,338	611,481	1,837,819
Coonamble (S)	2,525,622	1,473,788	3,999,410	694	(186)	508	1,193,009	738,427	1,931,436	1,333,307	735,175	2,068,482
Cootamundra-Gundagai Regional	3,592,451	1,562,128	5,154,579	1,023	(197)	826	1,758,646	782,832	2,541,478	1,834,828	779,099	2,613,927
Cowra (S)	3,138,848	1,451,017	4,589,865	886	(182)	704	1,523,543	724,635	2,248,178	1,616,191	726,200	2,342,391
Cumberland	6,441,390	1,647,783	8,089,173	1,771	(205)	1,566	3,044,541	817,052	3,861,593	3,398,620	830,526	4,229,146
Dubbo Regional	8,004,818	3,402,258	11,407,076	2,369	(427)	1,942	4,072,189	1,697,199	5,769,388	3,934,998	1,704,632	5,639,630
Dungog (S)	1,664,559	911,110	2,575,669	472	(115)	357	810,957	456,891	1,267,848	854,074	454,104	1,308,178
Edward River	3,905,524	1,526,651	5,432,175	1,112	(192)	920	1,911,716	763,571	2,675,287	1,994,920	762,888	2,757,808
Eurobodalla (S)	5,307,932	1,647,307	6,955,239	1,565	(207)	1,358	2,689,592	824,254	3,513,846	2,619,905	822,846	3,442,751
Fairfield (C)	7,466,509	1,717,503	9,184,012	2,249	(217)	2,032	3,866,673	864,599	4,731,272	3,602,085	852,687	4,454,772
Federation	4,547,963	2,213,543	6,761,506	1,320	(279)	1,041	2,269,499	1,108,908	3,378,407	2,279,784	1,104,356	3,384,140
Forbes (S)	3,404,161	1,937,802	5,341,963	958	(244)	714	1,646,744	968,927	2,615,671	1,758,375	968,631	2,727,006
Georges River	3,248,346	1,119,099	4,367,445	918	(139)	779	1,578,684	552,588	2,131,272	1,670,580	566,372	2,236,952
Gilgandra (S)	2,451,130	1,392,358	3,843,488	683	(175)	508	1,173,846	697,377	1,871,223	1,277,967	694,806	1,972,773

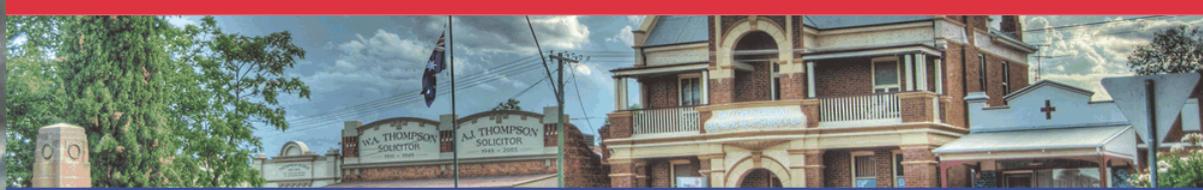
Councils	2018-19	2018-19	2018-19	2017-18	2017-18	2017-18	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19
	Recommended General Purpose Entitlement	Recommended Local Roads Entitlement	Recommended Total Entitlement	General Purpose CPI/Pop Adjustment	Local Roads CPI/Pop Adjustment	Total CPI/Pop Adjustment	General Purpose Advance Payment	Local Roads Advance Payment	Total Advance Payment	General Purpose Payments	Local Roads Payments	Total Payments
Glen Innes Severn	2,736,080	1,382,824	4,118,904	771	(174)	597	1,324,988	690,694	2,015,682	1,411,863	691,956	2,103,819
Goulburn Mulwaree	3,337,617	1,703,721	5,041,338	959	(215)	744	1,648,308	856,014	2,504,322	1,690,268	847,492	2,537,760
Greater Hume (S)	3,196,176	2,051,326	5,247,502	903	(257)	646	1,552,147	1,022,984	2,575,131	1,644,932	1,028,085	2,673,017
Griffith (C)	3,820,684	1,633,595	5,454,279	1,083	(205)	878	1,861,145	813,157	2,674,302	1,960,622	820,233	2,780,855
Gunnedah (S)	2,902,222	1,596,472	4,498,694	821	(201)	620	1,410,468	800,694	2,211,162	1,492,575	795,577	2,288,152
Gwydir (S)	2,667,645	1,873,857	4,541,502	740	(235)	505	1,272,085	935,245	2,207,330	1,396,300	938,377	2,334,677
Hawkesbury (C)	2,721,662	1,723,923	4,445,585	819	(217)	602	1,408,694	864,485	2,273,179	1,313,787	859,221	2,173,008
Hay (S)	2,048,843	806,282	2,855,125	554	(101)	453	952,414	403,292	1,355,706	1,096,983	402,889	1,499,872
Hills (S)	3,473,844	1,893,676	5,367,520	1,012	(249)	763	1,740,398	991,113	2,731,511	1,734,458	902,314	2,636,772
Hilltops	5,176,346	2,807,034	7,983,380	1,487	(354)	1,133	2,556,258	1,405,672	3,961,930	2,621,575	1,401,008	4,022,583
Hornsby (S)	3,098,951	1,381,426	4,480,377	929	(188)	741	1,597,144	745,938	2,343,082	1,502,736	635,300	2,138,036
Hunters Hill (M)	317,786	147,304	465,090	91	(19)	72	156,750	74,547	231,297	161,127	72,738	233,865
Inner West	4,051,359	1,358,099	5,409,458	1,211	(170)	1,041	2,081,623	676,542	2,758,165	1,970,947	681,387	2,652,334
Inverell (S)	3,859,533	2,052,892	5,912,425	1,093	(259)	834	1,878,782	1,029,229	2,908,011	1,981,844	1,023,404	3,005,248
Junee (S)	1,904,858	931,890	2,836,748	539	(116)	423	926,789	461,689	1,388,478	978,608	470,085	1,448,693
Kempsey (S)	4,164,413	1,838,931	6,003,344	1,191	(232)	959	2,047,906	922,728	2,970,634	2,117,698	915,971	3,033,669
Kiama (M)	1,158,728	512,508	1,671,236	331	(64)	267	568,854	254,688	823,542	590,205	257,756	847,961
Ku-ring-gai	2,593,403	1,120,441	3,713,844	763	(142)	621	1,311,397	564,203	1,875,600	1,282,769	556,096	1,838,865
Kyogle	2,725,922	1,623,319	4,349,241	763	(207)	556	1,312,418	823,625	2,136,043	1,414,267	799,487	2,213,754
Lachlan (S)	5,679,797	3,373,747	9,053,544	1,646	(426)	1,220	2,828,894	1,691,944	4,520,838	2,852,549	1,681,377	4,533,926
Lake Macquarie (C)	13,444,224	2,777,584	16,221,808	3,989	(349)	3,640	6,856,789	1,389,537	8,246,326	6,591,424	1,387,698	7,979,122
Lane Cove (M)	805,276	285,597	1,090,873	227	(35)	192	390,698	140,990	531,688	414,805	144,572	559,377
Leeton (S)	3,226,103	1,040,395	4,266,498	905	(132)	773	1,556,160	522,881	2,079,041	1,670,848	517,382	2,188,230
Lismore (C)	4,351,431	1,946,685	6,298,116	1,289	(247)	1,042	2,215,034	982,126	3,197,160	2,137,686	964,312	3,101,998
Lithgow (C)	3,436,329	1,262,950	4,699,279	981	(159)	822	1,686,565	630,936	2,317,501	1,750,745	631,855	2,382,600
Liverpool (C)	6,557,616	2,267,721	8,825,337	1,976	(282)	1,694	3,395,979	1,119,705	4,515,684	3,163,613	1,147,734	4,311,347
Liverpool Plains (S)	2,353,749	1,373,858	3,727,607	660	(173)	487	1,134,828	686,109	1,820,937	1,219,581	687,576	1,907,157
Lockhart (S)	2,177,088	1,341,823	3,518,911	608	(169)	439	1,045,148	670,218	1,715,366	1,132,548	671,436	1,803,984
Lord Howe Island (Bd)	216,713		216,713	63	-	63	108,445	-	108,445	108,331	-	108,331
Maitland (C)	5,613,758	1,383,342	6,997,100	1,665	(171)	1,494	2,862,794	678,234	3,541,028	2,752,629	704,937	3,457,566
Mid-Coast	12,432,277	5,377,147	17,809,424	3,674	(675)	2,999	6,315,991	2,683,164	8,999,155	6,119,960	2,693,308	8,813,268
Mid-Western Regional	4,003,735	2,418,644	6,422,379	1,137	(303)	834	1,953,789	1,204,586	3,158,375	2,051,083	1,213,755	3,264,838
Moree Plains (S)	4,840,627	2,876,649	7,717,276	1,356	(363)	993	2,331,797	1,442,930	3,774,727	2,510,186	1,433,356	3,943,542
Mosman (M)	656,124	237,535	893,659	188	(30)	158	323,638	121,115	444,753	332,674	116,390	449,064
Murray River	5,300,874	2,951,027	8,251,901	1,527	(371)	1,156	2,625,267	1,473,583	4,098,850	2,677,134	1,477,073	4,154,207
Murrumbidgee (new)	2,762,283	1,597,742	4,360,025	776	(201)	575	1,333,784	800,332	2,134,116	1,429,275	797,209	2,226,484
Muswellbrook (S)	2,556,714	915,986	3,472,700	729	(117)	612	1,252,729	466,231	1,718,960	1,304,714	449,638	1,754,352
Nambucca (S)	2,721,816	1,218,673	3,940,489	776	(153)	623	1,333,627	608,184	1,941,811	1,388,965	610,336	1,999,301
Narrabri (S)	4,835,185	2,338,196	7,173,381	1,383	(295)	1,088	2,377,888	1,172,501	3,550,389	2,458,680	1,165,400	3,624,080
Narrandera (S)	3,166,461	1,580,848	4,747,309	896	(199)	697	1,539,394	790,622	2,330,016	1,627,963	790,027	2,417,990
Narromine (S)	2,884,187	1,441,884	4,326,071	810	(182)	628	1,392,938	723,341	2,116,279	1,492,059	718,361	2,210,420
Newcastle (C)	10,513,647	1,817,192	12,330,839	3,167	(232)	2,935	5,444,309	921,320	6,365,629	5,072,505	895,640	5,968,145
North Sydney	1,517,383	482,816	2,000,199	452	(62)	390	776,348	245,336	1,021,684	741,487	237,418	978,905
Northern Beaches	5,593,412	2,248,098	7,841,510	1,652	(285)	1,367	2,839,189	1,134,797	3,973,986	2,755,875	1,113,016	3,868,891
Oberon	1,742,160	926,473	2,668,633	488	(118)	370	838,159	470,696	1,308,855	904,489	455,659	1,360,148
Orange (C)	3,421,943	1,142,504	4,564,447	997	(145)	852	1,713,427	575,039	2,288,466	1,709,513	567,320	2,276,833

Councils	2018-19	2018-19	2018-19	2017-18	2017-18	2017-18	2018-19	2018-19	2018-19	2018-19	2018-19	2018-19
	Recommended General Purpose Entitlement	Recommended Local Roads Entitlement	Recommended Total Entitlement	General Purpose CPI/Pop Adjustment	Local Roads CPI/Pop Adjustment	Total CPI/Pop Adjustment	General Purpose Advance Payment	Local Roads Advance Payment	Total Advance Payment	General Purpose Payments	Local Roads Payments	Total Payments
Parkes (S)	4,137,990	2,120,149	6,258,139	1,179	(262)	917	2,026,435	1,042,340	3,068,775	2,112,734	1,077,547	3,190,281
Parramatta (C) (new)	7,372,496	2,032,563	9,405,059	2,221	(255)	1,966	3,817,988	1,012,849	4,830,837	3,556,729	1,019,459	4,576,188
Penrith (C)	8,564,054	2,412,848	10,976,902	2,580	(304)	2,276	4,435,050	1,206,759	5,641,809	4,131,584	1,205,785	5,337,369
Port Macquarie-Hastings	6,330,112	2,895,234	9,225,346	1,877	(358)	1,519	3,226,589	1,422,735	4,649,324	3,105,400	1,472,141	4,577,541
Port Stephens	5,406,013	1,237,157	6,643,170	1,603	(155)	1,448	2,754,992	617,629	3,372,621	2,652,624	619,373	3,271,997
Queanbeyan-Palerang Regional	3,630,584	2,421,458	6,052,042	1,074	(301)	773	1,846,248	1,197,161	3,043,409	1,785,410	1,223,996	3,009,406
Randwick (C)	3,156,008	977,856	4,133,864	906	(122)	784	1,556,708	486,416	2,043,124	1,600,206	491,318	2,091,524
Richmond Valley	3,441,175	1,588,539	5,029,714	983	(201)	782	1,689,036	797,183	2,486,219	1,753,122	791,155	2,544,277
Ryde (C)	2,591,326	937,898	3,529,224	734	(117)	617	1,262,449	464,140	1,726,589	1,329,611	473,641	1,803,252
Shellharbour (C)	4,276,549	898,866	5,175,415	1,269	(112)	1,157	2,180,958	445,138	2,626,096	2,096,860	453,616	2,550,476
Shoalhaven (C)	8,895,243	3,394,878	12,290,121	2,639	(423)	2,216	4,536,008	1,681,459	6,217,467	4,361,874	1,712,996	6,074,870
Silverton (VC)	33,579	-	33,579	10	-	10	16,803	-	16,803	16,786	-	16,786
Singleton	2,399,215	1,293,355	3,692,570	686	(163)	523	1,178,651	649,222	1,827,873	1,221,250	643,970	1,865,220
Snowy Monaro Regional	6,704,754	2,764,799	9,469,553	1,964	(348)	1,616	3,376,106	1,384,668	4,760,774	3,330,612	1,379,783	4,710,395
Snowy Valleys	4,240,360	1,381,853	5,622,213	1,220	(175)	1,045	2,097,655	694,865	2,792,520	2,143,925	686,813	2,830,738
Strathfield (M)	905,006	294,192	1,199,198	252	(36)	216	432,592	143,864	576,456	472,666	150,292	622,958
Sutherland (S)	4,714,981	2,038,528	6,753,509	1,396	(258)	1,138	2,400,536	1,026,630	3,427,166	2,315,841	1,011,640	3,327,481
Sydney (C)	4,842,556	1,371,929	6,214,485	1,296	(164)	1,132	2,227,544	652,796	2,880,340	2,616,308	718,969	3,335,277
Tamworth Regional	6,228,359	4,204,339	10,432,698	1,840	(529)	1,311	3,162,527	2,105,137	5,267,664	3,067,672	2,098,673	5,166,345
Temora (S)	2,236,501	1,309,171	3,545,672	622	(153)	469	1,068,618	608,310	1,676,928	1,168,505	700,708	1,869,213
Tenterfield (S)	3,084,727	1,655,301	4,740,028	861	(209)	652	1,479,438	831,481	2,310,919	1,606,150	823,611	2,429,761
Tibooburra (VC)	75,404	-	75,404	22	-	22	37,733	-	37,733	37,693	-	37,693
Tweed (S)	7,749,935	2,876,081	10,626,016	2,297	(361)	1,936	3,948,266	1,434,613	5,382,879	3,803,966	1,441,107	5,245,073
Upper Hunter (S)	3,007,862	1,950,272	4,958,134	849	(246)	603	1,459,022	977,453	2,436,475	1,549,689	972,573	2,522,262
Upper Lachlan (S)	2,767,999	1,906,865	4,674,864	776	(240)	536	1,333,939	955,268	2,289,207	1,434,836	951,357	2,386,193
Uralla (S)	1,587,296	944,847	2,532,143	445	(122)	323	764,970	485,888	1,250,858	822,771	458,837	1,281,608
Wagga Wagga (C)	7,015,880	3,250,417	10,266,297	2,079	(409)	1,670	3,574,020	1,625,143	5,199,163	3,443,939	1,624,865	5,068,804
Walcha	1,340,259	938,013	2,278,272	363	(117)	246	624,279	467,078	1,091,357	716,343	470,818	1,187,161
Walgett (S)	4,351,161	1,958,484	6,309,645	1,233	(247)	986	2,118,850	984,039	3,102,889	2,233,544	974,198	3,207,742
Warren (S)	1,769,705	1,038,603	2,808,308	477	(131)	346	820,019	520,698	1,340,717	950,163	517,774	1,467,937
Warrumbungle (S)	4,580,496	2,462,128	7,042,624	1,309	(310)	999	2,250,437	1,234,498	3,484,935	2,331,368	1,227,320	3,558,688
Waverley	1,519,439	440,348	1,959,787	451	(56)	395	774,784	223,626	998,410	745,106	216,666	961,772
Weddin (S)	1,674,770	1,007,024	2,681,794	457	(127)	330	786,319	504,038	1,290,357	888,908	502,859	1,391,767
Wentworth (S)	4,155,293	2,025,993	6,181,286	1,205	(255)	950	2,071,174	1,013,215	3,084,389	2,085,324	1,012,523	3,097,847
Willoughby (C)	1,652,288	595,189	2,247,477	478	(75)	403	821,959	297,599	1,119,558	830,807	297,515	1,128,322
Wingecarribee (S)	3,183,112	1,876,735	5,059,847	940	(234)	706	1,615,874	932,110	2,547,984	1,568,178	944,391	2,512,569
Wollondilly (S)	2,393,016	1,383,524	3,776,540	710	(174)	536	1,220,264	690,057	1,910,321	1,173,462	693,293	1,866,755
Wollongong (C)	16,138,864	2,442,438	18,581,302	4,788	(308)	4,480	8,231,421	1,224,321	9,455,742	7,912,231	1,217,809	9,130,040
Woolahra (M)	1,222,656	435,551	1,658,207	368	(56)	312	632,154	222,245	854,399	590,870	213,250	804,120
Yass Valley	1,666,245	1,358,729	3,024,974	472	(171)	301	810,571	678,511	1,489,082	856,146	680,047	1,536,193
	544,058,912	219,131,911	763,190,823	158,221	(27,549)	130,672	271,983,904	109,533,478	381,517,382	272,233,229	109,570,884	381,804,113

# APPENDIX B

# Financial Assistance Grants 2018-19

## Fact Sheet



**Local Government Financial Assistance Grants are paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion and are accountable to their ratepayers. The allocation is paid in quarterly instalments.**

### Who decides how much each council will receive?

Grants commissions in each state are responsible for allocating their share of the funds. The NSW Local Government Grants Commission is responsible for making the grant allocation recommendation to the NSW Minister for Local Government.

#### Who is on the Grants Commission?

The members of the NSW Local Government Grants Commission are nominated for terms of up to five years.

<b>The Hon. Jenny Gardiner</b> Chairperson	Former member of the Legislative Council.
<b>Grant Gleeson</b> Deputy Chairperson	Director Legal, NSW Office of Local Government.
<b>Alan McCormack</b> Commissioner	Former General Manager, Parkes Shire Council.
<b>Graeme Fleming</b> Commissioner	Former General Manager, Cabonne Council.

grant (all in the Sydney metropolitan area) are largely being supported by other councils.

While the Commission has continued to deliver improved grant outcomes to smaller rural communities, the Government is committed to making the process more transparent and equitable.

As a result, the Commission is reviewing the allocation model (further information on Page 2).

#### In 2018-19 NSW councils will receive:

- \$544 million in general purpose grants.
- \$219 million in the local roads component.

#### In 2017-18 NSW councils received:

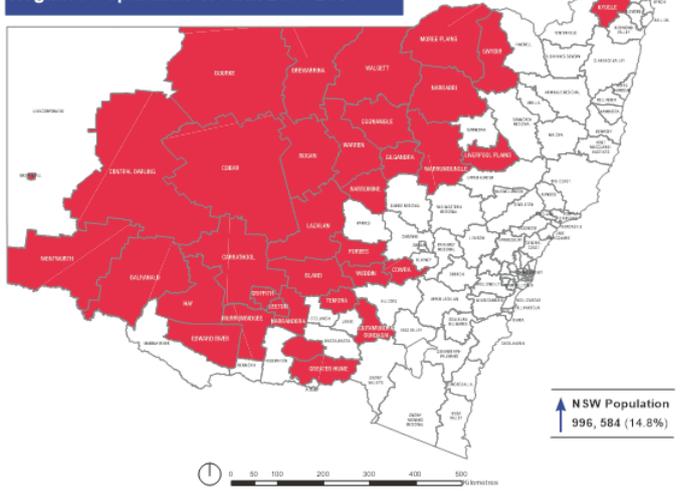
- \$525 million in general purpose grants.
- \$211 million in the local roads component.

This represents a 3.7 per cent increase due to indexation of state population shares.

### How is the grant money allocated?

Funds are allocated on the basis of the National Principles laid out in the Federal legislation - *Local Government (Financial Assistance) Act 1995*. The NSW Government policy is to allocate grants, as far as possible, to the councils with the greatest relative need. Councils with relative advantage (typically metropolitan councils) are generally increasing their populations whereas councils with relative disadvantage (typically rural and remote councils) are generally depopulating (as shown in the map on the right). Due to the per capita minimum grant allocation being mandated, the 19 councils on that

**Negative Population Growth 2006-2016**



Councils with the greatest relative need (shaded red) are largely rural and remote with small and declining populations.

# Financial Assistance Grants 2018-19

## Fact Sheet



### Review of the allocation methodology

The Commission has been reviewing the grant methodology in line with NSW policy to direct the general purpose component of the grant to councils with greatest relative need. These are largely rural and remote and with small and declining populations.

In October 2013 the final report of the Local Government Review Panel recommended that the Commission review the allocation methodology for the expenditure allowance of the general purpose component to make it less process driven and more transparent.

The challenge confronting the Commission is how to achieve this outcome when 30 per cent of the funding must be allocated based on population.

### The aim of the review is to deliver a model that:

- Allocates a higher proportion of grant funding to councils with the greatest relative need.
- Is consistent with the National Principles.
- Is consistent with NSW policy of grant allocation.
- Is transparent and publishable.
- Is robust, statistically verifiable and auditable.
- Uses best practice financial and modelling principles.
- Is modern, simplified and more flexible.

### What does this mean for the 2018-19 grant allocations?

It's important to stress that the Commission is not implementing a new model.

The Commission has taken advice, tested the competing propositions and decided to implement refinements and improvements to the existing model.

The expenditure previously included is still being taken into account after being tested for significance. Over time the model has become very complex, involving multiple factors. There are 20 expenditure categories and more than 47 disability factors spread across 128 councils.

The Commission is looking to consolidate the expenditure categories reported in special schedule 1 of council annual financial data returns.

### Grounds for the review

The Local Government Review Panel recommendation was supported by a number of other reviews and reports including:

- **2008 Assessing Local Government Revenue Raising Capacity, Productivity Commission Research Report:**

*"A number of councils, particularly in capital city and urban developed areas, have the means to recover additional revenue from their communities sufficient to cover their expenditures without relying on grants. However, a significant number of councils, particularly in rural (87 per cent) and remote (95 per cent) areas would remain dependent on grants from other spheres of government to meet their current expenditure. Given the differences in the scope to raise additional revenue across different classes of councils, there is a case to review the provision of Australian Government general purpose grants to local governments."*
- **2010 Australia's Future Taxation System Report (Henry Review):**

*"The current requirement that each council receives 30 per cent of its per capita share of untied financial assistance grants may prevent state grants commissions from redistributing to councils that require greater assistance."*
- **2013 The NSW Local Government Grants Commission submission to the Commonwealth Grants Commission 2013 Review:**

*"...we have seen an increase in concerns being raised about:*

  - *the widening gap in revenue raising capacity for larger metropolitan councils versus smaller rural councils.*
  - *increasing infrastructure needs.*
  - *declining population."*
- **2014 The NSW Local Government's Response to the Local Government Review Panel:**

*"The Government supports targeting Financial Assistance Grants to communities with the greatest need. It will ask the NSW Grants Commission to continue to identify opportunities to achieve this over time, within the constraints imposed by the national funding principles. It will also ask the Commission to ensure transitional protection for those councils with lower levels of need, to minimise the impact of any redistribution."*
- **2017 Shifting the Dial: 5 year Productivity Commission Review:**

*"The Commission's study into transitioning regional economies noted that where populations have declined in Local Government areas, related declines in revenue are hampering efforts to maintain infrastructure designed to service (and be funded) by larger populations."*

# Financial Assistance Grants 2018-19

## Fact Sheet

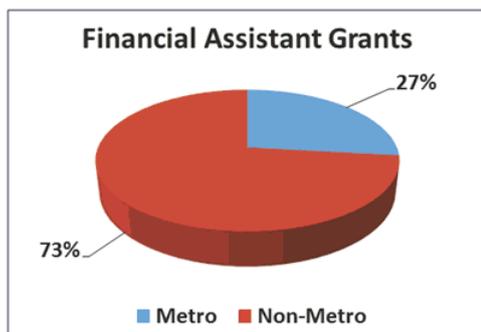
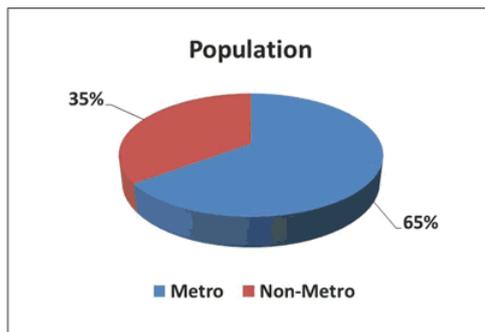


### General purpose grants

No council's general purpose component will be less than that allocated in 2017. This will allow for further testing of the model during the transition period. Population increases and decreases must be taken into account as required under the Federal Act. To compensate councils that have lost funding due to population decline, isolation and length of non-urban roads, the Commission will deliver these councils \$5 million of the \$19 million CPI increase (0.9 per cent of the total component). The remaining \$14 million was spread across all councils on the basis of relative need. The revenue allowance and pensioner allowance are not affected.

### The graphs below illustrate:

1. The breakdown of the NSW population - metropolitan (5,131,456) and non-metropolitan (2,729,090) and;
2. The grant allocation breakdown - Metropolitan (\$202,588,554) and non-metropolitan (\$560,602,268).



### Local roads component

This component of the grant is assessed on the basis of council area, population and proportions of local roads and bridges. It is calculated based on an historical Roads and Maritime Services formula. The local roads component will continue to be calculated according to that formula.

The state allocation for the local roads component for 2018-19 is \$291 million. This is split between:

- Urban councils located in the areas of Sydney, Newcastle and Wollongong receiving 27.5 per cent; and
- Rural councils (or all councils outside Sydney, Newcastle and Wollongong) receiving 72.5 per cent.

### Funds are then distributed based on the individual council's population, road length and bridge length:

- Urban councils - 95 per cent of the allocation is based on the length of local roads (60 per cent) and population (40 per cent), while 5 per cent is distributed on the basis of bridge length; and
- Rural councils - 93 per cent of the allocation is based on the length of local roads (80 per cent) and population (20 per cent), while 7 per cent is distributed on the basis of bridge length.

### Submissions

As always, special submissions from councils will be considered by the Commission. The purpose of a submission is to give council the opportunity to present information on the financial impact of inherent expenditure disabilities beyond its control that are not generally recognised in the current methodology. This allows the Commission to adequately consider all legitimate factors that affect council capacity to deliver services.

### Or contact the NSW Local Government Grants Commission

5 O'Keeffe Ave, Nowra NSW 2541  
 Locked Bag 3015, Nowra 2541  
 Telephone 4428 4131  
[grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au)

# APPENDIX C

## **APPENDIX C**

### **LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2019-20 GRANTS**

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#### **1. GENERAL**

All submissions **must** be consistent with the principles which have been adopted by the Commission. The principles are attached in **Table 1**.

Information in the submissions must relate to the year ended 30 June 2018, in order to be compatible with the Grants Commission's **Return of General Information** for that year.

Only recurrent costs should be included; capital costs are to be excluded.

Submissions should be based only on inherent disabilities and problems, which are outside Council's control. **Additional costs that result from deliberate policy decisions made by Council to provide a higher than average standard of service are not considered disabilities.**

Information provided on disabilities should be **brief** and the costing estimates of the disabilities should be as accurate as is practicable to determine.

It is expected that submissions will generally relate to expenditure disabilities.

It should be noted that water, sewerage and waste management services are not considered.

If you have further questions, then please contact:  
Helen Pearce on (02) 4428 4131 or by email at [helen.pearce@olg.nsw.gov.au](mailto:helen.pearce@olg.nsw.gov.au)

Submissions should be e-mailed to the Commission at [grants@olg.nsw.gov.au](mailto:grants@olg.nsw.gov.au) as soon as possible, but no later than **30 November 2018**.

## **APPENDIX C**

### **LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2019-20 GRANTS**

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#### **(b) Required Format**

**Table 2** shows the **REQUIRED FORMAT** for submissions on expenditure disabilities. Submissions should be **brief** and include:

- (1) the function affected;
- (2) a **brief** description of the disability;
- (3) a **brief** account of the action taken, or which would need to be taken, to deal with that disability;
- (4) the **estimated additional cost** impact of that action.

Where a disability factor affects costs across a number of council functions, separate details should be used showing the cost impact in each function area.

#### **(c) Outcome**

Where the Commission recognises an additional disability raised in a submission, an adjustment will be made for that function.

Where an additional disability is recognised which has an impact on a number of councils, the methodology will be adjusted and all councils will be affected according to the extent of the relevant disability.

### **3. REVENUE DISABILITIES**

While the approved principles generally bind the Commission's operation in this area, councils may wish to comment on the methodology if it is considered that these unfairly disadvantage them.

It should be noted that non-rateable properties are taken into consideration in the Commission's calculation automatically. The loss of revenue from non-rateable properties does not need to be specified in the submission. However, additional net costs associated with services to non-rateable properties may be raised as an expenditure disability.

**APPENDIX C****LOCAL GOVERNMENT GRANTS COMMISSION  
GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2019-20 GRANTS**

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**TABLE 1****APPROVED PRINCIPLES**

1. General purpose grants to local governing bodies will be allocated as far as practicable on a full equalisation basis as defined in the *Local Government (Financial Assistance) Act 1995*; that is a basis which attempts to compensate local governing bodies for differences in expenditure required in the performance of their functions and in their capacity to raise revenue.
2. The assessment of revenue and expenditure allowances of local governing bodies will, as far as is practicable, be independent of the policy or practices of those bodies in raising revenue and the provision of services.
3. Revenue raising capacity will primarily be determined on the basis of property values; positive and negative allowances relative to average standards may be calculated.
4. Revenue allowances may be discounted to achieve equilibrium with expenditure allowances.
5. Generally for each expenditure function an allowance will be determined using recurrent cost; both positive and negative allowances relative to average standards may be calculated.
6. Expenditure allowances will be discounted to take account of specific purpose grants.
7. Additional costs associated with non-resident use of services and facilities will be recognised in determining expenditure allowances.

**APPENDIX C**

**LOCAL GOVERNMENT GRANTS COMMISSION  
GUIDELINES FOR SPECIAL SUBMISSIONS IN RELATION TO THE 2019-20 GRANTS**

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**TABLE 2**

**REQUIRED FORMAT FOR SUBMISSIONS ON  
EXPENDITURE DISABILITIES**

**EXAMPLE:**

**Function:**

Administration and Governance

**Disability:**

**Description and Response:**

**Cost Impact:**

The **additional** cost is estimated as:-

450 applications x 3 hours/application x \$45/hour = **\$60,750**

**REPORT**  
**CM/7.9/18.09****Subject:** Venue Hire Grant Application - Wayside Chapel**TRIM No:** A18/0195**Author:** Chris Giles, Co-ordinator, Community Venues**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2018–19, grants \$130 in financial assistance to Wayside Chapel for their use of a Council venue for an event on 10 October 2018.

**1. Executive Summary**

In April 2017, Council approved the introduction of a Venue Hire Grants Program, as a means by which Council could continue to provide financial assistance to community not-for-profit groups. The provision of grants for venue hire enables groups to continue to deliver their activities to the benefit of the local community.

The Wayside Chapel will be hosting an interactive free luncheon event for participants to engage in discussions and activities on some of our society's biggest challenges including homelessness and inequality. A booking has been made for the High Tide Room at the Bondi Pavilion to stage the event, with the value of the hire being \$130.

The Wayside Chapel have submitted an application for a grant to cover the full venue hire fee. Having assessed the application officers recommend that Council support the grant award.

**2. Introduction/Background**

Waverley Council provides a range of community venues and meeting spaces that support a diverse range of community services and activities. Waverley has over 130 groups that are regular hirers of Council's venues providing significant benefit to the community. A large proportion of these hirers are not-for-profit groups that provide valuable support services to disadvantaged or marginalised members of the community. Council has a long history of providing financial support to such groups to help cover the costs of venue hire.

A Venue Hire Grant application can be submitted at any time throughout the year. This allows Council to support one-off, ad hoc community events that use venues, as well as providing assistance to new regular hirer groups who intend to use the venues on an ongoing basis.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council 15 May 2018	CM/7.6/18.05	That Council, under s 356 of the Local Government Act, provides the financial assistance as set out in Attachment 1 to this report, to support those listed organisations with venue hire fees until 30 June 2019, under Council's Venue Hire Grant Program 2018-19.

### 4. Discussion

A Venue Hire Grant application has been received from the Wayside Chapel group, which have requested a one off hire of Bondi Pavilion's High Tide Room on 10 October, 2018. The booking is for a duration of five hours.

The Wayside Chapel Group are a registered not-for-profit organisation who provide a range of support services to disadvantaged people within the community. In 2016, the Wayside Chapel took over the Management of Norman Andrews House. This is a facility joint owned by Waverley Council located at 77 Roscoe St, Bondi Beach that provides day care services for homeless people in the local area.

The Wayside Chapel are holding a free luncheon event for corporate workers and their children to engage in discussions and activities on some of our society's biggest challenges including homelessness and inequality. The event will act as the launch of two new projects: the Wayside Chapel's social enterprise 'Heart Café' and 'Wingspan Project' youth program in Bondi. The event will help launch both new projects amongst the guests and the wider Waverley community. The event will be attended by children from the age of 10 years old to adults.

Council officers have assessed the grant application received against an approved set of qualifying criteria, which are summarised below:

#### Eligibility

Groups and organisations that can demonstrate compliance with the ATO's definition of not-for-profit or non-profit status are eligible to apply for a grant.

#### Assessment Criteria

Each application will be assessed using the information it provides against the following criteria:

- The evidence of financial hardship provided.
- Description of the community benefit the applicant expects the activity will provide, and its alignment with Waverley Council's Strategic Plan Waverley Together 3. E.g. provide critical support services or services for frail aged residents or people with disabilities.
- Evidence that the activity will benefit Waverley residents.
- Evidence that the group is capable of carrying out the planned activity e.g. relevant experience.
- Suitability of the proposed activity for, and in keeping with, the primary purpose of the venue requested.

After assessing the application against the eligibility and assessment criteria officers recommend that Council approves financial assistance by applying a full fee waiver to the value of \$130.

**5. Financial impact statement/Timeframe/Consultation**

The total value of the financial assistance for the Wayside Chapel group is \$130.

The applicant will be notified of the outcome of their application by letter following the Council meeting.

**6. Conclusion**

This report recommends that Council approves a Venue Hire Grant for Wayside Chapel to the value of \$130 to assist in the delivery of their event to be held on 10 October 2018.

**7. Attachments**

Nil.

**REPORT  
CM/7.10/18.09****Subject:** Voluntary Planning Agreement - 9 Penkivil Street, Bondi**TRIM No:** DA-541/2016/A**Author:** Gabrielle Coleman, Strategic Planner**Director:** Peter Monks, Director, Waverley Futures

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**RECOMMENDATION:**

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 9 Penkivil Street, Bondi. The draft Planning Agreement offers a total monetary contribution of \$191,492 with \$127,342.80 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and 10%, or \$19,149.20 to go to 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.

**1. Executive Summary**

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved development application DA-541/2016/A at 9 Penkivil Street, Bondi. The application was approved by the Waverley Development Assessment Panel (WDAP) for a modification to the approved residential flat building to add an additional unit and alterations to parking. The application was approved with a floor space exceedance of 62sqm (total floor space ratio of 1.03:1); 15% over the permissible floor space ratio of 0.9:1.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) The draft Planning Agreement offers a total monetary contribution of \$191,492 with \$127,342.80 to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and 10%, or \$19,149.20 to go to Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.

**2. Introduction/Background**

The draft Planning Agreement was negotiated in accordance with the valuation and costing methodology outlined in the Waverley Planning Agreement Policy 2014. The draft Planning Agreement offers a total monetary contribution of \$191,492 with \$127,342.80 to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and 10%, or \$19,149.20 to go to Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.

### 3. Relevant Council Resolutions

Nil.

### 4. Discussion

#### **Planning Agreement's monetary contribution to a public purpose**

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft Planning Agreement offers a total monetary contribution of \$191,492 with \$127,342.80 to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and 10%, or \$19,149.20 to go to Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.

Within nominated parks and reserves, the contribution could support passive recreation upgrades such as playgrounds, picnic areas and park access and circulation improvements. The additional monetary contribution will greatly assist in either expanding the scope of works (i.e. undertake additional works in the park currently unfunded) and/or investing in higher quality equipment or design outcomes (i.e. additional play equipment outside or in addition to current funding). The decision to allocate funding will be based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

Works will be undertaken in accordance with the objectives and actions as outlined in relevant adopted strategies including the Bondi Park, Bondi Beach and Bondi Pavilion Plans of Management and Play Space Strategy.

#### **Public exhibition of the draft Planning Agreement**

The Planning Agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft Planning Agreement and Explanatory Note were exhibited from Wednesday, 8 August 2018 to Wednesday, 5 September 2018 and included:

- Notice in the Wentworth Courier.
- Advertising on Council's Have Your Say website.
- Exhibition in Council's Customer Service Centre and Library.

#### **Submissions**

No submissions were received during the exhibition period.

### 5. Financial impact statement/Timeframe/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a monetary contribution of \$191,492 to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and \$19,149.20 (10%) to go to Waverley's Affordable Housing Program in accordance with Council's Planning Agreement Policy 2014.

### 6. Conclusion

The draft Planning Agreement has been placed on exhibition in accordance with section 7.5 of the EP&A Act. It is recommended that Council endorse the attached draft Planning Agreement for execution.

**7. Attachments**

1. Draft Voluntary Planning Agreement - 9 Penkivil Street, Bondi [↓](#)
2. Explanatory Note - Voluntary Planning Agreement - 9 Penkivil Street, Bondi [↓](#)

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**WAVERLEY COUNCIL**

(Council)

**AND**

**B & I PROPERTIES 2 PTY LIMITED**  
**ACN 609 531 142**

(Developer)

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**PLANNING AGREEMENT**

(Development Contribution)

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**WAVERLEY COUNCIL**  
**Council Chambers**  
**Cnr Bondi Road & Paul Street**  
**BONDI JUNCTION NSW 2022**  
**DX 12006 BONDI JUNCTION**  
**Phone: 02 9083 8000**  
**Facsimile: 02 9387 1820**

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**PLANNING AGREEMENT NO. \_\_\_\_\_*****Section 7.4 of the Environmental Planning and Assessment Act, 1979***

**THIS AGREEMENT** is made on 2018

**PARTIES**

**WAVERLEY COUNCIL** of Cnr Paul Street and Bondi Road, Bondi Junction NSW 2022  
ABN 12 502 583 608 ("**Council**")

**B & I PROPERTIES 2 PTY LIMITED ACN 609 531 142** of Suite 14, 530 New  
South Head Road, Double Bay NSW 2028 ("**Developer**")

**BACKGROUND/RECITAL**

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 26 October 2017 the Developer caused to be lodged the Development Application with Council for development consent to carry out development on the Land.
- D.** The Development Application was subsequently accompanied by an offer dated 8 May 2018 by the Developer to enter into this Agreement to make the Development Contribution towards a public purpose in accordance with Council's Planning Agreement Policy 2014 if the Development Consent was granted.
- E.** The Development Consent was granted on 22 June 2018.
- F.** This Agreement is consistent with the Developer's offer referred to in Recital D.

**OPERATIVE PROVISIONS:****1 PLANNING AGREEMENT UNDER THE ACT**

The parties agree that this Agreement is a planning agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

**2 APPLICATION OF THIS AGREEMENT**

This Agreement applies to the Land and to the Development proposed in the Development Consent, as may be modified.

**3 OPERATION OF THIS AGREEMENT**

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement prior to any Construction Certificate issuing for the Development.

**4 DEFINITIONS AND INTERPRETATION****4.1 Definitions**

In this Agreement unless the context otherwise requires:

“**Act**” means the *Environmental Planning and Assessment Act 1979* (NSW);

“**Agreement**” means this agreement;

“**Bank Guarantee**” means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

“**Business Day**” means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

“**Caveat Form**” means a completed form of caveat in respect to the Land that is properly endorsed with the Developer’s consent as owner of the Land, noting Council as a caveator, in a form registrable at NSW Land Registry Services and otherwise acceptable to Council or such other form of consent as may be required by Council;

“**Certifying Authority**” means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

“**Council**” means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Lot Burdened is located within;

“**Construction Certificate**” means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

“**Development**” means the development the subject of the Development Application which is described in item 4 of the Schedule and being the modification to add an additional unit and alterations to car stacker/parking of approved residential flat building;

3

**“Development Application”** means the development application number DA 541/2016/A to modify DA 541/2016 and is referred to in item 3 of the Schedule;

**“Development Consent”** means the consent granted in respect of DA 541/2016 as modified by DA 541/2016/A dated 22 June 2018;

**“Development Contribution”** means the sum of \$191,492 and is referred to in item 5 of the Schedule;

**“Development Contribution Date”** means the time the Development Contribution is to be paid as referred to in item 7 of the Schedule and this is prior to the issue of any Occupation Certificate;

**“GST”** has the same meaning as in the GST Law;

**“GST Law”** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

**“Land”** means Lot 9 in DP 75806 and known as 9 Penkivil Street, Bondi and is referred to in item 2 of the Schedule;

**“Occupation Certificate”** means any occupation certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

**“Party”** means a party to this Agreement including their successors and assigns;

**“Public Purpose”** for the purpose of this Agreement means that described in item 6 of the Schedule and is towards the upgrade of parks, reserves and playgrounds in the Bondi area and Affordable Housing under Waverley’s Affordable Housing Program;

**“Registration Application”** means an application for registration of this Agreement as a planning agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

**“Schedule”** means the schedule to this Agreement.

#### 4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;

- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

## **5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT**

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect.

## **6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION**

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon

as practicable.

#### **7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT**

- 7.1 This Agreement does not exclude the application of Sections 7.11,7.12 or 7.24 of the Act to the Development.
- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

#### **8 REGISTRATION OF THIS AGREEMENT**

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that it will do everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that it has obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible after entering into this Agreement and in any event prior to the issue of a Construction Certificate, the Developer will do all things necessary to ensure registration of this Agreement under s7.6 upon the title to the Land and at their cost will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Developer and any other person the subject of the warranty in clause 8.3;
  - (b) lodge or cause to be lodged the title deed with NSW Land Registry Services and advise Council of the production number;
  - (c) provide the Council with a cheque in favour of NSW Land Registry Services for the registration fees for registration of this Agreement;
  - (d) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
  - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.

- 8.7 Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.
- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

## **9 BANK GUARANTEE**

### **9.1 Provision of Bank Guarantee**

- (a) Subject to clause 8.8 and prior to the issue of any Construction Certificate, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
  - (ii) irrevocable and unconditional;
  - (iii) with no expiry date;
  - (iv) issued in favour of the Council;
  - (v) for an amount equivalent to the Development Contribution set out in Item 6 of the Schedule;
  - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
  - (vii) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in reliance upon the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

### **9.2 Calling on Bank Guarantee**

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with the Schedule or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement,

and fails to remedy the relevant failure or breach within 7 days after the Council's notice.

- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the amount payable. In those circumstances, the Developer will be required to pay to the Council the outstanding balance of the Development Contribution and other amounts payable under this Agreement.

### **9.3 Return of Bank Guarantee**

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

## **10 REVIEW OF THE AGREEMENT**

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

## **11. DISPUTE RESOLUTION**

### **11.1 Notice of dispute**

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

### **11.2 Response to notice**

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

### **11.3 The nominated representative must:**

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

### **11.4 Further notice if not settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

### 11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (a) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this Clause 11.5 must:
  - (i) Have reasonable qualifications and practical experience in the area of disputes; and
  - (ii) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (f) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (g) In relation to costs and expenses
  - (i) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (ii) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

### 11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
  - (i) Agreed upon and appointed jointly by the Council and the Developer; or
  - (ii) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then

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current President of the Law Society of New South Wales;

- (b) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (d) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (e) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

#### 11.7 **Litigation**

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

#### 11.8 **Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

### 12. **ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued. The Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement; and
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not

- issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid;
- (d) not rely on any Occupation Certificate in respect to the Development.

12.3 The Developer acknowledges and agrees that:

- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council;
- (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution is paid in full to Council;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution is paid in full to Council; and
- (d) at the time of entering into this Agreement, the Developer shall provide Council with the Caveat Form, unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement.

**13. NOTICES**

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in item 8 of the Schedule;
- (b) faxed to that Party at its fax number set out below in item 8 of the Schedule;
- (c) emailed to that Party at its email address set out below in item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 business days after it is posted.
- (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**14 APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**15 ASSIGNMENT AND DEALINGS**

Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

**16 COSTS**

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

**17 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

**18 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**19 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of

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them jointly and each of them individually.

## **21 NON FETTER**

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application and Development Consent as modified by the Modified Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent as modified;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent as modified; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

## **22 REPRESENTATIONS AND WARRANTIES**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## **23 SEVERABILITY**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## **24 MODIFICATION**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## **25 WAIVER**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## **26 GOODS & SERVICES TAX**

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.
- 26.5 If GST is linked with the abolition or reduction of other taxes and charges, all amounts payable by the Recipient to the Supplier under this Agreement (excluding GST) must be reduced by the same proportion as the actual total costs of the Supplier (excluding GST) are reduced either directly as a result of the abolition or reduction of other taxes and charges payable by the Supplier or indirectly by way of any reduction in prices (excluding GST) charged to the Supplier.

## **27 EXECUTION IN TRIPLICATE**

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the *Environmental Planning and Assessment Act*. This Agreement will be dated on the day of execution by all Parties.

**SCHEDULE**

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	B & I PROPERTIES 2 PTY LIMITED ACN 609 531 142
2	Land	9 PENKIVIL STREET, BONDI (LOT 9 IN DP 75806)
3	Development Application	DA 541/2016/A
4	Development (description)	MODIFICATION TO ADD AN ADDITIONAL UNIT AND ALTERATIONS TO CAR STACKER/PARKING OF APPROVED RESIDENTIAL FLAT BUILDING
5	Development Contribution	\$191,492
6	Public Purpose	TOWARDS THE UPGRADE OF PARKS, RESERVES AND PLAYGROUNDS IN THE BONDI AREA AND AFFORDABLE HOUSING UNDER WAVERLEY'S AFFORDABLE HOUSING PROGRAM
7	Development Contribution Date (Payment date for the Development Contribution)	PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE FOR THE DEVELOPMENT
8	Developer Address	SUITE 14, 530 NEW SOUTH HEAD ROAD, DOUBLE BAY NSW 2028
	Developer Fax	
	Developer Email	<a href="mailto:igorcombuild@gmail.com">igorcombuild@gmail.com</a>

Council Address	CORNER PAUL STREET AND BONDI ROAD, BONDI JUNCTION NSW 2022
Council Fax	(02) 9387 1820
Council Email	<a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a>

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council  
affixed pursuant to a resolution of Waverley Council on**

\_\_\_\_\_  
**ROSS MCLEOD**  
General Manager

\_\_\_\_\_  
**CLR JOHN WAKEFIELD**  
Mayor

**EXECUTED by B & I PROPERTIES 2 PTY  
LIMITED ACN 609 531 142**  
In accordance with section 127 of the  
Corporations Act 2001

\_\_\_\_\_  
**BORIS MARKOVSKY**  
Director/Secretary

\_\_\_\_\_  
**IGOR POGREBINSKY**  
Director

## Explanatory Note

(Clause 25E of the Environmental Planning and Assessment Regulation 2000)

### Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed planning agreement (PA) prepared jointly between Waverley Council and the Developer under s7.4 of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

**1 Parties:**

**Waverley Council** (Council) and

**B & I PROPERTIES 2 PTY LIMITED ACN 609 531 142** (Developer).

**2 Description of Subject Land:**

The whole of the land being Lot 9 in DP 75806 and known as 9 Penkivil Street, Bondi, is the subject Land under the Planning Agreement.

**3 Description of Development:**

The Developer proposes to develop the subject Land. The proposed development will comprise modification to add an additional unit and alterations to car stacker/parking of approved residential flat building.

**4 Background:**

The Developer is the registered proprietor of the subject Land. The Developer lodged a modification application with Council, DA 541/2016/A. The Developer offered to enter into a Planning Agreement with Council pursuant to section 7.4 of the Act to provide a monetary contribution as the modification application provided for additional floor space which exceeds floor space controls permitted for such buildings under Council's planning controls. The offer is in line with Council's Voluntary Planning Agreement Policy 2014.

**5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement:**

The Planning Agreement will assist Council in achieving its objectives by providing funds which will enable Council to provide a material public benefit to residents of areas close to the Development and the broader community by facilitating the upgrade of parks, reserves and playgrounds in the Bondi area under Council's policies and programs directed at improving and upgrading playgrounds, parks / reserves and public areas and provision towards Waverley's Affordable Housing Program.

The Agreement is a contractual relationship between Council and the Developer whereby the Developer is to pay a Monetary Contribution and is a Planning Agreement under section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

The Agreement requires the Developer to comply with certain requirements including registration of the Agreement, provision of a Bank Guarantee and caveat prior to any Construction Certificate issuing for the Development as security for payment of the monetary contribution and to pay a monetary Contribution to Council in the amount of \$191,492 prior to any Occupation Certificate issuing for the Development.

The Agreement does not exclude the application of sections 7.11, 7.12 or 7.24 of the Act to the Development and the Development Contribution is not to be taken into consideration in determining any development contribution under s7.11 of the Act.

The Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

## **6 Assessment of the merits of the Draft Planning Agreement:**

### The Planning Purposes Served by the Draft Planning Agreement

In accordance with s 7.4(2) of the *Environmental Planning and Assessment Act 1979*, the Planning Agreement facilitates the following public purposes:

- The provision of (or recoupment of the cost of providing) public amenities or public services;
- The provision of (or the recoupment of the cost of providing) affordable housing;
- The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

The Planning Agreement provides a reasonable means of achieving the public purposes set out above.

### How the Draft Planning Agreement Promotes the Public Interest

- The public interest is promoted by the provision to Council of funds which it is able to apply towards upgrading and improving parks, reserves and playgrounds nearby the Development in the Bondi area;
- The upgrading and improvement of parks, reserves and playgrounds in the areas nearby the Development will encourage business within and development of the precinct as an active vibrant community with recreational facilities;
- The contributions made are intended to positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contributions under the Planning Agreement;

- Public Interest is promoted by virtue of the planning agreement because it increases the provision of affordable housing;
- Provides housing for low income and disadvantaged people within the community;
- Facilitates a diverse social mix;
- Enables diverse social and economic groups to have similar opportunities for accommodation in the area where the Development is situated.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

The provision of the monetary contribution required under the Planning Agreement will promote the objects of the Act, in particular:

- 1.3(a) "to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources";
- 1.3(b) "to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment";
- 1.3(c) "to promote the orderly and economic use and development of land";
- 1.3(d) "to promote the delivery and maintenance of affordable housing"; and
- 1.3(i) "to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State".

How the Draft Planning Agreement promotes elements of the Council's charter under section 8 of the Local Government Act, 1993

- The Draft Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for recreational facilities as well as affordable housing within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil these needs;
- The Draft Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.
- In addition as the planning agreement is a means by which the Council can implement its Affordable Housing Policy, in doing so Council exercises community leadership in an area of concern to the wider community.

Conformity with the Council's Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council's Capital Works Program.

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes, as detailed above in relation to bank guarantee, registration and caveat prior to the issue of a Construction Certificate and to enforce payment of the monetary contribution prior to the issue of any Occupation Certificate.

**This explanatory note is not to be used to assist in construing the Planning Agreement**

DRAFT

**REPORT**  
**CM/7.11/18.09**

**Subject:** Multicultural Advisory Committee Meeting - Minutes  
- 14 June 2018

**TRIM No:** A15/0509

**Author:** Annette Trubenbach, Executive Manager, Caring Waverley

**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Receives and notes the minutes of the Multicultural Advisory Committee meeting held on 14 June 2018.
2. Notes that the minutes are available on Council's website.
3. Provides guidance to Council officers on the appropriate date for the Walk for Respect.

**1. Executive Summary**

In June 2018, Council adopted new Terms of Reference for the Multicultural Advisory Committee (MAC).

The new Terms of Reference state that 'Committee minutes are reported to Council or Council Committee for information, and may include recommendations for Council's consideration.'

Attached to this report are the minutes of the Multicultural Advisory Committee meeting held on 14 June 2018.

This report also highlights the difference in dates proposed by Council and the MAC for the Walk for Respect and seeks guidance from Council regarding an appropriate date.

**2. Introduction/Background**

In June 2018, Council adopted new Terms of Reference for the Multicultural Advisory Committee (MAC), which aims to provide a forum to:

- Foster ongoing dialogue, discussion and advocacy in relation to multicultural Waverley.
- Contribute creative and innovative ideas in support of Council's access and inclusion strategies.
- Provide feedback and advice on community issues and concerns.
- Participate in and source funding for activities and events that promote community harmony and social cohesion.
- Develop networks, build relationships and establish community partnerships.
- Provide input to enhance inclusion and accessibility of Waverley's infrastructure, facilities, events, services, programs, systems and information for a culturally diverse community.

### 3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Operations and Community Services Committee 5 June 2018	OC/5.2/18.06	That Council adopts the Terms of Reference for the Waverley Multicultural Advisory Committee (MAC) attached to this report and acknowledges the work of the former Chair, Cr Goltsman.

### 4. Discussion

The Multicultural Advisory Committee Terms of Reference note that:

- Committee agenda and minutes are public documents and are published on Council's website.
- Committee minutes are reported to Council or Council Committee for information, and may include recommendations for Council's consideration.

Recent meetings of the MAC were held on:

- 14 June 2018.
- 16 August 2018.

Minutes of the meeting held on 14 June 2018 are attached to this report for Council's information. The minutes are available to the public via Council's website.

The minutes of the August meeting will be available to Council following their adoption at the next MAC meeting, scheduled for 4 October 2018.

#### Update on Walk for Respect

As noted in the minutes, there are a large number of items currently under discussion at the MAC. Some of these items require Council consideration as they have implications for Council's event planning, budget allocation and staff resources. The current priority is the Walk for Respect. Following initial discussions, a small activity to highlight and celebrate cultural diversity was included at Council's Global Table event in May (a community services marquee promoted multicultural information and services available to the community and a roving photographer took photos of the 'many faces of multicultural Waverley'), however planning is still underway for a larger event.

The committee discussed the Walk for Respect at its meetings in both June and August. The minutes attached to this report show that February/March 2019 was discussed as a possible date for staging the event to align with the United Nations Day of Social Justice (20 February) and leading into Multicultural March. At its meeting in August (following discussion in response to Senator Fraser Anning's inflammatory maiden speech), Council resolved to hold this event in November.

The proposed change in dates has not yet been discussed with the MAC as the next meeting will not take place until early October. Council officers have however begun scoping for an event and have calculated initial cost estimates to be around \$15-20,000 depending on the scope and location. The costs involved in this type of event include logistics, security measures and event management. Further budget would also be required should we wish to include a performance and/or entertainment aspect to the event.

In terms of organisational capacity and community receptiveness, the timing of the Walk for Respect is crucial – ideally, the event is scheduled at a time when other activities in the calendar are not competing with or confusing the important messages Council wants to engage with the community about. A list of key

upcoming dates has been included in the table below to highlight any relevant major events or activities which could impact the event.

In addition to the above, Council will need to consider whether the event has the potential to be classified as a 'high impact' event, which could be the case if there are more 1000 patrons, staging, audio/visual equipment, etc. High impact events require the approval of Council.

Date	Event / Activity	Detail
18 October – 4 November 2018	Sculpture by the Sea	Last weekend of this event usually attracts large crowds to see the sculptures one final time
17 November 2018	Garden Awards	Council's triennial event held at Bronte House
17 November 2018	Bondi's Big Back Yard Bash	Council supported community festival at Bondi Pavilion involving families, children and young people.
21 November 2018	Harmony Walk for Unity	Event organised by <i>Moving Forward Together</i> . Harmony Walk seeks to bring together Australians from diverse national, ethnic and religious backgrounds to help build an inclusive society. High profile ambassadors include Stepan Kerkyasharian AO, Charlie Teo and Dr Tim Soutphommasane (former Race Discrimination Commissioner). Although staged in Campbelltown this year, this campaign started in Coogee in 2012 and is a Sydney wide event likely to attract people from this region. <a href="http://movingforwardtogether.org.au/about/">http://movingforwardtogether.org.au/about/</a>
23 November 2018	White Ribbon Day and 16 days of activism to 10 December	Randwick Council's annual White Ribbon Walk raises awareness about domestic violence and asks men to stand up and say no to violence against women. It's a big and well established regional event with a focus on promoting healthy respectful relationships <a href="http://www.randwick.nsw.gov.au/community/whats-on/sydney-white-ribbon-walk">http://www.randwick.nsw.gov.au/community/whats-on/sydney-white-ribbon-walk</a>
20 February 2019	United Nations Day of Social Justice	<a href="http://www.un.org/en/events/socialjusticeday/">http://www.un.org/en/events/socialjusticeday/</a>
21 March 2019	Harmony Day	<a href="https://www.harmony.gov.au/">https://www.harmony.gov.au/</a>
March 2019	Multicultural March	<a href="https://multicultural.nsw.gov.au/awards/multicultural_march/">https://multicultural.nsw.gov.au/awards/multicultural_march/</a>

##### 5. Financial impact statement/Timeframe/Consultation

The operation and administration of the Multicultural Advisory Committee, which requires the commitment of Councillor, volunteer and staff resources, are usually covered in Council's operational budget.

Delivery of specific projects or events that may require additional budget (e.g. Walk for Respect) would require Council endorsement.

The next meeting of the Multicultural Advisory Committee is scheduled for 4 October 2018.

**6. Conclusion**

Recent meetings of the Multicultural Advisory Committee were held on 14 June 2018 and 16 August 2018. Minutes of the meeting held on 14 June 2018 are attached to this report.

This report also highlights the difference in dates proposed by Council and the MAC for the Walk for Respect and seeks guidance from Council regarding an appropriate date.

**7. Attachments**

1. Multicultural Advisory Committee Meeting Minutes - 14 June 2018 [↓](#)



# Multicultural Advisory Committee (MAC)

## Minutes for 14 June 2018

6pm-8pm

The Mill Hill Community Centre

Room 2, Level 1,

31- 33 Spring St, Bondi Junction 2022.

### 1. Welcome & Acknowledgment to Country

Cr Paula Masselos acknowledged the *Bidjigal and Gadigal people* who traditionally occupied the Sydney Coast and welcomed everyone to the meeting.

### 2. Introduction and Apologies

#### Present

Councillors	
Cr Paula Masselos (Chair)	Councillor
Council Staff	
Rebecca Rodwell	Manager, Community Planning and Partnerships
Jo Harney	Community Development Officer – Diversity
Community Member	
Emma Zlatkis	Resident
Dr Patricia Jenkins (Trish)	Resident
Rozy Dorias	Resident
Margaret Teed	City East Community College

#### Apologies

Cr Dominic Wy Kanak, Cr Elaine Keenan, Cr Will Nemesh, Cr Marjorie O'Neill, Cr John Wakefield, Cr Leon Goltsman, Cr Angela Burrill, Ashley Johnston - Irish Settlement Agency, Amir Salem - Australian Egyptian Forum

### 3. Acceptance of previous minutes

**Moved:** Trish Jenkins

**Seconded:** Margaret Teed

**Carried**



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#### 4. Business Arising

##### **Waverley Multicultural service directory update**

MAC members discussed the need for a multicultural directory or on line interactive portal for residents, visitors and service providers to access. As Waverley is often a first point of stay for many new migrants and international visitors, the portal would be useful as a one stop shop.

The portal would include the Translation and Interpreting (TIS) message as well as options to access resources in different languages. The project could be rolled out in phases depending on funding sourced for the project.

**Motion:** Investigate the option of developing a culturally and linguistically diverse community portal that acts also as an interactive database with a search function and includes a customer relationship management system.

**Moved:** Rozy Dorias

**Seconded:** Margaret Teed

##### **CALD Water Safety strategy update**

The water safety brochure is currently being reprinted and will be distributed throughout backpacker hostels, English language schools and other relevant locations in the LGA.

##### **Walk for Respect – Update**

Cr Masselos explained that as a Council resolution, the Walk for Respect must go ahead. The route has been scoped and requires no road closures as it is along the beach front.

United Nations Day of Social Justice is on 20 February 2019 and leads into Multicultural March so a possible date for the walk. Suggestion for the name is "March for Social Justice".

Note to avoid any clashes with other special days during this time such as International Women's Day on 11 March 2019 and Harmony day on 21 March 2019.

##### **MAC input into community strategic plan**

Some MAC members attended the community strategic planning day and reported back that it was a good discussion and great venue.

##### **Greek Presidential Guard**

The Greek Presidential Guard visit to Bondi which ran simultaneous to Anzac Day was a great success and media coverage went all over the world.

##### **Traineeships for people from a refugee background**

Bayside Council has a refugee and asylum seekers traineeship program, and the Asylum seekers Centre have a traineeship - work placement program.



Discussion about considering these initiatives for inclusion in Waverley's Workforce Development Strategy

**Action:**

- Jo to contact Bayside Council and Asylum seekers centre to find out more about their work placement programs
- Jo & Rebecca to contact HR to find out more about Waverley's EEO policies and affirmative action initiatives in Council. Check with governance about projects and programs/conflicts of interest
- Add traineeships for migrants and refugees a standing agenda item.

**Backpacker/migrant worker rights project**

Scope a fact finding report on who is working in our region? What visas are they on? Where do they work? Which industries do they work in?

International students are being identified as a vulnerable target group in our region. Jo has met with health promotion officers from UNSW who reported seeing mental health and sexual health issues with their International students. International students in private colleges have even less support than the university students.

More information is needed to develop this project further.

**Community Outreach Forum**

Suggestion to run topic based CALD focussed community meetings eg: Russian, Brazilian to find out the needs of each community group. Research grants from Multicultural NSW.

**Action:** Make this a standing agenda item

**5. Terms of reference**

The draft TOR was endorsed by Council at the 5 June 2018 meeting. Two additions in the ToR is a 2 year term for members and the MAC minutes will be tabled at Council meetings.

**6. Expression of Interest (EOI) for new MAC members - MAC planning for 2018**

Six people applied to become members of the MAC. As the term is 2 years we need to consider staggering the membership to keep continuity of members. New members will be notified about their application status in the coming weeks.

**7. Local Council access and equity policy**

Committee agrees to make this item a standing agenda item and to work towards an updated policy and discussed within the context of the social sustainability framework in this year's Operational Plan.

**Action:** Jo to report back to the MAC about the action plan of the Cultural Diversity Policy 2010-2014 Action Plan including what has been achieved and what is outstanding.

**8. Global Table MAC involvement**

City East College attended the Global Table service tent and reported there was lots of information given out. The photo booth was a success.

**Action:** Rebecca to send photos of the photo booth and stall to MAC members.



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COUNCIL

#### **9. Refugee Week 2018**

Refugee Week posters were mailed out to local services and put in key Council buildings including the library and Mill Hill centre. Refugee Week was promoted on Councils social media feeds.

#### **10. Social inclusion, community resilience and local government project**

Discussion about what does social inclusion and resilience mean to the Waverley community? A research project could be designed and facilitated by Andrew Jakubowicz Could source funding from the Scanlon Foundation, Multicultural NSW, Human Rights Commission. This could be considered within the broader context of a social sustainability framework.

**Action:** Paula will talk to Rachel about doing a motion for this project.

Add Social Inclusion, community resilience and local government as a standing agenda item.

#### **11. Deadly questions**

Mary O'Malley a film maker from UNSW approached Paula about the concept of running a Deadly Questions session in our library. This involves having an Aboriginal person willing to answer questions from audience members about their culture, identity and history.

#### **12. Other business/correspondence**

Emma raised the idea to hold some public screenings of world cup games involving Australia to unite the community through sport. Rebecca will look into this as it is a really good idea but it might be too short a timeframe to organise a public event. Members agreed it's a great idea to involve sport and multiculturalism ideas for future planning. Ideas raised to screen international contest such as Eurovision to connect people through music.

**Action:** Create a calendar of international events or significant sporting or cultural events that could involve a wide audience of people to bring them together in a public space.

#### **13. Information share & event ideas**

NAIDOC week- flagship event Stiff Gins and Mi-Kaisha concert on 13 July 2018.

**Action:** Jo to send through NAIDOC program to the MAC.

#### **14. Meetings in 2018**

Original dates for meetings are the 3<sup>rd</sup> Thursday of every 3<sup>rd</sup> month from February:  
16 August 2018, 15 November 2018.

**Meeting closed 8pm**

**REPORT  
CM/7.12/18.09**

**Subject:** Petition - Rickard Avenue, Bondi Beach - Closure and Traffic Calming

**TRIM No:** A03/0042-04

**Author:** Natalie Kirkup, Governance and Internal Ombudsman Officer

**Director:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That the petition requesting the closure of Rickard Avenue at its intersection with Lamrock Avenue, and the installation of central refuges in Rickard Avenue at its intersection with Barracluff Avenue, be forwarded to the Executive Manager, Creating Waverley for appropriate action.

**1. Executive Summary**

Council has received a petition containing 51 signatures from the residents of Rickard Avenue, Bondi Beach, requesting the closure of Rickard Avenue at its intersection with Lamrock Avenue, and the installation of central refuges in Rickard Avenue at its intersection with Barracluff Avenue. It is recommended that the petition be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

**2. Introduction/Background**

Council accepts petitions from persons who have an interest in the Waverley Local Government Area as residents, landowners, business people or in some other capacity. Petitions must concern matters that Council is authorised to determine.

**3. Relevant Council Resolutions**

Nil.

**4. Discussion**

The subject of the petition is:

*'Safety concerns for the large number of children living in Rickard Avenue from traffic.'*

The petition requests that Council:

*'Close Rickard Avenue at its intersection with Lamrock Avenue and place central refuges in Rickard Avenue at its intersection with Barracluff Avenue and at the "dog leg" bend.'*

**5. Financial impact statement/Timeframe/Consultation**

There is no financial impact in Council receiving the petition.

**6. Conclusion**

It is recommended that Council refers the petition to the Executive Manager, Creating Waverley, for appropriate action.

**7. Attachments**

Nil.

**REPORT**  
**CM/7.13/18.09**



**Subject:** State Emergency Service (SES) Depot, Grafton Street - Cost Share and Operating Agreement

**TRIM No:** A12/0785

**Author:** John Andrews, Property Co-ordinator

**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Enters into a Cost Share and Operating Agreement with Woollahra Council for the joint operation of the Waverley and Woollahra State Emergency Service depot located at Area 2, 14 Grafton Street, Bondi Junction.
2. Authorises the General Manager to execute the agreement on behalf of Council.

**1. Executive Summary**

Since 1994, with the approval of the Director General of the State Emergency Service, Waverley Council and Woollahra Council have operated a State Emergency Service (SES) unit under the State Emergency Services Act 1989 to service the Waverley and Woollahra Local Government areas.

The two Councils share the operating expenses in the running of the depot on a 50/50 basis. The current deed of agreement has expired and a new agreement is required to formalise the arrangements.

**2. Introduction/Background**

Waverley and Woollahra Councils have jointly operated a SES depot since 1994. The previous facility was located within Council's depot at 97–115 Portman Street depot in Zetland. As Council had plans to sell the Portman Street depot, it undertook to rent land in Bondi Junction and build a new facility in the current location known as Area 2, 14 Grafton Street, Bondi Junction, under the Syd Einfeld Drive overpass. The location on the border of the two LGAs significantly improves the response effectiveness of the service compared to the previous location.

The current site is under lease from the Roads and Maritime Service (RMS) on a five-year lease that commenced on 1 November 2014 and expires 31 October 2019. Council will shortly be entering discussions with RMS regarding an extension of the existing lease. The annual operating costs for the facility are around \$115,000 per annum including the rent to Roads and Maritime Service which is currently \$73,382 per annum plus GST.

The previous deed of agreement between the two Councils has expired and a new agreement is required to not only update the administration and accounting arrangements but also to acknowledge the new location. The operation costs have historically been split equally between the two Councils and this will continue under the new agreement.

**3. Relevant Council Resolutions**

<b>Council or Committee Meeting and Date</b>	<b>Minute No.</b>	<b>Decision</b>
Council 16 July 2013	1307.14.1	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note the report of the General Manager on the proposed relocation of the Waverley / Woollahra State Emergency Services Unit Headquarters to under Syd Einfeld Drive, Bondi Junction.</li> <li>2. Formally accept the Leasing Proposal from Roads &amp; Maritime Services, subject to development approval for the construction and operation of the Waverley / Woollahra State Emergency Services Headquarters underneath Syd Einfeld Drive, Bondi Junction.</li> <li>3. Receive a further report detailing the proposed design of the Waverley / Woollahra State Emergency Services Headquarters along with the funding strategy.</li> </ol>
Council 16 April 2013	1304.14.1	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note the report of the General Manager on the possible relocation of the Waverley Woollahra State Emergency Services Unit Headquarters to under Syd Einfeld Drive, Bondi Junction.</li> <li>2. Confirm with Roads &amp; Maritime Services Council's interest in entering into a lease to occupy the site under Syd Einfeld Drive for the purpose of construction and operation of the Waverley Woollahra State Emergency Services Unit Headquarters.</li> <li>3. Authorise the General Manager or his representative to negotiate the conditions of the lease in principle, and prepare a further report seeking approval of the draft lease conditions.</li> <li>4. Receive a further report detailing options for construction of the Headquarters and possible funding strategies.</li> <li>5. Seek the support of the Minister for Transport, The Hon. Gladys Berejiklian, MP, and the Minister for Police &amp; Emergency Services, The Hon. Michael Gallacher, MLC, in reducing the quantum of the lease fee given the occupation of the land by an emergency services volunteer association.</li> </ol>

**4. Discussion**

The SES is an important service for the local community and its efficient operation is paramount for both Councils. To enable there to be a clear understanding of how the operating costs are shared it is necessary to enter into a joint Cost Share and Operating Agreement.

Council as the lease holder of the premises will provide an annual estimate of operating expenses prior to the commencement of each financial year and the actual expenses will be accounted for and invoiced to Woollahra Council on a quarterly basis.

**5. Financial impact statement/Timeframe/Consultation**

The costs will be invoiced and recovered from Woollahra Council on a quarterly basis, the overall total for last financial year was \$112,439 of which Woollahra Council paid 50 per cent.

It is expected that the agreement will be executed within 30 days of Council approval.

**6. Conclusion**

It is recommended that Council enters into a joint agreement with Woollahra Council to formalise the sharing of operating expenses associated with the SES depot located at Area 2, 14 Grafton Street, Bondi Junction.

**7. Attachments**

Nil.

**REPORT  
CM/7.14/18.09****Subject:** Alexandria Integrated Facility - Lease to Telstra**TRIM No:** A15/0160**Author:** John Andrews, Property Co-ordinator**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Grants a lease to Telstra Corporation Limited on the terms and conditions outlined in this report.
2. Authorises the General Manager to complete negotiations on behalf of Council and to finalise and execute all necessary documentation.
3. Notes that the lease is subject to Woollahra Council formally approving the proposal as joint owners of the Alexandria Integrated Facility.

**1. Executive Summary**

The Alexandria Integrated Facility (AIF) was constructed in 2014–2015 as a shared facility for Waverley and Woollahra Council's operational workforce on lots 12–16, 67A Bourke Road, Alexandria.

In April 2018, representatives from Kordia Solutions Australia contacted the AIF facility manager to advise that part of the AIF land had been identified by their client, Telstra Corporation Limited, as a prime location for a telecommunications tower. The existing Telstra network equipment is attached to a nearby building that is flagged for demolition and Telstra are required to relocate the equipment.

Following joint negotiations with Telstra and Woollahra Council, the parties have agreed terms, which are outlined in this report.

**2. Introduction/Background**

In 2012, Council purchased lots 12–16, 67A Bourke Road, Alexandria from Macquarie Development Capital Australia for the purpose of constructing an integrated depot facility on the site. In 2014, Woollahra and Waverley Councils reached agreement to become tenants in common of the premises (land and building) with a 41/59 percent share.

While the building premises take up a large percentage of the site, there is a strip of vacant land running between the building and the adjoining canal, and this has been identified as a prime site for the relocation of Telstra's equipment. This area has direct line of sight along the newly constructed West Connex freeway corridor and provides good coverage for the local Telstra network. The site will house a monopole and equipment shelter with the leased area representing approximately 60 square metres; see the site diagram attached.

To determine a suitable rental, Council engaged an external valuer who has assessed the rental to be \$25,000 (plus GST) per annum. The original offer from Telstra was \$20,000 per annum; however, they have agreed to pay the higher amount.

The general terms of the proposed lease are as follows:

<b>Lessee</b>	Telstra Corporation Limited
<b>Rent</b>	\$25,000 (plus GST) per annum
<b>Term</b>	Five years
<b>Options</b>	Five years x 3
<b>Annual increases</b>	Fixed 3%
<b>Electricity</b>	Paid by the lessee
<b>Costs</b>	All reasonable valuation & legal costs will be reimbursed by the lessee

### 3. Relevant Council Resolutions

<b>Council or Committee Meeting and Date</b>	<b>Minute No.</b>	<b>Decision</b>
Operations and Community Services Committee 4 September 2018	OC/5.4/18.09	That Council defers this item for a report to come back to Council detailing staff consultation that has occurred and a risk assessment of the potential installation of this facility.

### 4. Discussion

While the lease matter has been negotiated by mutual consent, Telstra has powers under the *Telecommunications Act* to enforce the installation of their equipment on private land if they desire.

Therefore, rather than deny access of the site and have Telstra potentially serve notice on Council, it was decided to negotiate access and the terms including the rental.

The piece of land to be used for the telco equipment is not expected to be required by the depot operations, and the Executive Manager of the AIF has approved its installation subject to all safety guidelines being in place and staff being made aware of the proposed installation.

In regards to staff consultation and any risks associated with the telco equipment, the following actions have been undertaken.

- The proposed installation was noted and minuted at the Waverley and Woollahra governance meeting that occurred on the 21 June 2018, so both Councils' management are aware of the proposal.
- The proposed lease requires the lessee to ensure the installation is compliant at all times with the Electro Magnetic Safety Standards of Australia and if not it must be powered down immediately.
- The lease also requires compliance with all environmental laws and work health and safety laws, including the *Work Health and Safety Act 2011* (Cth) and the *Work Health and Safety Regulations 2011* (Cth).
- The Executive Manager of the Alexandria Integrated Facility informed Team Leaders of the proposal.
- An information brochure and location plan was put together describing the proposed installation and this included links to three safety and information fact sheets. This brochure was displayed electronically on the depot hub digital screens for over 1 ½ weeks, no objections or concerns were received. See Attachment 2.

**5. Financial impact statement/Timeframe/Consultation**

If the lease proceeds, Woollahra and Waverley Councils will share the rental income in line with their ownership percentage for the AIF.

The installation is expected to occur within October 2018 as the relocation of the telco equipment is urgently required; otherwise, the local network will cease to operate.

**6. Conclusion**

Subject to final negotiations being concluded, and the joint approval from Woollahra Council, it is recommended to proceed with the lease with Telstra Corporation Limited on the terms contained within this report.

**7. Attachments**

1. Site Plan Telstra Tower [↓](#)
2. AIF Telstra Staff Communication [↓](#)



## Proposed Telstra Phone tower Installation

- It is proposed from Telstra to Waverley/Woollahra Councils for the installation of a phone tower on the AIF site.
- The tower is to be located on the South western corner adjoining the canal.
- The tower is required to service the local area and the West Connex corridor.
- Safety fact sheets are available from the following links
  - <http://www.emfexplained.info/?ID=24897>
  - <https://www.arpansa.gov.au/>
  - <https://www.acma.gov.au/Citizen/Spectrum/About-spectrum/EME-hub/mobile-phone-base-stations>



**REPORT**  
**CM/7.15/18.09**

**Subject:** Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid

**TRIM No:** A11/0249

**Author:** John Andrews, Property Co-ordinator

**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Enters into a Deed of Agreement for Easement over part of the common property known as lot 1 DP 270785, 67A Bourke Road, Alexandria, between Ausgrid Operator Partnership and the Community Association Scheme DP 270785, under which Waverley Council is a joint owner.
2. Notes that the easements are to be used for the installation of underground electrical cables and associated purposes.
3. Approves the amount of \$50,000 compensation to be paid to the Community Association Scheme DP 270785 from Ausgrid Operator Partnership.
4. Authorises the Mayor and General Manager to do all things necessary to give effect to the Deed of Agreement for Easement and to finalise the documentation.
5. Approves the execution of the Deed of Agreement for Easement by the Community Association Scheme DP 270785 on behalf of Waverley Council.

**1. Executive Summary**

Representatives of Ausgrid Operator Partnership (Ausgrid) approached Council to inform them that they intended to seek an easement across land that is jointly owned by Waverley and Woollahra Councils and the adjoining common land which is owned by the Community Association Scheme DP270785.

The Community Association Scheme DP 270785 is made up of three Councils: Waverley, Woollahra and City of Sydney. The area of land categorised as the Community Association Scheme DP 270785 is predominantly the common concrete driveway that runs from Bourke Road Alexandria and leads to the Council depot buildings.

The purpose of the easement is to provide for the installation of high voltage power cables that run indirectly from the Sydney airport feed to a major substation that adjoins the Alexandria depot.

The easement will run underneath the common driveway from the south and enter the substation to the north of the Council depot.

By allowing the easement through common land, Ausgrid are required to pay compensation to the Community Association Scheme and this has been agreed at \$50,000.

## **2. Introduction/Background**

In 2012, Council purchased lot 12-16, 67A Bourke Road, Alexandria from Macquarie Development Capital Australia for the purpose of constructing an integrated depot facility on the site. The total land area of 13,543 square metres was purchased for \$9.5 million plus GST. In 2014, Woollahra and Waverley Councils reached agreement to become tenants in common of the premises (land and building) with a 41/59 percent share.

As part of the original subdivision created by Macquarie Development Capital Australia a common road was built from Bourke Road which leads into the various lots that are now owned by Waverley, Woollahra and City of Sydney Councils. The common road is managed under the Community Association Act which is not unlike a strata title scheme.

All three Councils have an allocated amount of lot entitlement based on their individual ownership of land under the Community Association Scheme DP270785.

The proposed Ausgrid easement runs under Lot 1 DP270785 and as Waverley is an owner under that Community Association Scheme containing Lot 1 Council's approval is required to the Deed of Agreement for Easement.

As the Community Association Scheme and therefore Council will be due compensation in allowing the easement, Ausgrid engaged valuers Preston Rowe Patterson who assessed the compensation at \$45,000.

To ensure this amount was appropriate Council engaged its own valuer to critique the report and they assessed the rent to be very similar amount however Council was able to negotiate the compensation to be \$50,000.

## **3. Relevant Council Resolutions**

Nil.

## **4. Discussion**

As Ausgrid has the power to seek an easement over private land it is very difficult to refuse or block an easement proceeding. If a private owner refused to provide consent Ausgrid would acquire the easement through a compulsory acquisition process.

In lieu of agreeing to the easement compensation must be paid and this should take into account what, if any impacts the easement has on the title to the land. In regards to this site as the easement being sought is under a common roadway it is deemed that there is very little impact on the site including the title to it.

As the approval to the easement is dependent on all owners under the Community Association Scheme the proposal from Ausgrid was circulated to all three Councils for their review. City of Sydney Council have already approved the easement in an August 2018 resolution and it is anticipated that Woollahra will be seeking approval in September or October this year.

As indicated in the colour diagram attached to this report the easement through the common driveway known as Lot 1 will run past the depot wash bay entrance. Therefore the Deed of Agreement to Easement will provide that the construction is done in a manner and at times that do not adversely impede the operation of the Council depot. A traffic management and construction plan will be required to be submitted before any works commence.

The compensation of \$50,000 will be receipted to the trust account of the Community Association Scheme and then either distributed to the various Councils based on their lot entitlement or held in trust to offset ongoing levies and costs.

#### **5. Financial impact statement/Timeframe/Consultation**

The amount of compensation being paid by Ausgrid has been confirmed by Councils own valuer as being fair and reasonable and Councils legal and valuation costs will be reimbursed by Ausgrid.

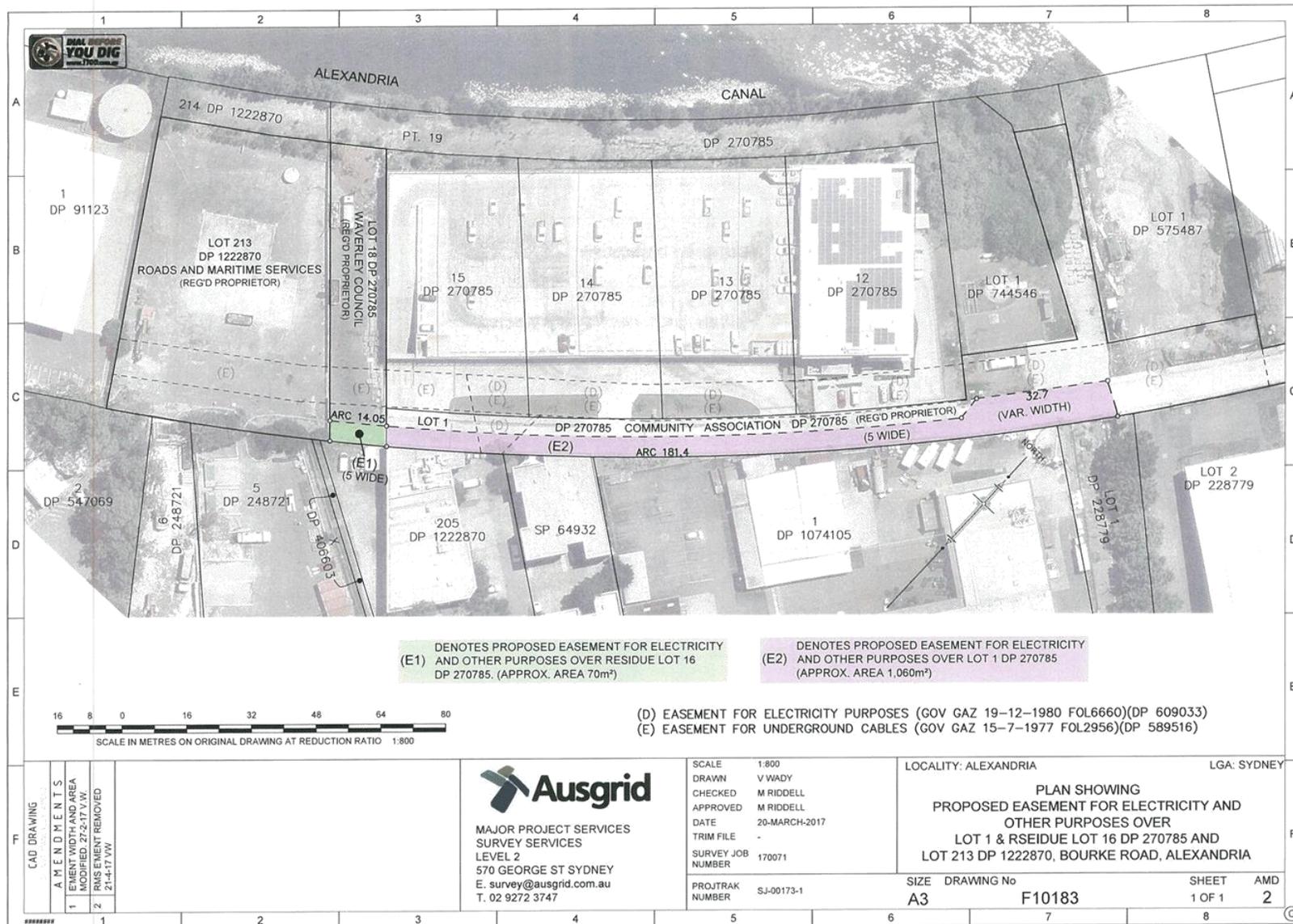
Whilst there is no indication from Ausgrid as to when the easement works will commence, it is anticipated that they will start later this year or early 2019.

#### **6. Conclusion**

It is recommended to approve the Deed of Agreement for Easement through Lot 1 DP270785 and approve the Community Association Scheme to execute the necessary documentation on behalf of Council.

#### **7. Attachments**

1. Ausgrid Plan for Easement (part lot 1 identified in purple) [↓](#)



**REPORT  
CM/7.16/18.09**

**Subject:** Request to Tender - Oxford Street Mall Markets, Bondi Junction

**TRIM No:** A18/0168

**Author:** John Andrews, Property Co-ordinator

**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council:

1. Undertakes a tender for a new market operator for the Oxford Street Mall markets in Bondi Junction.
2. Continues direct management of the Oxford Street Mall markets, until such time that a new external market operator is appointed.
3. Notes that a report will be brought back to Council seeking approval to the successful tender applicant.

**1. Executive Summary**

The market in Oxford Street Mall Bondi Junction was previously operated by My Local Markets Pty Ltd, a professional market operator. After approximately eight years of service, the market operator gave notice to Council and ceased trading on Friday, 23 March 2018. To allow the markets to continue operating, Council put alternative arrangements in place and has directly run the markets since April 2018.

As the current arrangement was only intended as an interim measure, a new market operator is required to be sourced via a tender process which will enable them to take control of the market going forward. It is intended to award a license for one year with two one year options with those options being at Council's discretion.

**2. Introduction/Background**

The Oxford Street Mall markets were run by an operator called My Local Markets Pty Ltd from May 2010 to April 2018.

The licenced market area covers about 409 m<sup>2</sup> at the western end of the Oxford Street Mall Bondi Junction and can accommodate about 32 stallholders. The original development approval allowed trade to occur from Thursday to Sunday; however, this was varied midway through the license term to allow trade from Wednesday through to Friday from 9 am to 5 pm.

The rental was based on a daily rate of \$679 (excluding GST), which provided approximately \$105,000 (excluding GST) in revenue to Council per annum. This rental rate was determined through a prior tender submission.

In February 2018, the market operator, My Local Markets Pty Ltd, decided to give notice to cease operating the markets and subsequently Council resolved at the March 2018 Council meeting to assume direct control for an interim period of up to six months. The decision for Council to take temporary control followed lobbying by stall holders and letters of support for the markets from the local community.

While the Council resolution in March 2018 was for Council to take direct control, it did not state that the markets should then go to tender at the expiry of the interim period; although it was assumed Council would be supportive of this action.

### 3. Relevant Council Resolutions

Meeting and Date	Minute No.	Decision
Council 20 March 2018	CM/7.1/18.03	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council treats the attachment to this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A (2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li> <li>2. Council assumes direct control of the Oxford Street Mall markets for an interim period of up to six months, in accordance with the management process set out in this report.</li> <li>3. Pursuant to section 610E of the <i>Local Government Act 1993</i>, Council, on the basis of hardship, reduces the stall hire fee in Council's Pricing Policy.</li> <li>4. Fees and Charges for existing stallholders during the interim period, so their fees are maintained at the rates currently charged by the licensee, as attached to this report.</li> <li>5. The General Manager be given the authority to sign the licence agreements with stallholders on Council's behalf, and to do all things necessary to facilitate the continuation of the current market operation</li> </ol>

### 4. Discussion

The most recent market license ending in early 2018 gave officers the opportunity to review the service and to look at current trends for markets with a view to this information informing the future Tender process.

To assist in gathering further information about markets Council's Economic Development team engaged JOC Consulting in July 2018 to provide a feasibility study on potential Mobile Vending and Outdoor Markets in the LGA. The study is complete and is attached to this report at Attachment 1. The report identifies a range of community and commercial benefits provided by outdoor markets, including the activation of neighbourhoods, delivering place making value, diversifying retail and food options, and attracting increased visitors, while also complimenting brick and mortar retailers.

Temporary land uses such as outdoor market operations provide a beneficial way of activating underutilised sites, and is particularly important in the evening / night time. The feasibility report suggests the opportunity for a night time market be explored at Oxford Street Mall, initially on a trial basis to assess potential success. The ability to deliver a trial night time market will be specified as a requirement in the Tender.

The Economic Development team is currently developing an Outdoor Market Operations Policy and guidelines as part of the Commercial Activities in Public Spaces (CAPS) framework. The CAPS framework aims to simplify the commercial use of public spaces, which comprises of policy and associated guidelines, and processes for management and approval of licences.

To allow the markets to continue it is recommended that Council should seek a professional market operator as Council does not have the relevant expertise or resources to continue longer than the current interim period. A new operator would have the experience required to invigorate the current market offering and provide a better quality offering.

It is intended to prepare a tender to seek a new market operator for release as soon as practical prior to Christmas. The tender will be for a one year licence with two one-year options, which will be at Council's discretion.

A report to Council then be presented seeking their formal approval to appoint the new market operator.

#### **5. Financial impact statement/Timeframe/Consultation**

If Council approval is received then officers would embark on the Tender process with the aim of having a new market operator in place before the end of the year or as early into the New Year as possible.

The current operation is generating around \$6,000 per week in gross revenue per week with outgoings of around \$2,000 per week. This do not include sundry costs relating to internal staffing and accounting.

It would be anticipated that a new license operator would pay rent in the region of \$2,000–\$3,000 a week to Council.

#### **6. Conclusion**

It is recommended that Council approve officers undertaking a tender to seek a professional market operator for the Oxford Street Mall Markets Bondi Junction.

#### **7. Attachments**

1. JOC Consulting, Mobile Vending & Outdoor Markets Feasibility Study [↓](#)



**MOBILE VENDING AND OUTDOOR MARKETS FEASIBILITY STUDY**

**Prepared by JOC Consulting  
and SGS Economics and Planning  
for Waverley Council**

Final Report | 30 August 2018



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## 1. EXECUTIVE SUMMARY

### Overview

This Report presents the findings of analysis and assessment undertaken by JOC Consulting and SGS Economics and Planning to assess the feasibility of: expanding temporary retail options in Waverley Local Government Area (LGA), specifically introducing mobile food truck licenses, increasing the number of mobile vending licenses, and increasing both day and night-time markets. Feasibility of those activities has been examined in respect of five sites: Bondi Beach, Bronte, Tamarama Park, Oxford Street Mall (Bondi Junction), Roscoe Street Mall (Bondi Beach).

The study was commissioned by Waverley Council and involved a multifaceted approach including a literature review, assessment of policies and practices at like Councils (5), site visits, economic modelling, and consideration of social impacts.

Currently there are 4 mobile vending operators located at Bondi Beach; 2 Council operated markets (Oxford St Mall and Roscoe St Mall) and 3 privately operated markets (Bondi Markets, Bondi Farmers Markets and Waverley Markets Car Boot Sale) throughout the LGA; and no food trucks, other than those approved on a case by case, temporary basis for special events.

### Benefits

As detailed within this Report, mobile vending, food trucks and outdoor markets are identified as delivering a range of benefits including:

- Contributing to the liveliness, liveability and activation of neighbourhoods
- Improving attractiveness and amenity for both locals and visitors – delivering 'place making' value and encouraging a more dynamic and flexible approach to urban planning
- Diversifying retail and food options and attracting increased visitors and patrons
- Complementing 'bricks and mortar' retailers
- Improving safety through increased activity and pedestrian traffic

However, there are also perceived negative impacts relating to increased competition for existing bricks and mortar retailers/businesses and social impacts (such as noise, congestion and waste generation) particularly on residential areas.

### Comparable councils and statutory regulations

In preparing this Report, research has indicated that mobile vending, food trucks and markets were permissible across the five comparable Councils examined, with the exception of one Council (Randwick City Council), which does not permit food trucks. Various statutory regulations, licensing arrangements and council-specific policies are in place to help applicants understand the process and requirements, and to ensure safety and suitability of operations, appropriate recognition of the interests of other stakeholders and the management of adverse impacts.

### Economic impact

The Retail impact analysis, prepared by SGS Economics, has highlighted that the introduction of increased or new retail options has the potential to impact on existing retail operations and divert some consumer expenditure away from bricks and mortar operations. However, if the right locations are selected, a cap placed on the number of licences issued and particular conditions attached for the relevant activity, existing businesses should not be negatively impacted. Smaller centres are more vulnerable to being impacted by the introduction of new and expanded temporary retail options. Temporary retail was also shown in the study to be an opportunity for new businesses to model and provide a different offering to the community.

This Report has identified the following insights with regards to the extension of mobile vending, food trucks and outdoor markets in Waverley LGA:

<b>Mobile Vending</b>	<p>Mobile do not have a significant impact on bricks and mortar businesses. At Bondi Beach, Roscoe Street Mall and Oxford Street Mall, the number of mobile vendors operating before an impact on bricks and mortar retail occurs is more than ten, and at Tamarama Park (up to one) and Bronte Beach (up to ten).</p> <p>A managed increase to mobile vendors should be considered to improve the amenity, convenience and experience of beach side locations for community and visitors.</p>
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	Suitable locations (such as Bondi Beach) have been identified and included as recommendations on page 22 of this report.
<b>Food Trucks</b>	<p>Food trucks have a greater impact on bricks and mortar retail, in comparison to mobile vending. At Bondi Beach, Roscoe Street Mall and Oxford Street Mall, the number of food trucks operating before an impact on bricks and mortar retail occurs is more than ten, and at Tamarama Park (less than one) and Bronte Beach (up to five).</p> <p>A 12-month food truck trial should be investigated for select sites (operating zones) at Bondi Junction and Bondi Beach. Food trucks at Bronte Beach and Tamarama are not considered suitable due to noise, pollution and issues associated with competition. Local businesses should be invited to submit an EOI to operate a food truck within the LGA prior to allowing the assessment of applicants from outside the LGA.</p>
<b>Outdoor Markets</b>	<p>It is considered that the introduction of Markets in proximity to centres such as Roscoe Street Mall and Oxford Street Mall will spread further than the existing local centre. Based on results, both malls could accommodate two to three additional markets days or night per week.</p> <p>The current provision of markets across the LGA is adequate although the offering of Oxford Street Mall has the potential to foster a thriving night-time experience. The night-time markets should provide an offering that caters to 'after dark' behaviours. Bronte Beach Park has also been identified for consideration in event-like seasonal markets.</p>
<b>Clustered approach of different types of temporary retail</b>	<p>There is potential for a coordinated approach between mobile vending and markets. Market stalls could provide a more diverse offering that would also reduce economic impact on bricks and mortar businesses.</p>

### Social impacts

The study explored social impacts in relation to food trucks and markets. This research highlighted that noise, waste, congestion and other environmental impacts can negatively affect amenity and liveability, particularly in areas that are predominantly residential and where there is heightened sensitivity to such issues. As such increased temporary retail options are more suited to mixed use, larger centres. The study also identified the positive social impact that temporary retail options can bring including greater activation (particularly at night) and improved safety and community connectivity.

## 2. INTRODUCTION

Waverley Council is currently investigating the expansion and location of mobile vending operations in the Local Government Area (LGA), including a review of its outdoor markets policy and the feasibility and introduction of food trucks.

As part of this research, JOC Consulting and SGS Economics and Planning have been engaged by Waverley Council to undertake a study into the feasibility of increasing mobile vending and day and night-time markets, and introducing food trucks at suitable locations across the LGA.

### Purpose of the report

This Report presents the research and analysis undertaken to address the scope of works required by Waverley Council to inform its understanding of the viability (including economic impact) of increased temporary retail operations across Waverley LGA. It focusses on the following sites:

- Mobile vending and food trucks: Bondi Beach, Bronte Beach and Tamarama Park
- Outdoor markets: Oxford St Mall (Bondi Junction) and Roscoe St Mall (Bondi Beach)

It sets out overall findings based on this research and analysis and puts forward recommendations concerning mobile vending, food trucks and outdoor markets for Council's consideration.

### Methodology

The Feasibility Study has been undertaken using a multifaceted approach to assess social and economic impacts of mobile vending, food trucks and outdoor markets. Data has been drawn from a variety of sources, including:

- Inception meeting with Waverley Council and ongoing liaison and feedback throughout the course of this study
- Review of current mobile vending, food trucks and markets located in Waverley LGA
- Phone interviews with 5 x Councils and review of relevant documentation. Council's included Newcastle City Council, Northern Beaches Council, Wollongong City Council, City of Sydney Council, Randwick City Council
- Face to face interview with Waverley Council's Property Team to understand local issues associated with street vending and considerations for Waverley LGA
- Literature review including statutory regulations, policy and academic research related to mobile vending
- Economic assessment and impact analysis of expanded mobile vending and food trucks on existing bricks and mortar retail within a 500m radius of preferred locations at Bondi Beach, Bronte Beach, Tamarama Park, Roscoe Street Mall and Oxford Street Mall
- Site visit, observations and SWOT analysis of 11 spaces within and the near the focus areas

### Definitions

For the purpose of this Report, the following definitions have been used:

- **Food trucks:** Selling potentially hazardous food such as food that is cooked to order or is required to be maintained at temperature<sup>1</sup>. An example would be a vehicle preparing hot food made to order such as burgers.
- **Mobile vending:** Restricted to serving food that is not potentially hazardous or involves low-risk practices such as frothing milk for coffee or selling ice-cream<sup>2</sup>
- **Outdoor markets:** A market involves more than four stalls/vendors operating on one site offering goods and services for sale to the public<sup>3</sup>

### Disclaimer

This report has been prepared based on desktop analysis of information obtained from Waverley Council, site visits and retail impact modelling. It does not include the views or experiences of mobile vendors, residents or other stakeholders as this was outside of the scope of this study.

<sup>1</sup> City of Sydney, 2018. *Mobile Food Vendors*.

<sup>2</sup> Ibid

<sup>3</sup> Waverley Council, 2009. *Outdoor Market Operations in Public Places Policy*.

### 3. EXISTING SITUATION

The current arrangements for the operation of mobile vending, food trucks and outdoor markets on public land across Waverley Council are as follows:

#### Mobile vending

There are four (4) current licenses for mobile vending in Waverley LGA, all at Bondi Beach. These are:

- Tropical Sno – Iced sweets
- Messina Events – Ice cream
- Polar Cone – Iced sweets
- Dorajar – Sweets

#### Food trucks

Food trucks are not allowed to operate in Waverley LGA. However, temporary (event based) food truck licenses have been approved by Council on a case by case basis in the past, for example for Sculptures by the Sea.

#### Outdoor markets

There are five (5) operating markets in Waverley LGA, and two (2) of these operate on Council owned land:

- Oxford Street Mall – Bondi Junction
- Roscoe Street Mall – Bondi Beach
- Bondi Markets – Bondi Beach Public School
- Bondi Farmers Markets – Bondi Beach Public School (Saturday)
- Waverley Markets Car Boot Sale – Waverley Primary school (4 times a year)

The following pages provide analysis on what impact an intensification or extension of the above activities would have on the Waverley LGA, its people and place.



ABOVE: Messina Mobile Vending, Bondi Beach.

## 4. MOBILE VENDING

### The benefits of mobile vending

Literature identifies a range of benefits associated with mobile vending, including:

- Mobile vending contributes to the liveliness and liveability of neighbourhoods (Newman and Burnett 2013)
- Mobile vending facilitates a more dynamic, flexible and creative approach to urban design and planning (Freybote, Fang and Gebhardt 2017)
- It can contribute to the shaping of equitable and compatible public space (Ehrenfeucht 2017)
- Mobile vending has the capacity to influence the attractiveness of an area for both visitors and locals (Fang et al 2017)
- The literature notes that, it is common for bricks and mortar businesses to complain about the approval of mobile vending licenses as perceived increase in competition, or difference (and lack of) regulations that may apply between the two uses (Han 2015)

### Regulations across comparable council areas

Mobile vending is permissible across the five local government areas researched as part of this Feasibility Study. In all cases, an application form must be submitted to Council for approval under section 68 of the Local Government Act 1993. In supplying the application form to potential vendors, Council's generally also supply a comprehensive checklist detailing specific compliance requirements. This application form is the same for single day/event or multiple days/events. On review, this process is consistent with Waverley Council's existing procedures.

According to the Northern Beaches Council Mobile and Temporary Food Stalls policy, Mobile vending must not trade in one location for any longer than 15 minutes over a 24-hour period. Other Council's, specifically Newcastle City Council and City of Sydney Council stipulate that vendors cannot trade in the one location for more than 4 hours.

### Economic impact

The Retail Impact Analysis Report prepared by SGS Economics and Planning (see Appendix 1) has identified the following:

- Mobile vendors have an average turnover of \$145,000 per annum
- Double the amount of mobile vendors can be in an area, compared to food trucks before an impact on existing businesses is experienced. This is due to the differences in size of mobile vehicles and the lower financial turnover of mobile vending compared to food trucks.
- Tamarama and Fletcher Street is likely to be impacted due to the introduction of four (or more) mobile vending licenses at Tamarama Park.
- Tamarama could accommodate one mobile vendor if it spent all of its time in the public domain exclusively in Tamarama.

## 5. FOOD TRUCKS

### Benefits of food trucks

The literature offers the following insights relating to food trucks:

- Activation potential is stronger when food trucks are clustered together to create an 'event-like' experience. Customers are attracted to clusters (more than 2 trucks) increasing the economic return for individual food trucks (Winn 2014).
- Increasing population has led to increased numbers of food trucks, there are an estimated 3000 food trucks in Victoria, up from 1500 two years ago (Waters 2018) however uptake in New South Wales been slower due to regulations and lack of policy support.
- Food trucks provide the opportunity for entrepreneurs to experiment before transitioning into a bricks and mortar restaurant or café (Han 2015, Jennings 2017). A City of Sydney Food Truck Trial found 67 per cent of operators who participated in the food truck trial intend to open a bricks and mortar business (Woolcott Research 2013).
- It is not uncommon for bricks and mortar restaurants have invested capital in food trucks (Jennings 2012). Half of the food trucks that participated in the City of Sydney Food Truck Trial also owned a bricks and mortar business.
- Business owners may see food trucks as a complementary addition, or an extension to bricks and mortar and less a direct substitute (Woolcott Research 2013).
- In some cases, Councils enforce conditions of consent that limit or prohibit operations in residential areas and instruct food trucks to pick up all rubbish within 20 metre radius of site prior to packing up and moving to the next location (Han 2015). The removal of fat and oil stains at particular sites used by food trucks can be a time consuming requirement (Woolcott Research 2013).
- Food trucks increase the perception of safety by increasing passive surveillance and activity (Woolcott Research 2013).
- Food trucks are more likely to be a take-away option rather than a culture of 'sit down and eat' (Woolcott Research 2013).
- Social platforms and media have been a significant contributor to the rise of food trucks particularly those considered gourmet.
- There is considered to be more red tape in Sydney than Melbourne due to the requirement to register with Council.

### Regulations across comparable council areas

Food trucks are permissible within the majority of Council areas researched as part of this Feasibility Study. However, Randwick City Council, has recently refused food trucks to operate in their LGA due to concerns of added congestion and competition with bricks and mortar businesses but also kiosks located in and around sporting facilities.

Of the Councils which permit food trucks, there are differences in how applications are assessed and licenses enforced as set out below:

- A variety of exclusion zones are enforced across the LGAs. Food trucks must not trade within a distance of 50m (City of Sydney and Newcastle), or 200m (Wollongong) between the parked location of the food truck and nearby bricks and mortar food and beverage business
- In some cases, food trucks are allowed to operate within proximity of recreation facilities and reserves (Newcastle City Council, Wollongong City Council and City of Sydney). In other cases, food trucks are not allowed to operate within 100m radius of a recreation facility and trade on a pervious surface (Inner West Council) or on, access or enter any reserve (Northern Beaches Council)
- There is no limit on the number of food trucks permitted to trade within Newcastle City Council, Northern Beaches Council and Wollongong City Council. These Councils identified a lack of interest from Food Trucks to operate in their LGAs and therefore the quantity of permits was not a concern.
- While in some cases food trucks operate based on local parking restrictions and compliance with ticketing requirements (Inner West Council and Wollongong City Council) in other areas there is a 4hr limitation on standing in any one location (Newcastle City Council and City of Sydney)
- The majority of investigated councils (with the exception of Northern Beaches Council) have regulations that prohibit trade in a residential zone or directly in front of a residential building
- All councils have regulations that seek to protect local character and reduce adverse impacts caused by noise, congestion, waste and lighting. These impacts are evaluated by a Council officer following a complaint from member of the public.

### Fees and charges

Application fees for food trucks vary for each Council as shown in below table. In many instances the application fee often does not include an inspection fee which is required before a food truck business begins. Overall, the application fee for food trucks was higher than for mobile vending due to 'high risk activity' associated with food trucks. A comparison of Fees and Charges across Councils that permit the operation of food trucks is given below:

COUNCIL	APPLICATION FEE	INSPECTION FEE
City of Sydney	\$210	\$125
Northern Beaches Council	\$200	\$410
Newcastle City Council	\$375	\$125

### Social Impact

The following table outlines impacts that food trucks may have on the local community. The criteria has been adapted by the International Principles for Social Impact Assessment.

IMPACT	ISSUES AND CONSIDERATIONS
<i>Social equity and quality of life</i>	
Increased option and diversity of food in the day and night	Food trucks increase food options for both locals and those visiting the area and can add to a sense of community by providing opportunities to interact. However, if not properly managed, these can be impacts which can adversely affect amenity and quality of life.
Increased social cohesion and interactions between neighbours	
<i>Access and mobility</i>	
Increased pedestrian activity	The presence of food trucks can increase the liveliness neighbourhoods by drawing people in and activating them. They can also have positive impacts in terms of safety. However, in certain locations there could be a risk of overcrowding or congestion, and impacts on parking.
Activation of public areas, during day and night.	
Changed traffic and parking conditions	
<i>Health and wellbeing</i>	
Increased uptake for fast food	All food trucks are take-away retailers with a high proportion delivering fast food. The provision of healthy food options should be considered prior to issuing licenses. Increased pedestrian activity lighting and activation can add a sense of safety particularly at night.
Increased sense of safety and passive surveillance	
<i>Changes to population</i>	
A fluctuating and seasonal customer base	The fluctuating population is a consideration in relation to the availability of customers, with emphasis on summer. Summer is also when parking and congestion issues are most prevalent.
<i>Personal property rights</i>	
Noise	Food trucks generate both vehicular and ambient noise. As such, exclusion zones should be considered outside and within proximity to residential buildings. Limiting parking duration on any one site will help reduce any adverse impacts associated with food trucks occupying parking spaces. A cap on the number of licenses to be issued and restricting operations to particular locations will minimise adverse impacts for residents and businesses.
Parking	
Bricks and mortar	

Environmental impacts	
Seasonal variations	The following responses should be considered: <ul style="list-style-type: none"> <li>- Prioritise licenses for operation in summer and peak season when customer patronage is higher.</li> <li>- Consider prioritising fewer, clustered events in winter months.</li> <li>- Food trucks and mobile vendors must carry trash offsite.</li> <li>- Designated locations for food truck operation should have public bins provided.</li> <li>- Should a generator be used, requirements to contain this should be considered.</li> </ul>
Environmental impacts	

**Economic impact**

The Retail Impact Analysis Report identifies the following key issues concerning food trucks (see Appendix 1):

- Food trucks have an average turnover of \$255,000 per annum (Woolcott Research 2013).
- Food trucks engage with an average of 12 businesses every month, spending approximately \$10,000 on suppliers (Woolcott Research 2013).
- Half of respondents surveyed during the City of Sydney Food Truck Trial indicated they would have eaten at a local bricks and mortar business if the food truck had not been present while 34% of respondents indicated that they would have eaten at home (Woolcott Research 2013).
- Between four and eight food truck licenses could be introduced across the LGA with majority of these ideally located at Bondi Beach.
- The operation of food trucks should be limited at Tamarama Park with food trucks on site for a maximum number of hours per week.

The commercial centres of Bondi Junction and Bondi Beach have a diverse and established bricks and mortar offering. The introduction of food trucks at these sites would have minimal impact on surrounding businesses. However, the type and offering of food trucks should be assessed so as to not compete but compliment existing bricks and mortar retail. For example, these types of food truck retail could include mexican, where there is no current offer for this cuisine in the area. As discussed through this Report food trucks provide atmospheric and event-like activation to surrounding areas.

**Potential sites for food trucks**

Based on the findings from this Feasibility Study, the following locations have been identified as the most suitable for food truck operations:



SITE	SITE ADDRESS	LAND OWNERSHIP	SITE CAPACITY
<b>1</b>	<b>Bondi Junction</b>		
A	Oxford Street Mall	Council	Cluster food trucks (2-4) (Night Activation)
<b>2</b>	<b>Bondi Beach</b>		
A	Roscoe Street Mall	Council	Individual food truck (Regular day/night use)
B	South Bondi Carpark	Council	Individual food truck (Regular day/night use)
C	Bondi Beach Playground Carpark	Council	Individual food truck (Regular day/night use)
D	Biddigal Reserve North Bondi	Council	Individual food truck (Regular day/night use)

**Site suitability assessment process**

JOC Consulting and SGS Economics and Planning have investigated suitability of the following sites for regular food truck operations:

- Bondi Beach
- Roscoe Street Mall, Bondi Beach
- Oxford Street Mall, Bondi Junction
- Bronte Beach
- Tamarama Park
- West Oxford Street, Bondi Junction

The analysis of site suitability included considerations for the economic and social impacts, and the unique attributes of each site including:

- Amenity of the site, including: seating, shelter, toilets and other facilities
- Access to the site, including pathway, vehicular access, pedestrian movement
- Proximity to residential areas, and to bricks and mortar retail
- Safety of the site including provision of lighting and adequate maintenance

SITE ANALYSIS	ECONOMIC IMPACT	SOCIAL IMPACT	SUITABILITY
<p><b>BONDI BEACH</b> Four site options for food trucks at Bondi Beach were considered:</p> <ul style="list-style-type: none"> <li>• South Bondi carpark</li> <li>• Bondi Beach Playground carpark</li> <li>• North Bondi at Biddigal Reserve</li> <li>• Outside Bondi Beach Pavilion</li> </ul>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Diversity of surrounding land uses</li> <li>- High activity centre</li> <li>- Toilets and other amenities nearby</li> <li>- Good lighting makes night-time activation possible</li> <li>- Landmark, tourist destination</li> <li>- Vehicular access and parking</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- In proximity to residential development</li> <li>- In proximity to bricks and mortar retail</li> <li>- Obstruction of emergency vehicles accessing site through carpark</li> <li>- Existing congestion and high demand for parking</li> </ul>	<p><b>Impact on bricks and mortar retail</b> Bondi Beach can accommodate more than 10 food trucks before trade begins to impact on bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Added diversity of food offering</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> <li>- Rubbish</li> <li>- Additional fast food businesses (saturation and competition)</li> </ul>	<p>South Bondi, Bondi Beach Playground and Biddigal Reserve appear to be the <b>most suitable</b> for food trucks. Physical size and exclusions zones around Bondi Pavilion make this site <b>less suitable</b>.</p>
<p><b>ROSCOE STREET MALL</b> One site at Roscoe Street Mall was considered, this was: Entrance to Roscoe Street Mall from Campbell Parade</p>			



<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- High activity centre</li> <li>- Vehicular access and parking nearby</li> <li>- Lighting and passive surveillance</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- In proximity of residential development</li> <li>- In proximity to bricks and mortar retail</li> <li>- Obstruction of emergency vehicles and access</li> <li>- Competition with markets</li> </ul> <p>Limited number of food trucks being able to access site at any one time</p>	<p><b>Impact on bricks and mortar retail</b></p> <p>Roscoe Street Mall can accommodate more than 10 food trucks before trade begins to impact on bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Activation and improved safety</li> <li>- Diversity of offering</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> <li>- Rubbish</li> </ul> <p>Additional fast food businesses (saturation and competition)</p>	<p>Food trucks appear to be <b>more suitable</b> at this location.</p>
<p><b>OXFORD STREET MALL</b> Oxford Street Mall was considered in its entirety</p>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Street furniture nearby (including bins and seating)</li> <li>- Vehicular access and parking nearby</li> <li>- Lack of active businesses operating 'after dark' in the immediate vicinity</li> <li>- Large space and potential for food truck clusters</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Lack of lighting at night</li> <li>- Lack of activity at night, dependent on peak periods (commuters)</li> <li>- Poor wayfinding</li> <li>- Competition with markets</li> <li>- Perceived competition with local businesses</li> </ul> <p>Wind tunnel and lack of shelter</p>	<p><b>Impact on bricks and mortar retail</b></p> <p>Oxford Street Mall can accommodate more than 10 food trucks before trade begins to impact on bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Activation and activity</li> <li>- Added diversity of food offering at night</li> <li>- Increase existing businesses trading later</li> <li>- Safety and security</li> </ul> <p><b>Negative impacts:</b></p> <p>Rubbish</p>	<p>Food trucks appear to be <b>more suitable</b> at this location, particularly in conjunction with outdoor markets.</p>
<p><b>BRONTE BEACH</b> One site at Bronte Beach was considered, this was:</p> <ul style="list-style-type: none"> <li>• Bronte Beach Park</li> </ul>			
<p><b>Suitable features of the site include:</b></p> <ul style="list-style-type: none"> <li>- Toilets and other amenities nearby including bins, seating, tables, natural shade</li> <li>- Good lighting makes night-time activation possible</li> <li>- Vehicular access and parking</li> <li>- Park buffer to residents</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- In proximity to residential development</li> <li>- In proximity to bricks and mortar retail</li> <li>- Limited on-street parking</li> </ul>	<p><b>Impact on bricks and mortar retail</b></p> <p>Bronte can accommodate up to 5 food trucks before trade begins to impact on nearby bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Access</li> <li>- Added diversity of food offering</li> <li>- Convenience (particularly in Summer months)</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> <li>- Rubbish</li> <li>- Noise</li> <li>- Residential amenity of surrounding neighbourhood</li> </ul>	<p>Food trucks appear to be <b>less suitable</b> to this location, due to proximity to residential areas.</p>
<p><b>TAMARAMA</b> One site at Tamarama was considered, this was:</p> <ul style="list-style-type: none"> <li>• Tamarama Beach Park</li> </ul>			
<p><b>Suitable features include:</b></p>	<p><b>Impact on bricks and mortar retail</b></p>	<p><b>Positive impacts:</b></p>	<p>Food trucks appear to be <b>less</b></p>

<ul style="list-style-type: none"> <li>- Flat topography of the park for pedestrians and good visibility from surrounding areas</li> <li>- Toilets and other amenities nearby including bubbler, permanent seating, shade, tables and bins</li> <li>- Vehicular access, bus stop in proximity</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Limited lighting for night-time activation and no on-site power</li> <li>- Despite vehicular access, steepness of topography is deterring</li> <li>- Bricks and mortar retail business operating in park</li> </ul>	<p>Tamarama can accommodate less than one food truck, after which trade begins to impact on nearby bricks and mortar businesses.</p>	<ul style="list-style-type: none"> <li>- Activation and activity</li> <li>- Added diversity of food offering</li> <li>- Convenience (particularly in Summer months and 'after dark')</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> <li>- Rubbish</li> <li>- Noise</li> <li>- Residential amenity of surrounding neighbourhood</li> </ul>	<p><b>suitable</b> to this location considering the small size of the centre, economic impact and the difficult topography of the site.</p>
<p><b>WEST OXFORD STREET, BONDI JUNCTION</b>                  Two sites on West Oxford Street were considered, these were:</p> <ul style="list-style-type: none"> <li>• Private land at 214 Oxford Street, Bondi Junction</li> <li>• Private land at 53-57 Oxford Street, Bondi Junction</li> </ul>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Diversity of surrounding land uses</li> <li>- Eased vehicular access off Oxford Street</li> <li>- Well located to activity of Oxford Street and Centennial Parklands</li> <li>- Increasing residential density</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Private land ownership (assumed to be Transport for NSW)</li> <li>- No toilets</li> <li>- Lack of lighting at night, other than usual street lights</li> <li>- Limited parking in proximity</li> </ul>	<p><b>Impact on bricks and mortar retail</b>                  The introduction of food trucks at West Oxford Street would have a similar impact to Oxford Street Mall.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Night-time activation of sites</li> <li>- Extension of activity to West Oxford Street</li> <li>- Community building and connection</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Noise</li> <li>- Rubbish</li> <li>- Congestion</li> <li>- Access</li> </ul>	<p>Food trucks appear to be suitable in this location because of physical attributes. However private ownership may be a barrier and make it <b>less suitable</b> for food truck operations.</p>
<p><b>CLEMENTSON PARK, BONDI JUNCTION</b>                  Clementson Park was considered in its entirety</p>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Parking with access to green open space</li> <li>- Street furniture nearby (including bins and seating)</li> <li>- Alcohol free zone and family friendly space</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Lack of lighting at night</li> <li>- Congestion</li> <li>- No toilets</li> <li>- Proximity to residential</li> </ul>	<p><b>Impact on bricks and mortar retail</b>                  The introduction of food trucks at Clementson Park would have a similar economic impact to Oxford Street Mall.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Activation and activity</li> <li>- Convenience</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> <li>- Rubbish</li> <li>- Noise</li> <li>- Anti-development sentiment within the community</li> </ul>	<p>Food trucks appear to be suitable in this location because of physical attributes. However private ownership may be a barrier and make it <b>less suitable</b> for food truck operations.</p>

## 6. OUTDOOR MARKETS (DAY AND NIGHT)

### Benefits of markets

A review of literature by SGS Economics and Planning identified a number of trends relating to the potential impact of outdoor markets on bricks and mortar retail.

These include positive impacts such as:

- Markets attract people to an area who would otherwise not visit the LGA
- There can be spill over impacts on businesses, as attendees to the market may also visit main street retailers, for example, for coffee and snacks
- The markets can have placemaking value, especially for underutilised or rundown areas, and can even act as marketing tools for an area.
- Markets can repurpose underused buildings and public spaces, such as parking lots
- Markets can act as incubators for small businesses, due to the low entry costs.
- Markets can support a diverse, night-time economy.
- Markets often sell goods (such as an increased range of organic produce or unique handmade items) that could not otherwise be bought in an area, and the studies examined suggest that markets complement 'bricks and mortar' retailers.

### Regulations across comparable council areas

Markets (and temporary stalls) are permissible across five LGA areas researched as part of this Feasibility Study. Wollongong Council has created location-specific controls while all other council areas have general regulations applicable to markets.

Each council area has market policies that apply with the exception of Rozelle Markets (Inner West Council) where there are no set guidelines for operations.

Differences in operations can occur depending on whether markets are managed by the council or private entity.

### Review of existing markets operating in Waverley Council

There are five markets operating in Waverley LGA across three sites, these are:

- **Oxford Street Mall** - Oxford Street Mall Markets
- **Roscoe Street Mall** - Roscoe Street Mall Markets
- **Bondi Public School** - Bondi Beach Farmers Markets (Saturday), Bondi Beach Markets (Sunday), Waverley Markets Car Boot Sale (4 times a year)

Below details for the current operation of the market are set out below:

MARKET	OPERATIONS	DESCRIPTION
<b>Oxford Street Mall Markets</b>	Previous operator was Your Local Markets. Tender for new management will be active after September 2018.	The Oxford Street Markets has the following attributes: <ul style="list-style-type: none"> <li>• Around 50% of stalls are food &amp; beverage</li> <li>• Most stallholders operate from Wednesday to Friday</li> <li>• Most popular day for sales is Thursday</li> <li>• 50% of stallholders feel satisfied about customer turnout and about the facilities available to them</li> <li>• Around 20 respondents suggested Thursday would be the most feasible evening for night markets to correspond with late night shopping.</li> </ul>
<b>Roscoe Street Mall Market (Bondi Beach Community Night Markets)</b>	Not for profit and have been donating all profits from organising the markets since 1994 to local charities such as WAYS and Norman Andrews House	The Roscoe Street Mall Markets are currently the only markets in the LGA that operate in the evenings. As stipulated by the below trading times: <ul style="list-style-type: none"> <li>• Saturday and Sundays, September to April, 1pm–8pm</li> <li>• Fridays to Tuesdays, December to February, 12pm–9pm</li> </ul>
<b>Bondi Beach Farmers</b>	Bondi Beach Markets Pty Ltd (operated on	The Bondi Beach Farmers Markets has the following attributes: <ul style="list-style-type: none"> <li>• 45 stalls selling fresh produce.</li> </ul>

<b>Market</b>	Bondi Beach Public School property).	<ul style="list-style-type: none"> <li>• 30 on-site parking spots will be provided for vendors.</li> <li>• Saturdays, 9am-1pm.</li> </ul>
<b>Bondi Beach Markets</b>	Bondi Beach Markets Pty Ltd (operated on Bondi Beach Public School property).	The Bondi Beach Markets has the following attributes: <ul style="list-style-type: none"> <li>• 100 stalls selling clothes, gifts, handicraft and food.</li> <li>• Sundays, 9am-4pm.</li> <li>• Bump in 9am-10am &amp; Bump out 4pm-5pm.</li> </ul>
<b>Waverley Markets Car Boot Sale</b>	Operated by Waverley Public School P & C (on Waverley Public School property).	The Waverley Markets Car Boot Sale has the following attributes: <ul style="list-style-type: none"> <li>• 4 times a year.</li> <li>• Usually 9am-1pm.</li> </ul>

**Social impacts**

A review of Development Applications (DAs) for the three markets currently operating within the LGA found:

- Parking/traffic congestion (5) and noise (5) as the two most common issues mentioned by objectors. Impact on bricks and mortar (3) and toilet facilities (3) were also raised.
- Bondi Beach Farmers markets has the most support within the LGA with five objection letters but 23 letters and a petition (139 names) in support. The other two markets also had low numbers of objects with Oxford Street Mall only having one and Roscoe Street Mall Night Markets only containing (7) with (32) pro-forma letters in support of the markets.

A social impact assessment (below) has been conducted, using assumptions based off demographical data to understand how the community might respond to the addition of extending or intensifying market use.

SOCIAL IMPACT ASSESSMENT PRINCIPLES	DEMOGRAPHICS (2011)	IMPLICATIONS FOR WAVERLEY
<i>People’s way of life – how they live, work, play and interact with each other</i>	28% of households in Waverley Council area contain only one person, compared to 21.6% in Greater Sydney.	Activation of public spaces through markets is recommended to encourage opportunities for social cohesion and incidental interactions.
<i>Their natural and built environment</i>	51.4% of house typologies in Waverley Council area are high density, compared to 23.5% in Greater Sydney.	Increased activity in public spaces can support residents wellbeing in an area of high density living.
<i>Social equity and quality of life</i>	39.9% of households in Waverley Council area are considered high-income (receiving more than \$2,500 per week before tax), compared to 28.3% in Greater Sydney. They also have higher capability to spend disposable income on recreation (13% of income), compared to low income households (7% of income). Also, high-income households, have an average higher spend on food and beverages (14% compared to 13%).	The customers in Waverley are likely to be well informed, interested in quality. Understand that the customer profile for market are likely to be well informed. Consider a variety of offerings including high quality.
<i>Access and mobility</i>	33.5% of residents use public transport as their method of travel to work, compared to 22.7% in Greater Sydney.	Market locations should be focussed in areas of high pedestrian activity, particularly near transport nodes.
<i>Their personal and property rights</i>	22.5% of households in Waverley Council area are fully owned, compared to 27.7 in Greater Sydney.  In Waverley the median price for houses is \$2,439,146 and the median price for units is \$1,002,907.	Consider buffer zones to support amenity for residents and attention should be given to lessen impacts on personal and property rights.



<i>Their fears and aspirations and safety.</i>	Non-domestic assault rate per 100,000 population is 449.3 in Waverley LGA. This is above the NSW average non-domestic assault rate of 415.5 per 100,000 population.	Increased passive surveillance through markets, particularly at night to contribute to improved perceptions of safety for the area.
<i>Their political systems – the extent to which people are able to participate in decisions that affect their lives</i>	Council has not yet permitted food trucks in the LGA, as such, avoidance of uncertainty around the application and approval process is to be managed.	It will be important to ensure clarity around the application and approval process

### Economic impacts

The Retail Impact Analysis Report prepared by SGS Economics and Planning (see Appendix 1) outlines the following key findings:

- Annual turnover for an average market of 40 stalls equates to around \$240,000 per annum as found in previous analysis in various locations in Sydney (based on operating 48 weeks of the year).
- Expenditure on markets is drawn from a greater catchment than mobile vending and food trucks.
- The maximum number of market days per week for Roscoe Street Mall is 3.5 and for Oxford Street Mall is 2.8 before bricks and mortar businesses are impacted. If the markets were to include a wider variety of stalls, the impact would be lower as it would be measured at total expenditure across all retail uses, rather than just hospitality uses.
- No centres are impacted by the extension of markets were to operate at night-time one night per week. However, if markets occur more than 3 nights per week at Roscoe Street Mall and Oxford Street Mall, Murray Street would be impacted.

The commercial centres of Bondi Junction and Bondi Beach have a diverse and established bricks and mortar offering. The offer for night markets their event-like and themed character. For example, an evening market could be Night noodle markets, where there is no current offer for this type of market in the area.

### Night-time operations

Temporary land uses such as outdoor market operations provide a unique way to activate underutilised sites and respond to negative issues associated with vacant land. This is particularly important of the evening, and 'after dark'. The 'After Dark in the Junction' community engagement exercise undertaken by JOC Consulting for Waverley Council in 2017, highlights a demand for night-time outdoor markets within the LGA. During the community engagement for After Dark in the Junction, a high proportion of comments were recorded which expressed interest in the development of a new evening market. Additionally, surveys of Oxford Street Mall stall holders found that half of the 15 respondents preferred extension of operating hours into the evening. The 'Eat Street Food Market', in Wollongong, activates Crown Street Mall at night and provides a dynamic and diverse experience with controls that prohibit the selling of similar food that may be in competition with nearby businesses.

### What makes a successful night market?

JOC Consulting has developed a set of criteria, associated with a successful night market. These have been formulated from desktop research and a review of four night markets operating in NSW.

1. **More than food or clothes** – Markets that create experiences and operate in conjunction with activation or entertainment options
2. **Flexible and evolving** – Markets that maintain their uniqueness and character yet are flexible and manage vendors to accommodate changing consumer needs
3. **Supporting local business** – Local vendors are invited and prioritise for involvement in the market
4. **Co-location and activation** – Markets that are adjacent to public space, where the market expands and occupies surrounding space
5. **Opportunistic** – Markets that try something new and respond to seasons

### Statutory regulations and comparable council areas

JOC Consulting has compiled research on relevant market case studies in Sydney, NSW and Melbourne. Case study snapshots discuss structure, management and any issues associated with the market. Information has been identified through desktop research and through contacting market providers.

ISSUE	CASE STUDY EXAMPLES							
	HANK MARVIN MARKETS, MELBOURNE	ROZELLE COLLECTORS MARKETS	KIRRIBILLI MARKETS	CHATSWOOD NIGHT MARKETS	WOLLONGONG EAT STREET	NIGHT NOODLE MARKETS, SYDNEY	STREET FEAST, NEWCASTLE	SACRED TREE MARKETS, NELSON BAY
<b>Night or Day Markets</b>	Day	Day	Day	Night	Night	Night	Night	Night
<b>Frequency of operation</b>	Weekly (Saturday)	Weekly (Saturday-Sunday)	Fortnightly (Saturday)	Twice a week (Thursday & Friday)	Weekly (Thursdays)	18 day event (October)	Monthly (4 <sup>th</sup> Saturday)	Weekly (Friday, from Dec-Jan)
<b>Management structure</b>	Paul Wesolek (Private)	Rozelle Collectors Markets (Private)	Kirribilli Neighbourhood Centre (Charity)	Willoughby City Council	Foragers (Private)	Good Food Month	Hunter and Gatherer	The Sacred Markets
<b>Applications</b>	Online	Online	Online	Online	Online	Selected	Online	Online
<b>Regulations</b>	The Hank Marvin Markets must follow the <i>Melbourne Event Planning Guide</i> .	Inner West Council is the authority. No specific market policies are in place but stallholders apply to Council for review, prior to forwarding to 'Rozelle Markets' private entity. An application form provides a checklist and	North Sydney Council policies on <i>Mobile Food Vending Vehicles and Temporary Food Stalls Policy and Public Events Policy and Guidelines</i>	<i>Chatswood Mall Markets Guidelines &amp; Conditions 2018</i> developed by Willoughby City Council guide both the application process and operation of markets.	The <i>Wollongong Development Control Plan</i> -chapter 15 outlines guidelines and requirement for the operation of markets.  Strict guidelines with regards to the possible impact on bricks and mortar retailers.	<i>City of Sydney Event Guidelines</i> .	<i>Newcastle City Council's Mobile Vending Vehicles and Department of Industries Food Authority's Guidelines for Food Businesses at Temporary Events</i>	Port Stephen's Council <i>Markets Policy</i> and lodging of Temporary Event Food Stall Application Form.

		assesses compatibility with market offer.						
<b>Operational hours</b>	Operating hours: 9am-3pm.	Operating hours: 9am-3pm.	Operating hours: 8:30am-3pm	Operating hours: 9am-9pm.	Operating hours: 5pm-9pm.	Operating hours: Vary depending on day of week. Mon-Tues 5/9pm,	Operating hours: 4pm-8pm.	Operating hours: 4pm – 9pm.
	Bump in: 7am- 8:30am  Bump out: 3:15- 4pm	Bump in: 7-9am  Bump out: 3-5pm	Bump in: 6:30am - 8:30am  Bump out: After 3pm	Bump in: 7:30- 9am  Bump out: 9pm- 10:30pm	Bump in: Before 5pm  Bump out: After 9pm	Stalls are set up and remain in position for the period of the festival.	Bump in: Before 2:30pm  Bump out: After 8pm	Bump in: Before 2:30pm  Bump out: After 9pm
<b>Access</b>	Site is located close to tram stops and over 300 car parking spots are available.	Site is located close to bus routes. Parking has been identified as difficult and limited.	Little to no parking, Lack of Shade or shelter.	Site is well located to public transport options including rail and bus.	Wollongong's CBD parking strategy has parking on the edges of CBD to promote walking throughout the City Centre.	Pedestrian congestion limits access for people with lower mobility. Site is in close proximity to various train stations including St James and Town Hall stations.	Site is well located to buses routes and stop and there is on street and paid parking in the vicinity.	Limited public transport to the site. Most customers are driving or walking.

### Potential sites for Outdoor Markets

Based on the findings from this Feasibility Study, the following locations have been identified as the most suitable for outdoor market operations:



SITE	SITE ADDRESS	LAND OWNERSHIP	SITE CAPACITY
1	Oxford Street Mall	Council	Continuation of day market Evening markets and activation
2	Roscoe Street Mall	Council	Continuation of day/night markets
3	Bronte Beach Park	Council	Seasonal evening markets and activation

### Site suitability assessment process

Sites investigated for the operation of daytime and night-time markets in Waverley Council LGA are:

- Oxford Street Mall
- Roscoe Street Mall
- Clementson Park
- Bronte Beach Park

SITE ANALYSIS	ECONOMIC IMPACT	SOCIAL IMPACT	SUITABILITY
<b>Oxford Street Mall (existing)</b>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Already used as a market</li> <li>- Vehicular access to the site and good catchment with strong pedestrian movements generated by close public transport services</li> <li>- Hard concrete surface, shade sails for weather and size of space, bins also on site</li> <li>- Mixed use of surrounding land uses</li> </ul>	<p><b>Impact of bricks and mortar</b></p> <p>Markets at Oxford Street Mall could operate at a maximum 2-3 days/nights before impacting on bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Increased diversity and food offering</li> <li>- Increased incidental interactions between neighbours and locals</li> <li>- Activation of public areas, during day and night-time to</li> </ul>	<p>Along with the continuation of daytime markets. This site appears to be <b>suitable</b> to consider a night-time market activation (through a separate agreement to daytime markets) on one night per month (initially, with opportunity to make more regular if received well from community and sufficient patronage).</p>

<p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Limited lighting for night-time activation</li> <li>- Dependent on peak periods of customers movement</li> <li>- Built form and physical space lacks comfort at the human scale</li> </ul>		<p>increased sense of safety and passive surveillance</p> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Increased pedestrian activity</li> <li>- Changed traffic and parking conditions</li> <li>- Markets and mobile vending influences a fluctuation of visitation</li> </ul>	
<b>Roscoe Street Mall (existing)</b>			
<p><b>Suitable features include:</b></p> <ul style="list-style-type: none"> <li>- Already used as a market</li> <li>- Concrete surface and no issues of environmental degradation</li> <li>- High pedestrian traffic</li> <li>- Central to Bondi Beach</li> <li>- Capacity to diversify offering</li> <li>- Built form supports unofficial sitting and resting places</li> <li>- Vehicular access off Campbell Parade.</li> <li>- Mixed use of surrounding land uses</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- High pedestrian traffic results in high congestion</li> <li>- In proximity to many bricks and mortar retailers</li> </ul>	<p><b>Impact of bricks and mortar</b></p> <p>Markets at Roscoe Street Mall could operate at a maximum 3-4 days/nights before impacting on bricks and mortar businesses.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Increased diversity and food offering</li> <li>- Activation of public areas, during day and night-time to increased sense of safety and passive surveillance</li> <li>- Support for local creative industries and artisans</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Noise impacts will not experience strong intensification from the existing</li> <li>- Rubbish impacts</li> </ul>	<p>Along with the continuation of daytime and summer night-time markets. This site appears to be <b>suitable</b> to consider further market diversity and business mix by encouraging local businesses to participate through a dedicated and evolving 'start-ups stall'.</p>
<b>Bronte Beach</b>			
<p><b>Suitable features of the site include:</b></p> <ul style="list-style-type: none"> <li>- Multiple access points for pedestrian and mixed uses occurring on site</li> <li>- Well maintained and serviced by bins, toilets, seating, tables, natural shade</li> <li>- Good lighting makes night-time activation possible</li> <li>- Park buffer to residents</li> <li>- Good vehicular access</li> <li>- Appropriate</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Limited to on-street parking</li> <li>- In proximity of residential development</li> </ul> <p>In proximity to bricks and mortar retail</p>	<p><b>Impact of bricks and mortar</b></p> <p>Markets operating at Bronte Beach will have little to no impact on surrounding bricks and mortar retail precincts. No impact levels are approaching 10% (noticeable impact), the highest impact level is 3.8% due to the sites close location to food and beverage stores located on Bronte Rd.</p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Increased activation and passive surveillance beachside</li> <li>- Night-time utilisation of public space</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Congestion</li> <li>- Parking</li> </ul> <p>Strong community sentiment, re. noise, parking, congestion issues</p>	<p>This site appears to be <b>suitable</b> to consider a seasonal or quarterly night market activation and festival. Community consultation would be necessary to investigate further.</p>
<b>Clementson Park</b>			
<p><b>Suitable features include:</b></p>	<p><b>Impact of bricks and mortar</b></p>	<p><b>Positive impacts:</b></p> <ul style="list-style-type: none"> <li>- Increased activation of</li> </ul>	<p>This site appears to be suitable to consider a seasonal (or quarterly)</p>

<ul style="list-style-type: none"> <li>- Small to medium open space inclusive of playground and community garden</li> <li>- Nearby train station, commercial core of Bondi Junction</li> <li>- Serviced by bins, seating, benches, bubbler</li> <li>- Colocation to preschool and no directly adjacent bricks and mortar</li> </ul> <p><b>Constraints of the site include:</b></p> <ul style="list-style-type: none"> <li>- Allowable uses on site as this site has not been previously used for markets</li> <li>- Heavy traffic might degrade grass</li> <li>- Limited lighting for evening market</li> </ul>	<p>A market at Clementson Park will have a similar impact as markets operating at Oxford Street Mall.</p>	<p>underutilised greenspace</p> <ul style="list-style-type: none"> <li>- Support for local creative and artisan community</li> <li>- Increased provision of fresh food</li> </ul> <p><b>Negative impacts:</b></p> <ul style="list-style-type: none"> <li>- Proximity to residential area might affect perceptions of property rights</li> <li>- Parking (though proximity to transport interchange helps)</li> </ul>	<p>daytime market at Clementson Park through a weekend trial period. However, private land ownership may be a barrier and make it <b>less suitable</b> for outdoor markets.</p>
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## 7. RECOMMENDATIONS

The following recommendations respond to findings outlined in this report and provide direction to Council in planning for mobile vending, food trucks and outdoor markets across the LGA.

### MOBILE VENDING AND FOOD TRUCKS

- 7.1 Continue the provision of event-based food truck licenses
- 7.2 Identify and establish food truck operating zones within the Waverley LGA to minimise adverse impacts for businesses, residents and others and to ensure a clear regulatory framework and operational guidelines. These operating zones at:
  - Oxford Street Mall to help activate the area 'after dark' with potential market coordination
  - Bondi Beach car park and Biddigal Reserve (particularly during period of high beach patronage during summer)
- 7.3 Trial food truck retail in operating zones in the above locations on a 12-month basis.
- 7.4 Additional mobile vending licenses should be considered for Bondi Beach (particularly during periods of high beach patronage during summer)
- 7.5 Local businesses to Waverley LGA should be invited to submit an EOI to operate a food truck within the LGA prior to allowing the assessment of applicants from outside the Waverley LGA.
- 7.6 Update Waverley Council's draft Mobile Vending Policy to include a food truck definition and additional regulations such as operating zones (as discussed at 1.2) and rules to mitigate adverse impacts (such as noise, waste and congestion).
- 7.7 Waverley Council to develop an application process, form (s68 Form), related policies (including Fees and Charges), and guidelines (including User Guidelines and Checklist) for food truck operating zones, modelled on those in place at City of Sydney Council.

Recommended sites for further consideration regarding mobile vending and food trucks:

SITE	SITE ADDRESS	SITE CAPACITY
1	Bondi Junction - Oxford Street Mall	Cluster food trucks (2-4) (Night Activation)
2	Bondi Beach - Roscoe Street Mall - South Bondi Carpark - Bondi Beach Playground Carpark - Biddigal Reserve North Bondi	Individual food truck (Regular day/night use)

### OUTDOOR MARKETS

- 7.8 Continue existing market operations
- 7.9 Suggested new market operations include:
  - The opportunity for a night-time market should be explored through an Expression of Interest at Oxford Street Mall. A clustered and coordinated approach with food trucks is suggested to create an event like atmosphere (as discussed in the literature review). This market should ideally have a different offer to daytime trade.
  - The potential of a seasonal, evening market at Bronte Beach Park should be explored through an Expression of Interest and Trial to test community responses and customer patronage. This market should also consider the close residential community and have a family friendly focus associated with sustainability, making culture or children's products and services.
- 7.10 Markets should encourage a diversity of uses through the identification and allocation of a stall (or stalls) that provide access for local businesses, emerging start-ups or hobbies at an affordable (or peppercorn) rate. Council should use its approval process to encourage such diversity.
- 7.11 Consider an integrated or clustered approach between mobile vending, food trucks and markets. This could enhance activation, particularly at night markets.
- 7.12 Council should streamline the assessment process to attract new business ventures and reduce costs for market operators

Recommended sites for further consideration regarding outdoor markets:

SITE	SITE ADDRESS	SITE CAPACITY
1	Oxford Street Mall	Continuation of day market. Evening markets and activation
2	Roscoe Street Mall	Continuation of day/night markets
3	Bronte Beach Park	Seasonal evening markets and activation

## APPENDIX

1. **Retail Impact Analysis (prepared by SGS Economics and Planning)**
2. **Statutory review**
3. **Market Case Studies**
4. **SWOT Analysis**
5. **Interview data with comparable Councils**
6. **Meeting Minutes with Property Team**

APPENDIX 1 – RETAIL IMPACT ANALYSIS

## APPENDIX 2 - STATUTORY REVIEW

POLICY	DESCRIPTION	RELEVANCE
<b>LEGISLATION</b>		
<b>LOCAL GOVERNMENTS ACT 1993</b>	Section 68 (s68) of the <i>Local Government Act 1993</i> establishes the type of activities in which approval by Council must be granted. The following items have been noted as relevant for the approval of Mobile Food Vending and Outdoor Markets. <ul style="list-style-type: none"> <li>• <b>Part A, 1</b> - Install a manufactured home, moveable dwelling or associated structure on land</li> <li>• <b>Part D, 1</b> - Engage in a trade or business</li> <li>• <b>Part F, 7</b> - Use a standing vehicle or any article for the purpose of selling any article in a public place</li> </ul>	Council has the right to approve or refuse any Mobile Vending or Outdoor Markets activity.
<b>WAVERLEY COUNCIL LEP 2012</b>	Clause 2.8 of the <i>Waverley Council LEP states</i> , temporary use of land is permitted if "the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land" (NSW Government, 2018). Additionally, Clause 2.8 states development consent can only be granted unless consent authority is satisfied with 2.8, (3)a-d of the Waverley LEP.  In accordance with the <i>Waverley Council LEP 2012</i> , Mobile Vending can be defined as a <b>kiosk</b> (a type of retail premises) and a <b>food and drink premises</b> . As defined within the Council's LEP; <ul style="list-style-type: none"> <li>• <b>Kiosk</b> means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.</li> <li>• <b>Food and drink premises</b> means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises</li> <li>• <b>Retail premises</b> means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale)" (Waverley Council, 2018).</li> </ul> Clause 5.4 of the <i>Waverley Council LEP states</i> , "If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres" (NSW Government, 2018).	Clause 2.8 and 5.4 of the LEP state the standards Mobile Vending, Food trucks and Outdoor Markets must comply with in order to gain approval to begin operating within the LGA. The outcomes and insights provided within this document should be used as a reference point as evidence as to whether the development will have detrimental economic effects on established bricks and mortar businesses near the land of business set up.
<b>FOOD ACT 2003</b>	The Food Act 2003 aims to: <ul style="list-style-type: none"> <li>• Ensure food for sale is both safe and suitable for human consumption</li> <li>• Prevent misleading conduct in connection with the sale of food</li> <li>• Provide for the application in this State of the Food Standards Code" (NSW Government, 2003).</li> </ul> The NSW Food Authority classifies mobile vending as <ul style="list-style-type: none"> <li>• It includes vehicles used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including prepackaged food.</li> <li>• It does not include food vending machines or food transport vehicles.</li> </ul>	During the assessment of market operating tenders, the successful operator must ensure the compliance of their stall holders to the <i>Food Act 2003</i> .
<b>POLICY</b>		
<b>WAVERLEY COUNCIL OPERATIONS IN</b>	This policy establishes a market policy that strategically informs the way markets are allocated and how they operate within the LGA. The document is specifically outlines the operations of the two	Relevant to the operation of the outdoor markets in

<b>PUBLIC POLICY 2009</b>	Outdoor Markets which currently operate at within the Waverley LGA border at Bondi Junction and Bondi Beach.	Waverley LGA.
<b>BONDI JUNCTION MALL CODE &amp; MARKETS' POLICY</b>	This policy outlines a code for Markets and other activities of a similar nature in Bondi Junction Mall.	Guidelines such as "vehicle access" and Commercial Displays/Stalls/Promotions are all somewhat relevant and could be referred to in the drafting of Policy specific to the wider LGA.
<b>CITY OF SYDNEY MARKETS POLICY</b>	This policy is to ensure there is a clear outline of the City of Sydney's approach to approval of markets. It outlines the different approval processes required depending on the permanent to temporary status of the market. It also outlines the requirements for the management of markets.	This does not apply to Waverley LGA but to neighbouring LGA of City of Sydney Council.
<b>CITY OF SYDNEY LEP 2012</b>	Amendment 1 of the City of Sydney LEP reclassified Mobile Vending as exempt development which allowed for Mobile Vendors to not seek DA approval, reducing red tape. For the trial, and to support the amendment to Sydney Local Environmental Plan 2012, a Local Approvals Policy (LAP) was prepared in accordance with section 160 of the Local Government Act 1993 to regulate the operation of food trucks on Council-owned roads and manage their overall impact.	Through permitting Mobile Vending as exempt development within the Waverley LEP, Council can reduce red tape for Mobile Trading businesses who trade within the LGA.
<b>NEWCASTLE CITY COUNCIL LOCAL APPROVALS-MOBILE FOOD VENDING VEHICLES POLICY, AUGUST 2016</b>	This policy also outlines legislative requirements for food preparation and handling and outlines the parameters around on-street trading. Within this policy are references to the <i>Local Government Act 1993, Local Government (General) Regulation 2005, Roads Act 1993, Roads Regulation 2008, the Food Act 2003 and the Food Regulation 2010</i> . Approval details for mobile food vending vehicles are also included.	Similar to Waverley, part of the purpose of this policy is to allow for the diversification of takeaway options within the LGA and to provide guidelines for the operation of mobile food vending vehicles.

**DEFINITION**

**Draft Definitions applying to Waverley LGA**

Definitions related to mobile vending and food trucks, as stipulated in the Waverley Council draft Mobile Vending Policy are:

- **Food Vans** are vehicles that serve food not potentially hazardous or involves low-risk activities such as dispersing ice cream and frothing milk
- A **Mobile Vending Vehicle** is a motor vehicle operating on approved public spaces and making brief intermittent stops (on light trafficked roads) for the selling of goods and services.
- A **Licence and/or Permit Holder** is the person/organisation to whom a licence/permit to operate a market is issued i.e. Market Management

**KEY FINDINGS REGARDING REGULATION**

From reviewing regulations applying to other Local Government Areas across Sydney and NSW, JOC Consulting has identified best practice policy for mobile vending and food trucks that should be considered in Waverley LGA.

	CASE STUDIES	RECOMMENDATION	JUSTIFICATION
1	<b>City of Sydney Council and Newcastle City Council - Food trucks are vehicles that sell potentially hazardous food such as food that is cooked to order or is</b>	<b>Include definition for Food trucks into Waverley Council's draft Mobile Vending Policy</b> Suggested definitions for adoption or guidance are listed in findings.	Definitions clarify the different responsibilities and restrictions which are permitted through being a specific permit holder.



	<p><i>required to be maintained at temperature.</i></p> <p><b>Inner West Council - Food trucks serve potentially hazardous food items from a mobile kitchen. The food is called potentially hazardous as it involves preparation in the truck using ingredients and other sources. The menu may include hot or cold gourmet food with no menu restriction (other than consent requirements) that may be prepared on the vehicle. Vehicles may serve in the one location longer than 15 minutes. Examples menu items include tacos, burgers, waffles, pizza etc</b></p>		<p>Within the current draft Waverley Mobile Vending Policy, only one definition for Mobile Vending has been listed and therefore further clarification around the difference between the two permits should be provided.</p>
2	<p>Policies and Guidelines respond to a range of activities and uses which occur on Council owned land. As of recent times, NSW Councils such Wollongong City Council and Newcastle City Council have developed Policies and User Guides which Food Trucks and Mobile Vending Businesses must comply with when operating on Council land.</p>	<p><b>Creation and implementation of Waverley LGA specific policy and user guidelines</b> Develop a user guideline that supports clarity for assessment of applications by Council staff and to help clarify requirements and rules for mobile vendor and food truck operators.</p>	<p>These published Mobile Vending Policies provide a benchmark standard for the procedures in which should be met by Mobile Vending businesses in order to comply. Policies and User Guidelines are items for consideration when assessing applications and state the regulations for Mobile Vendors. The implementation of guidelines is used to navigate the red tape created by legislation and create an easier passage for Mobile Vending to operate in a safe and efficient manner.</p>
3	<p>Inner West Council and Wollongong Council stipulate 3-4 locations where food trucks are able to operate.</p>	<p><b>Stipulation of fixed locations and exclusion zones</b> Accept tenders from potential mobile vendors and food truck vendors for specific areas within Waverley LGA.</p>	<p>Waverley Council could consider adopting this approach and stipulating the best locations for food trucks as the only lawful locations. This ensures that understanding for impact on bricks and mortar retail, JOC's site analysis and Social Impact Assessment are applied.</p>
4	<p><b>City of Sydney Checklist</b></p> <ul style="list-style-type: none"> <li>- RMS vehicle registration (as proof of registration)</li> <li>- Certificate of currency of third party property damage insurance to the value of \$10 million</li> <li>- Certificate of currency for public and product liability insurance to the value of \$10 million</li> <li>- Operational plan of management</li> <li>- Vehicle build and layout plans</li> <li>- Food safety supervisor certificate</li> <li>- Suggested menu or list of foods being sold</li> <li>- Trade waste permit from Sydney Water</li> <li>- Health inspection report by a City environmental health officer or qualified organisation of your commercial kitchen or other approved facility.</li> </ul>	<p><b>Checklist supporting application</b> Produce a checklist to help vendors put together their application.  See suggestions for relevant content listed in findings.</p>	<p>City of Sydney and Inner West Council have developed relevant checklists for the application process that intend to clarify expectations and requirements for approval.</p>

	Apply for a s68 Application		
5	<p><b>Rules</b> Different council regulations have been reviewed during case study and interview research.</p>	<p>On review of rules applied in various Councils, JOC Consulting has shortlisted the most relevant to Waverley Council.</p> <ul style="list-style-type: none"> <li>- 50m radius from takeaway food and drink premises (or other food truck)</li> <li>- Trading only in a lawful car parking space and complying with local parking restrictions, such as ticketing requirements.</li> <li>- Within a residential zone between 7:00pm and 7:00am daily</li> <li>- Cannot trade for longer than four hours at one time any one location.</li> <li>- All waste must be removed from the site by the food truck operator at the end of the trading</li> <li>- Must not place any other item outside the vehicle, including tables, chairs, food, equipment</li> <li>- Must not impact on bicycle lanes, pedestrian ramps, footpaths, public street furniture, fire hydrants, telephone booths and post boxes or the like.</li> </ul>	<p>Rules such as these ensure consistent operation of food truck and clarity around the rules.</p>

APPENDIX 3 – CASE STUDIES

JOC Consulting has compiled research on relevant market case studies in Sydney, NSW and internationally. Case study snapshots discuss structure, management and any issues associated with the market.

CASE STUDY 1 - HANK MARVIN MARKETS (ST KILDA, VIC)			
<b>DESCRIPTION</b>	Hank Marvin Markets are weekly Saturday markets held between 9am-3pm at Alma Park East. The stall holders at the markets vary week to week but have a strong focus on fresh produce, community stalls and dynamic food trucks.		
<b>RELEVANCE TO WAVERLEY LGA</b>	Similar scale to Saturday Bondi Beach Markets, with comparable offerings.		
<b>KEY STATISTICS</b>	<ul style="list-style-type: none"> <li>• 40 stalls each week.</li> <li>• 1,500 locals visit each week.</li> </ul>		
<b>SET UP/PACK UP TIMES</b>	<p><b>Bump in:</b> 7am-8:30am</p> <p><b>Bump out:</b> 3:15- 4pm.</p>		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES &amp; RESPONSE</b>
<ul style="list-style-type: none"> <li>• Applications are chosen on their Flexibility and ability to fit in with other stallholders and the Hank Marvin Market management.</li> <li>• Hank Marvin traders have been carefully handpicked because they champion issues such as food provenance, responsible farming methods,</li> </ul>	<p><b>Street Food trading</b></p> <ul style="list-style-type: none"> <li>• \$190 (excluding electricity costs)</li> </ul> <p><b>Fine &amp; Fresh Food</b></p>	<p>Hank Marvin Markets (HMM) are supported by the City of Port Phillip's, Outdoor Markets Policy 2007.</p>	<p><b>Loss of Interest</b> HMM evolves and changes throughout the year through increasing the market mix diversity and type. This diversity has been achieved through ensuring no discipline is doubled-up on, on the same trading day. Whilst always ensuring they stallholders are dynamic and different every week, HMM aims to ensure an overall consistent theme and vibe remains which continue to create an intimate and organic feel to the event.</p> <p><b>Easily weather affected</b> Organisers have responded through creating a 'mess hall'. The 'Mess Hall' creates</p>



<p>seasonality and quality, which is the philosophy of the and his team.</p>	<ul style="list-style-type: none"> <li>• \$80 (farmers markets.</li> <li>• \$90 (fine produce branded).</li> <li>• \$110 (fine produce core)</li> </ul>		<p>a warm atmospheric vibe where different groups can informally socialise with one another whilst eating, drinking, relaxing or getting out of the rain.</p> <p><b>Location on a busy main road</b>                  Located off a busy road, but due to set back requirements within the open space, it reduces the users from being aware with traffic noise and congestion.</p>
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CASE STUDY 2- ROZELLE COLLECTORS MARKETS			
<b>DESCRIPTION</b>	Daytime (9am-3pm) every Saturday & Sunday within the grounds of Rozelle public school. The markets offer pre-loved goods, art, music, entertainment and food.		
<b>RELEVANCE TO WAVERLEY LGA</b>	Similar to Bondi Beach markets, the Rozelle markets operate two markets each weekend, on Saturday and Sunday. They are also located on a congested road that often gets choked with weekend traffic.		
<b>SET UP/PACK UP TIMES</b>	<b>Bump in:</b> 1-2 hours before start. <b>Bump out:</b> 1-2 hours after event has finished.		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUE &amp; RESPONSE</b>
<ul style="list-style-type: none"> <li>Applications and bookings are all completed online.</li> </ul>	<p><b>General</b> \$70  <b>Food</b> \$75  <b>Non for profit</b> No Charge  <b>Table hire</b> \$6.  <b>Marquee hire</b> \$20.</p> <p>If public liability is required a \$10 fee will be charged.                      \$15 discount will be given to vendors that pay early.</p>	<p>Rozelle Markets is governed by a private entity (Rozelle Markets) but stallholders must comply with Inner West Council processes and regulations. Stallholders must submit a Market Stall Application to Council which is then reviewed and forwarded to the market operators once approved. This process allows Council to maintain a level of quality across all markets and ensures regulations and standards are met before stallholders are granted approval to trade at the market by the market operators.</p> <p>Resources include:</p> <ul style="list-style-type: none"> <li>Inner West Council Checklist for an application to operate a Mobile Food Vending Vehicle in a specific location form.</li> <li>Inner West Council Draft Mobile Food Vending Vehicles Policy Frequently Asked Questions.</li> </ul>	<p><b>Parking</b>                      46 free spots are available and the markets website offers detailed information in regards to public transport options from multiple regions across Sydney.</p>



CASE STUDY 3- KIRRIBILLI MARKETS			
<b>DESCRIPTION</b>	Kirribilli Markets are held fortnightly and alternate between two different types of markets, General Markets & Art, Design & Fashion Markets. Vendors sell fashion, accessories, plants and gourmet foods.		
<b>RELEVANCE TO WAVERLEY LGA</b>	Offerings of Kirribilli markets are at a similar price point to Bondi Beach markets.		
<b>KEY STATISTICS</b>	<ul style="list-style-type: none"> <li>• 220 stalls</li> <li>• Twice a month.</li> <li>• Established in 1976, making it one of the oldest running markets in Sydney.</li> </ul>		
<b>SET UP/PACK UP TIMES</b>	<p><b>Bump in:</b> 6.30am- 8.30am</p> <p><b>Bump out:</b> After 3pm.</p>		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES &amp; RESPONSE</b>
<ul style="list-style-type: none"> <li>• Kirribilli Markets are operated by Kirribilli Neighbourhood Centre.</li> </ul>	<p><b>GENERAL MARKET</b></p> <p>Open Air Stalls \$70.</p> <ul style="list-style-type: none"> <li>• Tunnel stalls \$95.</li> <li>• Food Vendor Stalls (Gourmet Corner) \$95.</li> <li>• Food Vendor Stalls (Eat Street) \$160.</li> </ul> <p><b>ART, DESIGN &amp; FASHION MARKET.</b></p> <ul style="list-style-type: none"> <li>• <b>Tunnel Stalls</b> \$75</li> <li>• <b>Open Air Stalls</b> \$70</li> <li>• <b>Food Vendors stalls (Gourmet Corner)</b> \$95</li> <li>• <b>Food Vendor Stalls (Eat Street)</b> \$160.</li> </ul>	<p><i>A Mobile Food Vending Vehicles &amp; Temporary Food Stalls Policy, a Public Events Policy and Guidelines</i> have been developed by North Sydney Council to guide applications.</p> <p><i>North Sydney Kirribilli Neighbourhood Centre Place of Management 2014-17 strategy</i> outlines Kirribilli Markets as financial infrastructure for Kirribilli Neighbourhood centre.</p> <p><i>Bradfield Park and Kirribilli Foreshores Master Plan</i> has an objective that is in the support of the markets.</p>	<p><b>Limited parking</b> Well serviced by public transport including rail, Ferry and Bus options. Public transport is encouraged by the market however, a traffic management plan is also in place.</p> <p><b>Soil Erosion</b> The use of Temporary hard surfaces has been identified necessary to reduce the impact of high foot traffic during the operation of the markets. The use of the old bowling greens was reassessed in 2008 and it was decided that the one green would be laid with AstroTurf and a former car park would be lined with crushed gravel and the other green would no longer be used for markets.</p> <p><b>Management</b> The Markets are organised by a local neighbourhood centre which uses the profits made by the market to support the community facility and charities. Stallholders are able to donate unsold items of clothing to charities upon the completion of market operation trading hours.</p>



CASE STUDY 4- CHATSWOOD NIGHT MARKETS		
<b>DESCRIPTION</b>	Markets are held in Chatswood Mall (similar to Bondi Junction). 9am-9pm every Thursday & Friday.	
<b>RELEVANCE TO WAVERLEY LGA</b>	Chatswood markets are comparable to Bondi Junction, in their proximity to a major transport interchange and to traditional bricks and mortar retail mall typologies. Chatswood is a good example for extending	
<b>KEY STATISTICS</b>	<ul style="list-style-type: none"> <li>40, 000 people walk through the Chatswood Mall every day.</li> <li>Capacity for 36 stalls</li> </ul>	
<b>SET UP/PACK UP TIMES</b>	<b>Bump in:</b> 7:30am-9am. <b>Bump out:</b> 9pm-10:30pm.	
DELIVERY MODEL	COST	STATUTORY FRAMEWORK
<ul style="list-style-type: none"> <li>Applications submitted via online application form.</li> <li>Operated by Council.</li> </ul>	<b>Commercial Stall</b> \$190.00  <b>Community Stall</b> \$100.00  <b>Food Stall</b> \$300.00	<i>Chatswood Mall Markets Guidelines &amp; Conditions 2018</i> developed by Willoughby City Council guide both the application process and operation of markets.  Willoughby City Council also has developed <i>Food Sampling/Operation Guidelines &amp; Conditions</i> to guide food operations.  A <i>Stallholders Guide</i> has also been developed by Council to guide stall holders.
<b>ISSUES &amp; RESPONSE</b>		
<b>Parking</b> Parking is limited to private shopping centres and timed street parking however, this is not a major concern as the area is well located to a range of public transport services including rail and bus.		



CASE STUDY 5- EAT STREET MARKETS WOLLONGONG			
<b>DESCRIPTION</b>	All weather outdoor night food market with a large focus on vendors that are passionate about food. The market also promotes 'conscious eating'		
<b>KEY STATISTICS</b>	<ul style="list-style-type: none"> <li>45-60 stalls.</li> </ul>		
<b>SET UP/PACK UP TIMES</b>	<b>Bump in:</b> Before 5pm <b>Bump out:</b> After 9pm		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES AND RESPONSE</b>
The markets are operated by 'Foragers' who also operate Foragers Market Bulli and Forage Wollongong.  Eat street was a direct response from the community interest and demand of food based markets that came from Bulli Foragers Markets.	Cost ranges from \$150-\$200 and is determined by the type of food being sold.	The <i>Wollongong Development Control Plan</i> - chapter 15 outlines guidelines and requirement for the operation of markets.	<b>Impact on Bricks and Mortar retailers</b> Stalls must not sell products similar to those sold within the mall. Stallholders also must not sell items that they have not grown, made or manufactured themselves. All beverages, hot & cold must be approved by council prior to the market.



CASE STUDY 6 – NIGHT NOODLE MARKETS SYDNEY			
<b>DESCRIPTION</b>	Annual, 18 day/night Asian food market in Hyde Park. The event also features family-friendly live music, DJs and LED-lit dancing dragons. This festival is super successful because of the event like nature, and annual consistency that has built momentum.		
<b>KEY STATISTICS</b>	<ul style="list-style-type: none"> <li>40 stalls</li> </ul>		
<b>SET UP/PACK UP TIMES</b>	Sites are set up for the entirety of the festival over 18 days.		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES AND RESPONSE</b>
The markets are operated by 'Good Food Month' and sponsored by Citibank, this is a corporate market festival.	Not advertised	The City of Sydney's <i>Event Guidelines</i>	Congestion around the area through pedestrian traffic makes the event difficult to access for people with limited mobility. The ongoing nature of the festival also impacts on the grass and park, post festival regeneration is needed to revitalise the park.



CASE STUDY 7 – STREET FEAST NEWCASTLE			
<b>DESCRIPTION</b>		Located at Foreshore Park Newcastle this monthly festival (4 <sup>th</sup> Saturday) event combines artisan food stalls with food trucks, trailers and music entertainment. Types of food offered is completely varied. The vibe of the event is picnic rugs on the foreshore, with visitors selecting from a wide range of stalls. Detailed stall holder information and instructions can be found at: <a href="https://www.huntandgatherevents.com/stallholder-information#street-feast">https://www.huntandgatherevents.com/stallholder-information#street-feast</a>	
<b>KEY STATISTICS</b>			
<b>SET UP/PACK UP TIMES</b>		<b>Bump in:</b> Food trucks/trailers – 1pm Food stalls – 1:30pm Artisan food stalls – 2:30pm  <b>Bump out:</b> Between 8pm and 10pm	
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES AND RESPONSE</b>
The markets are operated by 'Hunter and Gatherer'. Applications are accepted up until two weeks before the event date, they are assessed competitively based on images of the product and stall presentation. 'Hunter and Gatherer' are a private entity who manage multiple events across Newcastle.	Dependant on stall, costs are not advertised	Newcastle City Council's – <i>Mobile Food Vending Vehicles</i> and Department of Primary Industries Food Authority's <i>Guidelines for Food Businesses at temporary Events</i>	The market operates outdoors in rain or fine weather, it is the responsibility of the stallholder to have weather protective equipment and shelter, the risk for traders is limited trade on wet weather days.



CASE STUDY 8 – SACRED TREE MARKETS, NELSON BAY			
<b>DESCRIPTION</b>	Located on the Nelson Bay Foreshore, Sacred Tree Markets are a curated event with musicians, street food, creative and retail products.		
<b>KEY STATISTICS</b>	As the event is curated, there are waiting lists for some market categories.		
<b>SET UP/PACK UP TIMES</b>	<b>Bump in:</b> Before 2:30pm  <b>Bump out:</b> After 8pm		
<b>DELIVERY MODEL</b>	<b>COST</b>	<b>STATUTORY FRAMEWORK</b>	<b>ISSUES AND RESPONSE</b>
The Sacred Tree Markets team operate a highly curated market. Stall holder application are assessed for their individuality or product, locale and consideration for existing offering of the market to ensure uniqueness.	Small stall - \$60 Regular (3m x 3m) - \$110 Large (3m x 6m) - \$220 Hot Food Stalls - \$130 + \$20 Waste Surcharge	Port Stephen's Council <i>Markets Policy</i> and lodging of Temporary Event Food Stall Application Form.	Limited public transport to the site. Most customers are driving or walking.



**APPENDIX 4 – SWOT ANALYSIS**

**OXFORD STREET MALL, BONDI JUNCTION**

**DATE:** Friday 28th of June 2018

Site location was visited at 9.30am.

**SITE DESCRIPTION:**

- Located near Bondi Junction train station entry, adjacent to Bondi Junction Markets.
- Site currently hosts food and beverage and retail markets with additional bricks and mortar commercial stores along perimeter which borders the site
- Pedestrian movement occurs from all directions within space.
- Site identified for potential for clustering of Mobile Vending, Food Trucks and extension of evening markets.

**PHOTOS:**



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Near Bondi Junction train station</li> <li>• Size of space</li> <li>• Shade sails provide weather protection</li> <li>• Easy accessibility for cars to access on to premise</li> <li>• Busy thoroughfare - good catchment</li> <li>• Bins on site</li> <li>• Toilets nearby</li> <li>• Current food options are diverse and unique - capacity and interest in community for diverse options</li> <li>• Hard Concrete Surface, no issues of environmental degradation due to foot traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Dependent on peak periods - commuters</li> <li>• Built form creates a wind tunnel</li> <li>• Limited seating and spaces for people to dwell</li> <li>• No reason to linger - no attraction to stay in space</li> <li>• Surrounding Bricks and mortar and markets could identify the addition of more market stalls and Food trucks as competition</li> <li>• Space needs an overall upgrade to rejuvenate the area's 'vibe'</li> <li>• Limited lighting to cater for night-time activation</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Good pedestrian catchment</li> <li>• Extend existing markets                             <ul style="list-style-type: none"> <li>◦ Established customer base</li> </ul> </li> <li>• Physical space upgrade could assist in revitalising space</li> <li>• Prioritise peak times for greater participation capture - Thursday night and busy commuter times</li> <li>• To increase the diversity of businesses within this area.</li> <li>• An opportunity to increase passive surveillance within the mall and surrounding areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential bricks and mortar and markets competition</li> <li>• Current lighting is insufficient - funding would be required to add more</li> <li>• Mall lacks diverse activity</li> <li>• Low cost preference for food and retail</li> </ul>

**CLEMENTSON PARK, BONDI JUNCTION**

DATE: Friday 28th of June 2018  
 Site location was visited at 10am

**SITE DESCRIPTION:**

- The site is located on Ebley Street, Bondi Junction
- Ebley Street hosts 3/4 retail shops and 3 gyms, no food and beverage options available.
- Within close walking distance to Bondi Junction train station.
- Pedestrian activity is concentrated along Ebley St pathway, little use of park at time of site inspection
- Site would be appropriate to hold small markets with mobile vending and Food Trucks if on-street parking could be provided for event.
- Site identified as suitable for small markets with mobile vending and Food Trucks if on-street parking could be provided for event. However, land ownership could hinder capacity to collaborate on site.



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Small/Medium open space</li> <li>• Playground</li> <li>• Close proximity to train station</li> <li>• Near both residential and commercial core of suburb</li> <li>• Good aspect - receives sun through morning and early afternoon.</li> <li>• Alcohol free zone - family friendly</li> <li>• People already use space</li> <li>• Bins</li> <li>• Seating/benches</li> <li>• Grassed</li> <li>• Water bubbler</li> <li>• Community garden to south of park</li> </ul>	<ul style="list-style-type: none"> <li>• Limited timed/paid on street parking</li> <li>• Congestion</li> <li>• Inaccessible to Food Trucks due to trees blocking access onto grassed area for bulk vehicles</li> <li>• Slight gradient slope</li> <li>• Location off busy street</li> <li>• No tables</li> <li>• Limited lighting</li> <li>• No electricity connection point</li> <li>• No toilets</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Site suitable for Markets and Mobile Vending use</li> <li>• Increase awareness in community of open space</li> <li>• Due to co-location near preschool, opportunity to deliver a family friendly event</li> <li>• No food and beverage bricks and mortar businesses close by - no competition</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed uses on site - What is and isn't permitted by Council</li> <li>• Heavy pedestrian use may ruin grass</li> <li>• Investment is required to improve space to make more suitable (night)</li> <li>• Congestion</li> </ul>

**BONDI BEACH, MULTIPLE LOCATIONS**

**DATE:** Friday 28th of June 2018  
 Site location was visited at 10:30am

**SITE DESCRIPTIONS:**

Three potential locations along the Bondi Beach were analysed as potential sites for Mobile Vending, Food Trucks and Markets.

These areas included:

- Outside Bondi Pavilion
- Car Park with entry closest to Campbell Parade roundabout at south of Bondi Beach
- Bondi Beach car park near Bondi Beach Playground.

Most suitable sites identified for food truck operation are the South Bondi Carpark and Bondi Beach Playground Carpark. While the physical attributes regarding the carpark at Bondi Pavilion are conducive is less suitable because of exclusion zone for trading in proximity to the Pavilion.



Due to all recommended sites being closely located to one another, all SWOTs identified are applicable to all locations.

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• High visibility</li> <li>• Heavy pedestrian foot traffic</li> <li>• Landmark location - tourist area</li> <li>• Space is built well to accommodate vehicles</li> <li>• Site is accessible</li> <li>• Mixed variety of bricks and mortar businesses reduces competition issues</li> <li>• Use is well suited to relaxed beach location</li> <li>• Informal seating options available</li> <li>• Bins</li> <li>• Parking</li> <li>• Alcohol free zone</li> <li>• Vendors already permitted to trade in location</li> <li>• Diverse space users - economic</li> <li>• Location has diverse uses</li> <li>• Grassed area located close by</li> <li>• Built shelter</li> <li>• Toilets nearby</li> <li>• Better visibility from Ramsgate Ave</li> <li>• Close proximity to beach access</li> <li>• Closer to commercial core</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic congestion</li> <li>• Food Trucks and Mobile Vending would require to take up multiple car spaces to account for vehicle and pedestrian foot traffic when serving</li> <li>• Perceived threat from bricks and mortar businesses on Campbell Parade and those located on Bondi Beach foreshore</li> <li>• 2.7m height clearance under bridges in car parks closest to Campbell Parade</li> <li>• Busy car park</li> <li>• Higher congestion threat</li> <li>• Narrower car park</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Great pedestrian catchment</li> </ul>	<ul style="list-style-type: none"> <li>• Public backlash from parking space being reserved for Mobile vending and food trucks</li> </ul>

<ul style="list-style-type: none"> <li>Existing customer base accessing similar services within area's vicinity</li> <li>Co-locate with other events and activations, i.e. Winter Magic</li> <li>Improve night activation</li> </ul>	<ul style="list-style-type: none"> <li>Obstruction of emergency vehicles accessing site through carpark</li> <li>Perceived bricks and mortar threat</li> <li>Increase in rubbish</li> <li>Pedestrian congestion could occur</li> </ul>
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**BIDDIGAL RESERVE, NORTH BONDI**

**DATE:** Friday 28th of June 2018

Site was visited at 10:45am.

**SITE DESCRIPTION:**

- North Bondi Beach, paved path in front of Biddigal Reserve.
- This site was identified to be suitable for an individual food truck operator, but not large enough for a cluster of food trucks.



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>High visibility</li> <li>Heavy pedestrian foot traffic</li> <li>Landmark location - tourist area</li> <li>Site is accessible</li> <li>Use is well suited to relaxed beach location</li> <li>Bins</li> <li>Parking</li> <li>Alcohol free zone</li> <li>Vendors already permitted to trade in location</li> <li>Diverse space users - economic</li> <li>Location has diverse uses</li> <li>Grassed area located close by</li> <li>Built shelter</li> <li>Toilets nearby</li> <li>Hard concrete surfaces, no damage to grassed areas.</li> </ul>	<ul style="list-style-type: none"> <li>Traffic congestion</li> <li>Food Trucks and Mobile Vending would require to take a proportion of the footpath vehicle and pedestrian foot traffic when serving</li> <li>Issues involving direct impact on Speedo's Cafe due to its close proximity.</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>Great pedestrian catchment</li> <li>Existing customer base accessing similar services within area's vicinity</li> <li>Co-locate with other events and activations, i.e. Winter Magic</li> <li>Improve night activation</li> </ul>	<ul style="list-style-type: none"> <li>Public backlash from parking space being reserved for Mobile vending and food trucks</li> <li>Obstruction of emergency vehicles accessing site through carpark</li> <li>Perceived bricks and mortar threat</li> <li>Increase in rubbish</li> <li>Pedestrian congestion could occur</li> </ul>

**TAMARAMA BEACH, TAMARAMA**

**DATE:** Friday 28th of June 2018  
 Site was visited at 11am

**SITE DESCRIPTION:**

- Site is not recommended as a suitable location for Markets and Mobile Vending due to poor accessibility and difficult topography.



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Located on Bondi to Bronte walk and directly in front of beach</li> <li>• Flat topography in park</li> <li>• Vehicle access</li> <li>• Built shelter and shaded areas</li> <li>• Permanent seating and picnic tables</li> <li>• Bins</li> <li>• Toilets</li> <li>• Kids play space and large open space</li> <li>• Ramp for vehicular access</li> <li>• Good visibility of space from surrounding pathway and road</li> <li>• Bus stop located to west of park on road</li> <li>• Bubblers</li> <li>• Serviced waste disposal</li> </ul>	<ul style="list-style-type: none"> <li>• Limited lighting</li> <li>• No on-site power</li> <li>• One business located in park - bricks and mortar competition</li> <li>• Obstacles within park which reduce park size - trees and built shelter</li> <li>• On street parking (limited)</li> <li>• Topography surrounding site make it hard it access site, would be relying on pedestrian foot traffic from Bondi to Bronte walk</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Use space during major events and activations such as Sculptures by the Sea</li> <li>• Increase passive surveillance, particularly at night</li> </ul>	<ul style="list-style-type: none"> <li>• Uses within space are limited</li> <li>• Relying on peak periods to capture audience</li> <li>• Objection from cafe located in park</li> <li>• Topography makes it limited</li> <li>• Surrounding residents opposing</li> </ul>

**BRONTE PARK, BRONTE**

**DATE:** Friday 28th of June 2018  
 Site was visited at 11:30am

**SITE DESCRIPTION:**

- Large open space with multiple access points from west, south and east of park
- Site is recommended as a potential location suitable for outdoor markets
- The site is less suitable for regular food truck operation considering the proximity to residents



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Wide open and flat space, largest beachside open space in LGA</li> <li>• Good vehicle access</li> <li>• Pedestrian movement throughout area</li> <li>• Mixed uses occurring on site</li> <li>• Seating and tables</li> <li>• Public toilets</li> <li>• Lighting</li> <li>• Well maintained</li> <li>• Bins</li> <li>• Moderate parking availability</li> <li>• Natural shade within park (trees)</li> <li>• Beachfront location</li> <li>• Multiple access points for pedestrians</li> <li>• Park buffer to residential development</li> </ul>	<ul style="list-style-type: none"> <li>• Limited weather protection</li> <li>• Congestion</li> <li>• Parking stress - limited in peak times</li> <li>• Limited utility connection - electricity</li> <li>• Perceived threat to bricks and mortar</li> <li>• Dependent on peak times</li> <li>• Would require advertising due to remote location (out of the way)</li> <li>• Would require significant activation</li> <li>• Dependent on weather, limited shelter</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Junior Surf Life Saving on Sundays (peak)</li> <li>• Located on Bondi to Bronte coastal walk</li> <li>• Capitalise on Bronte's location and profile</li> <li>• Clustering of market stalls and food trucks would activate space</li> <li>• Partner with surf club on events on key dates</li> <li>• Opportunity for evening activation</li> </ul>	<ul style="list-style-type: none"> <li>• Existing surf club kiosk</li> <li>• Multiple cafes on Bronte Road</li> <li>• Would degrade grass if used too often</li> <li>• Weather dependent</li> <li>• Seasonal</li> <li>• Limited parking</li> </ul>

**ROSCOE STREET MALL, BONDI BEACH**

**DATE:** Friday 28th of June 2018

Site location was visited at 10:30am

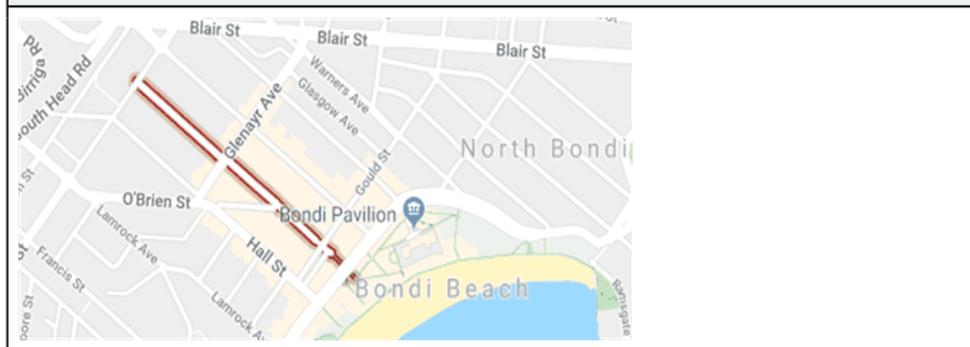
**SITE DESCRIPTION:**

- o Analysis of this site was completed through mapping and images.
- o This site is identified to be suitable for the continuation of markets, however physical obstruction makes only one food truck operator practical in the site at any given time.



STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Hard Concrete surface, no issues of environmental degradation due to foot traffic.</li> <li>• In the centre of Bondi.</li> </ul>	<ul style="list-style-type: none"> <li>• The location is already quite busy, mobile vending on this site could see the site become congested and issues associated with parking arise.</li> <li>• The location is quite small and may only be suitable for food vans rather than food trucks (or limited food trucks).</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• To increase the diversity of businesses within this area.</li> </ul>	<ul style="list-style-type: none"> <li>• The location would most likely see an impact on bricks and mortar businesses due to the close proximity.</li> </ul>

**SITE IMAGES**



## APPENDIX 5 - COMPARABLE COUNCIL RESEARCH

This study has considered experiences of other Councils to help inform findings of the report.

Five (5) Councils were contacted to seek advice on how their Local Government Area (LGA) supports or discourages Food Trucks and Mobile Vending. The focus of this research is to explore how different Council's approach the management and approval of Food Trucks and Mobile Vending within their respective LGAs.

The following Councils were interviews as part of this process:

- Newcastle City Council
- Wollongong City Council
- Northern Beaches Council
- City of Sydney
- Randwick City Council\*

As Randwick City Council does not permit food truck operation, the following tables refers to Inner West Council and the fifth comparative Council.

From review of regulations applying to other Local Government Areas across Sydney and NSW, see below a comparison of place specific rules applied in different areas.

THEMES	INNER WEST COUNCIL DRAFT MOBILE FOOD VENDING VEHICLES POLICY	NEWCASTLE CITY COUNCIL MOBILE FOOD VENDING VEHICLES	WOLLONGONG CITY COUNCIL MOBILE FOOD VENDING VEHICLES	NORTHERN BEACHES COUNCIL MOBILE AND TEMPORARY FOOD STALLS	CITY OF SYDNEY MOBILE VENDING AND FOOD TRUCKS
<i>Application to Food Trucks and Mobile Vending</i>	Yes	Yes	Yes	Both	Both
<i>Proximity to bricks and mortar food and beverage business (or other food trucks)</i>	100m radius  To remove any unfair competition between mobile businesses and fixed existing businesses. This is to protect the financial stability of existing local businesses.	50m radius		200m radius	50m  Unless for a special event.
<i>Trading on, or in proximity to, recreation facility or open space</i>	100m radius distance to recreation facility  Must not trade on a pervious surface in a recreational area (e.g. grass or garden areas)			Must not trade on, access or enter any reserve (including reserve carparks) unless separate written approval from Council is provided and displayed on vehicle	
<i>Proximity to an event or festival</i>				200m radius	
<i>On-road site location</i>	Must be located along a state-classified road.  Must not be parked in an unlawful parking spot (e.g. blocking a driveway, disabled parking space, clearway) adjacent to any roadway.  Must not trade in an Inner West Town Centre.	Must not remain in any location on-road overnight			Must only trade in a lawful car parking space and complying with local parking restrictions, such as ticketing requirements.

<b>Proximity to residents</b>	Must not trade within a residential zone between 7:00pm and 7:00am daily	Must not operate directly in front of a residential building	If operated on land next to, or adjacent to, a residential zone it should only operate between the hours of 7 am and 7 pm on any day.		No trading on the same side of the road and directly in front of a residential building
<b>Time regulations</b>		4hrs Only stand in any one location for a maximum period of four hours at a time, inclusive of set-up and pack-up times and not return to an operating location for four hours		15min Vending is only permitted from any one location for a maximum of 15 minutes over 24 hours, unless vending is associated with an approved event and approval has been granted as an "approved trader".	4hrs Cannot trade for longer than four hours at one time any one location.
<b>Impact on streetscape</b>		Must not impact on bicycle lanes, pedestrian ramps, footpaths, public street furniture, fire hydrants, telephone booths and post boxes or the like.  They also cannot provide tables or chairs or other seating or furniture.  Mobile vendors also may not have deliveries during trading hours on site.	Not constrain or block any vehicular or pedestrian access to or from the land, or entry to any building on the land  Not interfere or obstruct the access to any utility services on the land or on adjacent land	Must not place any other item outside the vehicle, including tables, chairs, food, equipment	All waste must be removed from the site by the food truck operator at the end of the trading  Lighting from a food truck cannot interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.
<b>Size of vehicle</b>		Size of vehicle must not exceed: Width of 2.5m Length of 7.5m unless a separate Road Occupancy Permit is sought			

**INTERVIEWS WITH COMPARABLE COUNCILS (RAW DATA)**

**NEWCASTLE CITY COUNCIL**

Newcastle City Council was selected to be interviewed due to their comprehensive Food Truck and Mobile Vending Policy. The Council strongly supports their Food Trucks and Mobile Vending in their LGA and should be used as an exemplar case study by Waverley.

QUESTIONS	ANSWERS
Do you let Food Trucks and Mobile Vendors trade within the LGA?	<ul style="list-style-type: none"> <li>• Yes</li> </ul>
Do you have a specific amount of permits to be able to trade within the LGA? How are they chosen?	<ul style="list-style-type: none"> <li>• Currently NCC have no limit on the number of mobile vending businesses which they allow to trade within their LGA</li> <li>• This is due to there not currently being a high level interest which would create a concern for Council to have to place provisions on the number of businesses trading</li> <li>• S68 Applications are completed online, no tendering/EOI required beforehand.</li> </ul>
Do Council only permit Food Trucks to trade in specific areas of the LGA? If so where, what are your reasons behind picking those specific areas?	<ul style="list-style-type: none"> <li>• The locations were decided on due to:                             <ul style="list-style-type: none"> <li>◦ Being locations where previous applicants have preferred to trade</li> <li>◦ The area currently does not have existing commercial food businesses and there is a demand for food trading to occur</li> <li>◦ Not located in residential areas</li> </ul> </li> </ul>
Do you accept Food Trucks who have a permit from other LGAs to trade within your LGA? If not, why is that?	<ul style="list-style-type: none"> <li>• All businesses which want to trade with NCC have to apply for a S68 approval</li> <li>• NCC currently does not allow permits from other LGAs trade within their LGA due to insurance reasons (not covered under council insurance)</li> <li>• They do however allow businesses which are based outside (garaged) of the LGA trade within NCC but they required to have a NCC permit to trade.</li> </ul>
Have you guys adopted any methods such as new policies or changes to your LEP to streamline the application process and make it easier for vendors to operate?	<ul style="list-style-type: none"> <li>• Yes, NCC have created a draft Mobile Food Vending Vehicles Policy which provides an outline for the rules and regulations businesses must adhere to.</li> </ul>
Do you have any suggestions or examples when planning for food trucks or mobile vendors?	<ul style="list-style-type: none"> <li>• S68 process is required under Local Government Act, which benefits Council to be able to regulate and have development controls.                             <ul style="list-style-type: none"> <li>◦ These controls include the location in which these businesses are permitted to trade within, they allow us to provide a food service for large populations of people where there currently is limited or a lack there of food premises.</li> </ul> </li> <li>• NCC current have fixed fees and inspections which are required from commercial businesses, these are the same for both bricks and mortar and Mobile Vending businesses.</li> </ul>
What are the fee structures for mobile vending or food trucks?	<ul style="list-style-type: none"> <li>• \$375 - Application fee</li> <li>• \$125 - Inspection fee</li> </ul>
Does Council have a plan of management applicable to food trucks, mobile vending or markets?	<ul style="list-style-type: none"> <li>• Yes, the draft policy.</li> </ul>

**WOLLONGONG CITY COUNCIL**

Wollongong City Council was selected to be a comparative case study due to the LGA identifying as a beachside tourist destination, similar to Waverley Council.

Council commented "Council does not recognise Section 68 approvals obtained in other LGAs, however food vehicles garaged in other jurisdictions are permitted to trade at approved events and locations in within the Wollongong LGA if they have notified their business details as per the Food Safety Standards and possess a current Food Premises Assessment Report from their home jurisdiction."

**NORTHERN BEACHES COUNCIL**

Northern Beaches Council was selected to be a comparative case study due to the LGA identifying as a Sydney based beachside tourist destination, similar to Waverley Council.

QUESTIONS	ANSWERS
Do you let Food Trucks and Mobile Vendors trade within the LGA?	<ul style="list-style-type: none"> <li>• Yes, with a permit.</li> </ul>
Do you have a specific amount of permits to be able to trade within the LGA?	<ul style="list-style-type: none"> <li>• There is no select number of mobile food premises allowed by Northern Beaches Council, *anyone that correctly completes the form pays the fee and passes the Food Act inspection will be issued a S68 Local Government Act 1993 Approval.</li> <li>• There are 30 Mobile Food premises currently with approvals.</li> <li>• NBC has a different process to approve Temporary Food stalls that operate in Markets.</li> </ul>
Do Council only permit Food Trucks to trade in specific areas of the LGA? If so where, what are your reasons behind picking those specific areas?	<ul style="list-style-type: none"> <li>• Mobile Food Premises are conditioned not to operate within 200m of a fixed food premises and not in the same location for 15 mins in any 24-hour period. This is designed to allow the traditional Mr Whippy and coffee vans.</li> <li>• NBC does not have a map which indicates the specific locations with food trucks are to operate.</li> </ul>
Do you accept Food Trucks who have a City of Sydney permit to trade within the LGA?	<ul style="list-style-type: none"> <li>• Mobile Food Permits are issued under the Local Government Act 1993 section 68 things that generally require consent of Council, 'to engage in business or trade on Council land'. So NBC cannot accept a permit from any other Council to trade within our Local Government Area.</li> </ul>
Has NBC adopted any methods such as new policies or changes to your LEP to streamline the application process and make it easier for vendors to operate?	<ul style="list-style-type: none"> <li>• Currently NBC does not have a Local Approvals Policy or a LEP. We still operate under the three older LEPs for the former areas.</li> </ul>
Do you have any suggestions or examples when planning for food trucks or mobile vendors?	<ul style="list-style-type: none"> <li>• I suggest people comply with the NSW Food Authority Guidelines for Mobile food Vans.</li> </ul>
What are the fee structures for mobile vending or food trucks?	<ul style="list-style-type: none"> <li>• This Financial year the Council approved Fees are \$257 for low risk mobile food, (which is pretty much coffee only) or \$410 for high risk for a one-year permit.</li> <li>• Temporary food approval is \$150, 2 years for high and medium risk, 3 years for low risk.</li> </ul>
Does Council have a plan of management applicable to food	<ul style="list-style-type: none"> <li>• NBC have a draft internal guideline on managing and accessing Mobile and Temp food applications, we are not ready yet to release this to the public.</li> </ul>



trucks, mobile vending or markets?	
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**RANDWICK CITY COUNCIL**

Randwick City Council does not support Food Trucks and Mobile Vending within their LGA. The following questions were adapted from the questions asked to other Council to understand why the Council does not support this type of trading.

QUESTIONS	ANSWERS
<i>You currently don't allow Food Trucks within the LGA, what are your reasons behind this?</i>	<p><i>*Please note, Council representative could not define who in 'Management' made these decisions. They stated it was someone above her line of management but could not define whether it was a Councillor or Executive.</i></p> <ul style="list-style-type: none"> <li>○ Management* decided this, decision was made above</li> <li>○ Issues in places that are highly populated i.e. Coogee Beach and high levels of congestion</li> <li>○ Not permitted due to:                             <ul style="list-style-type: none"> <li>■ Competing with Bricks and mortar businesses (pay rent and argue they 'steal' potential customers)</li> <li>■ Kiosks are located around all sporting facilities, i.e. allowing mobile coffee vans would stop locals supporting those businesses which raise money for local sporting clubs and groups - Competing interests</li> </ul> </li> </ul>
Have you ever allowed Food Trucks to trade within the LGA prior to now?	<ul style="list-style-type: none"> <li>○ There was a policy written at one stage but the document is not public facing</li> <li>○ A decision was made by management* which decided the LGA would not support Mobile Vending</li> </ul>
Do any Mobile Vendors currently trade within the LGA?	<ul style="list-style-type: none"> <li>○ No, not even Vendors such as 'Mr Whippy'.</li> </ul>

## APPENDIX 6 – INTERVIEW WITH PROPERTY TEAM

**Date** 29 June 2018, 10:30-11:30am

**Venue** Level 6, 55 Grafton Street, Bondi Junction

**Attendees:**

- Mario Da Silva (MDS)
- Andrew Best (AB)
- John O'Callaghan

**Apologies:**

- John Andrews

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### GENERAL NOTES

- Council wishes to explore options for night markets.
- The Property Team is currently working on a tender and investigation option for specification with option for night markets, perhaps initially in a trial format.
- The Property Team manages the licenses for the markets
- Markets at Roscoe Street are operating well but Oxford Street has had some issues recently, with the markets now managed by Council
- Councillors have seen City of Sydney Food Trucks but does it work for us?

### MARKETS

**Oxford Street, Bondi Junction**

- Council wants to lift the 'look and feel' and offering,
  - o Its current offer is not what's suitable or needed in the mall
  - o It needs a refresh, a new operator, uniformity of look and feel
- There was a petition to save the markets

### PREVIOUS MARKETS –

- o Council approved operating days on Wed, Thurs, Fri
- o Issues with operating/managing stalls

### ISSUES:

- o Limited location/footprint
- o Limited availability
- o Overall environment of the pedestrian mall
- o Weather
- o Conflict with cyclists (that's why the market stalls were added down middle aisle)
- o Conflict with existing shop owners, don't want to be in direct competition, a point of difference
- o Bump in/out... logistically it's a nightmare, pedestrians/cycling home during rush hours...
- CONSIDERATIONS/RECOMMENDATIONS (for tender)
  - The markets should not be 'within 100m of direct competition with other restaurants'
  - The markets should include a unique offering and something that's not
  - The markets should consider 'footprint' of stalls to create experience but also maximise return

- The markets should consider context, different offering/approaches for different sites across the LGA
- Consider operating days (with option for vendor to choose/select) as Council prefers not to change once license has been granted. Also Council does not want to be too prescriptive.
- The markets must meet a community need and gap in the market

**Roscoe Street Markets** (Cooperative model)

- Designer, much more Bondi, sunglasses and hats
- No food, offering fits location

**Public School Markets**

- Big markets – Bondi Public School, diverse, wider range of options, petting farm
- More of a destination experience

**ECONOMIC BENEFIT/CONSIDERATIONS FOR MARKETS**

- Price would be evaluated as part of the tender and consideration given to the financial benefit to the community?
- What's the benefit for markets in Bondi Junction? Days they are there versus days they are not there? Positive or negative impact? Less people? More people? More business?
- Is the argument for economic development and activation? If it is could we do things other than markets to activate the space? Like Food Trucks? Or a stage?
- Currently there are 5 people living in LGA, out of 30+ stalls, that are stall owners. There is a public perception that these markets support local entrepreneurs but it's not true. Stall owners are from greater Sydney.
- Who are we attracting? Could there be different tiers of stall owners – Greater Sydney (and people who might live outside area...), region (eastern suburbs), and local (LGA)?

**DIRECT MANAGEMENT MODEL?**

- What the economic benefit of managing markets by Council?
- Holding pattern with what's there at the moment
- Making quarter of million dollars a year for Council
- Where else do Council's directly manage markets?

- o **Chatswood Market Stalls operated by Willoughby Council**

> <http://www.willoughby.nsw.gov.au/Whats-On/Local-Markets/chatswood-mall-market/>  
Stipulates guidelines and has an online booking e-portal, FAQ and booking guide

- o **Gleadell Street Market operated by City of Yarra Council**

> <https://www.yarracity.vic.gov.au/the-area/visiting-yarra/markets/gleadell-street-market>

Market Policy and Protocols and Procedures Manual, Application form, Application for marquee (optional). There is a special option also for a 'Free community stall', this stall is available for local Yarra community groups, school groups and not-for-profit organisations to assist their fundraising and promotional activities. This can be booked by the same group three times per year.

**MOBILE VENDING & FOOD TRUCKS**

**BACKGROUND**

- Council resolution – limited number of mobile vending

**NOTES**

- What's the driver? What are we trying to do to have food trucks in the LGA?
  - o Campbell Parade doesn't need activation
  - o What are we trying to activate?
  - o There's no niche that needs filling

- Potentially night-time activation – but there's not people walking aimlessly looking for food at night
- There's a critical mass you need to get to having impact with food trucks...
- One off events- we approve food trucks and food vans.
- For example, Waverley park, tenants paying rent, or subsidised rent, selling snags to support clubs, so we aren't going to introduce anything that has, we couldn't do that (Consider Retail Leases Act)
- Consideration for Westfield, food court is open late, people gravitate more to that

**SITES**

- 5 mobile vending down at Bondi and businesses down at Campbell PDE
- Waverley Park you could make a case but it would be taking trade away from community
- Bronte and Tamarama you are taking away competition
- POTENTIAL SITES
  - o Denison Street or bottom of Spring Street –
  - o West Oxford Street
    - Offering is going to change, 2000+ new residents, DAs, 10-12 new developments
    - VARIABLE – new developments, new residents to support new businesses, less office buildings, and change in use, working population, in terms of lunch time

**BEACH SERVICES OFFERING**

- 'on the sand' sellers, is needed
- Different 'family' of mobile vending along the beaches (smaller, more mobile units, rather than heavier 'Food Trucks')

**CASE STUDIES –**

- Interesting to see how different Councils have responded.
- Where are vendors coming from, needs to be viable for them??
- At the City of Sydney, they employed a full time food truck staff member.... Strategy in place, managing consultants... huge amount of work, huge undertaking for 4 trucks is it worthwhile, to what end?
- Administrative requirements, manage mobile vendors, and then they go broke because there is no demand... waste of Council resources??
- Particular issues around beaches... political perspective, there wasn't any appetite for food trucks, pressure and general feeling is too much going on, too much competition, adding another element to it might not be supported??
- Councillors need to be informed...

## NOTICE OF MOTION CM/8.1/18.09



**Subject:** Boat and Trailer Parking - Young Street, Vaucluse

**TRIM No:** A14/0127

**Submitted by:** Councillor Betts

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### MOTION:

That Council investigates introducing 'no parking' for two hours on one day of the week in Young Street, Vaucluse, to discourage boat parking in the street.

### Background

Residents have tried for many years to have boats removed to no avail. The no parking for a few hours on one day of the week has worked well in O'Sullivan Road, Woollahra, Portland Street, Dover Heights and Old South Head Road near the Diamond Bay Bowling Club and discourages non-resident owners of boats not to park their boats in Waverley.

### General Manager's comment

Waverley Council, along with other Councils, has lobbied the NSW State Government at various times over a number of years for legislation to be introduced to control and reduce the incidence of boat trailers parked on Council roads. In October 2016, the NSW State Government amended the *Impounding Act 1993* in order to address issues experienced by Councils in relation to unattended boat trailers. The changes have been developed to:

- Discourage long-term parking of unattended registered boat trailers.
- encourage the off-street storage of boat trailers.
- free up on-street parking spaces for local residents.

In August 2018, Council officers submitted a report to Council providing information on the benefits and challenges of the amended legislation, the experiences of other Councils and the results of the initial consultation conducted with Combined Precincts. At the same meeting, Council resolved to undertake community consultation to determine levels of support within the LGA to opt in to the enforcement of unattended registered boat trailers. The community consultation will take place from late September to mid-October, and the results of the consultation will be reported back to Council.

The standard process under Council's guidelines for changes to parking restrictions is for the majority of residents in the affected street to submit a petition to Council stating they support the proposal. The petition is reported to Council and subsequently provided to Creating Waverley so that the Traffic and Development Team can undertake a detailed survey of the residents. A report is then submitted to Waverley Traffic Committee for review.

Should Council resolve as proposed, officers in Creating Waverley believe they can accommodate Young Street within their work programme, investigate this proposal, undertake a detailed survey of the residents and to provide a report to the Waverley Traffic Committee.

## NOTICE OF MOTION CM/8.2/18.09



**Subject:** Bus Routes 361 and 381

**TRIM No:** A03/0189

**Submitted by:** Councillor Copeland  
Councillor Wy Kanak  
Councillor Keenan

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### MOTION:

That Council:

1. Notes that the cancellation of the 361 bus service and the change to the 381 bus route and timetable in late September will have a deleterious effect on residential and visitor passengers to and from the Tamarama and North Bronte areas.
2. Notes that the changes to the routes and timetables imply that the planners have not considered the steepness of the topography in these areas and the need for readily accessible bus stops for older, fragile and/or mobility-challenged passengers.
3. Notes that the planners seem to have not considered that the State Government and the Greater Sydney Commission are trying to force ever more people into Waverley, and that Council's policy is to provide more public transport, not less, and to reduce the amount of private transport.
4. Notes that commuting on the 381 bus to Bondi Junction from the Hewlett/Bayview bus top (North Bronte) via Bondi Road will increase to 16–27 minutes (depending on congestion), compared with about 10 minutes on the cancelled 361 bus.
5. Notes that the cancellation of the 361 bus will make it very difficult for these now marooned passengers to travel to Waverley Bowling Club, Waverley College, War Memorial Hospital and Waverley Park Community Garden.
6. Notes that the cancellation of the 361 bus will force more passengers onto an already congested Bondi Road, whereas the retention of the 361 would continue to use a relatively uncongested Birrell Street.
7. Notes that the 360 is now the only bus service along Birrell Street, but the weekday timetable frequency has not been changed to compensate for the loss of the 361 service. The previous weekday ratio of 360 services to 361 services is approximately 21 to 15. Without the 361 services, passengers lose approximately 40% of their Birrell Street services.
8. Notes that the 360 weekend timetable changes appear to have compensated for the loss of 361 services, but, unfortunately, this does not compensate for the loss of weekday services.
9. Notes that a better solution may be to retain the 361 bus service and modify the 381 bus service such that its terminus would be in the vicinity of the Fletcher/Dudley bus stop, and with limited stops on Bondi Road to improve traffic flow.

10. Writes urgently to State Transit, the Premier, the Hon. Gladys Berejiklian, and the Minister for Transport, the Hon. Andrew Constance, objecting to the changes, and requests that they not be implemented until full consultation is undertaken with all the stakeholders, including the affected passengers from the 360 and 361 bus service catchments.

### **Background**

Without consulting passengers/local stakeholders, Sydney Buses published its intentions on 13 August 2018 at <<https://transportnsw.info/news/2018/more-bus-services-for-eastern-sydney>>. So it's no surprise that few members of the public knew about it.

### **General Manager's comment**

This motion can be actioned as soon as adopted by Council. In the event that the modification to services does proceed, it is suggested that Council could also request that the On Demand bus service (now operated by BRIDJ) be extended to include Tamarama and Bronte where the 361 services have been removed. Presumably, if there's not much demand, as claimed by the Department of Transport, then it shouldn't be difficult to service.

The On Demand service should also be extended to cover Bondi Junction as well (which was cut from services in August).

## NOTICE OF MOTION CM/8.3/18.09



**Subject:** State Environmental Planning Policy (SEPP) No. 70 -  
Affordable Housing

**TRIM No:** A04/0302

**Submitted by:** Councillor Copeland  
Councillor Keenan  
Councillor Wy Kanak

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### MOTION:

That Council:

1. Reports on the advantages and disadvantages of being identified as having a need for affordable housing in section 9 of the State Environmental Planning Policy No. 70 (SEPP 70) – Affordable Housing (Revised Schemes) [NSW].
2. Reports on the interactions between SEPP 70 and Voluntary Planning Agreements, including using different approaches in different locations in the local government area.
3. Reports on the application process.
4. Notes that seven Councils been included in section 9 as at 29 June 2018.

### Background

The seven included Councils are:

1. Canada Bay.
2. City of Randwick.
3. City of Ryde.
4. City of Sydney.
5. City of Willoughby.
6. Inner West.
7. Northern Beaches.

See SEPP 70 at <<https://www.legislation.nsw.gov.au/~view/EPI/2002/337/full>>.

**General Manager's comment**

In order to be included in the SEPP 70 Policy, Council needs to prepare an Affordable Housing Plan that provides the socio-economic analysis to demonstrate that there is a need for Waverley to be included in the SEPP. The analysis would also consider other mechanisms and opportunities that may meet the demand for affordable housing.

If supported by Council and the Department of Planning and Environment, Council would then need to prepare an amendment to the Waverley Local Environment Plan 2012 to include provisions that specify what the affordable housing contribution should be and whether this would apply to the entire LGA or a specific area depending on the feasibility assessment and other relevant information.

For most Councils that are part of SEPP70, the provisions relate to specific growth areas—such as the Kensington to Kingsford (K2K) focus in Randwick. Waverley does not have a similar area identified for growth.

Council is required to prepare a Local Housing Strategy (LHS) as part of the preparation of its new LEP as required by the Greater Sydney Commission. This Strategy will include an Affordable Housing Plan, and a recommendation as to whether to pursue inclusion in SEPP 70. The LEP is required to be in place by 2021.

If the study supported the inclusion in SEPP70, the provisions would then be incorporated into the new comprehensive LEP 2021.

A work programme for the preparation of the LHS and new LEP 2021 is due to be presented at a Councillor workshop on 2 October 2018, and this will be the opportunity to further discuss this issue. It would be preferable to try to accommodate the work proposed within that work programme. There is limited capacity to undertake the analysis work requested other than as part of the LHS/LEP work without dropping something else from the work programme.

## NOTICE OF MOTION CM/8.4/18.09



**Subject:** Council's Passenger Fleet - Review

**TRIM No:** A03/1884

**Submitted by:** Councillor Keenan  
Councillor Copeland  
Councillor Wy Kanak

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### MOTION:

That Council:

1. Note that Council's 'Community Strategic Plan', 'Transport, Pedestrians and Parking' outlines the community's vision for transport over the next decade. The community told us they want to reduce the need to own and travel by private car and increase ride sharing in the LGA. They also want Council to prioritise access to residential parking.
2. Note that Council's 'People, Movement and Places Plan' identifies our vision with pedestrian's first then bikes, public transport shared services and private cars prioritised last. This plan also identifies congestion and parking as problems in the LGA.
3. Request that Officers prepare a report on the current passenger fleet with options for improved utilisation, cost and emissions reduction including but not limited to:
  - (a) The current number of passenger vehicles in the fleet.
  - (b) Total value of these passenger vehicles.
  - (c) How often are they replaced.
  - (d) Are these vehicles purchased or leased.
  - (e) The cost of operation for this fleet including petrol, insurance and other on road costs annually.
  - (f) Annual maintenance costs.
  - (g) The various models used in the fleet and what process is in place for staff when choosing models.
  - (h) Number of fuel card issued.
  - (i) Cost of KM/Lt for each vehicle (petrol and diesel).
  - (j) How many are regarded as 'tool of trade' vehicles.
  - (k) How many cars are on lease back arrangements to staff.

- (l) Number of lease back v's non lease back vehicles.
- (m) How many pool cars.
- (n) Where are passenger vehicles garaged.
- (o) How ride sharing could be used to replace pool cars (including cost of creating accounts with ride share companies).
- (p) Emissions from these cars.

### **Background**

Council must be seen as change leaders driving the Community Strategic Plan and People Movement plan. We must strive to enact the community's wishes including their desire to have Council take action on reducing passenger vehicles, reduce emissions the wear and tear on our roads, congestion, parking problems and ultimately reduce costs.

While there have been some improvements with the introduction of a few electric cars and a few charging stations much more could be done.

### **General Manager's comment**

In July 2018, the Executive Leadership Team approved of a broad review of Council's organisational approach to fleet management including policy and operational guidelines. The review was in response to issues and concerns raised by managers and staff, and a desire to ensure the organisation had the right mix of resources to undertake its service responsibilities.

The review is being undertaken by a project control group under the leadership of the Director, Waverley Renewal. It is addressing many of the issues raised in this Notice of Motion, and once its work is completed a report will be provided to Council. If passed, the resolution resulting from this Notice of Motion will be referred to the Group.

## NOTICE OF MOTION CM/8.5/18.09



**Subject:** Peaceful Assembly and Protest

**TRIM No:** A18/0601

**Submitted by:** Councillor Keenan  
Councillor Copeland  
Councillor Wy Kanak

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### MOTION:

That Council:

1. Acknowledges that the right to protest is fundamental in a democratic society.
2. Notes that the NSW State Government has acted to shut down peaceful protests against CSG and coal mining through its *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016*, while the *Sydney Public Reserves (Public Safety) Bill 2017* has given police the power to move on homeless people, protesters and peaceful occupations in the City of Sydney area.
3. Notes that clause 13(1), item 4 of the *Crown Land Management Regulation 2018*, which came into effect on 1 July 2018, provides that '[t]aking part in any gathering, meeting, or assembly (except, in the case of a cemetery, for the purpose of religious or other ceremony of burial or commemoration)' can be prohibited by notice or direction. This means police or any Crown land manager can force any gathering or meeting on Crown land to end at any time without reason, and failure to comply with such a direction or notice is penalised by a maximum fine of \$11,000.
4. Acknowledges that prohibiting individuals from taking part in any gathering, meeting or assembly may unduly trespass upon the rights of individuals to peacefully assemble for a common purpose and express their views.
5. Acknowledges that this amendment will apply to those people who may wish to hold a meeting, assembly or peaceful protest in many of the public parks and spaces in the Waverley LGA.
6. That the Mayor writes to the NSW State Government to:
  - (a) Oppose clause 13(1), item 4 of the *Crown Land Management Regulation 2018*, for the reasons detailed above.
  - (b) Express support for the right of peaceful gathering, meeting and assembly in NSW.

### General Manager's comment

The General Manager has reviewed this motion and has no comments to provide.

**NOTICE OF MOTION**  
**CM/8.6/18.09****Subject:** Eastern Avenue Reserve**TRIM No:** A17/0455**Submitted by:** Councillor Nemesh  
Councillor Betts

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**MOTION:**

That Council:

1. Notes the concerns raised by the Dover Heights Precinct in relation the stability of the slope at Eastern Avenue Reserve starting at the top of Bulga Road and descending North.
2. Redirects the existing \$25,000 capital works funding for Eastern Avenue to this higher priority stabilisation project.
3. Informs the Dover Heights Precinct of its decision.

**Background**

The slope in Eastern Avenue Reserve starting at the top of Bulga Road is reportedly unstable in certain places, partly the result of infill from dumped materials. This project seeks rectify the stability of the slope and includes plantings.

**General Manager's comment**

Eastern Avenue Reserve is part of the Council's clifftop coastal walk.

Over the years, the fill material under the grass and plantings has moved and slipped, exposing the underlying fill.

Council officers support the proposal for slope stabilisation of the Reserve from Bulga Road northwards.

## NOTICE OF MOTION CM/8.7/18.09



WAVERLEY  
COUNCIL

**Subject:** Bus Stop at 465 Bronte Road, Bronte - Relocation

**TRIM No:** A03/0189

**Submitted by:** Councillor Masselos

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### MOTION:

That Council:

1. Supports moving the bus stop outside 465 Bronte Road to the Bronte Beach terminus, which is across the road.
2. Recognises prior efforts of Council staff in attempting to have this bus stop moved to the Bronte Beach terminus.
3. Acknowledges the wishes of the local residents in wanting this bus stop moved.
4. Sends a delegation of the Mayor, Ward Councillors and Council staff to meet with the Minister to make representations to have the bus stop moved.

### Background

Over the years, there have been many attempts by Council to have this bus stop moved but without success; most recently, 12 months ago. There is now another opportunity to make representations, given the current Bronte Beach Village upgrade.

Anecdotal evidence suggests that a large percentage of people alighting from the bus cross the road to access the beach. Observations show that people do not cross at the pedestrian crossing, but rather cross at the point of the bus stop. Moving the bus stop to the terminus would ensure greater safety for commuters.

The current bus stop is located in front of Bronte beach cafes, creating an ongoing problem with diesel particulate.

The Cancer Council states:

*Exposure to diesel exhaust is part of everyday life for many Australians. In busy urban areas, exposure to low levels and short-term peak levels of diesel exhaust are often unavoidable. People are exposed to diesel exhaust mainly as a result of inhaling the particles and gases, which then enter the lungs.*

*Particulate matter can contain elemental carbon, organic compounds (including Polycyclic aromatic hydrocarbons, a number of which are known or suspected carcinogens, metals, and other trace compounds. These particles are a public health concern due to their small size (Particulate Matter of ~10 micrometers or less [PM10]) which makes them easy to inhale and able to reach the deep lung.*

Read more at <<https://www.cancercouncil.com.au/86083/cancer-information/general-information-cancer-information/cancer-questions-myths/environmental-and-occupational-carcinogens/diesel-fuel-emissions/#LmcyOpXpdUhUH5dP.99>>.

**General Manager's comment**

The relocation of the bus stop outside 465 Bronte Road to the bus terminus has been considered by the Waverley Traffic Committee on a number of occasions and rejected. Representatives on the Committee from Roads and Maritime Services (RMS) and Sydney Buses have consistently rejected the proposal.

The matter was escalated to senior management within the State Government transport agencies; i.e Sydney Buses, RMS and Transport for New South Wales. A number of meetings were held and options/proposals discussed and reviewed to come up with a solution. Unfortunately, the State agencies were not prepared to move the bus stop, citing operational needs for the bus terminus that did not allow for the relocation.

Council officers support the motion. Administrative and technical support will be undertaken by the Transport and Development Team in Creating Waverley, and can be accommodated within the existing work programme.

## NOTICE OF MOTION CM/8.8/18.09



**Subject:** Pensioner Rebate

**TRIM No:** A14/0379

**Submitted by:** Councillor O'Neill

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### MOTION:

That Council:

1. Expresses its concern and dissatisfaction that the State Government Pensioner Concession Rates Rebate has remained at \$250 since 1993, and makes strong representations to the State Government to provide greater assistance to pensioners struggling under cost of living increases.
2. As part of its deliberations for developing its 2019–20 Budget, receives a report on the financial implications of increasing its voluntary contribution to the Pensioner Concession Rates Rebate so that the total rebate equates to 25% of the average pensioner's rates charge in the Waverley local government area.

### Background

As the cost of living continues to increase, it is incredibly important that we protect those in our community who are most vulnerable. Many pensioners for the first time in their lives are faced with late payment of their rates, which is a situation Council is no doubt aware of, and should consider restoring parity with increased rate charges.

The State Government sets a maximum Pensioner Concession rebate of \$250. This rebate is funded 45% by the council and 55% by the State Government. The rebate has remained at this level since 1993, and its value as a support to pensioners has decreased considerably. Based on CPI increases since that time, the maximum Pensioners Concession rebate should be indexed to approximately \$480.

In 2003/04, the rebate equated to approximately 25% of the average pensioner's rates. By 2010/11, it amounted to just approximately 18.5% of the average pensioner's rates.

In recognition of this, Council, in 2011/2012, itself contributed an extra \$50, making a total Rebate of \$300, which at that time amounted to approximately 20% of the average pensioner's rate. Since 2011/12, this rebate has not increased, while rates have continued to rise. The current rebate of \$300 now amounts to just 18.6 % of the average pensioner's rates.

Many of our pensioners purchased properties in the area many years ago when prices were considerably more affordable than today. As rates have increased significantly, reflecting property values, many pensioners have been left in a situation of being asset rich but cash poor.

This motion seeks to explore ways Council and the State Government can better assist those most vulnerable in our community.

**General Manager's comment**

Council has an adopted Rates and Charges Policy which recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of hardship applications for waiving, deferment and alternative payment arrangements, or the writing off of rates, annual charges and interest accrued on such debts.

Eligible pensioners are able to apply for the deferment of recovery of any outstanding rates and charges until such time as their situation changes—for example, sale of the property—for up to 19 years until Council will commence debt recovery proceedings.

Currently, there are 1,822 pensioner ratepayer accounts, of which two have entered into formal rates deferment arrangements, while a further 48 have no formal arrangement but currently have outstanding rates balances.

The current average pensioner rate is \$1,612.12, and the combined mandatory government rebate of \$250 and the additional Council \$50 equate to 18.6% of the average pensioner rate.

If Council chooses to add to its voluntary rebate in order to raise the level of subsidy to 25%, an extra \$103 would need to be added for each eligible pensioner account.

The annual financial implications of raising the subsidy to 25% would be an approximate cost to the budget of \$187,720 with an estimated \$2,338,139 cumulative impact on the Long Term Financial Plan.

## NOTICE OF MOTION CM/8.9/18.09



**Subject:** Eastern Suburbs Bus Services

**TRIM No:** A03/0189

**Submitted by:** Councillor O'Neill

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### MOTION:

That Council:

1. Writes to the Minister for Transport and Infrastructure, and the Members for Vacluse and Coogee to:
  - (a) Affirm Waverley Council's support for public transport.
  - (b) Request that the Minister provide the reasons for the cancellations and changes to Eastern Suburbs bus services and timetables.
  - (c) Request that the 361 North Bronte to Bondi Junction not be withdrawn to:
    - (i) Ensure that bus commuters do not have more travel time added to their commute because their bus is now traveling on a major arterial road rather than the quieter Birrell Street.
    - (ii) Allow bus commuters, who are patients at the War Memorial Hospital, to be able to continue to access the hospital by public transport.
2. Writes to the Department of Transport urgently requesting that an education campaign be immediately instituted to:
  - (a) Inform current users of the 361 bus route about the changes that are due to commence on 23 September.
  - (b) Inform commuters about any changes to the 333, 382, X79, X84 and 361.
3. Requests that bus stops and 'stopping patterns' not be changed across the bus routes in such a way as to adversely impact commuters who may be experiencing difficulty walking some distance to catch the bus.

### Background

In August, residents were informed that on Sunday, 23 September Eastern Suburbs buses were to have a 'major overhaul' with the 333 from Bondi Beach to Circular Quay running every three minutes during the peak. As a result of these changes, services around North Bondi, Tamarama, Watsons Bay and Bondi Junction will change significantly, with passengers having to change onto the 333 to get into the CBD, and that four routes that currently operate to Bondi Junction—the 382, X79, X84 and 361—will be cancelled.

The 381 route will be changed to operate between Bondi Junction and Bronte (north), via Bondi Road and Tamarama, to replace the withdrawal of route 361. In the Bondi area, services will no longer operate to Bondi Beach; instead, operating via Denham Street, Fletcher Street, Gaerloch Avenue/Dellview Street to Bronte. By withdrawing the 361 and re-routing the 381, the bus trips will increase for passengers as they will no longer be traveling on the quieter Birrell Street, but will now be completing with traffic on Bondi Road, a major arterial road. People wishing to travel to the War Memorial Hospital will also be significantly inconvenienced.

Residents have been told that '[t]he stopping pattern will be changed to reflect demand and changes to surrounding services'. It is assumed that this means the length of bus stops will change. This adversely impacts a range of commuters, such as the elderly, who may not be able to walk distances; people with a disability or injury; small children; people with prams etc.

#### **General Manager's comment**

This motion can be actioned as soon as adopted by Council. In the event that the modification to services does proceed, it is suggested that Council could also request that the On Demand bus service (now operated by BRIDJ) be extended to include Tamarama and Bronte where the 361 services have been removed. Presumably, if there's not much demand, as claimed by the Department of Transport, then it shouldn't be difficult to service.

The On Demand service should also be extended to cover Bondi Junction as well (which was cut from services in August).

**URGENT BUSINESS**  
**CM/9/18.09****Subject:** Urgent Business**Author:** Ross McLeod, General Manager**WAVERLEY**  
COUNCIL

In accordance with clause 241 of the *Local Government (General) Regulation 2005* and clause 3.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to Councillors. However, this can happen only if:

1. The business proposed to be brought forward is ruled by the chairperson to be of great urgency; and
2. A motion is passed to have the business transacted at the meeting.

Such a motion can be moved without notice.

Only the mover of a motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must be of a kind that requires immediate action or attention, and that cannot be dealt with as a Mayoral Minute or Notice of Motion at a later meeting or by any other means.

The mover of the motion must, when speaking to the motion, explain why he or she believes the business to be of great urgency.

## CLOSED SESSION CM/10/18.09



**Subject:** Moving into Closed Session  
**Author:** Ross McLeod, General Manager

WAVERLEY  
COUNCIL

### RECOMMENDATION:

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

CM/10.1/18.09 CONFIDENTIAL REPORT - Bondi Golf and Diggers Club - Potential Assignment of Lease to Easts Leagues

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

### Introduction/Background

In accordance with section 10A(2) of the Act, a Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clause 252 of the *Local Government (General) Regulation*, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

**RESUMING IN OPEN SESSION  
CM/11/18.09**



**WAVERLEY**  
COUNCIL

**Subject:** Resuming in Open Session  
**Author:** Ross McLeod, General Manager

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**RECOMMENDATION:**

That Council resumes in open session.

**Introduction/Background**

In accordance with clause 253 of the *Local Government (General) Regulation 2005*, when the meeting resumes in open session the Chair will announce the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.