



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, TUESDAY 18 FEBRUARY 2020

A handwritten signature in black ink, appearing to read 'Emily Scott'.

Emily Scott
Acting General Manager

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

Live Streaming of 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. **Obituaries 6**
4. **Addresses by Members of the Public**
5. **Confirmation and Adoption of Minutes**
 - CM/5.1/20.02 Confirmation of Minutes - Council Meeting - 10 December 20197
6. **Mayoral Minutes 36**
7. **Reports**
 - CM/7.1/20.02 Q2 Budget Review - December 201937
 - CM/7.2/20.02 Six Monthly Progress Report on Delivery Program 2018-202168
 - CM/7.3/20.02 Investment Portfolio Report - January 2020.....75
 - CM/7.4/20.02 Fees and Charges 2019-20 - Amendment - Early Education and Care Services98
 - CM/7.5/20.02 Public Art Committee Membership118
 - CM/7.6/20.02 High Impact Event - Head On Photo Festival 2020123
 - CM/7.7/20.02 Youth Week 2020 - Bondi Blitz.....127
 - CM/7.8/20.02 Sculpture by the Sea - Licence Agreement131
 - CM/7.9/20.02 New Sports Field Licences.....135
 - CM/7.10/20.02 Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges140

CM/7.11/20.02	Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse	150
CM/7.12/20.02	Voluntary Planning Agreement - 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.....	178
CM/7.13/20.02	Precinct Committees - Motions	217
CM/7.14/20.02	Status of Mayoral Minutes and Notices of Motion	220
CM/7.15/20.02	Councillor Expenses and Facilities - Six-monthly Report	223
CM/7.16/20.02	Audit, Risk and Improvement Committee Meeting - Minutes - 29 October 2019	228
CM/7.17/20.02	Audit, Risk and Improvement Committee - Revised Charter.....	238
CM/7.18/20.02	Footpath, Kerb and Gutter Audit - Procurement.....	260
CM/7.19/20.02	Tender Evaluation - Replacement of Parking Meters	262
CM/7.20/20.02	Tender Evaluation - Cleaning and Hygiene Services	267

8. Notices of Motions

CM/8.1/20.02	Queens Park Pedestrian and Cycle Path	272
CM/8.2/20.02	Council Apps.....	275
CM/8.3/20.02	Right to Free Speech and Protest	277
CM/8.4/20.02	Acknowledgement of Country in Email Signatures.....	279
CM/8.5/20.02	Water Tank Rebate Scheme.....	280
CM/8.6/20.02	Hollywood Avenue Car Park - Resident Rate for Overnight Use	282
CM/8.7/20.02	Off-leash Dog Area - Mackenzies Bay, Tamarama	283
CM/8.8/20.02	Williams Park - Verge Maintenance.....	285
CM/8.9/20.02	Air Fresheners in Public and Staff Toilets	286
CM/8.10/20.02	Bushfire Relief - Donation and Assistance	288
CM/8.11/20.02	Murriverie Road, North Bondi - 15 Minute Parking.....	290
CM/8.12/20.02	Waverley Cenotaph - Indigenous Commemorative Plaque.....	292
CM/8.13/20.02	Tamarama Fitness Station - Mitigation of Amenity Impacts	294
CM/8.14/20.02	Cultural Bushfire Control Strategies	296

9. Questions with Notice

CM/9.1/20.02	On-street Parking Losses.....	298
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- 10. Urgent Business..... 299**
- 11. Closed Session 300**
- The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:
- CM/11.1/20.02 CONFIDENTIAL REPORT - Safety by Design in Public Spaces - Procurement of Temporary Security Measures at Bondi Beach
- CM/11.2/20.02 CONFIDENTIAL REPORT - Tender Evaluation - Level 4 Eastgate Office Refurbishment - Head Contractor Services
- 12. Resuming in Open Session302**
- 13. Meeting Closure**

OBITUARIES CM/3/20.02

Subject: Obituaries

Author: Ross McLeod, General Manager



The Mayor will ask Councillors for any obituaries.

John Morrison
Joshua Levi

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

CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/20.02



Subject: Confirmation of Minutes - Council Meeting - 10 December 2019

TRIM No: SF19/325

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the minutes of the Council Meeting held on 10 December 2019 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 - 10 December 2019



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 10 DECEMBER 2019**

Present:

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

Staff in attendance:

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.11 pm, and Cr O'Neill, who arrived at 9.22 pm.

At 11.05 pm, Cr Burrill left the meeting and did not return.

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.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/7.11/19.12 – Bondi Pavilion Restoration and Conservation Project – Expression of Interest, and informed the meeting that he works part-time at the Pavilion.

3. Obituaries

Uncle Sam Watson
Victims of the White Island eruption
Allan Croft

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

4. Addresses by Members of the Public

- 4.1 I Rose (chief petitioner, on behalf of Climate Action Sydney Eastern Suburbs) – CM/7.4/19.12 – Petition – Renewable Energy Target.
- 4.2 L Payne – CM/8.6/19.12 – State of Climate and Biodiversity Emergency.

5. Confirmation and Adoption of Minutes

CM/5.1/19.12 Confirmation of Minutes - Council Meeting - 19 November 2019 (SF19/325)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 19 November 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr O'Neill was not present for the consideration and vote on this item.

CM/5.2/19.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 November 2019 (SF19/328)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 November 2019 be received and noted, and that the recommendations contained therein be adopted.

Cr O'Neill was not present for the consideration and vote on this item.

6. Mayoral Minutes

CM/6.1/19.12 International Women's Day 2020 and Oral History Project (A06/1761)

MOTION / DECISION

Mover: Cr Masselos

That Council:

1. Celebrates International Women's Day (IWD) 2020 with an evening event similar to the 2019 Cocktail and Conversation evening.
2. Commences an oral history project of women councillors who have served on Waverley Council since its proclamation, and that:
 - (a) Documents the women's stories of achievement, challenges, successes and insights.
 - (b) Photographs the women.
 - (c) At the IWD Cocktails and Conversations event, an announcement is made that this project will be exhibited at a curated event by July 2020.
3. Notes that the project is to be resourced internally and within operational budget.

Background

In 2019, Council celebrated International Women's Day with a Cocktails and Conversation event at the Bondi Pavilion. This event was a huge success with over 200 women in attendance to hear high-profile

Aboriginal women's stories of empowerment and achievement. Given the number of accomplished women in the Waverley local government area, celebrating IWD 2020 would be expected of a progressive Council.

To coincide with IWD 2020, an oral history and photographic exhibition of the Waverley councillors celebrated in the 100 years of women project is to be undertaken by Waverley Library and Communications staff. The interviews should focus on the achievements of these women, highlighting:

- Some key moments in the history of Waverley and their role in these events.
- Insights into the challenges and role of elected women in local government, their experiences and learnings.
- Leadership and empowerment of elected women in local government.

The exhibition is to be curated and included as part of the celebration of IWD. After the exhibition, a space is to be found within Waverley's civic buildings where this exhibition can be permanently displayed.

Cr O'Neill was not present for the consideration and vote on this item.

CM/6.2/19.12 Plan to Save our Recycling (A15/0392)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

That Council:

1. Acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
2. Endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:
 - (a) Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling management.
 - (b) Supporting the State-led development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.
 - (c) Support to prioritise recycled materials in procurement by all levels of government, to help create new markets.
 - (d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the correct way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
3. Recognises initiatives and projects taken within the Waverley local government area to help achieve this goal, including:
 - (a) Joining a regional Memorandum of Understanding (MoU) to prioritise recycled materials in procurement, which has had unanimous support from all 11 Southern Sydney Regional Organisation of Councils (SSROC) member councils and the NSW Minister for Environment and Energy, the Hon. Matthew Kean, MP.

- (b) Jointly advising on, and undertaking, a major project through SSROC on metropolitan Sydney Waste Data and Infrastructure Planning to identify necessary waste data and projected material flows to make informed policy and infrastructure decisions.
4. Writes to the local State Members, the Hon. Gabriel Upton, MP, Member for Vaucluse, and Marjorie O'Neill, MP, Member for Coogee; the Minister for Energy and Environment, the Hon. Matthew Kean, MP; the Local Government Minister, the Hon. Shelley Hancock, MP; the NSW Treasurer, the Hon. Dominic Perrottet, MP; the Premier, the Hon. Gladys Berejiklian, MP; the Opposition Leader, Jodi McKay, MP; the Shadow Minister for Environment and Heritage, Kate Washington, MP; and the Shadow Minister for Local Government, Greg Warren, MP, to:
- (a) Confirm support for recycling and outline the urgent need to educate, innovate and invest in local and regional waste and recycling programs and infrastructure via the Waste Levy.
- (b) Fund councils to develop regional-scale plans and projects to effectively address the management of waste and recycling.
- (c) Seek a commitment from the State Government to lead and fund the development of priority waste and recycling infrastructure, particularly where a market failure has been identified.
5. Advises LGNSW President, Linda Scott, of the passage of this Mayoral Minute.
6. Shares and promotes the Save Our Recycling campaign via its digital and social media channels and via its networks.

Background

Local Government NSW's report, *At the Crossroads: The State of Waste and Recycling in NSW* highlights the need for the local government sector to support the Save Our Recycling campaign.

The NSW Government collects revenue from licensed waste facilities in NSW via a Waste levy to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018–19.

Revenue from the Waste levy is expected to increase by about 70 percent from 2012–13 to 2022–23. By the end of this period, the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion—less than one fifth—of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered. A Waste Infrastructure Plan and a new State Waste Strategy are also overdue.

The Government is also likely to miss key targets in its existing *Waste Avoidance and Resource Recovery Strategy 2014–21*. Its latest 2017–18 Progress Report shows that in NSW:

- Household recycling rates are decreasing.
- Less waste per person is being diverted from landfill.
- The amount of waste being generated is expected to grow by 36 percent by 2036—which is well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of recyclables from countries like Australia are also making it more challenging to find markets for recycled materials.

The combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a poor state.

Local councils in NSW are advocating for the NSW Government to invest the funds collected from the Waste Levy to address the current state of waste management in NSW.

The Local Government NSW Save our Recycling campaign outlines ways the State Government can work with councils to develop, fund and deliver the waste and recycling programs our communities deserve. It is a blueprint for the NSW Government to reinvest the money it collects from the Waste Levy to help fix the State's ailing waste and recycling services and build a circular economy in NSW.

The Save our Recycling campaign focuses on the following key areas for NSW Government action:

- Education: fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign, community by community.
- Innovation: greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow.
- Investment: reinvest the Waste Levy in council-led regional waste and recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste infrastructure and programs. The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis that could be delivered in partnership with local government. The proposed solutions are outlined in the wording of this Mayoral Minute, and include:

- State Government Funding to support regional waste plans for the future of waste and resource recovery.
- State Government Funding for priority infrastructure and local government projects necessary to deliver these regional-scale plans, particularly where market failure has been identified
- Increased local and state government procurement of recycled goods made with domestic content; for example:
 - Recycled content targets to help drive demand and provide incentives to deliver on these targets.
 - Research, develop and deliver recycling technologies and products generated from recyclables, particularly by local or regional councils.

This Mayoral Minute recommends that Council supports the Save our Recycling Campaign, which is being coordinated on behalf of councils by LGNSW.

Cr O'Neill was not present for the consideration and vote on this item.

7. Reports

CM/7.1/19.12 Fees and Charges 2019-20 - Minor Amendments - Adoption (A19/0783)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council adopts:

1. The fees for early education and care services set out in Table 1 in this report.
2. The fees for waste services set out in Table 2 in this report.

Crs Goltsman and O'Neill were not present for the consideration and vote on this item.

CM/7.2/19.12 Fees and Charges 2019-20 - Amendment - Early Education and Care Services - Exhibition (A19/0783)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Endorses for public exhibition the proposal for amended fees for Council's early education and care services to enable Council to achieve full cost recovery of services, as per the Pricing Policy.
2. Publicly exhibits the proposed \$12 increase to early education and care service fees for the extended period of 11 December 2019 to 31 January 2020.
3. Officers report back to Council on the results of the public exhibition at the February Council meeting.
4. Notes that, in addition to the proposed fee increase, Council officers are investigating various strategies to optimise staffing and improve efficiencies in response to emerging needs and trends.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.3/19.12 Hugh Bamford and Williams Park - Plan of Management - Leases and Licences (A18/0191)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wy Kanak

That Council:

1. Pending approval from Crown Lands, publicly exhibits the amended draft Hugh Bamford and Williams Park Plan of Management attached to this report for a period of 42 days.
2. Authorises the Director, Community, Assets and Operations, to approve any minor amendments requested by Crown Lands prior to public exhibition.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.4/19.12 Petition - Renewable Energy Target (A02/0131)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland

Seconder: Cr Masselos

That Council refers the petition requesting Council to set a target of 100% renewable energy by 2030 to the Director, Planning, Environment and Regulatory, for appropriate action, and a report come back to Council.

Cr O'Neill was not present for the consideration and vote on this item.

I Rose (chief petitioner, on behalf of Climate Action Sydney Eastern Suburbs) addressed the meeting.

CM/7.5/19.12 Bondi Festival 2020 - Proposal (A19/0057)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Endorses the event concept for the Bondi Festival as outlined in this report, bringing together the Bondi Winter Magic and Bondi Feast programs.
2. Endorses the initial draft budget for the Bondi Festival 2020 proposal for inclusion in the 2020–21 budget process, noting a final budget and event concept will be submitted to Council at a future date, as some costs may be reduced following further planning and cost analysis.
3. Endorses the creative lighting installation component and associated budget for the trial creative lighting offering in 2020 for inclusion in the 2020–21 budget process.
4. Continues to undertake stakeholder engagement and consultation throughout the process, including with the Bondi Chamber of Commerce on how best to implement the integrated concept.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.6/19.12 Events - Requests for Financial Assistance (A17/0607)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Goltsman

That Council, under section 356 of the *Local Government Act*:

1. Grants up to \$2,310 (excluding GST) in financial assistance and additional in-kind support to Flickerfest to help cover the costs of running the 29th Annual Flickerfest Short Film Festival in 2020.
2. Grants up to \$9,500 (excluding GST) in financial assistance and additional in-kind support to the

Bondi Association for Arts and Music to help cover the costs of running the 2020 Latin American Festival.

3. Grants up to \$12,123 (excluding GST) in financial assistance and additional in-kind support to Ocean Lovers Alliance to help cover the costs of running the 2020 Ocean Lovers Festival.
4. Grants \$1,325 (excluding GST) in financial assistance to the Dover Heights Shule to cover event fees associated with holding the Chanukah Festival.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.7/19.12 Eastern Reserve - Slope Stabilisation (A19/0683)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Nemesh

That Council:

1. Enters into contract with EB Group Pty Ltd for the stabilisation of the slope at Eastern Reserve for the sum of \$124,363 (excluding GST).
2. Allocates \$40,000 from the SAMP Parks Infrastructure Reserve to fund the budget shortfall for the works.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.8/19.12 Bondi Lifeguard Facilities and Bondi Park Southern Amenities Projects - Update (A18/0028)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes this update on the Bondi Park Southern Amenities and Lifeguard Facilities projects.
2. Notes the outcomes of the consultation completed in April 2019.
3. Endorses the updated design for the Lifeguard Facilities project attached to this report.
4. Progresses to a request for tender following receipt of integrated development application approval.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.9/19.12 Voluntary Planning Agreement - 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction (SF18/2505)

MOTION / DECISION

Mover: Cr Lewis
Second: Cr Wakefield

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 87–99 Oxford Street and 16–22 Spring Street, Bondi Junction.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.
3. Notes that the VPA is for the provision of floor space, and that, generally, Council's policy is that monetary VPA contributions are spent in the immediate vicinity of the development to which they relate.
4. Investigates allocating 15–25% of any monies generated by the VPA to affordable housing, and that a report comes back to Council.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Lewis, Masselos, Nemesh and Wakefield.

Against the Motion: Crs Keenan and Wy Kanak.

Cr Kay was not present for the vote on this item.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.10/19.12 Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse (SF19/5740)

At 9.04 pm, during the consideration of this item, the meeting adjourned for a short break.

At 9.12 pm, the meeting resumed.

MOTION

Mover: Cr Wakefield
Second: Cr Masselos

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 701–707 Old South Head Road, Vaucluse. The draft Planning Agreement offers a total monetary contribution of \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.
3. Notes that Council's policy is that VPA contributions are spent in the immediate vicinity of the development to which they relate.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR LEWIS AND SECONDED BY CR KEENAN:

That debate on this item be adjourned to the February Council meeting.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr O'Neill was not present for the consideration and vote on the procedural motion.

CM/7.11/19.12 Bondi Pavilion Restoration and Conservation Project - Expression of Interest (A15/0272)

Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he works part-time at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the EOI Summary and Recommendation and the Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachments contain information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Endorses the proposed shortlisting of submitters to be invited to tender for the Bondi Pavilion Restoration and Conservation Project as set out in the confidential EOI Summary and Recommendation attached to this report.
3. Notifies unsuccessful submitters of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.12/19.12 SSROC Supplier Panel - Supply and Delivery of Road Vehicle Brooms, Brushes and Spare Parts (SF19/3620)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Nemesh

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)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Adopts the SSROC-approved suppliers below as a supplier panel for the supply and delivery of road vehicle brooms, brushes and spare parts for three years with two one-year options:
 - (a) Rylepair Pty Ltd (trading as BSB Brushes & Signs).
 - (b) Industrial Brushware Pty Ltd.

Cr O'Neill was not present for the consideration and vote on this item.

CM/7.13/19.12 Bondi Beach Sea Wall Murals - Revised Guidelines and Terms and Conditions (A18/0144)

MOTION

Mover: Cr Masselos
Seconder: Cr Keenan

That Council adopts the revised Guidelines and Terms and Conditions attached to this report (Attachment 2) for artists applying to paint murals on the Bondi Beach Sea Wall subject to the following:

1. Include a new paragraph in the 'Context' section: 'Bondi Beach is one of the most recognised locations around the world and is the second most popular tourist destination in Sydney. It attracts a diverse range of locals and visitors, including families and tourists (both domestic and international).'
2. In the 'Note: Memorial Murals' section, replace 'No further memorial murals will be approved' with 'To prevent the wall from becoming static, no further permanent memorial murals will be approved.'
3. In the 'Summary of the Application and Curatorial Process' section:
 - (a) Change the first bullet point to 'Submit mural application and artwork image/concept design online.'
 - (b) Amend the last bullet point so that it now reads 'Subject to submission of a mural proposal that meets the guidelines and terms and conditions, Council may allow murals associated with other exhibitions or events at Bondi Beach to be added outside the normal application process.'
4. In the 'General Conditions' section, change the last bullet point so that it now reads 'Unauthorised murals that do not comply with Council's Bondi Beach Sea Wall Guidelines and Terms and Conditions will be removed within 24–48 hours where possible.'

AMENDMENT 1 (WITHDRAWN)

Mover: Cr Goltsman
Seconder: Cr Burrill

That the Motion be adopted subject to the addition of the following clause:

5. In the 'Guidelines for Artistic Use of the Site' section, change the beginning words of the third bullet point to read 'Offensive and divisive work is not permitted, including that which is racist, sexist, ... etc.'

AMENDMENT 2

Mover: Cr Burrill
Seconder: Cr Kay

That the Motion be adopted subject to the addition of the following clause:

5. In the 'Guidelines for Artistic Use of the Site' section, change the beginning words of the third bullet point to read 'Offensive work is not permitted, including that which is racist, sexist, ... etc.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

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

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the revised Guidelines and Terms and Conditions attached to this report (Attachment 2) for artists applying to paint murals on the Bondi Beach Sea Wall subject to the following:
 - (a) Include a new paragraph in the 'Context' section: 'Bondi Beach is one of the most recognised locations around the world and is the second most popular tourist destination in Sydney. It attracts a diverse range of locals and visitors, including families and tourists (both domestic and international).'
 - (b) In the 'Note: Memorial Murals' section, replace 'No further memorial murals will be approved' with 'To prevent the wall from becoming static, no further permanent memorial murals will be approved.'
 - (c) In the 'Summary of the Application and Curatorial Process' section:
 - (i) Change the first bullet point to 'Submit mural application and artwork image/concept design online.'
 - (ii) Amend the last bullet point so that it now reads 'Subject to submission of a mural proposal that meets the guidelines and terms and conditions, Council may allow murals associated with other exhibitions or events at Bondi Beach to be added outside the normal application process.'
 - (d) In the 'General Conditions' section, change the last bullet point so that it now reads 'Unauthorised murals that do not comply with Council's Bondi Beach Sea Wall Guidelines and Terms and Conditions will be removed within 24–48 hours where possible.'
2. Has a link to the Guidelines and Terms and Conditions on its website.

DECISION: That the Motion be adopted.

CM/7.14/19.12 Stronger Communities Fund - Progress Report (A19/0224)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council receives and notes the progress report on the Stronger Communities Fund.

8. Notices of Motions**CM/8.1/19.12 Alcohol Free Zones and Alcohol Prohibited Areas - Improving Community Safety and Amenity (A03/0099)**

This matter was last considered by Council at its meeting on 19 November 2019. Debate on the item was adjourned to this meeting.

MOTION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council:

1. Increases Council Ranger patrols and personnel in our Alcohol Free Zones and Alcohol Prohibited Areas as per our existing practice during the summer season to:
 - (a) More effectively enforce the restrictions.
 - (b) Improve the monitoring of people's anti-social behaviour.
 - (c) Better educate visitors on the alcohol restrictions.
 - (d) Increase contact with the NSW Police.
 - (e) Improve community safety and amenity overall.
2. Organises regular family-friendly activities, such as bouncing castles, a mobile library and surf demonstrations, in Biddigal Reserve and Tamarama Park, subject to budget availability.
3. Prepares a debriefing report for the April 2020 Council meeting that summaries Council's actions, and those of the NSW Police, during the summer season within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas, and recommendations for the 2020–21 summer period.

AT THIS STAGE IN THE PROCEEDINGS, CR KAY MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

FORESHADOWED MOTION

Mover: Cr Wakefield

That Council receives a report at the February 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR

WAKEFIELD AND SECONDED BY CR LEWIS:

That debate on this matter be adjourned to the December Council meeting to enable Council to receive further information.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos and Wakefield.

Against the Procedural Motion: Crs Betts, Goltsman, Kay, Nemesh and Wy Kanak.

Cr Burrill was not present for the vote on the procedural motion.

FOLLOWING THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council:

1. Increases Council Ranger patrols and personnel in our Alcohol Free Zones and Alcohol Prohibited Areas as per our existing practice during the summer season.
2. Officers make recommendations to Council for improvements in Council's responses and other actions, including organising regular family-friendly activities, such as bouncing castles, a mobile library and surf demonstrations, in Biddigal Reserve and Tamarama Park, subject to budget availability.
3. Prepares a debriefing report, including outcomes from clause 2 above, for the March 2020 Operations and Community Services Committee meeting that summaries Council's staff resourcing and actions, and those of the NSW Police, to anti-social behaviour and alcohol-related issues during the summer season within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour at licensed premises that are in the vicinity of Council's Alcohol Free Zones and Alcohol Prohibited Areas, and provides recommendations for the 2020–21 summer period.

AT THIS STAGE IN THE PROCEEDINGS, CR LEWIS MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

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

Cr Keenan was not present for the vote on this item.

THE FORESHADOWED MOTION NOW BECAME THE MOTION AND WAS MOVED AS FOLLOWS:

MOTION

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council receives a report at the February 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

AT THIS STAGE IN THE PROCEEDINGS, AT 10.09 PM, THE CHAIR ADJOURNED THE MEETING DUE TO DISORDER.

AT 10.15 PM, THE MEETING RESUMED.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE DATE IN THE FIRST PARAGRAPH OF THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council receives a report at the March 2020 Council meeting detailing:

1. Council's resourcing and responses to anti-social behaviour and alcohol-related issues within Council's Alcohol Free Zones and Alcohol Prohibited Areas, including incidents of anti-social behaviour in and within the vicinity of licenced premises in Council's Alcohol Free Zones and Alcohol Prohibited Areas.
2. Any recommendations for improvements in Council's responses or other actions, including organising regular family-friendly activities such as bouncing castles, a mobile library and surf demonstrations in Biddigal Reserve and Tamarama Park, subject to budget availability.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/8.2/19.12 Increasing On-street Parking (A15/0235)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Investigates ways to increase on-street parking in the Waverley local government area, including but not limited to:
 - (a) When sufficient permanent staff resources become available, as recommended in the General Manager's comment, reducing the regulatory 'No Stopping' setback restrictions at unsignalised intersections, pedestrian crossings and traffic islands, using such measures as kerb blisters, kerb extensions, and Waverley Traffic Committee approval via the appropriate RMS Technical Direction.
 - (b) Adopting an enforcement protocol that is flexible, fair and consistent, yet at the discretion of Council's Parking Patrol Officers.
 - (c) Contacting Australia Post to identify 24/7 mail zones that can be permanently removed,

time limited for postal vehicles, or converted to post boxes without mail zone signage.

- (d) Ensuring future Waverley Traffic Committee report proposals identify opportunities to minimise on-street parking loss and, where possible, increase on-street parking.
- (e) Time-limiting funeral and wedding parking, or other options, to release on-street parking to the community when funerals and weddings are not taking place.

2. Officers institute changes as opportunities arise.
3. Notes that the investigatory work required in clauses 1(c) and 1(e) above is relatively simple, low cost, and can be performed with existing staff resources, further noting that proposals would be referred to the Waverley Traffic Committee.
4. Notes that the requirement in clause 1(d) to ensure on-street parking consideration should be current practice for any Waverley Traffic Committee report.
5. In the interim, noting the General Manager's comment about the lack of available permanent staff resources to perform the full extent of the required investigation in clause 1(a) at this time, considers short-term parking outcomes that can be achieved easily and simply, with minimal funding and little effort by staff resources and, in this regard, invites Councillors, Waverley residents and other interested parties to suggest locations where on-street parking may be improved. Council officers would briefly assess these suggestions and determine what can be investigated now and what should be deferred to a later time when permanent staff resources become available.

Division

For the Motion: Crs Betts, Burrill, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Crs Copeland, Keenan and Wy Kanak.

CM/8.3/19.12 Old South Head Road between Penkivil Street and Flood Street, Bondi - Bus Lane (A04/0458)

This matter was last considered by Council at its meeting on 19 November 2019. Debate on the item was adjourned to this meeting.

MOTION

Mover: Cr Kay

Seconder: Cr Betts

That Council writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, the Member for Vacluse, the Hon. Gabrielle Upton, MP, and Roads and Maritime Services requesting that the westbound Old South Head Road bus lane between Penkivil Street and Flood Street not be reinstated.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR KAY:

That debate on this matter be adjourned to the December Council meeting to allow Council to receive any available statistics on bus movements.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr Burrill was not present for the consideration and vote on the procedural motion.

FOLLOWING THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council:

1. Writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, the Member for Vaucluse, the Hon. Gabrielle Upton, MP, and Transport for NSW requesting that consideration be given to the westbound Old South Head Road bus lane between Penkivil Street and Flood Street not being reinstated.
2. Notes that the above clause has been amended following dissolution of the RMS and transfer of RMS functions to Transport for NSW in November 2019.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR COPELAND:

The debate on this item be adjourned until the PTIPS statistics and analysis are made available by RMS.

THE MOVER OF THE PROCEDURAL MOTION THEN WITHDREW THE PROCEDURAL MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Writes to the Minister for Transport and Roads, the Hon. Andrew Constance, MP, requesting that the PTIPS statistics and analysis be made available to Council prior to any decision being made in regard to the trial of the bus lane westbound on Old South Head Road between Penkivil Street and Flood Street.
2. Notes that the above clause has been amended following dissolution of the RMS and transfer of RMS functions to Transport for NSW in November 2019.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.4/19.12 Marks Park - Protecting Children (A03/0450)

MOTION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Ensures that Rangers regularly enforce the dog restrictions in Marks Park to make sure that dogs are under effective control by their owners, as determined by the *Companion Animals Act 1998*. This includes monitoring the daily 4.30 pm–8.30 am off-leash times, dogs on-leash at all other times, and dogs being at least 10 m from the children’s play equipment in the recently upgraded play space.

2. Urgently investigates what further physical measures should be implemented at the perimeter of the recently upgraded play space to ensure protection of the children from off-leash dogs.
3. Investigates what activities, such as bikes and skateboards, should be formally banned from the new concrete access path, so that users of the access path can feel safe.
4. Officers report back to Council in February 2020 with outcomes of the above investigations, to include an estimated budget and timing, and proposed funding sources to implement the works, noting that for the works to be completed in the 2019–20 financial year it would be dependent on the quarterly budget review process.

AMENDMENT

Mover: Cr Keenan

Seconder: Cr O'Neill

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

AT THIS STAGE IN THE PROCEEDINGS, AT 11.27 PM, CR GOLTSMAN MOVED A PROCEDURAL MOTION, SECONDED BY CR WY KANAK, TO EXTEND THE TIME OF THE MEETING.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE AMENDMENT WAS THEN PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That Council:

1. Ensures that Rangers regularly enforce the dog restrictions in Marks Park to make sure that dogs are under effective control by their owners, as determined by the *Companion Animals Act 1998*. This includes monitoring the daily 4.30 pm–8.30 am off-leash times, dogs on-leash at all other times, and dogs being at least 10 m from the children's play equipment in the recently upgraded play space.
2. Urgently investigates what further physical measures should be implemented at the perimeter of the recently upgraded play space to ensure protection of the children from off-leash dogs.
3. Officers report back to Council in February 2020 with outcomes of the above investigations, to include an estimated budget and timing, and proposed funding sources to implement the works, noting that for the works to be completed in the 2019–20 financial year it would be dependent on the quarterly budget review process.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD MOVED A MOTION, SECONDED BY CR GOLTSMAN, THAT ITEMS CM/8.5/19.12, CM/8.7/19.12, CM/8.8/19.12, CM/8.9/19.12, CM/8.10/19.12, CM/8.11/19.12 and CM/9.2/19.12 BE DEFERRED TO THE NEXT COUNCIL MEETING.

THE MOTION WAS PUT AND DECLARED CARRIED.

Cr Burrill was not present for the consideration and votes on this item.

CM/8.5/19.12 Queens Park Pedestrian and Cycle Path (A18/0523)**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.6/19.12 State of Climate and Biodiversity Emergency (A09/1017)**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland

Seconder: Cr Masselos

That Council:

1. Declares that we are in a State of Climate and Biodiversity Emergency that requires urgent action by all levels of government, that human induced climate change and biodiversity loss represents existential threats to human civilisation, other species and the life-supporting capacity of air, water, soil, and ecosystems, and that it is still possible to prevent the most catastrophic economic, social and environmental impacts if, and only if, societies take Emergency Action.
2. Calls on the Federal Government, State Governments, all Australian Councils and LGNSW to Declare a State of Climate and Biodiversity Emergency to show solidarity with over 900 governments worldwide, including the United Kingdom, the Australian Capital Territory and 76 Australian councils as at 19 June 2019, who have Declared a Climate Emergency.
3. Calls on the Federal Government to put a direct price on carbon emissions and implement the just transition from coal mines, liquid natural gas and coal seam gas to renewable energy, and notes the Federal Government's latest (2018) emissions data show we are increasing, not reducing, our carbon emissions.
4. Calls on the NSW Government to take immediate steps to amend the *Environmental Planning and Assessment Act 1979*, and relevant State Environmental Planning Policies to ensure that all new development is required to meet the highest environmental standards, and funding sources are made available to local government to address the impact of climate change and biodiversity loss.
5. Recognises that First Nation traditional owners are the caretakers of land, water and sky (air) with a spiritual, social, cultural and economic relationship with their traditional lands, water and sky, and that this custodianship extends to looking after biodiversity and its related climate.
6. Provides a summary/update bulletin on Council's website to succinctly inform the Waverley Community what Council is doing/ has done recently (over the last three or four years) in our municipality to address the climate and biodiversity emergency in the following areas, including but not limited to: Water, Biodiversity, Renewable Energy, Carbon Emissions (reduction from building design and construction). Noting that Council already has an Environmental Sustainability Program in line with Council policy and budget provision, currently reports on our environmental progress through the Environmental Action Plan 2018–2030 and reports to Council, Operational Plan progress reports and annual reports.
7. Writes to the Prime Minister, Deputy Prime Minister, Federal Minister for the Environment, NSW Premier, NSW Deputy Premier, NSW Minister for the Environment, their shadows, and Local

Government NSW informing them that Waverley Council has declared a State of Climate and Biodiversity Emergency.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak

Against the Motion: Nil.

Cr O'Neill was not present for the consideration and vote on this item.

L Payne addressed the meeting.

CM/8.7/19.12 Council Apps (A15/0210)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.8/19.12 Right to Free Speech and Protest (A18/0601)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.9/19.12 Acknowledgement of Country in Email Signatures (A02/0424)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.10/19.12 Water Tank Rebate Scheme (A06/2074)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.11/19.12 Hollywood Avenue Car Park - Resident Rate for Overnight Use (A18/0477)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.12/19.12 Varna Park - Stormwater Harvesting System (A06/0739)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconder: Cr Kay

That Council investigates the feasibility of stormwater harvesting and reuse and/or water sensitive urban design (WSUD) options for Varna Park in maintaining the reserve, and that a report come back to Council in May 2020.

CM/8.13/19.12 Clovelly Public School - Arden Street Crossing (SF18/779)

At 11.05 pm, following the vote on this item, Cr Burrill left the meeting and did not return.

MOTION

Mover: Cr Burrill
Seconder: Cr Goltsman

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. Investigates:
 - (a) Installing advisory signs around the signalised pedestrian crossing.
 - (b) Installing a temporary traffic island in the position of those approved by Traffic Committee such as water filled barriers and/or painted islands until the works are undertaken next year
 - (c) Providing a grant to the Clovelly School to cover the cost of a traffic warden during school terms until the safety improvement works are undertaken next year
 - (d) Taking any other steps to improve safety at this crossing

AMENDMENT

Mover: Cr Keenan
Seconder: Cr Masselos

That the Motion be adopted subject to clause 2 being amended to read as follows:

‘On completion of these works, undertakes a safety audit to ascertain any additional works that are required.’

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

For the Amendment: Crs Copeland, Keenan, Lewis, Masselos, O’Neill, Wakefield and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Goltsman, Kay and Nemesh.

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. On completion of these works, undertakes a safety audit to ascertain any additional works that are required.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF THREE CLAUSES SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Notes that the Waverley Traffic Committee has approved safety improvements to the Arden Street signalised pedestrian crossing
2. On completion of these works, undertakes a safety audit to ascertain any additional works that are required.
3. Notes that officers are currently preparing works in regard to the relocation of traffic signals and crossing, footpath and kerb and gutter construction, installation of traffic islands, bus stop relocation and other works.
4. Further notes that RMS failed to provide funding for these works.
5. Notes that officers are currently considering temporary measures to improve safety at this location, including temporary traffic islands and advisory signs.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

9. Questions with Notice

CM/9.1/19.12 Policies and Strategies (A09/0450)

QUESTION

The following question was submitted by Cr Nemesh:

1. How many current Council-approved policy or strategy documents does Council have?
2. How many current Council-approved plan documents does Council have?
3. What percentage of the above documents is mandated by the State Government and what percentage has been generated by Council?

General Manager's answer

The General Manager has recently reviewed Council's processes for managing policy work, which was largely neglected during the amalgamation period. This review includes an assessment of the status of all Council's policy documents, which is currently being undertaken by Directors. Following this work, all Council policy documents will be gradually reviewed and updated and reported to Council as necessary.

Currently, Council's website contains:

1. 37 Council-approved policies and seven Council-approved strategy documents.
2. 33 Council-approved plans.

Regarding clause 3:

- 29% of Council-approved policies are mandated by the State government.
- 42% of Council-approved strategies are mandated by the State government.
- 36% of Council-approved plans are mandated by the State government.

The General Manager will be in a position to respond in more detail to this question early next year once the above work is further progressed.

John Clark

Director, Customer Service and Organisation Improvement

CM/9.2/19.12 On-street Parking Losses (A15/0235)**QUESTION**

The following question was submitted by Cr Nemesh:

Since October 2017, how many on-street parking spaces within the local government area have been removed by Council?

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this item be deferred to the next Council meeting.

Cr Burrill was not present for the consideration and vote on this item.

CM/9.3/19.12 North Bondi Children's Pool Mosaic (A17/0484)**QUESTION**

The following question was submitted by Cr Burrill:

That Council advises an itemised breakdown of the costs of the recommissioning and installation of the mosaic wall public artwork at the North Bondi Kids' Pool.

General Manager's answer

The budget for the North Bondi Civil Infrastructure Asset Renewal project has an allowance of \$250,000–\$300,000 for the North Bondi Children's Pool Mosaic.

Expenditure to date is as follows:

ITEM	COST
Conservators report	\$15,700
Artist workshop	\$3,900
Detailed documentation of mosaic	\$40,000
Commissioning temporary mural artwork	\$14,000
TOTAL	\$73,600

Officers are awaiting an expert report detailing options and approaches for completion of the mosaic artwork as set out in previous Council motions. Once the preferred approach is determined, a more accurate budget figure can be determined.

John Clark

Director, Customer Service and Organisation Improvement

10. Urgent Business

There were no items of urgent business.

11. Closed Session**CM/11/19.12 Closed Session**

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Kay
 Seconder: Cr Wakefield

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/11.1/19.12 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange

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 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*.

At 11.31 pm, Council moved into closed session.

Cr Burrill was not present for the consideration and vote on this item.

**CM/11.1/19.12 CONFIDENTIAL REPORT - Rowe Street Access to Bondi Junction Interchange
(A13/0061)****MOTION**

Mover: Cr Masselos
Seconder: Cr Lewis

That Council:

1. Treats 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)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Resolves to sell Lots 1, 2 and 3 of DP 1238821 (formerly Rowe Street) subject to appropriate conditions and commercial terms, including:
 - (a) A satisfactory legal framework that ensures any development on the site adheres to strict design outcomes that require a new direct and permanent public access to the Bondi Junction Transport Interchange from Oxford Street Mall.
 - (b) An agreement between the purchaser and Zondaro for the purchase of the adjoining Zondaro landholdings.
3. Officers undertake the next steps outlined in this report, including:
 - (a) Liaising with key stakeholders, including TfNSW, RailCorp, Meriton and Zondaro.
 - (b) Undertaking further investigations, as required.
 - (c) Corresponding with TfNSW to understand technical requirements and management/ownership of transport infrastructure within the proposed pedestrian link.

- (d) Procuring necessary consultants and preparing the relevant sales materials and legal documents to enable the site to be put to market for acquisition and development.
 - (e) Placing the property on the market via an EOI process.
4. Receives a further report following the evaluation of offers received to allow decision making on whether to proceed with a sale, noting that officers will recommend against sale should satisfactory price and design outcomes not be achieved.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause before clause 3(e):

‘Organising an external peer review of the sales and legal documentation, including a risk assessment of the legal requirements not being fully met and the consequences of this occurring, with a Councillor workshop and a report being prepared for Council consideration prior to any EOI process.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemesh.

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.

Crs Betts, Kay and Wy Kanak requested that it be recorded in the minutes that they voted against the Motion.

Cr Burrill was not present for the consideration and votes on this item.

12. Resuming in Open Session

CM/12/19.12 Resuming in Open Session

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That Council resumes in open session.

At 11.46 pm, Council resumed in open session.

Cr Burrill was not present for the consideration and vote on this item.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

13. Meeting Closure

THE MEETING CLOSED AT 11.49 PM.

.....
SIGNED AND CONFIRMED
MAYOR
18 FEBRUARY 2020

:

MAYORAL MINUTES CM/6/20.02

Subject: Mayoral Minutes

Author: Mayor of Waverley, Cr Paula Masselos



Mayoral minutes are permissible at Waverley Council meetings under the Waverley Code of Meeting Practice. Clauses 9.7–9.11 of the Code state:

Subject to clause 9.10, if the mayor is the chair at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

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

A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

**REPORT
CM/7.1/20.02**

Subject: Q2 Budget Review - December 2019

TRIM No: A03/0346

Author: Teena Su, Executive Manager, Finance

Director: Darren Smith, Chief Financial Officer

RECOMMENDATION:

That Council:

1. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Adopts the variations to the 2019–20 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 to this report.

1. Executive Summary

Council is consistently looking for ways to maximise revenue within legal, affordability and Council policy constraints. Simultaneously, Council is continually examining costs of operations and more efficient ways to deliver services. The December 2019 Quarterly Budget Review has improved the current budget position by \$38k to a forecasted budget surplus of \$105k.

Council is projected to spend in this financial year a total of \$171.4m in delivering Operational Expenditure (\$117.7m), Capital Expenditure (\$53.7m) and Loan Repayment (\$423k). These expenditures are to be funded by this financial year's revenue of \$154.2m and reserve funds of \$17.4m.

As at 31 December 2019, revenue is tracking at 66.4% of the forecasted budget of \$154.2m; actual and committed expenditure is tracking at 57.4% of the forecasted budget of \$171.4m.

To fund infrastructure asset renewal/upgrade works, Council will continue to deliver operating surplus through prudent budgeting. Council is scheduled to deliver \$50.1m of its capital works program this financial year ending 30 June 2020.

2. Introduction/Background

As part of the Integrated Planning and Reporting Framework for NSW Local Government, the Office of Local Government has a set of minimum reporting requirements for councils. These reporting requirements have been put in place to assist councils to facilitate progress reporting against the original and revised annual budgets. Reporting is required at the end of each quarter.

Collectively, these documents are known as the Quarterly Budget Review Statement (QBRs). Quarterly reports are required to be submitted to Council in accordance with the relevant legislation, clause 203 of the *Local Government (General) Regulation 2005*, which requires that, at the end of each quarter, the responsible accounting officer of the Council prepares and submits to Council a Budget Review Statement that indicates the latest estimates of income and expenditure for the current financial year.

The QBRs must include, or be accompanied by:

- A report as to whether or not the responsible accounting officer believes that the Statement indicates that the financial position of the Council is satisfactory, having regard to the original estimates of income and expenditure.
- If that position is unsatisfactory, recommendations for remedial action.

3. Relevant Council Resolutions

Nil.

4. Discussion

Meeting community and Council's expectations with constrained resource is the major financial sustainability challenge currently facing Council now and in the coming year. To continue to best meet those expectations, each quarter, we review our current programmes to make any necessary changes to achieve our Delivery Program and Operation Plan goals.

The December 2019 Quarterly Budget Review forecasts a budget surplus of \$105k, which represents a \$38k improvement to the current budget position.

Table 1 below provides a comparison of Council's forecast position between the current budget and the Q2 proposed budget and actuals (including commitments) for the first nine months.

Table 1 - Q2 Proposed Budget – '000	Original Budget	Current Budget	Q2 Amendments	Q2 Proposed Budget	Q2 Changes %	Actual 31 December 2019	Note
Estimated Income	146,527	147,884	6,330	154,215	4.3%	102,347	
Operating Income	133,381	136,020	1,116	137,137	0.8%	99,925	1
Capital Income	13,146	11,864	5,214	17,078	43.9%	2,422	2
Estimated Expenses	(157,749)	(168,014)	(3,423)	(171,437)	2.0%	(98,480)	
Operating Expense	(115,210)	(117,761)	31	(117,730)	(0.0%)	(64,742)	3
Capital Works Program	(40,375)	(46,650)	(3,474)	(50,124)	7.4%	(32,265)	4
Other Capital Expense	(1,741)	(3,180)	20	(3,160)	(0.6%)	(1,263)	5
Loan Repayment	(423)	(423)		(423)	0.0%	(210)	
New loans to be raised							
Reserve Funds	11,290	20,197	(2,870)	17,327	(14.2%)	(1,822)	6
Net Result - Surplus/(Deficit)	68	68	38	105	55%	2,045	

(Excluding depreciation)

Q2 Budget review summary

Operating income - Increase by \$1.1m

Operating income is increased by \$1.1m to \$137.1m, representing a 0.82% increase. With the actual of \$99.9m, it is tracking at 72.9% of the Q2 budget as at 31 December 2019.

The main contributors to the Q2 adjustments in the operating income are as follows:

- \$232k increase in Child Care Fees and Benefits due to a \$12 per day increase in childcare fee which is proposed to commence from 1 March 2020
- \$206k increase in State and Program Grants

- \$180k increase in Hoarding & Construction Fees and Crane Permits due to higher than anticipated constructions in the LGA
- \$150k increase in Advertising Fee
- \$100k increase in Sundry Income to account for the State Government reimbursement for ESL levies
- \$100k increase in Engineering Plan Assessment
- \$56k increase in Library Special Purpose Grant
- \$50k increase in Parking Permits
- \$40k increase in Legal Fees Recovery, this to partially offset the legal cost increase in the expense section.
- \$40k increase in Licence and Building Certificate Fees
- \$20k increase in Gutter Crossing Inspection Fees
- \$10k increase in Interest on Investments
- \$76k decrease in Rental Commercial and Rent Ovals, Parks & Open Spaces
- \$60k decrease in Subdivision Fees due to low number of DA applications.

Capital income

Capital income is increased by \$5.2m due to:

- \$4.7m increase in Voluntary Planning Agreement Contributions
- \$500k increase in grant income, for North Bondi Tunnel Storage Project.

Overall, a net increase of \$6.4m or 4.3% in income from the current budget of \$147.9m to \$154.2m as resulted from the Q2 review, for the year ending 30 June 2020. With the actual of \$102.3m, it is tracking at 66.4% of the Q2 budget as at 31 December 2019.

Operating expense

In the December 2019 quarterly review, operating expenses have decreased by \$31k to \$117.7m, representing a 0.03% decrease from the current year budget of \$117.8m. It is tracking at 55.0% including commitments, of the Q2 proposed budget, as at 31 December 2019.

There number of initiatives have incorporated in the Q2 review and these are mostly funded within the current budget provisions by reprioritizing of the programmes or funded from the additional income above. The new initiatives are proposed as following:

- \$25k donation to be provided to the bush fire relief.
- \$30k for solar feasibility assessment for the Solar My Schools program.
- \$100k for street lighting safety issues; set up maintenance contract, additional Christmas light provision for the next year's preparation.
- \$65k for climate change adaptation risk assessment and resilience. This is fully funded by grant income.
- \$90k for DA review.

Other Q2 adjustments in the operating expense including \$526k increase in legal consultants and legal costs due to a high number of DA appeals, cycleway project legal issues and the preparation of contract templates.

It is proposed to reschedule the purchase of a new Asset Management System (\$550k) to next financial year based on the revised project work implementation schedule.

Capital works program

The capital works program is proposed to increase by \$3.5m to \$50.1m following a reassessment of the project work delivery schedule and other priorities.

It is proposed to reschedule \$999k to the 2020–21 or future years from two projects based on project work schedule, including for the multi-year projects:

- \$799k – Barracluff Park + Playground.
- \$200k – Tamarama Marine Drive Pedestrian Crossing.

Ten projects are anticipated to come under budget with a saving of \$522k. The savings are mainly from:

- \$300k – Bronte Beach Local Village Centre.
- \$100k – Hugh Bamford and Williams Park Plan of Management.
- \$40k – Tamarama SLSC Remediation.
- \$33k – Accelerated main road streetlighting upgrade.
- \$15k – Bronte ERAP.

Twenty-one projects are requiring addition funding of \$4.95m, including the On-Street Parking Meter Replacement project, which has advanced ahead of schedule and requires the bringing forward of funds. Other increases are mainly contributed to project actual costs for agreed scope.

- \$2.5m – On Street Parking Meter Replacement, fully funded from parking meter replacement reserve.
- \$1.0m – North Bondi Tunnel Storage, part funded by grant income of \$500k.
- \$250k – Bondi Junction Cycleway/Streetscape Upgrade.
- \$180k – Spring Street Carpark Exit.
- \$168k – Cliff Walk Remediation (QS & Works) (Maintenance).
- \$100k – Charing Cross Transport Study.
- \$300k – Wentworth Street (B/S), Military Rd to CUL DE SAC.
- \$150k – Bondi Golf Club Remediation.

Five projects are requiring budget correction with funding of \$111k, mainly due to the actual costs for agreed scope when quotes are received being different to the budget estimates.

- \$25k – Gilbert Street (B/S), Dover Rd to Blake St
- \$30k – Kobada Road (B/S), Military Rd to Old South Head Rd
- \$35k – Mill Hill Road (B/S), Hough St to Oxford St

Two new projects are proposed with the budget of \$230k:

- \$130k – South Bronte Amenities
- \$100k – Marks Park Regrading, this project is contingent on a five year (with an option of a further five years) licence agreement between Council and Sculpture By the Sea Incorporated being executed by 2 March 2020.

Table 2 below summarises changes to capital works program:

Table 2 - Capital Works Program - Q2 Amendments '000	No of Projects	Amount \$'000
Project cost reduction	10	522
Project cost defer to 2019/20	2	999
Project cost increase	21	(4,950)
Transfer to Operational Budget	5	111
New Project	2	(230)
Project Not going ahead	2	74
Total	42	(3,474)

The revised capital works program is fully funded by a combination of grants, reserves and general funds, as illustrates in table 3 below.

Table 3 - Capital Works Program - Funding Sources '000	Current Budget	Q2 - Proposed budget	Q2 Amendments-better/(worse)
Expenditure	46,650	50,124	3,474
<u>Funding Sources:</u>			
Grants and Contribution	7,371	7,871	500
External Restricted Reserves	13,965	13,471	(494)
Internal Restricted Reserves	13,373	16,323	2,950
General Fund	11,940	12,458	517
Total Funding Sources	46,650	50,124	3,474

As at 31 December 2019, the Capital Works Program expenditure and commitments are tracking at 64.4% of the Q2 proposed budget of \$50.1m. See Attachment 2 for further detail of the capital works program.

Other capital expenses

There has been a \$20k net decrease in other capital expenses, mainly due to the deferral of a finance system implementation(\$92k) to next financial year and adjusting for additional funding requirement (\$73k) for maintenance repair works for various building.

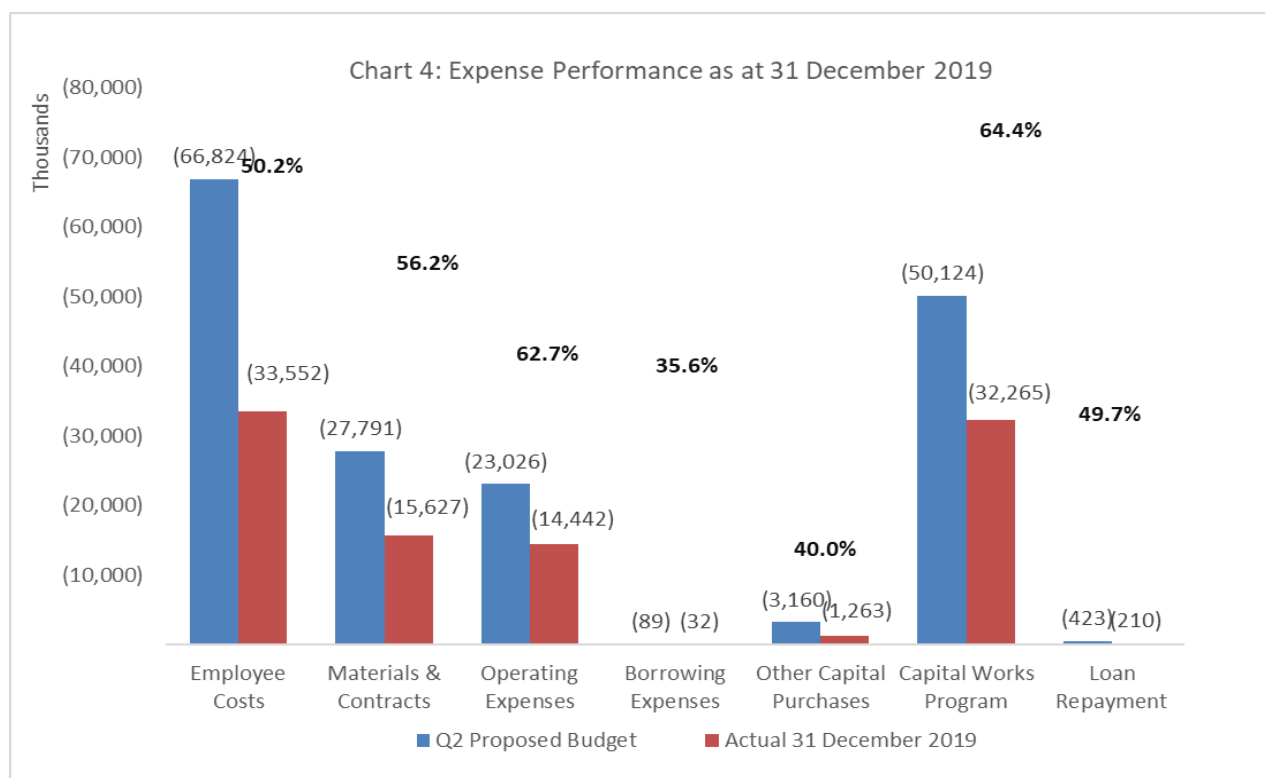
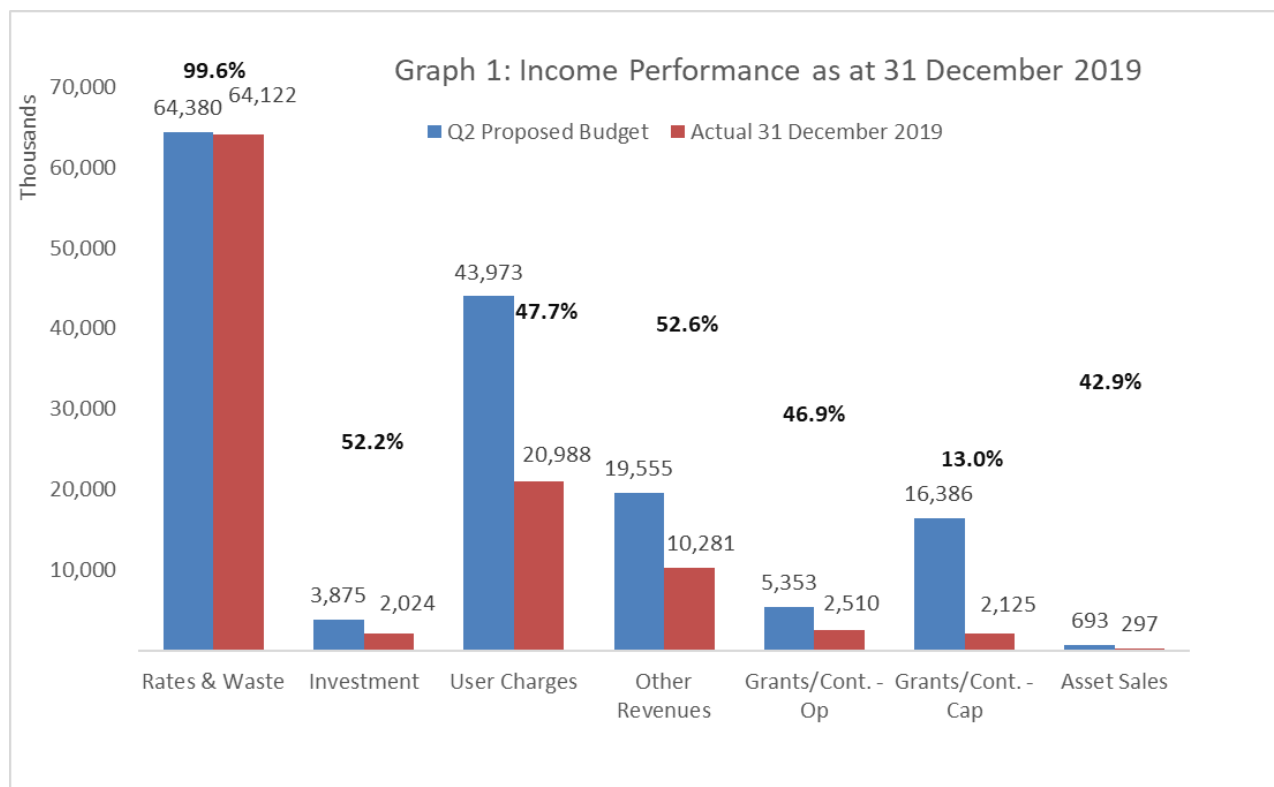
6. Reserves

The use of reserve funds has reduced by \$2.9m to \$17, 3m mainly due to an increase in VPA contributions to the reserve.

In closing, the December 2019 Quarterly Budget Review forecasts a budget surplus of \$105k, which represents a \$38k improvement to the current budget position. See Attachment 1 for further details of the Q2 review.

Income and expense performance as at 31 December 2019

Graphs 1 and 2 below illustrated the income and expense performance for the first six months of the year ended 31 December 2019 compared to the Q2 proposed budget for the year ending 30 June 2020.



See Attachment 3 for Directorates' Q2 budget performance as at 31 December 2019

5. Financial impact statement/Time frame/Consultation

Council is required under clause 203 of the *Local Government (General) Regulation 2005* to, not later than two months after the end of each quarter, prepare and submit a reviewed budget statement showing, by reference to the estimate of income and expenditure which is set out in the operational plan, a revised estimate of the income and expenditure.

6. Conclusion

The Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position is satisfactory.

7. Attachments

1. Q2 QBRS statement [↓](#)
2. Q2 revised capital works program [↓](#)
3. Q2 budget statement by directorate

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/19 to 31/12/19**Table of Contents****page**

1. Responsible Accounting Officer's Statement
2. Income & Expenses Budget Review Statement's
3. Capital Budget Review Statement
4. Cash & Investments Budget Review Statement
5. Contracts & Other Expenses Budget Review Statement

2
3
5
7
9

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/19 to 31/12/19**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 December 2019

It is my opinion that the Quarterly Budget Review Statement for Waverley Council for the quarter ended 31/12/19 indicates that Council's projected financial position at 30/6/20 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____**date:** 05/02/2020

Darren Smith
Responsible Accounting Officer

Attachment 1 - Q2 QBRs Statement

Council Meeting 18 February 2020

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/19 to 31/12/19

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2019

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2019/20	Approved Changes		Revised Budget 2019/20	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRs					
Income								
Rates and Annual Charges	64,380			64,380			64,380	64,122
User Charges and Fees	42,251		1,047	43,299	674	1	43,973	20,988
Interest and Investment Revenues	3,865			3,865	10	2	3,875	2,024
Other Revenues	17,937		1,467	19,404	151	3	19,555	10,281
Grants & Contributions - Operating	4,947		105	5,052	281	4	5,333	2,510
Grants & Contributions - Capital	12,675	101	(1,585)	11,192	5,214	5	16,405	2,125
Net gain from disposal of assets	471	237	(16)	693			693	297
Share of Interests in Joint Ventures								
Total Income from Continuing Operations	146,527	339	1,019	147,884	6,330		154,215	102,347
Expenses								
Employee Costs	68,036	19	(931)	67,123	(300)	6	66,824	33,453
Borrowing Costs	89			89			89	32
Materials & Contracts	20,622	1,116	447	22,185	(262)	7	21,924	9,126
Depreciation	21,282			21,282			21,282	
Legal Costs	835		34	868	168	8	1,036	706
Consultants	2,852	1,097	202	4,151	580	9	4,731	1,661
Other Expenses	22,777	42	525	23,344	(218)	10	23,126	11,116
Total Expenses from Continuing Operations	136,493	2,274	276	139,043	(31)		139,012	56,095
Net Operating Result from Continuing Operation	10,034	(1,935)	742	8,842	6,361		15,203	46,252
Net Operating Result from All Operations	10,034	(1,935)	742	8,842	6,361		15,203	46,252
Net Operating Result before Capital Items	(2,640)	(2,036)	2,327	(2,350)	1,147		(1,203)	44,127

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRs report

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/19 to 31/12/19

Income & Expenses Budget Review Statement

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

1	Favourable change of \$674k to User Charges is due to following reasons: \$232k increase in Chil Care Fees and Benefits due to increase in rates from March 2020. \$100k increase in Hoarding & Construction fees due to increase in applications \$100k increase in Engineering Plan Assessment \$80k increase in Crane Permits due to income higher than anticipated \$50k increase in Parking Permits \$150k increase in Advertising fees due to better than expected results \$40k increase in Licence Fees and Building Certificate Fees \$60k decrease in Subdivision Fees due to low number of applications \$41k decrease in Rent Ovals, Parks & Open Space mainly due to Bowlarama event cancelled
2	Favourable change of \$10k to Interest on Investment due to following reasons: \$10k increase in Interest on Investment due to Investment income higher than anticipated
3	Favourable change of \$151K to Other Revenue due to following reasons: \$107k increase in Sundry Income due to State government reimbursement for the ESL levies \$40k increase in Legal Fees recovery due to high number of DA appeals \$24k increase in Sundry income mainly due to computer buyback \$15k increase in Sale of Goods Purchased \$35k decrease in Rental Commercial
4	Favourable change of \$281k to Grants Subsidies & Contributions - Operating is due to following reasons: \$181k increase in State Grants mainly due to IRCC grant from DPIE. \$56k increase in Library Special Purpose grant for RFID gates. \$24k increase in Program Grant for Solar My School Program. \$20k increase in Contributions from Other Councils for capital project.
5	Favourable change of \$5.2m to Grants Subsidies & Contributions - Capital is due to following reasons: \$500k increase for North Bondi Tunnel Storage Projects \$4.7m increase in Voluntary Planning Agreement Contributions
6	Favourable change of \$300k to Employee Costs is due to following reasons: \$846k decrease in Wages and Salaries due to vacancies mainly offset by Casuals and Agency Temporary staff \$187k increase in Casual staff due to vacancies in permanent positions \$272k increase in Wages & Salaries Overtime \$76k increase in Wages & Salaries Rehabilitation
7	Favourable change of \$262k to Materials & Contracts is due to following reasons: \$249 increase in Agency Temp staff mainly due to permanent positions vacancies, as well as number of maternity leaves \$60k increase in Hosting & Cloud Services \$42k decrease in Contractors \$531k decrease in Computer Software Licence & Maintenance due to implementation of Asset System project postponed to 2020/21
8	Unfavourable change of \$168K to Legal Costs is due to following reason: \$168k increase in Legal Costs mainly due to high number of DA appeals
9	Unfavourable change of \$580K to Consultants is due to following reason: \$358k increase in Consultants - Legal mainly due to cost of LEC for Cycleway project \$222k increase in Consultants and Technical Assistance partly due to DA review by VOTAR and Tree management policy review.
10	Favourable change of \$218K to Other Expenses is due to following reason: \$25k increase in Grants & Donations for Council's donation to bushfire relief \$11k increase in Subscriptions \$11k increase in SSROC contribution for the Sydney Waset data \$17k decrease in Promotion and Publicity \$24k decrease in Mapping Land Information \$32k decrease in General Expenses \$40k decrease in Waste Disposal \$150k decrease in Electricity charges

Attachment 1 - Q2 QBRs Statement

Council Meeting 18 February 2020

Waverley Council

Quarterly Budget Review Statement
 for the period 01/10/19 to 31/12/19
Capital Budget Review Statement

Budget review for the quarter ended 31 December 2019

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2019/20	Approved Changes			Revised Budget 2019/20	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs					
Capital Expenditure									
New Assets									
- Plant & Equipment	1,612	1,543		(133)	3,022	(2)		3,020	881
- Land & Buildings	1,500	15		(1,045)	470			470	83
- Roads, Bridges, Footpaths	9,510			(886)	8,624	250	1	8,874	2,960
- Other	50	66			116	(92)	2	24	117
Renewal Assets (Replacement)									
- Plant & Equipment									
- Land & Buildings	6,541	1,725		(1,052)	7,214	1,521	3	8,735	2,666
- Roads, Bridges, Footpaths	12,391	3,997		(25)	16,364	(352)	4	16,012	6,036
- Other	10,511	2,771		738	14,020	2,129	5	16,149	7,506
Loan Repayments (Principal)	423				423			423	210
Total Capital Expenditure	42,539	10,117		(2,402)	50,253	3,454		53,707	20,459
Capital Funding									
Rates & Other Untied Funding	12,224	606		477	13,306	517		13,824	5,944
Capital Grants & Contributions	8,400			(1,029)	7,371	500		7,871	170
Reserves:									
- External Resrtictions/Reserves	10,693	3,060		212	13,965	(474)		13,491	10,381
- Internal Restrictions/Reserves	10,750	6,213		(2,046)	14,917	2,910		17,828	3,667
New Loans									
Receipts from Sale of Assets									
- Plant & Equipment	471	237		(16)	693			693	297
- Land & Buildings									
Total Capital Funding	42,539	10,117		(2,402)	50,253	3,454		53,707	20,459
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-		-	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRs report

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/19 to 31/12/19**Capital Budget Review Statement**
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Increase in Road, Bridges, Footpaths by \$250k is due to street development
2	Reduce in Other mainly from project timeframe amendent
3	Increase in Land & building by \$1.52m due to project timeframe alignment
4	Reduce in Road, Bridges, Footpaths by \$352k due to project timeframe alignment
5	Increase in Other by \$2.1m mainly due to parking meter replacement project

Attachment 1 - Q2 QBRS Statement

Council Meeting 18 February 2020

Waverley Council

Quarterly Budget Review Statement
 for the period 01/10/19 to 31/12/19

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2019

Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2019/20	Approved Changes			Revised Budget 2019/20	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards & Other	Other than by QBRS	Sep QBRS					
Externally Restricted ⁽¹⁾									
Developer Contributions	15,131	(3,020)		(491)	11,621	5,189	1	16,810	14,628
Domestic Waste Reserve	6,822	(417)		1,064	7,469	(308)	2	7,161	17,256
Unexpended Grant/Subsidy	1,892	(383)		(68)	1,441	158	3	1,599	3,442
Total Externally Restricted	23,845	(3,820)	-	505,139	20,531	5,039		25,570	35,327
(1) Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Affordable Housing Program	1,824			(1)	1,822	(26)	4	1,796	1,798
Cemetery	1,866	(50)		(873)	943			943	1,226
Centralised - Other	19,544	(4,987)		1,912	16,470	337	5	16,806	21,251
Deposits & Bonds	12,771				12,771			12,771	12,771
Election	307				307			307	261
Employees Leave Entitlements	5,153				5,153			5,153	5,153
Investment Strategy	63,059	(687)		(9)	62,362			62,362	63,449
IT Equipment & Upgrade	2,399	(40)			2,359	550	6	2,909	2,743
Other Internal Restricted	5,880				5,880			5,880	5,880
Parking - Car Park	216			1,305	1,521			1,521	930
Parking - Meter	4,619				4,619	(2,500)	7	2,119	4,429
Plant & Vehicles Replacement	4,583	(792)		152	3,944	2	8	3,946	4,758
SAMP Infrastructure	13,270	(1,657)		153	11,767	(502)	9	11,265	12,393
Social Housing	555	(19)			536	(30)	10	506	546
Unexpended Loans	51				51			51	51
Total Internally Restricted	136,098	(8,232)		2,638,909	130,505	(2,169)		128,336	137,641
(2) Funds that Council has earmarked for a specific purpose									
Unrestricted (ie. available after the above Restr)	8,244	-	-	(3,144,048)	5,100			5,100	4,045
Total Cash & Investments	168,188	(12,052)			156,136	2,870		159,006	177,012

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Waverley Council

Quarterly Budget Review Statement
for the period 01/10/19 to 31/12/19**Cash & Investments Budget Review Statement****Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes Details

- | | |
|---|--|
| 1 | Increase the developer contributions reserves by \$5.68M mainly from PA (Planning Agreement) contributions and capital works program timeframe realignment |
| 2 | Reduce the domestic waste reserve holding by \$308K mainly due to business unit operational requirement |
| 3 | Increase the unexpended grant reserve by \$158k from library and sustainability grant |
| 4 | Reduce the affordable housing serve by \$26k due to business unit operational requirements |
| 5 | Increase centralised reserve holding by \$337k predominately due to capital works projects timeframe realignment |
| 6 | Increase IT Equipment & Upgrade by \$550k as implementation of Asset System project defer to 2020/21 |
| 7 | Reduce Parking Meters by \$2.5m for parking meter replacement project |
| 8 | Reduce SAMP Reserve holding by \$502k due to the capital works projects timeframe realignment |
| 9 | Reduce Social Housing Reserve holding by \$30k due to business unit operational requirements |

Waverley Council

Quarterly Budget Review Statement for the period 01/10/19 to 31/12/19

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 31 December 2019

('\$000's)	Current Projection		Original Budget 19/20	Actuals Prior Periods	
	Amounts 19/20	Indicator 19/20		18/19	17/18

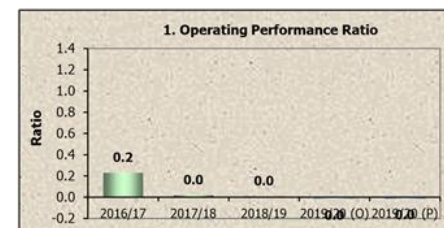
The Council monitors the following Key Performance Indicators:

1. Operating Performance Ratio

Total continuing operating revenue (1) excluding capital grants and contributions less operating expenses
Total continuing operating revenue (1) excluding capital grants and contributions

(1,895)	-1%	-2%	1%	2%
137,809				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



2. Own source operating revenue ratio

Total continuing operating revenue (1) excluding all grants and contributions
Total continuing operating revenue (1)

132,476	86%	88%	87%	86%
154,215				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and co



3. Unrestricted current ratio

Current assets less all external restrictions (2)
Current liabilities less specific purpose liabilities (3, 4)

151,443	7.3	6.8	11.1	10.2
20,699				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Waverley Council

Quarterly Budget Review Statement for the period 01/10/19 to 31/12/19

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 31 December 2019

(\$000's)	Current Projection		Original Budget 19/20	Actuals Prior Periods	
	Amounts	Indicator		18/19	17/18
	19/20	19/20			

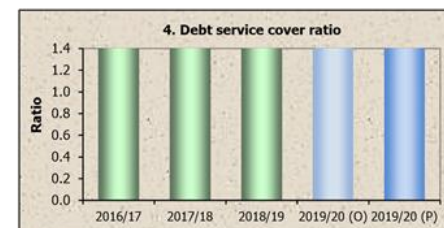
The Council monitors the following Key Performance Indicators:

4. Debt service cover ratio

Operating result (1) before capital excluding interest and depreciation/impairment/amortisation

	20,169	39.3	35.4	42.8	23.8
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	513				

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

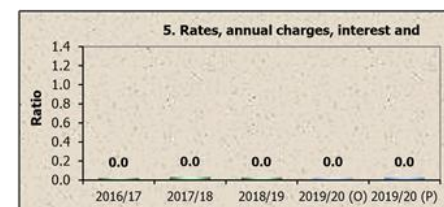


5. Rates, annual charges, interest and extra charges outstanding percentage

Rates, annual and extra charges outstanding

	1,817	3%	3%	3%	3%
Rates, annual and extra charges collectible	64,995				

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

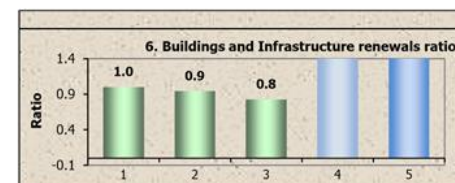


6. Buildings and Infrastructure renewals ratio

Asset Renewals

	40,896	224%	190%	83%	94%
Depreciation, amortisation and impairment	18,266				

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating



Attachment 1 - Q2 QBRS Statement

Council Meeting 18 February 2020

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/19 to 31/12/19

Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2019

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Hibernian Contracting	NBSLSC Advanced Response Lifesaving Facility	1,269,682	01/02/20	One off Works	Y	
GJ's Landscape	Clarke Reserve Playground Upgrade	202,110	01/02/20	One off Works	Y	
Green Options	Living Turf Supply, Delivery and Installation	750,000	02/01/20	1 Year & 10 Months	Y	
Hibernian Contracting	Seven Ways Streetscape Upgrade	1,499,467	16/10/19	5 Months	Y	
Green Options	Tree Planting & Establishment	100,000	08/10/19	1 Year + (1 x 1 year extension)	Y	
Jaddfe t/a Watermatic Irrigation	Irrigation Control	150,000	01/10/19	3 Years + (2 x 1 year extensions)	Y	
RMA Contracting	Bronte & Gardiner EEC Remedial Work	91,660	23/12/19	One off Works	Y	
RMA Contracting	Margaret Whitlam Recreation Centre Remedial Repairs	417,977	28/10/19	One off Works	Y	
Collins and Turner Pty Ltd	Waverley Council Chambers Redevelopment (Consultancy)	154,875	01/10/19	6 Months	Y	
Choi Ropiha Fighera	Head Consultant Services - Bronte Surf Club and Community F	837,235	14/10/19	One off Works	Y	
Akbar Enterprises Pty Ltd	Security Services	1,801,541	02/10/19	3 years + (2 x 2 year extensions)	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Waverley Council

Quarterly Budget Review Statement

for the period 01/10/19 to 31/12/19

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	3,930,457	Y
a. Operational	1,661,145	Y
b. Capital	2,269,312	Y
Legal Fees	706,095	Y
a. Operational	706,095	Y
b. Capital	-	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Attachment 2 - Q2 Proposed Capital Works Program



Budget Review Project Expenditure - Capital Works

As at Period 6

Financial Year Ending June 2020

Council Meeting -18 February 2020

Codes:	Table 4 - Capital Works Program Q2 amendments	No of projects	Amount - \$'000
c	Project cost reduction	10	522
d	Project cost defer to 2020/21	2	999
i	Project cost increase	21	(4,950)
x	Correction	5	111
n	New Project	2	(230)
a	Project Not going ahead	2	74
	Total	42	(3,474)

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD \$	YTD tracking on Q2 Proposed Budget %	C o d e	Budget Commentary
BUILD 01 - Buildings - Buildings											
C0004	Bondi Bathers SLSC	-	(108,588)		(108,588)	(6,535)	(19,294)	(25,829)	23.79%		
C0006	Bondi Pavilion Conservation & Restoration	(1,500,000)	(1,501,236)		(1,501,236)	(1,016,663)	(876,997)	(1,893,659)	126.14%		
C0007	Bronte Surf Club & Community Facilities	(345,000)	(370,077)		(370,077)	(92,557)	(815,453)	(908,010)	245.36%		
C0034	Facilities Sustainable Energy upgrades	-	(63,103)		(63,103)	(63,103)	-	(63,103)	100.00%		
C0099	Spring Street Carpark Exit	-	(61,618)	(180,000)	(241,618)	(33,955)	(14,040)	(47,995)	19.86%	I	Detail design complete, to be implemented in parallel with Stage 3 of BJ Cycleway.
C0125	South Bronte (Community Centre) Toilet	-	(107,180)		-107180	(35,406)	(94,648)	(130,054)	121.34%		
C0547	Council Accommodation & Services	-	(143,500)		-143500	(118,781)	(40,802)	(159,584)	111.21%		
C0684	Electrical switchboard upgrades	-	(251,755)	(25,000)	(276,755)	(156,468)	(95,287)	(251,755)	90.97%	I	To cover additional costs for switchboard
C0685	Bondi Golf Club Remediation	-	(21,415)	(150,000)	(171,415)	(23,513)	-	(23,513)	13.72%	I	Fencing at golf course requires urgent replacement.
C0686	Wairoa Community Centre Remediation	-	(85,650)		-85650	(60,254)	(2,944)	(63,198)	73.79%		
C0688	Tamarama SLSC Remediation	-	(100,000)	40000	-60000	(3,333)	-	(3,333)	5.56%	C	Urgent work only being undertaken in advance of full upgrade project. Allowance for consultant fees for design changes retained.
C0689	Waverley Cemetery Office repairs	-	(95,000)		(95,000)	(85,584)	(7,726)	(93,310)	98.22%		
C0690	Water repairs - Waverley EEC & MWRC	-	(490,007)		(490,007)	(37,919)	(229,260)	(267,179)	54.53%		
C0691	Bondi Pavilion Theatre HVAC Upgrade	-	(4,545)	(2,035)	(6,580)	(6,580)	-	(6,580)	100.00%	I	Budget increase to reflect fencing
C0695	Thomas Hogan Reserve Hall Remediation	-	(127,114)		(127,114)	(4,238)	-	(4,238)	3.33%		
C0700	Buildings SAMP – Admin Centres and Depots	-	(135,908)		-135908	(135,908)	-	(135,908)	100.00%		
C0708	Bondi Park Additional Amenities	(1,500,000)	(300,000)		-300000	(82,695)	(310,211)	(392,906)	130.97%		
C0712	Social Housing Project_2A Edmund Street_cr	-	(111,663)		-111663	-	(1,653)	(1,653)	1.48%		
C0726	Boot Factory Restoration	(250,000)	(272,836)		(272,836)	(189,715)	(245,863)	(435,578)	159.65%		
C0837	Level 4 Office Eastgate	(26,000)	(588,000)		(588,000)	(29,400)	(44,265)	(73,665)	12.53%		
C0840	Edmund St	(92,898)			-			-	-		

Attachment 2 - Q2 Proposed Capital Works Program

Council Meeting -18 February 2020

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD \$	YTD tracking on Q2 Proposed Budget %	C o d e	Budget Commentary
C0841	North Bondi Tunnel Storage	(500,000)	(500,000)	(1,000,000)	(1,500,000)	(164,082)	(1,289,155)	(1,453,237)	96.88%	I	Project has progressed in advance of program, funds to be brought forward from 2020/21 as per Operations Committee Rept 3 December 2019.
C0842	Eastgate Main Switchboard Upgrade (1/3 co	(600,000)	(600,000)		(600,000)	-	-	-	-		
C0861	Waverley Park Indoor Cricket Nets Facility	-	(170,000)		(170,000)	-	-	-	-		
Total Buildings - Buildings		(4,813,898)	(6,209,195)	(1,317,035)	(7,526,230)	(2,346,690)	(4,087,597)	(6,434,287)	85.49%		
BUILD 02 - SAMP Amenities											
Total SAMP Amenities		(107,900)	(107,900)	(130,000)	(237,900)	(6,360)	(23,639)	(29,999)	12.61%		Redevelopment project C0125 delayed until completion of Surf Club and Community Facilities project. Refresh to N be undertaken in 2020.
BUILD 03 - SAMP Carparks											
Total Build 03 SAMP Carparks		(154,400)	-	-	-	-	-	-	-		
BUILD 04 - SAMP Cemeteries											
Total SAMP Cemeteries		(48,300)	(16,900)	-	(16,900)	-	(1,950)	(1,950)	11.54%		
BUILD 05 - SAMP Childcare Facilities											
Total SAMP Childcare Facilities		(291,500)	(291,500)	-	(291,500)	(95,360)	(152,958)	(248,318)	85.19%		
BUILD 06 - SAMP Communit Centres & Halls											
Total SAMP Communit Centres & Halls		(789,600)	(525,200)	-	(525,200)	(103,630)	(48,437)	(152,067)	28.95%		
BUILD 07 - SAMP Community Tenants											
Total SAMP Community Tenants		(12,800)	(12,800)	-	(12,800)	(12,795)	-	(12,795)	99.96%		
BUILD 08 - SAMP Council Administration											
Total SAMP Council Administration		(39,800)	(39,800)	-	(39,800)	(8,718)	(2,100)	(10,818)	27.18%		
BUILD 09 - SAMP Residential Lease											
Total SAMP Residential Lease		(54,100)	(54,100)	-	(54,100)	(44,016)	(2,850)	(46,866)	86.63%		
LIV 01 - Living - Corridors											
C0041	Tamarama ERFAP	(60,000)	(67,190)	(11,000)	(78,190)	(17,017)	(59,178)	(76,194)	97.45%	I	
C0042	Bronte ERAP	(75,000)	(100,000)	15,000	(85,000)	(18,076)	(33,100)	(51,176)	60.21%	C	
C0043	Biodiversity Action Plan - Remnant Sites	(150,000)	(293,299)	(4,000)	(297,299)	(70,217)	(237,442)	(307,659)	103.48%	I	
C0570	Revegetation - Thomas Hogan Revegetation (C	(140,000)	(178,527)		(178,527)	(13,636)	(32,528)	(46,165)	25.86%		
C0728	Garloch Reserve, Planting Steep Slopes	-	(29,814)		(29,814)	(9,606)	(2,250)	(11,855)	39.76%		
Total Living - Corridors		(425,000)	(668,830)	-	(668,830)	(128,552)	(364,497)	(493,049)	73.72%		
LIV 02 - Living - Trees											
C0186	Planting Street Trees (SAMP 11)	(100,000)	(129,355)		-129355	(14,276)	(20,060)	(34,336)	26.54%		
C0442	Oxford Street Tree Planting	-	(244,303)	(15,697)	(260,000)	(2,519)	(77,978)	(80,497)	30.96%	I	To cover increased costs to Telstra and
Total Living - Trees		(100,000)	(373,658)	(15,697)	(389,355)	(16,795)	(98,038)	(114,833)	29.49%		
LIV 03 - Living - Amenity Landscape											

Attachment 2 - Q2 Proposed Capital Works Program

Council Meeting -18 February 2020

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD tracking on C		Budget Commentary
								YTD \$	Q2 Proposed Budget %	
C0210	Thomas Hogan Park-Landscaping	-	(221,442)		(221,442)	(4,106)	(85)	(4,191)	1.89%	
C0569	Waverley Park -Birrell St Entrance Landscap	(50,000)	(166,586)	(1,455)	(168,041)	(168,041)	-	(168,041)	100.00%	I Minor varitations to complete project.
C0576	Small Parks - Eastern Ave Stage 3 (Design/D	(60,000)	(90,556)	(40,000)	(130,556)	(4,528)	(105)	(4,632)	3.55%	I
NEW	Marks Park Regrading			(100,000)	(100,000)				-	N Regrading in agreement with SxS as
Total Living - Amenity Landscape		(110,000)	(478,584)	(141,455)	(620,039)	(176,675)	(190)	(176,864)	28.52%	
LIV 04 - Living - Turf										
C0263	Turf improvement program	(220,000)	(279,036)	(40,000)	(319,036)	(110,604)	(82,484)	(193,089)	60.52%	I Additional scope due to drought
Total Living - Turf		(220,000)	(279,036)	(40,000)	(319,036)	(110,604)	(82,484)	(193,089)	60.52%	
PA 01 - Parking Infrastructure - Carparks										
C0843	Car Park Parking Ticketless Parking	(1,500,000)	(100,000)		-100000	(21,169)	(26,000)	(47,169)	47.17%	
C0844	On Street Parking Meter Replacement	(60,000)	(60,000)	(2,500,000)	(2,560,000)	(42,450)	(1)	(42,451)	1.66%	I
Total Parking Infrastructure - Carparks		(1,560,000)	(160,000)	(2,500,000)	(2,660,000)	(63,619)	(26,001)	(89,620)	3.37%	
PUB 01 - Public Domain Infrastructure - Lighting / Electrical Equipme										
C0032	Public and Street lighting energy efficiency	-	(199,262)		-199262	-	(179,713)	(179,713)	90.19%	
C0565	Waverley Park Landscape Lighting	-	(590,000)		-590000	(436,940)	(33,797)	(470,737)	79.79%	
C0705	Accelerated main road streetlighting upgrad	(150,000)	(50,000)	33,000	(17,000)	-	(16,818)	(16,818)	98.93%	C
C0848	SAMP5 Lighting & Electrical Infrastructure R	(114,200)	(54,200)		-54200	-	-	-	-	
C0851	SAMP5 Bondi Park Lighting renewal & upgra	(253,000)	(253,000)		-253000	(2,200)	(3,200)	(5,400)	2.13%	
Total Public Domain Infrastructure - Lighting ,		(517,200)	(1,146,462)	33,000	(1,113,462)	(439,140)	(233,528)	(672,668)	60.41%	
PUB 02 - Public Domain Infrastructure - Water Equipment										
C0033	Irrigation Control System	-	(77,522)		-77522	(402)	(7,782)	(8,184)	10.56%	
C0704	Stormwater quality improvement project	-	(24,075)		-24075	-	(24,075)	(24,075)	100.00%	
C0849	SAMP5 Water Equipment Renewal	(10,000)	(10,000)		-10000	-	-	-	-	
Total Public Domain Infrastructure - Water Ec		(10,000)	(111,597)	-	(111,597)	(402)	(31,857)	(32,259)	28.91%	
PUB 03 - Public Domain Infrastructure - Street Furniture										
C0146	Park Signage - Delivery	-	(10,000)		(10,000)	-	(6,000)	(6,000)	60.00%	
C0409	Street Bin Replacement Program	-	(73,848)		(73,848)	(73,782)	-	(73,782)	99.91%	
C0735	Small Park Signage - Delivery	-	(67,875)		-67875	(41,859)	(29,767)	(71,626)	105.53%	
C0736	Accessible Compliant Staircases	-	(30,000)		-30000	(17,650)	-	(17,650)	58.83%	
C0845	SAMP5 - Bus Shelters, Seats and Benches, bi	(301,618)	(301,618)		-301618	(178,771)	(15)	(178,786)	59.28%	
C0850	Waverley signage strategy Implementation	(200,000)	(188,386)		(188,386)	-	(8,639)	(8,639)	4.59%	
Total Public Domain Infrastructure - Street Fu		(501,618)	(671,727)	-	(671,727)	(312,062)	(44,421)	(356,483)	53.07%	
PUB 04 - Public Domain Infrastructure - Structures										
C0408	Hugh Bamford Reserve Fencing	(300,000)	(475,000)		-475000	(29,288)	(434,626)	(463,914)	97.67%	
C0423	North Bondi Infrastructure Improvements	(4,000,000)	(4,706,114)		-4706114	(4,353,497)	(407,579)	(4,761,076)	101.17%	
C0581	Cliff Walk Remediation (QS & Works) (Maint	-	(91,790)	(168,210)	(260,000)	(30,860)	(4,640)	(35,500)	13.65%	I Short term remediation works to be
C0582	Thomas Hogan Stairs Remediation (Conditio	-	(70,250)		(70,250)	(67,862)	(1,400)	(69,262)	98.59%	underetaken in Q3 / Q4.
C0583	Carlisle St to Tamarama Park Stairs (Conditic	(100,000)	(140,595)		(140,595)	(17,195)	(6,525)	(23,720)	16.87%	
C0846	Bronte Cribb Wall	(100,000)	(100,000)		(100,000)	(10,000)	-	(10,000)	10.00%	

Attachment 2 - Q2 Proposed Capital Works Program

Council Meeting -18 February 2020

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD tracking on C		Budget Commentary
								YTD \$	Q2 Proposed Budget %	
C0847	Park Drive Retaining Wall - Remediation	(100,000)	(100,000)		(100,000)	(53,162)	-	(53,162)	53.16%	
C0860	Coastal Risk Management Project	-	(23,306)		(23,306)	(23,306)	-	(23,306)	100.00%	
Total Public Domain Infrastructure - Structure		(4,600,000)	(5,707,055)	(168,210)	(5,875,265)	(4,585,170)	(854,770)	(5,439,940)	92.59%	
ROAD 01 - Road Infrastructure - Kerb and Gutter										
Total Road Infrastructure - Kerb and Gutter		(922,474)	(1,891,877)	(297,392)	(2,189,269)	(1,002,418)	-	(1,002,418)	45.79%	Carryover Projects have been completed. Current Year program is currently being procured and is due to be constructed in Q3 & Q4.
ROAD 03 - Road Infrastructure - Footpaths										
Total Road Infrastructure - Footpaths		(1,698,001)	(1,910,098)	100,122	(1,809,976)	(153,947)	(753,153)	(907,100)	50.12%	arryover Projects have been completed. Current Year program under construction and due to be completed before the end of the financial year.
ROAD 04 - Road Infrastructure - Stormwater Drainage										
C0682	SAMP Roads _Utility Restorations	-	(369,290)		(369,290)	(228,768)	(95,651)	(324,418)	87.85%	
C0767	Unauthorised entry in Council's Stormwater	(125,000)	(125,000)		(125,000)	(1,500)	-	(1,500)	1.20%	
C0769	Pit & Lintel Repairs Various location	(50,000)	(45,000)		(45,000)	(40,712)	-	(40,712)	90.47%	
C0770	Urgent repair works Various Locations	(60,000)	(80,000)		(80,000)	(6,000)	(76,000)	(82,000)	102.50%	
C0771	Raingarden repair/construction	(50,000)	(25,000)		(25,000)	(7,881)	(998)	(8,878)	35.51%	
Total Road Infrastructure - Stormwater Drain		(285,000)	(644,290)	-	(644,290)	(284,860)	(172,648)	(457,508)	71.01%	
ROAD 05 - Road Infrastructure – Transport										
C0021	Bondi Junction Cycle Way / Street Scape Up	(9,479,979)	(8,594,194)	(250,000)	(8,844,194)	(2,956,938)	(3,941,253)	(6,898,190)	78.00%	Additional costs to works carried out at developments at Spring/Oxford Streets. Developer contributions received in Ops budget
C0539	Cycleway Infrastructure – Bike Parking	(30,000)	(30,000)		-30000	(3,000)	-	(3,000)	10.00%	
C0716	40km/hr speed zone review	-	(600,000)		(600,000)	(34,275)	(1,820)	(36,095)	6.02%	
C0717	Charing Cross Transport Study	(200,000)	(200,000)	(100,000)	(300,000)	(10,000)	(19,780)	(29,780)	9.93%	additional funds needed to progress traffic/cycle studies and detail design.
C0718	Coastal Path Improvements - Notts Ave	(1,000,000)	(1,121,934)		(1,121,934)	(130,709)	(63,247)	(193,955)	17.29%	
C0719	Coastal Path Improvements – Bronte Cutting	-	(100,000)		(100,000)	(1,087)	-	(1,087)	1.09%	
C0720	Arden St Safety Upgrades	(400,000)	(472,045)		(472,045)	(15,735)	-	(15,735)	3.33%	
C0721	Cycleway Infrastructure – Signage and line rr	-	(27,000)		(27,000)	(27,000)	-	(27,000)	100.00%	
C0724	Cycleway Infrastructure – Darley Road	(719,000)	(80,595)		-80595	(81,096)	(5,999)	(87,095)	108.07%	
C0808	Curlewis St Design	(100,000)			0			-	-	
C0809	OSH Rd Design	(100,000)			0			-	-	
C0862	Kenilworth St Intersection	-	(45,000)		-45000	-	-	-	-	
Total Road Infrastructure – Transport		(12,028,979)	(11,270,768)	(350,000)	(11,620,768)	(3,259,839)	(4,032,099)	(7,291,938)	62.75%	
ROAD 06 - Road Infrastructure - Streetscape Upgrade										
C0009	Bronte Beach Local Village Centre	(3,340,600)	(3,428,867)	300,000	(3,128,867)	(2,545,893)	(318,325)	(2,864,218)	91.54%	Bronte Beach Village is expected to be completed underbudget. Practical completion in April.

Attachment 2 - Q2 Proposed Capital Works Program

Council Meeting -18 February 2020

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD \$	YTD tracking on Q2 Proposed Budget %	Budget Commentary
C0355	Seven Ways Public Domain Upgrade	(128,540)	(1,860,000)		(1,860,000)	(829,923)	(965,544)	(1,795,467)	96.53%	
C0416	Stage 1 - Campbell Parade Detailed Designs	(200,000)	(245,089)		(245,089)	(198,280)	(86,462)	(284,742)	116.18%	
Total Road Infrastructure - Streetscape Upgrade		(3,669,140)	(5,533,956)	300,000	(5,233,956)	(3,574,095)	(1,370,331)	(4,944,427)	94.47%	
ROAD 07 - Road Infrastructure - Traffic Infrastructure										
C0392	CONCRETE ROADS	-	(57,125)		(57,125)	(57,323)	-	(57,323)	100.35%	Project Complete - Closed Project
C0654	SAMP Street Signage and Linemarking	(85,028)	(100,028)		(100,028)	(15,790)	-	(15,790)	15.79%	
C0729	Military Rd Pinch Points	(1,000,000)	(1,049,250)		(1,049,250)	(31,356)	-	(31,356)	2.99%	
C0807	SAMP5 Renewal Roundabouts / Speedhump	(200,000)	(200,000)		-200000	(91,528)	-	(91,528)	45.76%	
C0810	Tamarama Marine Drive Pedestrian Crossing	(250,000)	(250,000)	200,000	(50,000)	-	-	-	-	Project has been delayed due to the 40Km/h zone review and will be implemented post design due to D commence in Q4.
C0811	Safety by design in public places (Further design)	(500,000)	(300,000)		-300000	-	-	-	-	
C0859	Road safety & traffic calming	(50,000)	(50,000)		(50,000)	(1,667)	-	(1,667)	3.33%	
Total Road Infrastructure - Traffic Infrastructure		(2,085,028)	(2,006,403)	200,000	(1,806,403)	(197,663)	-	(197,663)	10.94%	
ROAD 08 - Road Infrastructure - Sealed Roads - Construction										
Total Road Infrastructure - Sealed Roads - Construction		(1,462,764)	(1,462,764)	-	(1,462,764)	(311,399)	(307,173)	(618,572)	42.29%	
ROAD 10 - Road Infrastructure - Sealed Roads - Regional construction										
Total Road Infrastructure - Sealed Roads - Regional construction		(322,500)	(336,092)	-	(336,092)	(22,822)	(128,348)	(151,170)	44.98%	70% of the program to be delivered in Q3 with the remainder in Q4.
RP 01 - Recreational & Public Spaces - Recreational										
C0359	Marks Park	(600,000)	(999,051)		(999,051)	(1,000,483)	(815)	(1,001,298)	100.22%	I Funds required for completion of the C Funds to be utilised to fund urgent D Delayed due to HVM review.
C0407	Coastal Walk Fitness Upgrade	(360,000)	(680,000)		(680,000)	(633,832)	(36,591)	(670,424)	98.59%	
C0508	Inclusive Play Study	-	(24,663)	(45,000)	(69,663)	(21,269)	(8,334)	(29,603)	42.49%	
C0560	Hugh Bamford and Williams Park Plan of Management	(75,000)	(130,883)	100,000	(30,883)	(18,869)	(4,186)	(23,055)	74.65%	
C0562	Barracluff Park + Playground	(1,050,000)	(1,148,513)	798,513	(350,000)	(8,462)	(58,426)	(66,888)	19.11%	
C0567	Marlborough Playground / Park (design only)	(130,000)	(544,131)		(544,131)	(835)	-	(835)	0.15%	
C0710	Netball court resurfacing with new MP poles	-	(86,280)		(86,280)	(53,952)	(3,298)	(57,250)	66.35%	
C0714	Public Art Commissions	(50,000)	(93,650)		(93,650)	(2,499)	-	(2,499)	2.67%	
C0730	Clarke Reserve Improvements	(100,000)	(248,928)		(248,928)	(18,988)	(209,604)	(228,592)	91.83%	
C0852	Bondi POM Landscape works	(50,000)	(50,000)		(50,000)	-	-	-	-	
C0853	Marlborough Park Park & Playground Construction	(370,000)			-	-	-	-	-	
C0854	Onslow Park and Playground	(29,934)	(29,934)		-29934	(1,400)	(3,720)	(5,120)	17.10%	
C0855	Varna Park playground	(280,000)	(280,000)		-280000	(19,970)	(12,100)	(32,070)	11.45%	
C0856	Bondi beach playground - design	(300,000)	(300,000)		-300000	(3,345)	(4,500)	(7,845)	2.62%	
C0857	Waverley Score Board	(100,000)	(50,217)		(50,217)	(50,217)	-	(50,217)	100.00%	
C0858	Bondi Park- accessible paths to Picnic Shelter	(35,000)	(35,000)		(35,000)	-	-	-	-	
Total Recreational & Public Spaces - Recreational		(3,529,934)	(4,701,250)	853,513	(3,847,737)	(1,834,122)	(341,573)	(2,175,696)	56.54%	
SUS 01 - Sustainability Infrastructure - Renewable Energy										
C0438	Installation of EV charging stations	-	(4,909)		(4,909)	-	(4,463)	(4,463)	90.91%	I Funds required to cover minor variation
C0812	SAMP5 Renewal of Solar Energy Infrastructure	(5,000)	(5,526)	(930)	(6,456)	(6,456)	-	(6,456)	100.00%	
Total Sustainability Infrastructure - Renewable Energy		(5,000)	(10,435)	(930)	(11,365)	(6,456)	(4,463)	(10,919)	96.07%	

Attachment 2 - Q2 Proposed Capital Works Program

Council Meeting -18 February 2020

Project Number	Project Description	Original Budget \$	Current Budget \$	Q2 Proposed Adjustment \$	Q2 Proposed Budget \$	Actuals \$	Commitments \$	YTD tracking on C		Budget Commentary
								YTD	Q2 Proposed Budget %	
								\$		
SUS 03 - Sustainability Infrastructure - Stormwater & Groundwater										
C0228	Waverley Park Water Harvesting	-	(17,853)		(17,853)	-	(1,440)	(1,440)	8.07%	
C0813	SAMP5 Renewal of SQID's & Harvesting Syst	(9,699)	(9,699)		(9,699)	-	-	-	-	
Total Sustainability Infrastructure - Stormwat		(9,699)	(27,552)	-	(27,552)	-	(1,440)	(1,440)	5.23%	
Grand Total		(40,374,635)	(46,649,829)	(3,474,084)	(50,123,913)	(19,098,210)	(13,166,543)	(32,264,753)	64.37%	

WAVERLEY COUNCIL Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	64,380,287	64,380,287	64,380,287			64,122,021	99.6%
Investment Income	3,865,231	3,865,231	3,875,231	10,000	0.3%	2,024,242	52.2%
User Charges	42,251,114	43,298,500	43,972,711	674,211	1.6%	20,987,578	47.7%
Other Revenues	17,937,170	19,404,122	19,555,294	151,172	0.8%	10,281,117	52.6%
Grants Subsidies & Contributions - Operational	4,946,995	5,071,908	5,352,999	281,091	5.5%	2,509,604	46.9%
Subtotal - Operating Income	133,380,797	136,020,048	137,136,522	1,116,474	0.8%	99,924,563	72.9%
Grants Subsidies & Contributions - Capital	12,674,932	11,171,605	16,385,561	5,213,956	46.7%	2,124,998	13.0%
Net gains from the disposal of assets	471,291	692,641	692,641			296,859	42.9%
Subtotal - Capital Income	13,146,223	11,864,246	17,078,202	5,213,956	43.9%	2,421,857	14.2%
Total Income	146,527,020	147,884,294	154,214,724	6,330,430	4.3%	102,346,420	66.4%
Expense and Loans Repayment							
Employee Costs	(68,035,813)	(67,123,356)	(66,823,745)	299,611	0.4%	(33,551,819)	50.2%
Borrowing Expenses	(89,298)	(89,298)	(89,298)			(31,820)	35.6%
Materials & Contracts	(24,308,259)	(27,304,226)	(27,791,157)	(486,931)	(1.8%)	(15,626,953)	56.2%
Other Operating Expenses	(22,777,057)	(23,243,620)	(23,025,500)	218,120	0.9%	(15,531,425)	67.5%
Subtotal - Operating Expense	(115,210,427)	(117,760,500)	(117,729,700)	30,800	0.0%	(64,742,017)	55.0%
Other Capital Purchases	(1,740,588)	(3,180,147)	(3,159,835)	20,312	0.6%	(1,263,019)	40.0%
Capital Works Program	(40,374,635)	(46,649,829)	(50,123,913)	(3,474,084)	(7.4%)	(32,264,753)	64.4%
External Loans Principle Repayment	(423,315)	(423,315)	(423,315)			(210,205)	49.7%
Subtotal - Capital Expense & Loan Repayment	(42,538,538)	(50,253,291)	(53,707,063)	(3,453,772)	(6.9%)	(33,737,977)	62.8%
Total Expense	(157,748,965)	(168,013,791)	(171,436,763)	(3,422,972)	(2.0%)	(98,479,994)	57.4%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	18,170,370	18,259,548	19,406,822	1,147,274	6.3%	35,182,546	181.3%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(11,221,945)	(20,129,497)	(17,222,039)	2,907,458	14.4%	3,866,425	-22.5%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(13,296,896)	(12,864,591)	(17,498,329)	(4,633,738)	(36.0%)	(15,176,696)	86.7%
Transfer from Reserves	24,586,701	33,061,948	34,825,784	1,763,836	5.3%	13,354,998	38.3%
Total new loan and reserves	11,289,805	20,197,357	17,327,455	(2,869,902)	(14.2%)	(1,821,698)	-10.5%
Budget Result - (Surplus)/Deficit	67,860	67,860	105,416	37,556		2,044,727	

FINANCE							
Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	46,452,487	46,452,487	46,452,487			46,285,961	99.6%
Investment Income	3,731,176	3,731,176	3,741,176	10,000	0.3%	2,023,715	54.1%
User Charges	211,040	211,040	211,040			130,965	62.1%
Other Revenues	163,920	163,920	168,304	4,384	2.7%	50,365	29.9%
Grants Subsidies & Contributions - Operational	1,682,425	1,682,425	1,682,425			660,969	39.3%
Subtotal - Operating Income	52,241,048	52,241,048	52,255,432	14,384	0.0%	49,151,975	94.1%
Grants Subsidies & Contributions - Capital							
Net gains from the disposal of assets							
Subtotal - Capital Income							
Total Income	52,241,048	52,241,048	52,255,432	14,384	0.0%	49,151,975	94.1%
Expense and Loans Repayment							
Employee Costs	(2,198,442)	(2,163,548)	(2,154,988)	8,560	0.4%	(938,306)	43.5%
Borrowing Expenses	(89,298)	(89,298)	(89,298)			(31,820)	35.6%
Materials & Contracts	(512,145)	(850,731)	(847,731)	3,000	0.4%	(616,235)	72.7%
Other Operating Expenses	2,116,289	2,116,289	2,090,423	(25,866)	(1.2%)	856,932	41.0%
Subtotal - Operating Expense	(683,596)	(987,288)	(1,001,594)	(14,306)	(1.4%)	(729,429)	72.8%
Other Capital Purchases		(92,000)		92,000	100.0%		
Capital Works Program							
External Loans Principle Repayment	(423,315)	(423,315)	(423,315)			(210,205)	49.7%
Subtotal - Capital Expense & Loan Repayment	(423,315)	(515,315)	(423,315)	92,000	17.9%	(210,205)	49.7%
Total Expense	(1,106,911)	(1,502,603)	(1,424,909)	77,694	5.2%	(939,634)	65.9%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	51,557,452	51,253,760	51,253,838	78	0.0%	48,422,546	94.5%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	51,134,137	50,738,445	50,830,523	92,078	0.2%	48,212,341	94.8%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(2,080,890)	(2,887,317)	(3,080,956)	(193,639)	(6.7%)	(1,084,484)	35.2%
Transfer from Reserves	(961,167)	(673,947)	(765,947)	(92,000)	(13.7%)		
Total new loan and reserves	(3,042,057)	(3,561,264)	(3,846,903)	(285,639)	(8.0%)	(1,084,484)	28.2%
Budget Result - (Surplus)/Deficit	48,092,080	47,177,181	46,983,620	(193,561)		47,127,857	

Planning, Environment & Regulatory Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges							
Investment Income							
User Charges	16,350,623	16,655,785	16,877,785	222,000	1.3%	8,069,717	47.8%
Other Revenues	10,679,741	11,279,741	11,432,167	152,426	1.4%	5,521,725	48.3%
Grants Subsidies & Contributions - Operational	511,624	526,758	732,258	205,500	39.0%	631,871	86.3%
Subtotal - Operating Income	27,541,988	28,462,284	29,042,210	579,926	2.0%	14,223,313	49.0%
Grants Subsidies & Contributions - Capital	4,914,897	4,494,897	9,208,853	4,713,956	104.9%	1,969,177	21.4%
Net gains from the disposal of assets							
Subtotal - Capital Income	4,914,897	4,494,897	9,208,853	4,713,956	104.9%	1,969,177	21.4%
Total Income	32,456,885	32,957,181	38,251,063	5,293,882	16.1%	16,192,490	42.3%
Expense and Loans Repayment							
Employee Costs	(14,142,309)	(13,676,933)	(13,628,303)	48,630	0.4%	(6,948,700)	51.0%
Borrowing Expenses							
Materials & Contracts	(5,473,800)	(6,190,636)	(6,576,584)	(385,948)	(6.2%)	(3,896,483)	59.2%
Other Operating Expenses	(7,992,841)	(8,040,019)	(8,028,587)	11,432	0.1%	(3,993,325)	49.7%
Subtotal - Operating Expense	(27,608,950)	(27,907,588)	(28,233,474)	(325,886)	(1.2%)	(14,838,508)	52.6%
Other Capital Purchases							
Capital Works Program		(22,762)	(22,762)			(42,450)	186.5%
External Loans Principle Repayment							
Subtotal - Capital Expense & Loan Repayment		(22,762)	(22,762)			(42,450)	186.5%
Total Expense	(27,608,950)	(27,930,350)	(28,256,236)	(325,886)	(1.2%)	(14,880,958)	52.7%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(66,962)	554,696	808,736	254,040	45.8%	(615,195)	-76.1%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	4,847,935	5,026,831	9,994,827	4,967,996	98.8%	1,311,531	13.1%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(5,563,987)	(5,143,987)	(9,881,943)	(4,737,956)	(92.1%)	(2,269,280)	23.0%
Transfer from Reserves		427,206	427,206			4,369	1.0%
Total new loan and reserves	(5,563,987)	(4,716,781)	(9,454,737)	(4,737,956)	(100.4%)	(2,264,911)	24.0%
Budget Result - (Surplus)/Deficit	(716,052)	310,050	540,090	230,040		(953,379)	

Customer Service and Organisational Improvement							
Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges						(460)	
Investment Income	16,000	16,000	16,000			527	3.3%
User Charges	4,237,491	3,650,115	3,664,531	14,416	0.4%	1,837,302	50.1%
Other Revenues	750,640	1,032,184	1,007,184	(25,000)	(2.4%)	723,068	71.8%
Grants Subsidies & Contributions - Operational	79,260	79,260	79,260			68,666	86.6%
Subtotal - Operating Income	5,083,391	4,777,559	4,766,975	(10,584)	(0.2%)	2,629,103	55.2%
Grants Subsidies & Contributions - Capital							
Net gains from the disposal of assets							
Subtotal - Capital Income							
Total Income	5,083,391	4,777,559	4,766,975	(10,584)	(0.2%)	2,629,103	55.2%
Expense and Loans Repayment							
Employee Costs	(17,511,521)	(17,200,584)	(17,068,554)	132,030	0.8%	(8,844,882)	51.8%
Borrowing Expenses							
Materials & Contracts	(6,385,562)	(7,673,420)	(7,290,183)	383,237	5.0%	(4,067,980)	55.8%
Other Operating Expenses	10,529,336	10,172,628	10,228,751	56,123	0.6%	4,815,479	47.1%
Subtotal - Operating Expense	(13,367,747)	(14,701,376)	(14,129,986)	571,390	3.9%	(8,097,382)	57.3%
Other Capital Purchases		(154,383)	(154,383)			(97,000)	62.8%
Capital Works Program							
External Loans Principle Repayment							
Subtotal - Capital Expense & Loan Repayment		(154,383)	(154,383)			(97,000)	62.8%
Total Expense	(13,367,747)	(14,855,759)	(14,284,369)	571,390	3.8%	(8,194,382)	57.4%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(8,284,356)	(9,923,817)	(9,363,011)	560,806	5.7%	(5,468,279)	58.4%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(8,284,356)	(10,078,200)	(9,517,394)	560,806	5.6%	(5,565,279)	58.5%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(541,722)	286,279	286,279			(89,747)	-31.3%
Transfer from Reserves	984,000	1,884,483	1,344,983	(539,500)	(28.6%)	386,731	28.8%
Total new loan and reserves	442,278	2,170,762	1,631,262	(539,500)	(24.9%)	296,984	18.2%
Budget Result - (Surplus)/Deficit	(7,842,078)	(7,907,438)	(7,886,132)	21,306		(5,268,295)	

Communitiy Assets & Operations Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges	17,927,800	17,927,800	17,927,800			17,836,520	99.5%
Investment Income	118,055	118,055	118,055				
User Charges	21,451,960	22,781,560	23,219,355	437,795	1.9%	10,949,594	47.2%
Other Revenues	6,342,869	6,928,277	6,947,639	19,362	0.3%	3,985,960	57.4%
Grants Subsidies & Contributions - Operational	2,673,686	2,783,465	2,859,056	75,591	2.7%	1,148,098	40.2%
Subtotal - Operating Income	48,514,370	50,539,157	51,071,905	532,748	1.1%	33,920,172	66.4%
Grants Subsidies & Contributions - Capital	7,760,035	6,676,708	7,176,708	500,000	7.5%	155,821	2.2%
Net gains from the disposal of assets	471,291	692,641	692,641			296,859	42.9%
Subtotal - Capital Income	8,231,326	7,369,349	7,869,349	500,000	6.8%	452,680	5.8%
Total Income	56,745,696	57,908,506	58,941,254	1,032,748	1.8%	34,372,852	58.3%
Expense and Loans Repayment							
Employee Costs	(34,183,541)	(33,851,601)	(33,741,210)	110,391	0.3%	(16,695,889)	49.5%
Borrowing Expenses							
Materials & Contracts	(11,936,752)	(12,589,439)	(13,076,659)	(487,220)	(3.9%)	(7,046,256)	53.9%
Other Operating Expenses	(27,429,841)	(27,492,518)	(27,316,087)	176,431	0.6%	(17,209,866)	63.0%
Subtotal - Operating Expense	(73,550,134)	(73,933,558)	(74,133,956)	(200,398)	(0.3%)	(40,952,011)	55.2%
Other Capital Purchases	(1,740,588)	(2,933,764)	(3,005,452)	(71,688)	(2.4%)	(1,166,019)	38.8%
Capital Works Program	(40,374,635)	(46,627,067)	(50,101,151)	(3,474,084)	(7.5%)	(32,222,303)	64.3%
External Loans Principle Repayment							
Subtotal - Capital Expense & Loan Repayment	(42,115,223)	(49,560,831)	(53,106,603)	(3,545,772)	(7.2%)	(33,388,322)	62.9%
Total Expense	(115,665,357)	(123,494,389)	(127,240,559)	(3,746,170)	(3.0%)	(74,340,333)	58.4%
Performance Result before capital items and loan repayment - (Surplus)/Deficit	(25,035,764)	(23,394,401)	(23,062,051)	332,350	1.4%	(7,031,839)	30.5%
Performance Result after capital items and loan repayment- (Surplus)/Deficit	(58,919,661)	(65,585,883)	(68,299,305)	(2,713,422)	(4.1%)	(39,967,481)	58.5%
Other Funding Sources from:							
New Loans							
Transfers to Reserves	(5,110,297)	(5,119,566)	(4,821,709)	297,857	5.8%	(11,733,186)	243.3%
Transfer from Reserves	24,563,868	31,424,206	33,819,542	2,395,336	7.6%	12,963,898	38.3%
Total new loan and reserves	19,453,571	26,304,640	28,997,833	2,693,193	10.2%	1,230,712	4.2%
Budget Result - (Surplus)/Deficit	(39,466,090)	(39,281,243)	(39,301,472)	(20,229)		(38,736,769)	

General Counsel Q2 FY2019-20 Budget Statement							
	Original Budget	Current Budget	Q2 Proposed Budget	Change in Q2 budget Better / (Worse)		FY2019-20 ACTUAL YTD December (incl. commitments)	% to Q2 Proposed Budget
				\$	%		
Income							
Rates & Annual Charges							
Investment Income							
User Charges							
Other Revenues							
Grants Subsidies & Contributions - Operational							
Subtotal - Operating Income							
Grants Subsidies & Contributions - Capital							
Net gains from the disposal of assets							
Subtotal - Capital Income							
Total Income							
Expense and Loans Repayment							
Employee Costs		(230,690)	(230,690)			(124,042)	53.8%
Borrowing Expenses							
Materials & Contracts						(644)	
Other Operating Expenses							
Subtotal - Operating Expense		(230,690)	(230,690)			(124,686)	54.0%
Other Capital Purchases							
Capital Works Program							
External Loans Principle Repayment							
Subtotal - Capital Expense & Loan Repayment							
Total Expense		(230,690)	(230,690)			(124,686)	54.0%
Performance Result before capital items and loan repayment - (Surplus)/Deficit		(230,690)	(230,690)			(124,686)	54.0%
Performance Result after capital items and loan repayment- (Surplus)/Deficit		(230,690)	(230,690)			(124,686)	54.0%
Other Funding Sources from:							
New Loans							
Transfers to Reserves							
Transfer from Reserves							
Total new loan and reserves							
Budget Result - (Surplus)/Deficit		(230,690)	(230,690)			(124,686)	

REPORT CM/7.2/20.02



Subject: Six Monthly Progress Report on Delivery Program 2018-2021

TRIM No: A18/0477

Author: Sneha Sabu, Co-ordinator, Corporate Planning and Reporting

Director: Darren Smith, Chief Financial Officer

RECOMMENDATION:

That Council receives and notes progress to 31 December 2019 with respect to the deliverables detailed in the Delivery Program as set out in the attachment to this report.

1. Executive Summary

This report provides a summary of progress for activities from the Operational Plan 2019–20 as they reflect progress for the deliverables identified in the Delivery Program. Six monthly progress can be summarised as follows:

Theme	Percentage of deliverables completed or on track for completion	Percentage of deliverables delayed
Arts and Culture	92%	8%
Community Services and Well-Being	100%	0%
Recreation and Open Spaces	100%	0%
Local Economy	100%	0%
Planning, Development and Heritage	100%	0%
Transport, Pedestrians and Parking	78%	22%
Buildings and Infrastructure	100%	0%
Sustainable Environment	100%	0%
Sustainable Waste	89%	11%
Corporate Leadership and Engagement	79%	21%
Knowledge and Innovation	90%	10%

2. Introduction/Background

Section 404(5) of the *Local Government Act 1993* requires that the General Manager ensure regular reports are provided to the Council on progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided every six months.

Council's planning is based on our long-term community strategic plan, which sets out the community's vision for Waverley. In June 2018, Council adopted its Community Strategic Plan Waverley Community Strategic Plan 2018-2029. In accordance with the legislation, sitting under the Community Strategic Plan is a four-year Delivery Program and a one-year Operational Plan (see diagram below). However, with delayed

local government elections the current Delivery Program was prepared for a three-year period to align with the next election cycle.



The Delivery Program is Council's commitment, during its term of office, on what it is going to deliver to the community to achieve the directions set out in the Community Strategic Plan. The one-year Operational Plan, which is a sub-plan of the Delivery Program, sets out the activities (services and projects) being undertaken by Waverley Council in the financial year. The approach to using the Operational Plan actions for reporting on the Delivery Program is in line with the Integrated Planning and Reporting Manual for Local Government in NSW (March 2013), which states (at page 119) that the 'the Operational Plan is a sub set of the Delivery Program – not a separate entity so the Delivery Program and the Operational Plan need to be wholly complementary'.

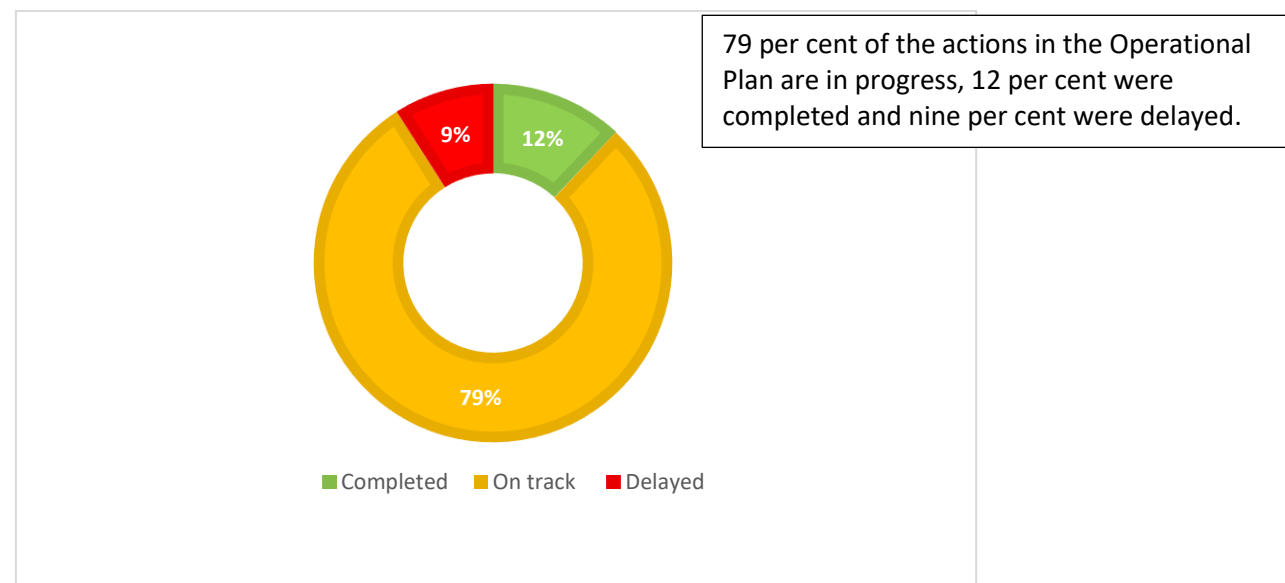
3. Relevant Council Resolutions

Nil.

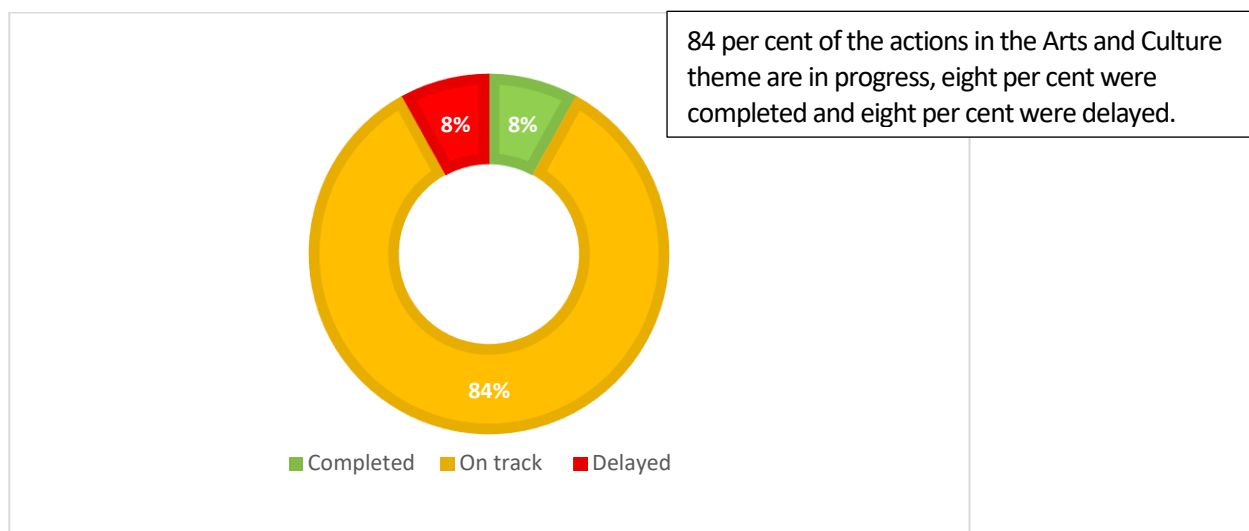
4. Discussion

This report is the third progress report on Waverley's new Community Strategic Plan. Waverley Community Strategic Plan 2018-2029 reflects the Waverley community's long-term priorities and aspirations for the future. Delivery Program 2018–2021 sets out a three-year plan to respond to and meet the community's long-term vision as stated in the 11-year Community Strategic Plan. The annual Operational Plan is a sub-plan of the Delivery Program and sets out the activities to be undertaken in each year of the Delivery Program. To meet legislative requirements, Council reports bi-annually against actions in its annual Operational Plan as a measure of progress towards achieving the three-year Delivery Program, and ultimately the community's Vision. Below is a progress summary of Council's overall performance as at 31 December 2019 in progressing towards the targets in the Operational Plan 2019-20.

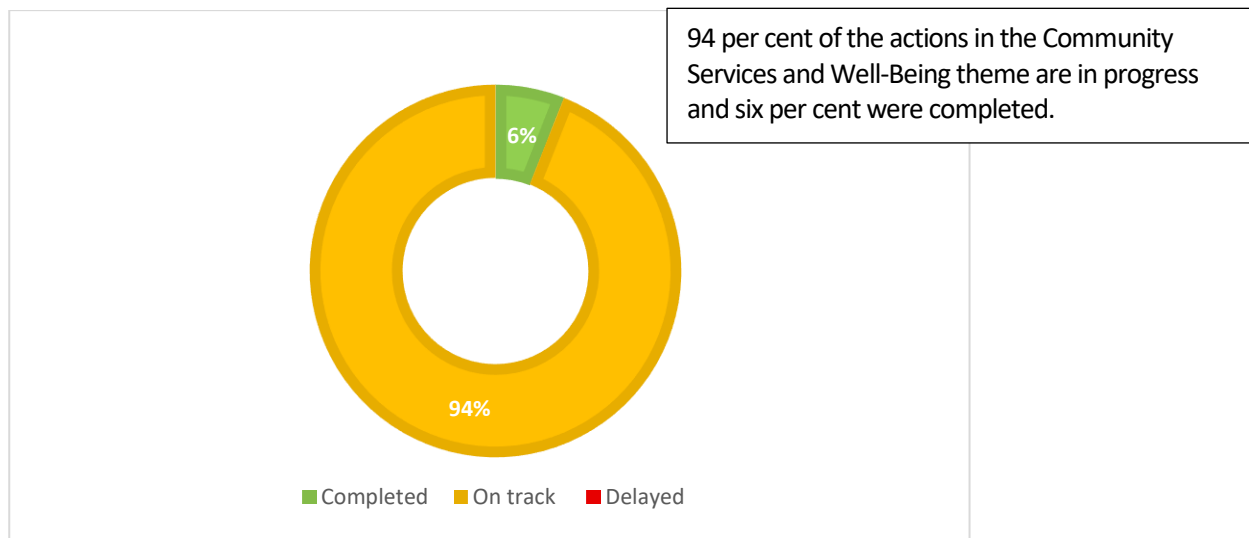
Overall performance

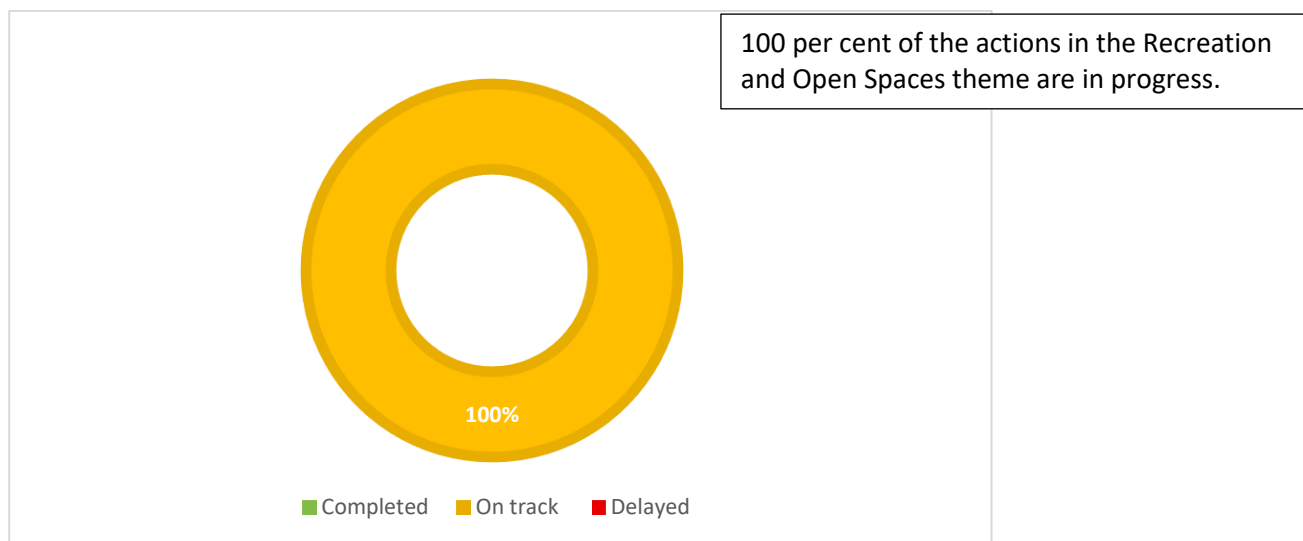
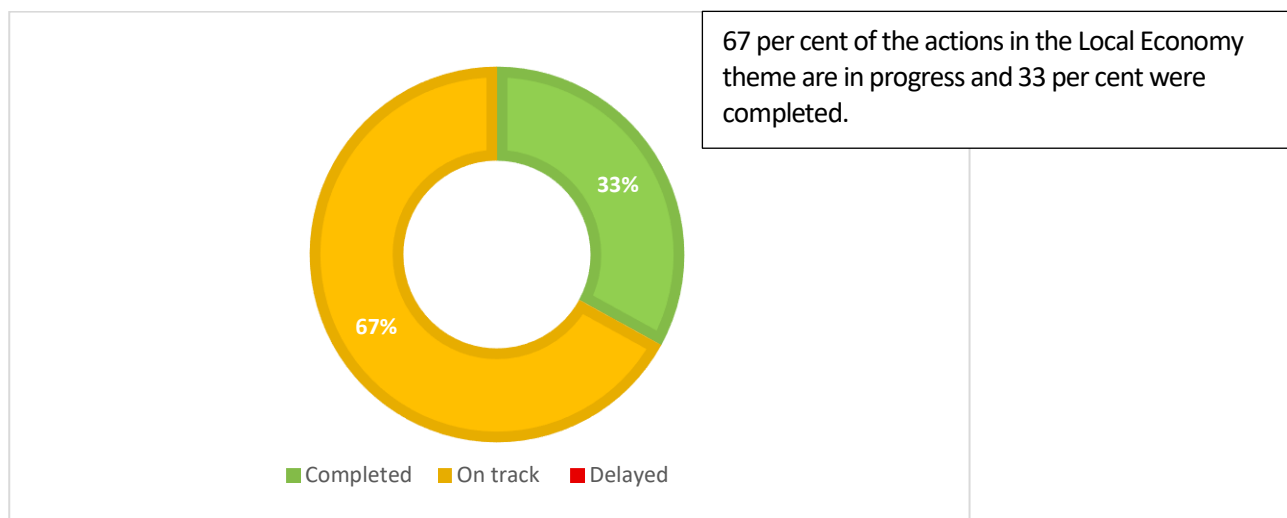
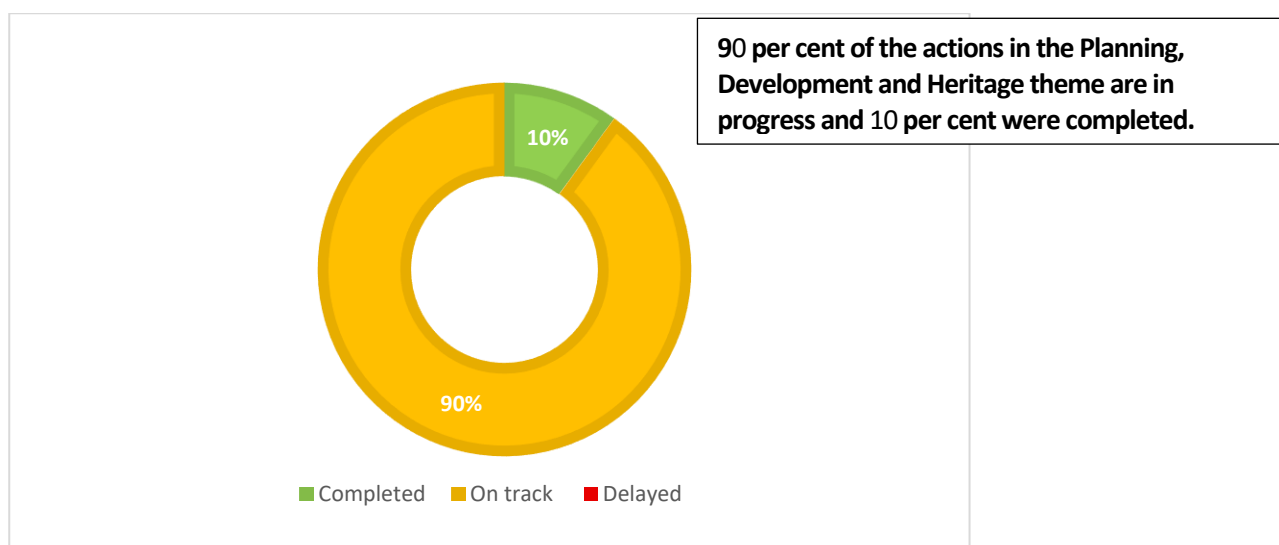


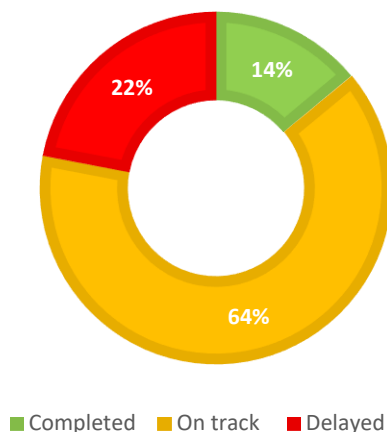
Theme 1: Arts and Culture



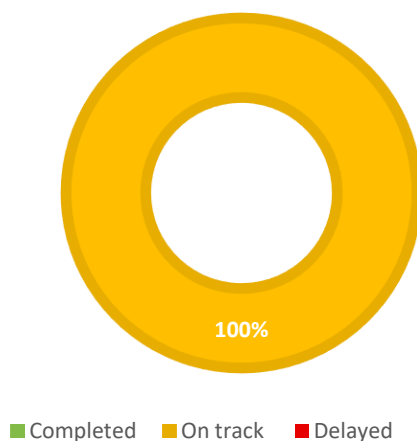
Theme 2: Community Services and Well-Being



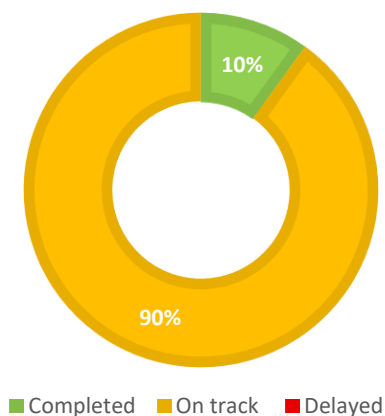
Theme 3: Recreation and Open Spaces**Theme 4: Local Economy****Theme 5: Planning, Development and Heritage**

Theme 6: Transport, Pedestrians and Parking

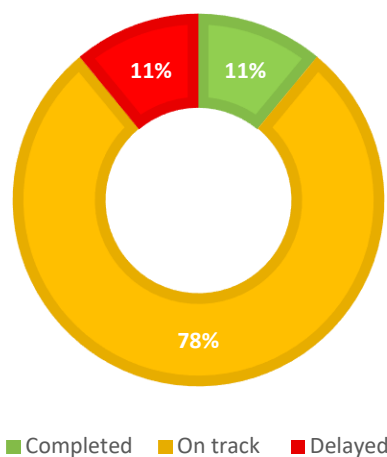
64 per cent of the actions in the Transport, Pedestrians and Parking theme are in progress, 14 per cent were completed and 22 per cent were delayed.

Theme 7: Buildings and Infrastructure

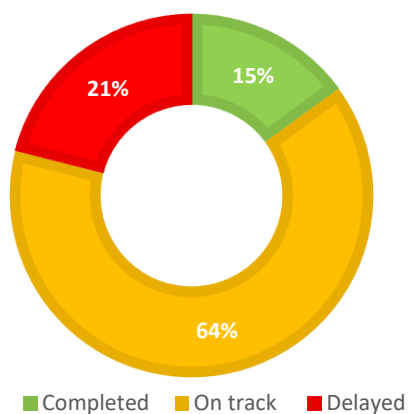
100 per cent of the actions in the Buildings and Infrastructure theme are in progress.

Theme 8: Sustainable Environment

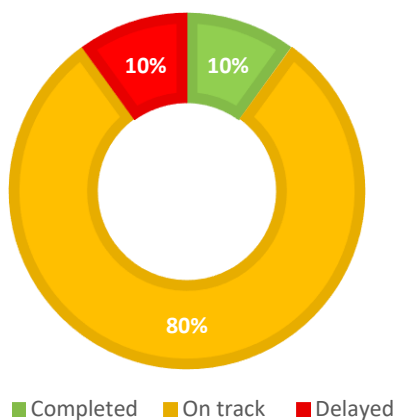
90 per cent of the actions in the Sustainable Environment theme are in progress and 10 per cent were completed.

Theme 9: Sustainable Waste

78 per cent of the actions in the Sustainable Waste theme are in progress, 11 per cent were completed and 11 per cent were delayed.

Theme 10: Corporate Leadership and Engagement

64 per cent of the actions in the Corporate Leadership and Engagement theme are in progress, 15 per cent were completed and 21 per cent were delayed.

Theme 11: Knowledge and Innovation

80 per cent of the actions in the Knowledge and Innovation theme are in progress, 10 per cent were completed and 10 per cent were delayed.

5. Financial impact statement/Time frame/Consultation

The actions in the Operational Plan 2019-20 were included in the budget when the Operational Plan was adopted by Council in June 2019. Funding to implement the Delivery Program over its term is based on the Long-Term Financial Plan that supports the Delivery Program. The Progress Report on Delivery Program is based on information provided by Directors and Executive Managers across Council. The Progress Report on Delivery Program reflects the progressed status as at 31 December 2019.

6. Conclusion

The Progress Report on the Delivery Program provides progress against the deliverables detailed in the Operational Plan 2019-20 for the period 1 July 2019 to 31 December 2019.

7. Attachments

1. Six Monthly Progress Report December 2019 (under separate cover)

**REPORT
CM/7.3/20.02**

Subject: Investment Portfolio Report - January 2020

TRIM No: A03/2211

Author: Sid Ali, Revenue Co-ordinator
Teena Su, Executive Manager, Finance

Director: Darren Smith, Chief Financial Officer

RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for January 2020 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 January 2020, Council's Investment Portfolio generated \$300,294 of interest.

The interest on investment budget for the 2019–20 financial year was adopted by Council at its meeting on 18 June 2019, and was set at \$3,865,231.

The interest income for the year to date figure as at 31 January 2020 is tracking at 59.98% (\$2,324,536) of the Q2 proposed budget forecast of \$3,875,231.

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 table below illustrates the monthly interest income received by Council and performance against the Budget.

Table 1. Monthly interest income received by Council.

Month	2019/20 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Original Budget %	Tracking Q2 proposed Budget %
July	3,865,231	374,347	374,347	9.68%	
August	3,865,231	368,646	742,993	19.22%	
September	3,865,231	314,157	1,057,150	27.35%	
October	3,865,231	409,532	1,466,682	37.95%	
November	3,865,231	298,396	1,765,078	45.67%	
December	3,865,231	259,164	2,024,242	52.37%	
Q2 Proposed Amendment	10,000				
January	3,875,231	300,294	2,324,536	60.14%	59.98%

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee 04 February 2020	OC/5.1/20.02	That Council: 1. Receives and notes the Investment Summary Report for November and December 2019 attached to this report. 2. Notes that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

4. Discussion

As at, 31 January 2020, Council's cash investment portfolio generated interest earnings of \$2,324,536 representing 59.98% of the Q2 Proposed Budget of \$3,875,231.

Council's investment portfolio posted a return of 3.78% pa for the month of January versus the Ausbond Bank Bill Index benchmark return of 0.96% pa.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 1.37% pa (2.77% vs 1.40% pa).

Portfolio value

Council's investment portfolio, as at 31 January 2020, has a current market value of \$179,499,776 which represents a gain of \$1,244,486 on the \$178,255,290 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Table 2. Portfolio value – Summary by investment (asset) type.		
Asset Group	Face Value	Current value
Bonds	\$ 3,000,000	\$ 3,077,502
Cash	\$ 16,571,872	\$ 16,571,872
Floating Rate Note	\$ 36,300,000	\$ 36,520,872
Floating Rate Term Deposits	\$ 8,500,000	\$ 8,527,979
Managed Funds	\$ 14,883,419	\$ 14,883,419
Term Deposit	\$ 99,000,000	\$ 99,918,133
Total	\$ 178,255,290	\$ 179,499,776

Analysis

Attached to this report is the Summary of Investment Portfolio for the period ending 31 January 2020. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

Included in this report are tables showing that Council's investment portfolio for the month of January 2020 has exceeded the AusBond bank bill index by 2.82% pa (3.78% to 0.96% pa). The Portfolio outperformed the stated benchmark measure as the rate of return on cash exceeds AusBond Bank Bill Index as illustrated in the table below:

Table 3. Portfolio return.

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Nov-18	2.61	1.90	0.71
Dec-18	2.73	1.81	0.92
Jan-19	2.92	2.14	0.78
Feb-19	3.19	2.28	0.91
Mar-19	3.14	1.96	1.18
Apr-19	3.08	2.01	1.07
May-19	2.71	1.79	0.92
June-19	2.47	1.62	0.85
July-19	3.31	1.42	1.89
Aug-19	1.99	0.99	1.00
Sep-19	2.53	1.03	1.50
Oct-19	2.08	0.95	1.13
Nov-19	3.46	1.00	2.46
Dec-19	1.61	0.85	0.76
Jan-20	3.78	0.96	2.82
Average % return Over the last 12 months	2.77	1.40	1.37

Council has a well-diversified portfolio invested among a range of term deposits and floating rate notes from highly rated Australian ADIs. 84% of the portfolio is spread among the top three credit rating categories (A long term/A2 short term and higher) and NSW TCorpIM managed funds.

Investments in ethically, socially and environmentally beneficial alternatives

As at the end of January 2020, 68.7% of Council's portfolio was invested in non-fossil fuel lending ADIs and Socially Responsible Investments, while fossil fuel lending ADIs accounted for 23% of the portfolio. The remaining 8.3% is invested with TCorp.

Over the period of 20 months, from June 2018 to January 2020, Council has reduced its investment in fossil fuel lending ADIs from 59% to 23% as displayed in Figure 1 below.

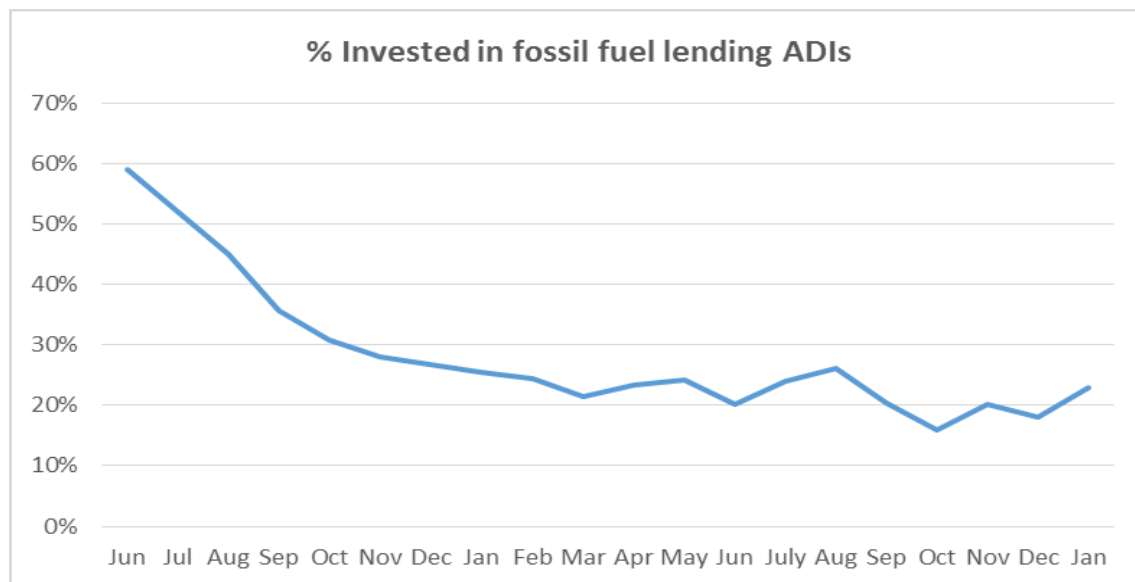


Figure 1. Investments in fossil fuel lending ADIs.

During January, Council's investment portfolio had \$8 m among 9-, 10- and 11-month term deposits mature with non-fossil fuel lending ADIs. Due to these maturities, Council's portfolio invested in fossil fuel ADIs is 23%, up from 18.1% the month prior. During February, this money will be reinvested in non-fossil fuel lending ADIs.

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 achieved interest earning of \$2,324,536 YTD at 31 January 2020, and it is on track to achieve the Q2 proposed budgeted interest of \$3,875,231.

7. Attachments

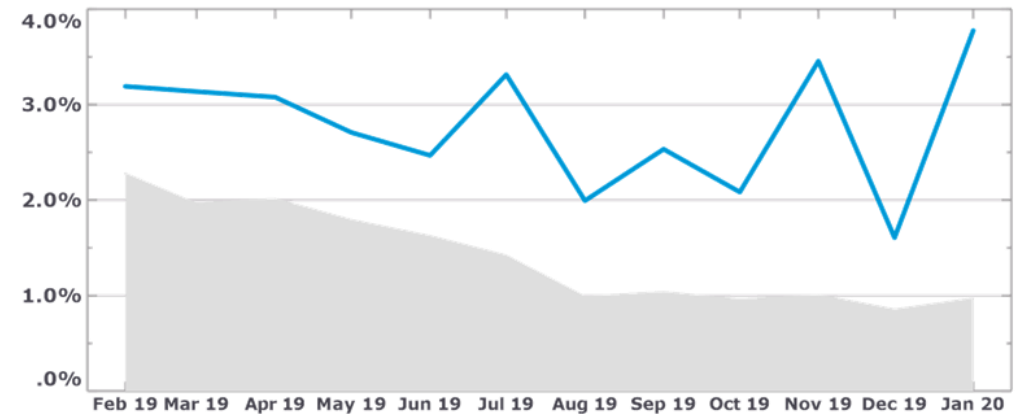
1. Investment Summary Report - January 2020



Investment Summary Report January 2020

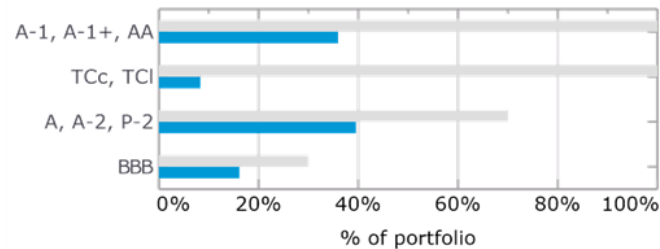
Waverley Council**Executive Summary - January 2020****Investment Holdings**

	Face Value (\$)	Current Value (\$)
Bonds	3,000,000.00	3,077,501.54
Cash	16,571,871.61	16,571,871.61
Floating Rate Note	36,300,000.00	36,520,872.24
Floating Rate Term Deposits	8,500,000.00	8,527,979.25
Managed Funds	14,883,418.74	14,883,418.74
Term Deposit	99,000,000.00	99,918,132.73
	178,255,290.35	179,499,776.11

Investment Performance

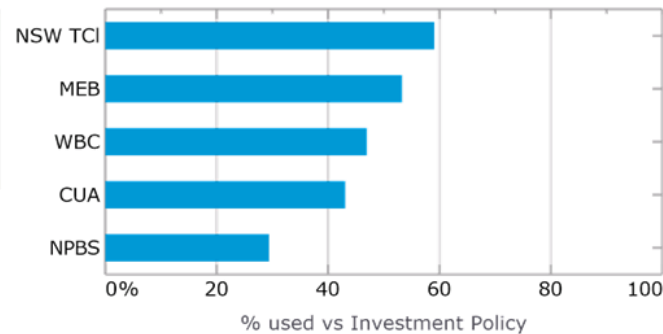
■ Portfolio Annualised Return

■ 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	130,905,290	73%	100%
Between 1 and 3 Years	42,750,000	24%	50%
Between 3 and 10 Years	4,600,000	3%	30%
	178,255,290		

Waverley Council

Investment Holdings Report - January 2020

**Cash Accounts**

Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
14,888,205.73	1.3000%	Commonwealth Bank of Australia	A-1+	14,888,205.73	120789	24hr Call
627,564.37	0.3500%	Commonwealth Bank of Australia	A-1+	627,564.37	120794	General Funds
34,831.85	0.3500%	Commonwealth Bank of Australia	A-1+	34,831.85	120795	Trust Funds
253,940.12	0.3500%	Commonwealth Bank of Australia	A-1+	253,940.12	120796	Cemetery Funds
221,492.88	0.3500%	Commonwealth Bank of Australia	A-1+	221,492.88	120797	Depositor Funds
103,206.12	0.3500%	Commonwealth Bank of Australia	A-1+	103,206.12	120799	Library CP
246,660.88	0.3500%	Commonwealth Bank of Australia	A-1+	246,660.88	120800	Eastgate CP
158,419.65	0.3500%	Commonwealth Bank of Australia	A-1+	158,419.65	120801	Hollywood Av CP
37,550.01	0.3500%	Commonwealth Bank of Australia	A-1+	37,550.01	370151	Library Gift
16,571,871.61	1.2035%			16,571,871.61		

Managed Funds

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,156,523.64	0.1577%	NSW T-Corp (Cash)	TCC	Short Term Income Fund	2,156,523.64	411310	Builder Deposits
2,196,027.41	0.1108%	NSW T-Corp (Cash)	TCC	Cash Fund	2,196,027.41	505262	
10,530,867.69	2.6519%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	10,530,867.69	538089	
14,883,418.74					14,883,418.74		

Term Deposits

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
4-Feb-20	1,000,000.00	2.3000%	AMP Bank	A-2	1,000,000.00	6-Jun-19	1,015,123.29	538020	15,123.29	At Maturity	
11-Feb-20	2,000,000.00	2.4100%	Rural Bank	A-2	2,000,000.00	7-May-19	2,035,654.79	537931	35,654.79	At Maturity	
18-Feb-20	1,500,000.00	2.4500%	AMP Bank	A-2	1,500,000.00	23-May-19	1,525,573.97	537971	25,573.97	At Maturity	
18-Feb-20	3,000,000.00	1.7500%	Bank of Queensland	A-2	3,000,000.00	21-Aug-19	3,023,589.04	538406	23,589.04	At Maturity	
3-Mar-20	3,000,000.00	2.8000%	ME Bank	A-2	3,000,000.00	5-Sep-18	3,034,290.41	537069	34,290.41	Annually	
10-Mar-20	2,000,000.00	2.3000%	AMP Bank	A-2	2,000,000.00	6-Jun-19	2,030,246.58	538019	30,246.58	At Maturity	

Waverley Council

Investment Holdings Report - January 2020

**Term Deposits**

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
17-Mar-20	1,500,000.00	2.2000%	AMP Bank	A-2	1,500,000.00	20-Jun-19	1,520,432.88	538061	20,432.88	At Maturity	
14-Apr-20	3,000,000.00	1.6700%	Suncorp Bank	A-1	3,000,000.00	20-Sep-19	3,018,392.88	538551	18,392.88	At Maturity	
21-Apr-20	4,000,000.00	1.6700%	Suncorp Bank	A-1	4,000,000.00	20-Sep-19	4,024,523.84	538550	24,523.84	At Maturity	
21-Apr-20	2,000,000.00	1.6500%	ME Bank	A-2	2,000,000.00	9-Oct-19	2,010,397.26	538600	10,397.26	At Maturity	
28-Apr-20	1,000,000.00	1.6500%	Suncorp Bank	A-1	1,000,000.00	20-Sep-19	1,006,057.53	538552	6,057.53	At Maturity	
28-Apr-20	1,000,000.00	2.2600%	Westpac Group	A-1+	1,000,000.00	13-May-19	1,004,953.42	537941	4,953.42	Quarterly	Green
5-May-20	2,000,000.00	2.2600%	Westpac Group	A-1+	2,000,000.00	13-May-19	2,009,906.85	537940	9,906.85	Quarterly	Green
12-May-20	1,000,000.00	2.4500%	Auswide Bank	P-2	1,000,000.00	16-May-19	1,017,519.18	537954	17,519.18	At Maturity	
12-May-20	3,000,000.00	1.6500%	ME Bank	A-2	3,000,000.00	9-Oct-19	3,015,595.89	538601	15,595.89	At Maturity	
19-May-20	2,000,000.00	2.4500%	Auswide Bank	P-2	2,000,000.00	16-May-19	2,035,038.36	537955	35,038.36	Annually	
26-May-20	1,000,000.00	2.4500%	Auswide Bank	P-2	1,000,000.00	20-May-19	1,017,250.68	537958	17,250.68	At Maturity	
2-Jun-20	2,000,000.00	2.4500%	Auswide Bank	P-2	2,000,000.00	20-May-19	2,034,501.37	537959	34,501.37	At Maturity	
16-Jun-20	2,000,000.00	2.1500%	Auswide Bank	P-2	2,000,000.00	20-Jun-19	2,026,624.66	538062	26,624.66	At Maturity	
16-Jun-20	3,000,000.00	1.9400%	Westpac Group	A-1+	3,000,000.00	17-Jun-19	3,007,334.79	538045	7,334.79	Quarterly	Green
28-Jul-20	3,000,000.00	1.6500%	Credit Union Australia	A-2	3,000,000.00	10-Dec-19	3,007,187.67	538895	7,187.67	At Maturity	
11-Aug-20	5,000,000.00	1.7000%	ME Bank	A-2	5,000,000.00	13-Aug-19	5,040,054.79	538387	40,054.79	At Maturity	
25-Aug-20	3,000,000.00	1.7000%	ME Bank	A-2	3,000,000.00	21-Aug-19	3,022,915.07	538407	22,915.07	At Maturity	
26-Aug-20	4,000,000.00	1.5800%	Westpac Group	A-1+	4,000,000.00	22-Aug-19	4,012,293.70	538408	12,293.70	Quarterly	Green
8-Sep-20	3,000,000.00	1.6700%	Westpac Group	A-1+	3,000,000.00	11-Sep-19	3,007,137.53	538521	7,137.53	Quarterly	Green
22-Sep-20	5,000,000.00	1.6800%	Westpac Group	A-1+	5,000,000.00	12-Sep-19	5,011,736.99	538526	11,736.99	Quarterly	Green
30-Sep-20	3,000,000.00	1.9000%	ME Bank	A-2	3,000,000.00	17-Sep-19	3,021,394.52	538533	21,394.52	At Maturity	
27-Oct-20	3,000,000.00	3.0000%	Rural Bank	A-2	3,000,000.00	22-Oct-18	3,025,150.68	537252	25,150.68	Annually	
10-Nov-20	4,000,000.00	1.5200%	Westpac Group	A-1+	4,000,000.00	14-Nov-19	4,013,159.45	538671	13,159.45	Quarterly	Green
17-Nov-20	3,000,000.00	1.6300%	Credit Union Australia	A-2	3,000,000.00	19-Nov-19	3,009,913.97	538736	9,913.97	At Maturity	
24-Nov-20	2,000,000.00	1.6300%	Credit Union Australia	A-2	2,000,000.00	26-Nov-19	2,005,984.11	538819	5,984.11	At Maturity	

Waverley Council

Investment Holdings Report - January 2020

**Term Deposits**

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
15-Dec-20	2,000,000.00	2.9500%	Credit Union Australia	A-2	2,000,000.00	18-Dec-18	2,007,273.97	537426	7,273.97	Annually	
9-Feb-21	2,500,000.00	2.9500%	Newcastle Permanent Building Society	BBB	2,500,000.00	11-Feb-19	2,571,729.45	537536	71,729.45	Annually	
23-Feb-21	2,000,000.00	2.9000%	Credit Union Australia	BBB	2,000,000.00	26-Feb-19	2,054,027.40	537565	54,027.40	Annually	
8-Jun-21	6,000,000.00	3.1500%	Westpac Group	AA-	6,000,000.00	6-Jun-18	6,029,515.07	536715	29,515.07	Quarterly	
3-Aug-21	2,000,000.00	1.9000%	Bank of Queensland	BBB+	2,000,000.00	6-Aug-19	2,018,635.62	538366	18,635.62	Annually	
21-Sep-21	2,500,000.00	2.8000%	Newcastle Permanent Building Society	BBB	2,500,000.00	25-Mar-19	2,560,027.40	537651	60,027.40	Annually	
8-Feb-22	3,000,000.00	3.0500%	Newcastle Permanent Building Society	BBB	3,000,000.00	19-Feb-19	3,086,987.67	537553	86,987.67	Annually	
99,000,000.00		2.1280%			99,000,000.00		99,918,132.73		918,132.73		

Floating Rate Term Deposits

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
10-Jun-21	3,000,000.00	1.9688%	Commonwealth Bank of Australia ¾yr@4% then BBSW+1.08%	AA-	3,000,000.00	10-Jun-16	3,008,576.42	535380	8,576.42	10-Mar-20	
16-Nov-21	3,000,000.00	1.7071%	Westpac Group 3moBBSW+0.82%	AA-	3,000,000.00	28-Nov-18	3,009,120.12	537360	9,120.12	28-Feb-20	Green
16-May-22	2,500,000.00	2.0017%	Westpac Group 3moBBSW+1.10%	AA-	2,500,000.00	16-May-17	2,510,282.71	535241	10,282.71	17-Feb-20	
8,500,000.00		1.8861%			8,500,000.00		8,527,979.25		27,979.25		

Floating Rate Notes

Maturity Date	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
21-Feb-20	3,000,000.00	1.9900%	BEN Snr FRN (Feb20) BBSW+1.10%	A-2	3,000,000.00	21-Nov-16	3,012,746.07	534540	11,776.44	21-Feb-20	
20-Mar-20	3,000,000.00	2.2141%	CUA Snr FRN (Mar20) BBSW+1.30%	A-2	3,000,000.00	20-Mar-17	3,011,340.43	534995	7,825.18	20-Mar-20	
20-Mar-20	3,200,000.00	2.2141%	CUA Snr FRN (Mar20) BBSW+1.30%	A-2	3,235,232.00	24-Nov-17	3,212,096.45	535984	8,346.85	20-Mar-20	
7-Apr-20	3,000,000.00	2.2643%	NPBS Snr FRN (Apr20) BBSW+1.35%	A-2	3,000,000.00	7-Apr-15	3,009,617.43	504013	4,652.67	7-Apr-20	

Waverley Council

Investment Holdings Report - January 2020

**Floating Rate Notes**

Maturity Date	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Reference Date
7-Apr-20	1,000,000.00	2.2643%	NPBS Snr FRN (Apr20) BBSW+1.35%	A-2	1,011,250.00	1-Dec-17	1,003,205.81	536004	1,550.89	7-Apr-20
9-Nov-20	2,250,000.00	2.1800%	ME Bank Snr FRN (Nov20) BBSW+1.25%	A-2	2,250,000.00	9-Nov-17	2,270,761.95	535919	11,019.45	10-Feb-20
12-Apr-21	1,500,000.00	2.2750%	SUN Snr FRN (Apr21) BBSW+1.38%	A+	1,500,000.00	12-Apr-16	1,517,496.37	533415	1,776.37	14-Apr-20
16-Apr-21	2,500,000.00	2.1466%	ME Bank Snr FRN (Apr21) BBSW+1.27%	BBB	2,500,000.00	17-Apr-18	2,516,227.44	536513	2,352.44	16-Apr-20
18-May-21	2,000,000.00	2.3817%	BoQ Snr FRN (May21) BBSW+1.48%	BBB+	2,000,000.00	18-May-16	2,031,147.81	533605	9,787.81	18-Feb-20
2-Jul-21	2,100,000.00	2.2974%	TMB Snr FRN (Jul21) BBSW+1.37%	BBB	2,100,000.00	2-Jul-18	2,125,427.38	536787	3,965.38	2-Apr-20
30-Aug-21	1,500,000.00	2.1850%	BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	BBB	1,500,000.00	30-Aug-18	1,514,551.85	536983	5,746.85	28-Feb-20
28-Oct-22	2,400,000.00	1.7841%	TMB Snr FRN (Oct22) BBSW+0.90%	BBB	2,400,000.00	28-Oct-19	2,405,605.24	538616	469.24	28-Apr-20
2-Dec-22	3,000,000.00	1.7850%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	BBB	3,000,000.00	2-Dec-19	3,009,789.45	538825	8,949.45	2-Mar-20
25-Jan-23	1,250,000.00	1.9341%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,258,239.95	536145	264.95	28-Apr-20
6-Feb-23	1,100,000.00	2.3400%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,118,334.29	536174	6,135.29	6-Feb-20
30-Jul-24	2,500,000.00	1.6700%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,497,053.77	538331	228.77	30-Apr-20
24-Oct-24	1,000,000.00	2.0100%	CUA Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,007,230.55	538604	440.55	24-Apr-20
36,300,000.00		2.0969%			36,346,482.00		36,520,872.24		85,288.58	

Fixed Rate Bonds

Maturity Date	Face Value (\$)	Rate (%pa)	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-1	3,042,780.00	18-May-18	3,077,501.54	536638	29,711.54	3.0000%	
3,000,000.00					3,042,780.00		3,077,501.54		29,711.54	3.0000%	

Waverley Council**Accrued Interest Report - January 2020****Accrued Interest Report**

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<u>Bonds</u>									
SUN Snr Bond (Oct20) 3.50%	536638		3,000,000.00	18-May-18	20-Oct-20		31	8,942.31	3.51%
Bonds Total								8,942.31	3.51%
<u>Floating Rate Note</u>									
BEN Snr FRN (Feb20) BBSW+1.10%	534540		3,000,000.00	21-Nov-16	21-Feb-20		31	5,070.41	1.99%
CUA Snr FRN (Mar20) BBSW+1.30%	534995		3,000,000.00	20-Mar-17	20-Mar-20		31	5,641.41	2.21%
CUA Snr FRN (Mar20) BBSW+1.30%	535984		3,200,000.00	24-Nov-17	20-Mar-20		31	6,017.50	2.21%
NPBS Snr FRN (Apr20) BBSW+1.35%	504013		3,000,000.00	07-Apr-15	07-Apr-20	16,368.03	31	5,731.88	2.25%
NPBS Snr FRN (Apr20) BBSW+1.35%	536004		1,000,000.00	01-Dec-17	07-Apr-20	5,456.01	31	1,910.63	2.25%
ME Bank Snr FRN (Nov20) BBSW+1.25%	535919		2,250,000.00	09-Nov-17	09-Nov-20		31	4,165.89	2.18%
SUN Snr FRN (Apr21) BBSW+1.38%	533415		1,500,000.00	12-Apr-16	12-Apr-21	8,358.29	31	2,878.56	2.26%
ME Bank Snr FRN (Apr21) BBSW+1.27%	536513		2,500,000.00	17-Apr-18	16-Apr-21	13,369.62	31	4,532.27	2.13%
BoQ Snr FRN (May21) BBSW+1.48%	533605		2,000,000.00	18-May-16	18-May-21		31	4,045.63	2.38%
TMB Snr FRN (Jul21) BBSW+1.37%	536787		2,100,000.00	02-Jul-18	02-Jul-21	11,803.73	31	4,093.69	2.30%
BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	536983		1,500,000.00	30-Aug-18	30-Aug-21		31	2,783.63	2.18%
TMB Snr FRN (Oct22) BBSW+0.90%	538616		2,400,000.00	28-Oct-19	28-Oct-22	10,798.03	31	3,638.23	1.78%
BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	538825		3,000,000.00	02-Dec-19	02-Dec-22		31	4,548.08	1.78%
BEN Snr FRN (Jan23) BBSW+1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23	6,279.11	31	2,049.54	1.93%
NPBS Snr FRN (Feb23) BBSW+1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23		31	2,186.14	2.34%
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24	10,636.08	31	3,581.45	1.69%
CUA Snr FRN (Oct24) BBSW+1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24	5,049.41	31	1,702.90	2.01%
Floating Rate Note Total						88,118.31		64,577.84	2.09%
<u>Floating Rate Term Deposits</u>									

Waverley Council**Accrued Interest Report - January 2020****Accrued Interest Report**

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Commonwealth Bank of Australia	535380		3,000,000.00	10-Jun-16	10-Jun-21		31	5,016.40	1.97%
Westpac Group	535380	Green	3,000,000.00	10-Jun-16	10-Jun-21		31	4,349.59	1.71%
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22		31	4,250.19	2.00%
Floating Rate Term Deposits Total								13,616.18	1.89%
<u>Managed Funds</u>									
Short Term Income Fund	411310	Builder Deposits	2,156,523.64	01-Dec-15			31	3,394.51	1.87%
Cash Fund	505262		2,196,027.41	30-Jul-15			31	2,431.07	1.31%
Managed Funds Total								5,825.58	1.59%
<u>Term Deposits</u>									
Auswide Bank	537600		1,000,000.00	04-Mar-19	07-Jan-20	22,857.53	6	443.83	2.70%
Auswide Bank	537637		3,000,000.00	14-Mar-19	14-Jan-20	67,906.85	13	2,884.93	2.70%
Auswide Bank	537782		1,500,000.00	04-Apr-19	21-Jan-20	32,400.00	20	2,219.18	2.70%
Credit Union Australia	537562		2,500,000.00	25-Feb-19	28-Jan-20	63,706.85	27	5,104.11	2.76%
AMP Bank	538020		1,000,000.00	06-Jun-19	04-Feb-20		31	1,953.43	2.30%
Rural Bank	537931		2,000,000.00	07-May-19	11-Feb-20		31	4,093.69	2.41%
AMP Bank	537971		1,500,000.00	23-May-19	18-Feb-20		31	3,121.23	2.45%
Bank of Queensland	538406		3,000,000.00	21-Aug-19	18-Feb-20		31	4,458.90	1.75%
ME Bank	537069		3,000,000.00	05-Sep-18	03-Mar-20		31	7,134.25	2.80%
AMP Bank	538019		2,000,000.00	06-Jun-19	10-Mar-20		31	3,906.85	2.30%
AMP Bank	538061		1,500,000.00	20-Jun-19	17-Mar-20		31	2,802.74	2.20%
Suncorp Bank	538551		3,000,000.00	20-Sep-19	14-Apr-20		31	4,255.07	1.67%
Suncorp Bank	538550		4,000,000.00	20-Sep-19	21-Apr-20		31	5,673.43	1.67%
ME Bank	538600		2,000,000.00	09-Oct-19	21-Apr-20		31	2,802.74	1.65%

Waverley Council**Accrued Interest Report - January 2020****Accrued Interest Report**

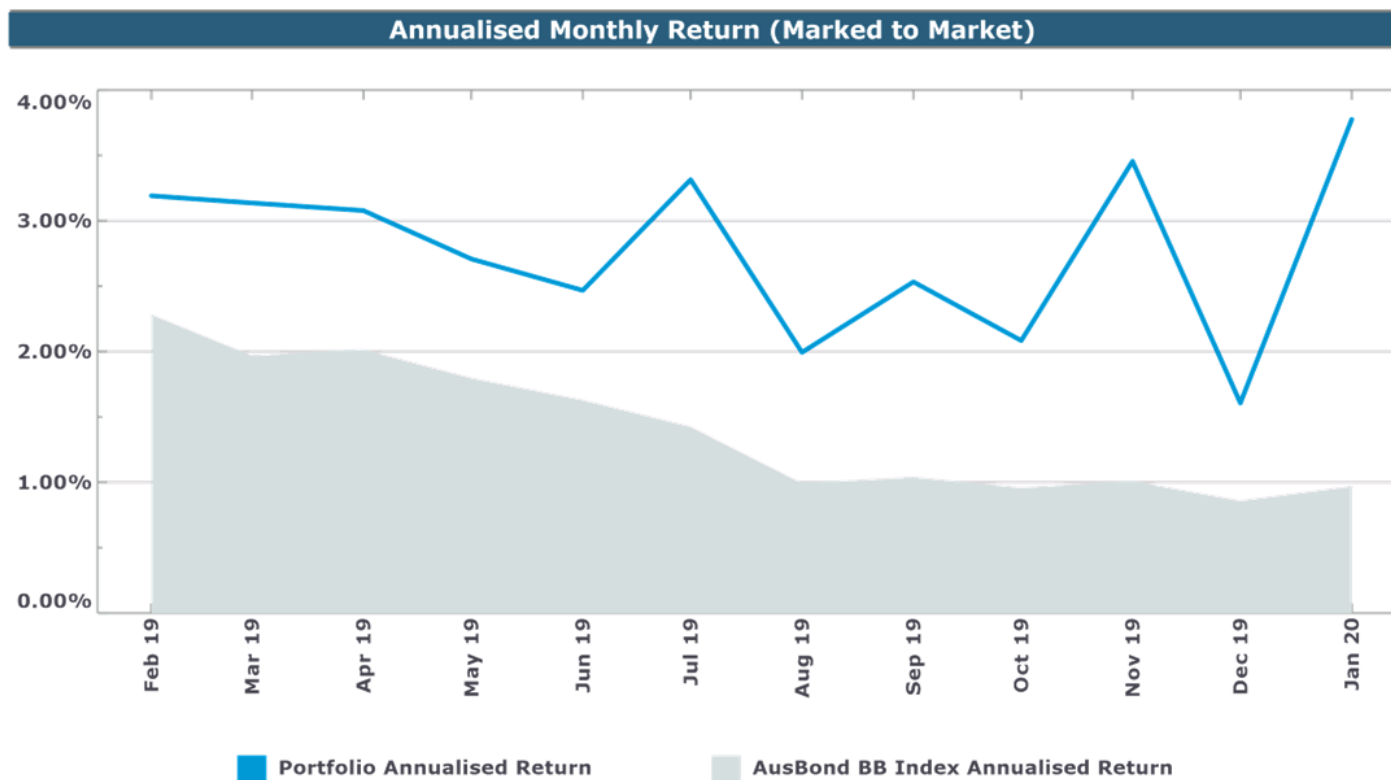
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Westpac Group	537941	Green	1,000,000.00	13-May-19	28-Apr-20		31	1,919.45	2.26%
Suncorp Bank	538552		1,000,000.00	20-Sep-19	28-Apr-20		31	1,401.37	1.65%
Westpac Group	537940	Green	2,000,000.00	13-May-19	05-May-20		31	3,838.90	2.26%
Auswide Bank	537954		1,000,000.00	16-May-19	12-May-20		31	2,080.82	2.45%
ME Bank	538601		3,000,000.00	09-Oct-19	12-May-20		31	4,204.11	1.65%
Auswide Bank	537955		2,000,000.00	16-May-19	19-May-20		31	4,161.65	2.45%
Auswide Bank	537958		1,000,000.00	20-May-19	26-May-20		31	2,080.82	2.45%
Auswide Bank	537959		2,000,000.00	20-May-19	02-Jun-20		31	4,161.64	2.45%
Westpac Group	538045	Green	3,000,000.00	17-Jun-19	16-Jun-20		31	4,943.01	1.94%
Auswide Bank	538062		2,000,000.00	20-Jun-19	16-Jun-20		31	3,652.06	2.15%
Credit Union Australia	538895		3,000,000.00	10-Dec-19	28-Jul-20		31	4,204.11	1.65%
ME Bank	538387		5,000,000.00	13-Aug-19	11-Aug-20		31	7,219.17	1.70%
ME Bank	538407		3,000,000.00	21-Aug-19	25-Aug-20		31	4,331.51	1.70%
Westpac Group	538408	Green	4,000,000.00	22-Aug-19	26-Aug-20		31	5,367.67	1.58%
Westpac Group	538521	Green	3,000,000.00	11-Sep-19	08-Sep-20		31	4,255.06	1.67%
Westpac Group	538526	Green	5,000,000.00	12-Sep-19	22-Sep-20		31	7,134.25	1.68%
ME Bank	538533		3,000,000.00	17-Sep-19	30-Sep-20		31	4,841.10	1.90%
Rural Bank	537252		3,000,000.00	22-Oct-18	27-Oct-20		31	7,643.83	3.00%
Westpac Group	538671	Green	4,000,000.00	14-Nov-19	10-Nov-20		31	5,163.83	1.52%
Credit Union Australia	538736		3,000,000.00	19-Nov-19	17-Nov-20		31	4,153.15	1.63%
Credit Union Australia	538819		2,000,000.00	26-Nov-19	24-Nov-20		31	2,768.77	1.63%
Credit Union Australia	537426		2,000,000.00	18-Dec-18	15-Dec-20		31	5,010.96	2.95%
Newcastle Permanent Building Society	537536		2,500,000.00	11-Feb-19	09-Feb-21		31	6,263.70	2.95%

Waverley Council**Accrued Interest Report - January 2020****Accrued Interest Report**

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Credit Union Australia	537565		2,000,000.00	26-Feb-19	23-Feb-21		31	4,926.03	2.90%
Westpac Group	536715		6,000,000.00	06-Jun-18	08-Jun-21		31	16,052.06	3.15%
Bank of Queensland	538366		2,000,000.00	06-Aug-19	03-Aug-21		31	3,227.40	1.90%
Newcastle Permanent Building Society	537651		2,500,000.00	25-Mar-19	21-Sep-21		31	5,945.21	2.80%
Newcastle Permanent Building Society	537553		3,000,000.00	19-Feb-19	08-Feb-22		31	7,771.23	3.05%
Term Deposits Total						186,871.23		189,577.25	2.15%
						274,989.54		282,539.16	<u>2.14%</u>

Waverley Council

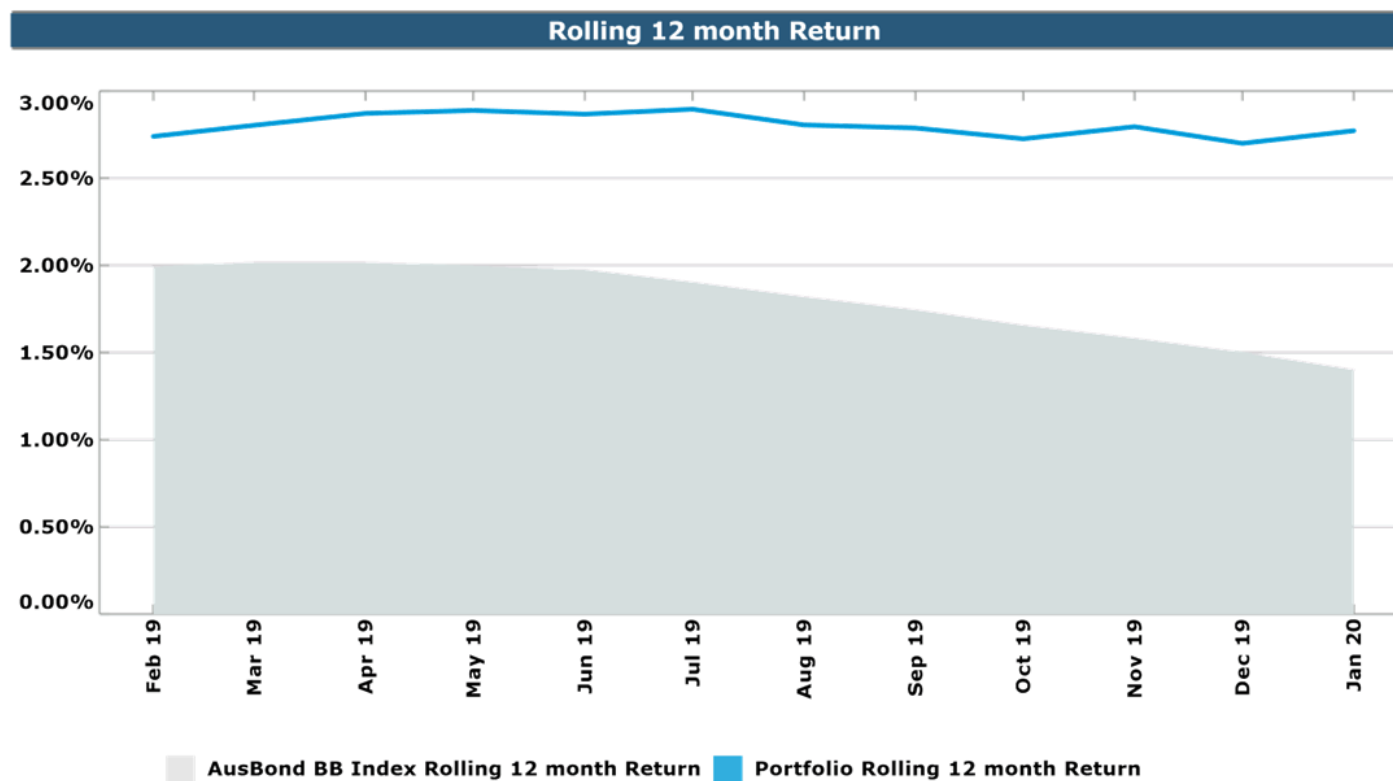
Investment Performance Report - January

**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Jan 2020	3.78%	0.96%	2.82%
Last 3 Months	2.94%	0.94%	2.00%
Last 6 Months	2.57%	0.97%	1.60%
Financial Year to Date	2.67%	1.03%	1.64%
Last 12 months	2.77%	1.40%	1.37%

Waverley Council

Investment Performance Report - January 2020

**Historical Performance Summary (actual)**

	Portfolio	AusBond BB Index	Outperformance
Jan 2020	0.32%	0.08%	0.24%
Last 3 Months	0.73%	0.24%	0.49%
Last 6 Months	1.29%	0.49%	0.80%
Financial Year to Date	1.57%	0.61%	0.96%
Last 12 months	2.77%	1.40%	1.37%

Waverley Council

Environmental Commitments Report - January 2020

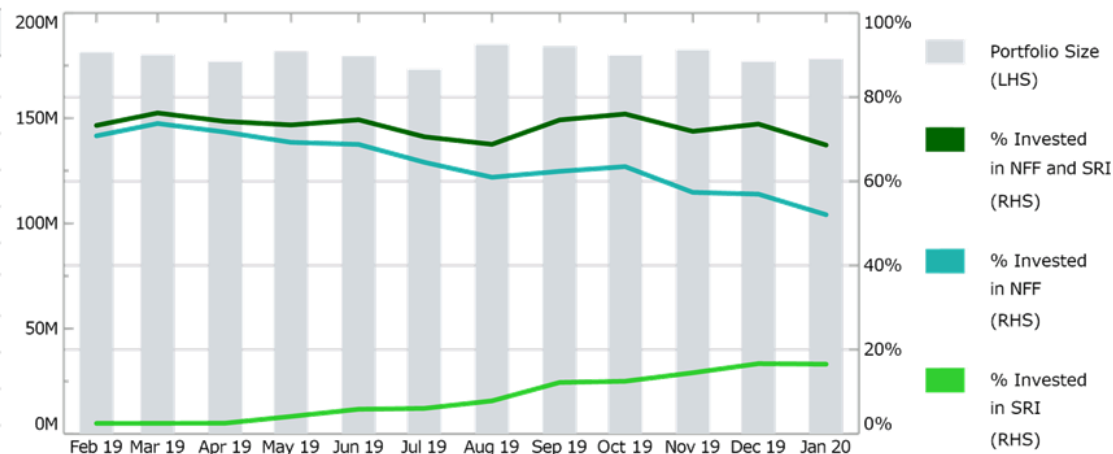


Current Breakdown

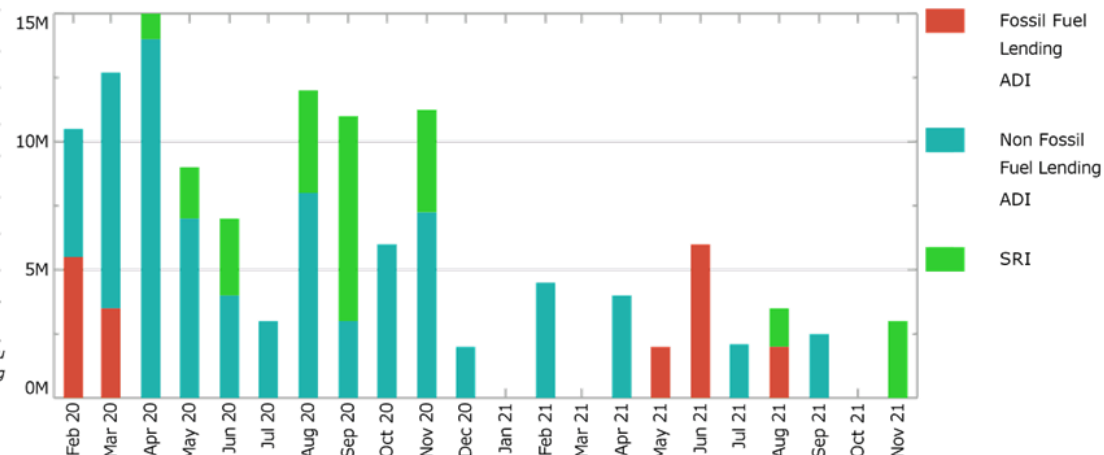
ADI Lending Status *	Current Month (\$)	Previous Month (\$)
Fossil Fuel Lending ADIs		
AMP Bank	6,000,000	6,000,000
Bank of Queensland	7,000,000	7,000,000
Commonwealth Bank of Australia	19,571,872	10,606,648
Westpac Group	8,500,000	8,500,000
	41,071,872 23.0%	32,106,648 18.1%
Non Fossil Fuel Lending ADIs		
Auswide Bank	8,000,000	13,500,000
Bendigo and Adelaide Bank	9,250,000	9,250,000
Credit Union Australia	19,200,000	21,700,000
Members Equity Bank	23,750,000	23,750,000
Newcastle Permanent Building Society	13,100,000	13,100,000
Suncorp Bank	15,000,000	15,000,000
Teachers Mutual Bank	4,500,000	4,500,000
	92,800,000 52.1%	100,800,000 56.9%
Other		
NSW T-Corp (Cash)	4,352,551	4,346,725
NSW T-Corp (LT)	10,530,868	10,258,814
	14,883,419 8.3%	14,605,540 8.3%
Socially Responsible Investments		
Bank Australia (Sustainability)	4,500,000	4,500,000
Westpac Group (Green TD)	25,000,000	25,000,000
	29,500,000 16.5%	29,500,000 16.7%
	178,255,290	177,012,188

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

Historical Portfolio Exposure to NFF Lending ADIs and SRIs

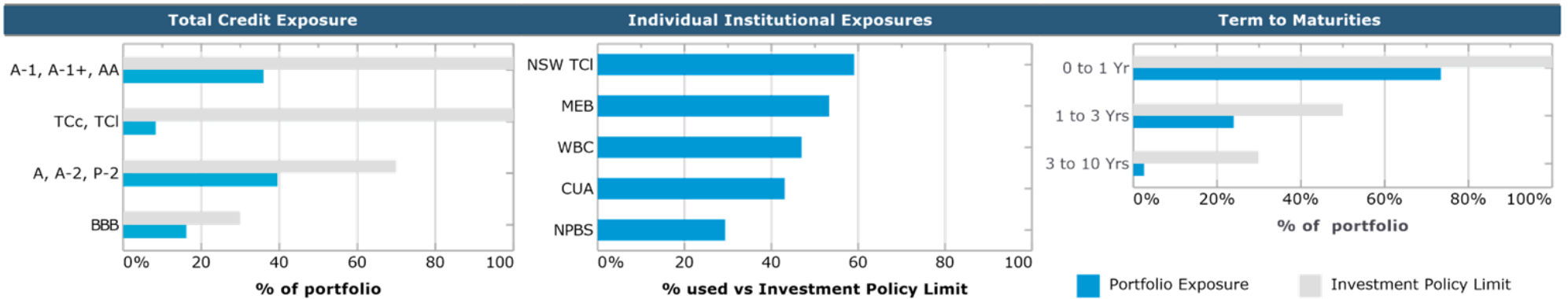


Upcoming maturities



Waverley Council

Investment Policy Report - January 2020



	Credit Rating	Face Value (\$)	Policy Max	
Short Term	A-1	11,000,000		
Short Term	A-1+	38,571,872		
Long Term	AA	14,500,000		
		64,071,872	36%	100% ✓
Short Term	TCC	4,352,551		
Short Term	TCI	10,530,868		
		14,883,419	8%	100% ✓
Short Term	A-2	58,450,000		
Short Term	P-2	8,000,000		
Long Term	A	4,000,000		
		70,450,000	40%	70% ✓
Long Term	BBB	28,850,000		
		28,850,000	16%	30% ✓
		178,255,290	100%	

✓ = compliant
X = non-compliant

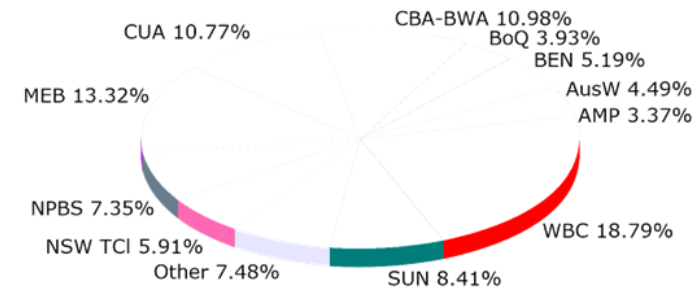
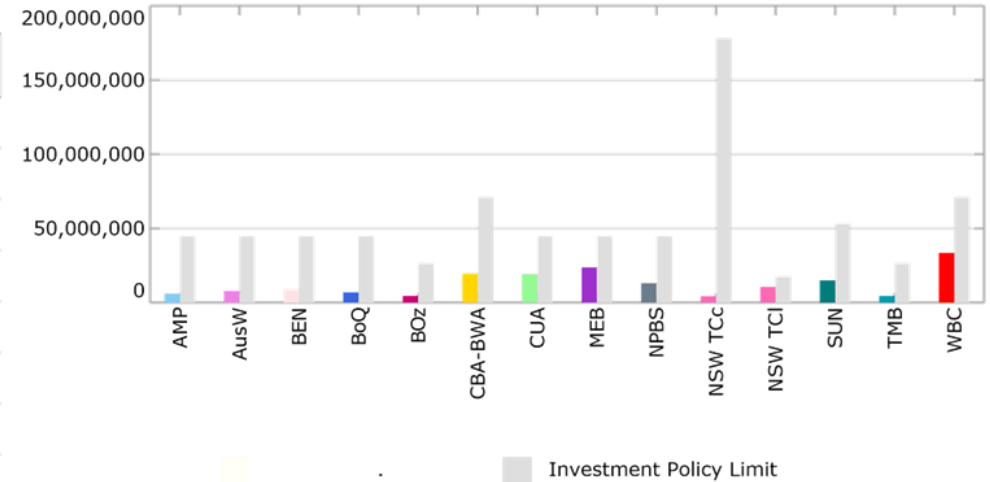
	% used vs Investment Policy Limit	
NSW T-Corp (LT) (TCI)	59%	✓
Members Equity Bank (A-2, BBB)	53%	✓
Westpac Group (A-1+, AA-)	47%	✓
Credit Union Australia (A-2, BBB)	43%	✓
Newcastle Permanent Building Society (A-2, BBB)	29%	✓
Suncorp Bank (A-1, A+)	28%	✓
Commonwealth Bank of Australia (A-1+, AA-)	27%	✓
Bendigo and Adelaide Bank (A-2, BBB+)	21%	✓
Auswide Bank (P-2, Baa2)	18%	✓
Teachers Mutual Bank (A-2, BBB)	17%	✓
Bank Australia (A-2, BBB)	17%	✓
Bank of Queensland (A-2, BBB+)	16%	✓
AMP Bank (A-2, BBB+)	13%	✓

	Face Value (\$)	Policy Max	
Between 0 and 1 Year	130,905,290	73%	100% ✓
Between 1 and 3 Years	42,750,000	24%	50% ✓
Between 3 and 10 Years	4,600,000	3%	30% ✓
	178,255,290		

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	31,455,290	18%
01. Less Than 30 Days	10,500,000	6%
02. Between 30 Days and 60 Days	12,700,000	7%
03. Between 60 Days and 90 Days	15,000,000	8%
04. Between 90 Days and 180 Days	19,000,000	11%
05. Between 180 Days and 365 Days	42,250,000	24%
06. Between 365 Days and 3 Years	42,750,000	24%
07. Between 3 Years and 5 Years	4,600,000	3%
	178,255,290	

Waverley Council**Individual Institutional Exposures Report - January 2020****Individual Institutional Exposures**

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	6,000,000	44,563,823
Auswide Bank	P-2, Baa2	8,000,000	44,563,823
Bank Australia	A-2, BBB	4,500,000	26,738,294
Bank of Queensland	A-2, BBB+	7,000,000	44,563,823
Bendigo and Adelaide Bank	A-2, BBB+	9,250,000	44,563,823
Commonwealth Bank of Australia	A-1+, AA-	19,571,872	71,302,116
Credit Union Australia	A-2, BBB	19,200,000	44,563,823
Members Equity Bank	A-2, BBB	23,750,000	44,563,823
Newcastle Permanent Building Society	A-2, BBB	13,100,000	44,563,823
NSW T-Corp (Cash)	TCc	4,352,551	178,255,290
NSW T-Corp (LT)	TCI	10,530,868	17,825,529
Suncorp Bank	A-1, A+	15,000,000	53,476,587
Teachers Mutual Bank	A-2, BBB	4,500,000	26,738,294
Westpac Group	A-1+, AA-	33,500,000	71,302,116
		178,255,290	

Individual Institutional Exposure Charts

Waverley Council

Cashflows Report - January 2020



Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
2-Jan-20	536787	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	11,803.73
<u>Deal Total</u>					<u>11,803.73</u>
Day Total					11,803.73
7-Jan-20	504013	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	16,368.03
<u>Deal Total</u>					<u>16,368.03</u>
	536004	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	5,456.01
<u>Deal Total</u>					<u>5,456.01</u>
	537600	Auswide Bank	Term Deposits	Maturity Face Value - Received	1,000,000.00
		Auswide Bank	Term Deposits	Interest - Received	22,857.53
<u>Deal Total</u>					<u>1,022,857.53</u>
Day Total					1,044,681.58
13-Jan-20	533415	Suncorp Bank	Floating Rate Note	Coupon - Received	8,358.29
<u>Deal Total</u>					<u>8,358.29</u>
Day Total					8,358.29
14-Jan-20	537637	Auswide Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Auswide Bank	Term Deposits	Interest - Received	67,906.85
<u>Deal Total</u>					<u>3,067,906.85</u>
Day Total					3,067,906.85
16-Jan-20	536513	ME Bank	Floating Rate Note	Coupon - Received	13,369.62
<u>Deal Total</u>					<u>13,369.62</u>
Day Total					13,369.62
21-Jan-20	537782	Auswide Bank	Term Deposits	Maturity Face Value - Received	1,500,000.00
		Auswide Bank	Term Deposits	Interest - Received	32,400.00
<u>Deal Total</u>					<u>1,532,400.00</u>
Day Total					1,532,400.00
24-Jan-20	538604	Credit Union Australia	Floating Rate Note	Coupon - Received	5,049.41

Waverley Council

Cashflows Report - January 2020

**Current Month Cashflows**

<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>					<u>5,049.41</u>
Day Total					5,049.41
28-Jan-20	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	6,279.11
<u>Deal Total</u>					<u>6,279.11</u>
	537562	Credit Union Australia	Term Deposits	Maturity Face Value - Received	2,500,000.00
		Credit Union Australia	Term Deposits	Interest - Received	63,706.85
<u>Deal Total</u>					<u>2,563,706.85</u>
	538616	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	10,798.03
<u>Deal Total</u>					<u>10,798.03</u>
Day Total					2,580,783.99
30-Jan-20	538331	Suncorp Bank	Floating Rate Note	Coupon - Received	10,636.08
<u>Deal Total</u>					<u>10,636.08</u>
Day Total					10,636.08
Net Cash Movement for Period					8,274,989.54

Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
4-Feb-20	538020	AMP Bank	Term Deposit	Maturity Face Value - Received	1,000,000.00
		AMP Bank	Term Deposit	Interest - Received	15,312.33
<u>Deal Total</u>					<u>1,015,312.33</u>
Day Total					1,015,312.33
6-Feb-20	536174	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	6,487.89
<u>Deal Total</u>					<u>6,487.89</u>
Day Total					6,487.89
10-Feb-20	535919	ME Bank	Floating Rate Note	Coupon - Received	12,228.90
<u>Deal Total</u>					<u>12,228.90</u>
Day Total					12,228.90
11-Feb-20	537536	Newcastle Permanent Building Society	Term Deposit	Interest - Received	73,750.00

Waverley Council

Cashflows Report - January 2020



Next Month Cashflows

<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>73,750.00</u>
	537931	Rural Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
		Rural Bank	Term Deposit	Interest - Received	36,975.34
				<u>Deal Total</u>	<u>2,036,975.34</u>
				Day Total	2,110,725.34
13-Feb-20	537940	Westpac Group	Term Deposit	Interest - Received	11,392.88
				<u>Deal Total</u>	<u>11,392.88</u>
	537941	Westpac Group	Term Deposit	Interest - Received	5,696.44
				<u>Deal Total</u>	<u>5,696.44</u>
				Day Total	17,089.32
14-Feb-20	538671	Westpac Group	Term Deposit	Interest - Received	15,324.93
				<u>Deal Total</u>	<u>15,324.93</u>
				Day Total	15,324.93
17-Feb-20	535241	Westpac Group	Floating Rate Term Deposits	Interest - Received	12,476.35
				<u>Deal Total</u>	<u>12,476.35</u>
				Day Total	12,476.35
18-Feb-20	533605	Bank of Queensland	Floating Rate Note	Coupon - Received	12,006.38
				<u>Deal Total</u>	<u>12,006.38</u>
	537971	AMP Bank	Term Deposit	Maturity Face Value - Received	1,500,000.00
		AMP Bank	Term Deposit	Interest - Received	27,285.62
				<u>Deal Total</u>	<u>1,527,285.62</u>
	538406	Bank of Queensland	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Bank of Queensland	Term Deposit	Interest - Received	26,034.25
				<u>Deal Total</u>	<u>3,026,034.25</u>
				Day Total	4,565,326.24
19-Feb-20	537553	Newcastle Permanent Building Society	Term Deposit	Interest - Received	91,500.00
				<u>Deal Total</u>	<u>91,500.00</u>
				Day Total	91,500.00
21-Feb-20	534540	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	15,047.67
		Bendigo and Adelaide Bank	Floating Rate Note	Maturity Face Value - Received	3,000,000.00
				<u>Deal Total</u>	<u>3,015,047.67</u>
				Day Total	3,015,047.67
24-Feb-20	538408	Westpac Group	Term Deposit	Interest - Received	16,276.16

Waverley Council

Cashflows Report - January 2020

**Next Month Cashflows**

<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>16,276.16</u>
Day Total					16,276.16
26-Feb-20	537565	Credit Union Australia	Term Deposit	Interest - Received	58,000.00
<u>Deal Total</u>					<u>58,000.00</u>
Day Total					58,000.00
28-Feb-20	536983	Bank Australia	Floating Rate Note	Coupon - Received	8,171.30
<u>Deal Total</u>					<u>8,171.30</u>
	537360	Westpac Group	Floating Rate Term Deposits	Interest - Received	12,908.48
<u>Deal Total</u>					<u>12,908.48</u>
Day Total					21,079.78
Net Cash Movement for Period					10,956,874.92

REPORT
CM/7.4/20.02

Subject: Fees and Charges 2019-20 - Amendment - Early Education and Care Services

TRIM No: A19/0783

Author: Annette Trubenbach, Executive Manager, Community Programs
Darren Smith, Chief Financial Officer
Emily Scott, Director, Community, Assets and Operations

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the feedback and comments summarised in this report and provided in Attachment 1 about the proposed fee increase for Council's Early Education & Care Services (EECs).
2. Adopts the fees set out in Table 2 in this report effective March 2020 to ensure that quality and cost recovery principles of centre operations can be maintained.
3. Notes that a further report on a broader service review prepared by a consultant will be outlining Council's vision and service options for early education and care in Waverley.
4. Notes that no further fee increase is proposed for 2020.

1. Executive Summary

In December, Council resolved to:

- Place on public exhibition a proposal for a \$12/day fee increase in Council's EECs for an extended period from 13 December 2019 to 31 January 2020.
- Receive a report on the results of the public exhibition period at the February Council meeting.

EECs operate on a cost recovery model. A financial review has indicated that a significant budget shortfall is expected in 2019–20. Various cost efficiency strategies are being considered to cover this shortfall and a broader service review with recommendations for service options, fee structure and enhancements will provide input into a vision for early education and care services. Keeping services accessible for local families and workers remains a high priority for Council.

The proposal is for fees to be increased from:

- \$116 to \$128 for over 3-year olds.
- \$122 to \$134 for under 3-year olds.

The proposed \$12 price increase includes the July 2020 CPI price increase and some recovery of the loss. For this reason, there will be no further fee increase in 2020. Following the proposed increase, Council EEC average price is about 3% to 8% below the market average. If endorsed by Council, the new fees will be effective from March 2020.

This proposal was placed on public exhibition from 13 December to 31 January 2020. Families in our EECs and on the waitlist received a letter outlining the proposed changes and inviting feedback via Council's Have Your Say web page. During the consultation period, 29 submissions were received representing 9.6% of the EEC families. This report summarises the feedback Council has received. A councillor workshop held on 11 February provided detailed information and commentary on centre operations and budget considerations.

2. Introduction/Background

Council has been operating children's services since the 1970s. Within the local government framework, Council plays an important role as a 'gap provider' with the key objective of delivering services particularly in areas where the market may not adequately meet local needs (for example shortage of baby places; support for children with disability; support for vulnerable families or those on low to middle incomes). This has driven service development resulting in 230 places and more than 300 families in EECs.

Revenue for EECs is received through a combination of client fees and grants. Across NSW, funding to services known as legacy funding that supported childcare operations has been cut while the costs associated with operating quality education and care services continue to increase annually. These increases are well in excess of CPI, and Council's existing fees do not cover the operational requirements of its services. Labour costs which make up the bulk of operational budgets have significantly increased and this coupled with revised internal charges has resulted in a budget shortfall.

A cost analysis by Financial Services has indicated at Q1 that the Early Education and Care Services will record a loss of over \$1 million dollars, not meeting our cost recovery target. The proposed \$12 fee increase will recover some of these losses.

The fee amendment proposal aims to ensure Council's fees remain accessible and are in line with other local service providers, adjusted to reflect recent increases in the cost of care while also remaining affordable for local families. Benchmarked against local providers, the average daily fee is currently \$139 which is above Council's current fees (\$122 for babies and \$116 for 3-5 year-olds).

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 10 December 2019	CM/7.2/19.12	That Council: <ol style="list-style-type: none"> Endorses the proposal for amended fees for Council's early education and care services to enable Council to achieve full cost recovery of services, as per the Pricing Policy. Publicly exhibits the proposed \$12 increase to early education and care service fees for the extended period of 11 December 2019 to 31 January 2020. Officers report back to Council on the results of the public exhibition at the February Council meeting.

		<p>4. Notes that, in addition to the proposed fee increase, Council officers are investigating various strategies to optimise staffing and improve efficiencies in response to emerging needs and trends.</p>
<p>Council 19 November 2019</p>	<p>CM/7.3/19.11</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory. 2. Adopts the variations to the 2019–20 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 to this report. 3. Officers report back to Council urgently on recommended fee increases for Early Education Centre services to ensure that fees recover the true cost of services.
<p>Council 20 November 2018</p>	<p>CM/7.9/18.11</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. 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)(c) of the <i>Local Government Act 1993</i>. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 2. Acknowledges the importance of Council's early education services in supporting active workforce participation, community connections and social and economic engagement in the region. 3. Continues its leadership position in the provision of children's services as a 'gap provider' of quality education and care, particularly for 0-2s, families on low to moderate incomes and children with additional needs. 4. Continues to enhance building performance, operational efficiency and educational outcomes in existing Council operated and supported services. 5. Engages a consultant to provide a

		comprehensive update and analysis of current and projected cost of care, including internal contributions, building maintenance, asset renewal and accommodation options.
		6. Notes the Community Tenancy Review would be submitted to Council in mid-2019 and will seek opportunities for further 'community hubs' which can be designed around co-located complimentary services (e.g. Family Day Care, centre based care, playgroups, occasional care, family support), continuing to support flexible, adaptable and cost efficient provision through Council's Family Day Care Scheme.

4. Discussion

For EECs, Council's fees and charges policy aims to provide cost recovery opportunities while meeting Council's statutory and community service obligations. Key principles include equitable access to facilities and services, value for money, and fairness in setting fees and charges. Historically, children's services have performed well under this formula. Provisions to meet the true cost of care are being considered in budget planning and development, partly driven by changing usage patterns and parental expectations, industry trends and labour market demands.

A cost analysis by Financial Services has indicated at Q1 that the Early Education and Care Services will record a loss of over \$1 million dollars, not meeting our cost recovery target. The proposed \$12 fee increase will recover some of these losses.

A \$12 fee increase from March 2020 is expected to result in additional revenue of \$265,000 for the remainder of 2019-20 financial year. Current and proposed EEC fees are outlined in Tables 1 and 2 below.

Table 1. Current fees 2019–20 – Early Education Centres.

Category	Unit	2019/20 Fee \$	GST	Pricing Policy
Daily fee per child for children under 3 years of age	per day	122.00	exempt	B
Daily fee per child for children 3 years of age and over	per day	116.00	exempt	B

Table 2. Proposed fees 2019–20 – Early Education Centres.

Category	Unit	2020 Fee (from March 2020)	GST	Pricing Policy
Daily fee per child for children under 3 years of age	per day	134.00	exempt	B
Daily fee per child for children 3 years of age and over	per day	128.00	exempt	B

Upon enrolment, families pay a bond fee in addition to paying fees two weeks in advance. The bond fee will be adjusted to reflect Council endorsed fees. There is no impact on the overall budget as the bond fee will be reimbursed upon families leaving the centre.

Consultation overview

At the 10 December 2019 meeting, Council resolved to publicly exhibit the proposed \$12 increase to early education and care service fees for the extended period of 11 December 2019 to 31 January 2020. The table below provides an overview of the consultation outcomes and a response to the feedback.

Council's Have a Say site recorded 44 visits and 29 submissions. With over 300 families attending Council's services, this represents 9.6% of centre users.

Overall, small fee increases were supported to cover inflation and wage increases, particularly if necessitated by building or maintenance works or other pressing priorities. However, 28 submissions expressed some concern about the impact of the fee increase on household budget and affordability of care.

One submission suggested that earlier opening times and other service offerings should be provided. The request for earlier opening hours was echoed by many others as was the inclusion of some extracurricular activities in the daily fee. Families see the proposed fees as comparable to some other local providers who already offer these benefits.

Issues raised during consultation	Feedback on issues
Size of the proposed increase is excessive and making fees unaffordable for many families.	<ul style="list-style-type: none"> Council fee increases over last few years have not kept pace with increasing cost operations Labor costs have increased by \$1.34 million in last 4 years but revenue only by \$820K Fees will be 3% to 8% below other LGA providers (including not for profit and for profit centres).
A sudden fee increase penalizes working families and together with cutting out nappies runs counter to Council's commitment of valuing and supporting families.	<ul style="list-style-type: none"> Council is committed to continue its extensive support for families which includes EECs, Family Day Care, a family support service and other family focused programs and events. Council has provided adequate notice of the increase to all impacted and likely impacted families (families received information about the proposal from 13 December 2019).
Council's rationale & financial analysis is "not transparent or sound". The rationale of not for profit Council centres having to be "price competitive with other local service providers non-subsidised" is a false argument. It does not seek to generate a return on its investment and so it should not be seeking price neutrality with profit making ventures.	<ul style="list-style-type: none"> Council is not seeking to run EECs at a profit Council applies a cost recovery model to the operations of EECs Fees will remain 3-8% below local average
Council is in a profitable financial position. It should	<ul style="list-style-type: none"> Council does not make a profit

measure the community benefits of these services, not seek a return on investment.	<ul style="list-style-type: none"> • Pricing Policy for EECs is based on full cost recovery • The proposed pricing adjustment moves us toward cost recovery
New families who have enrolled in December and January budgeting for current fees are given very little notice and time to adjust their household budgets.	<ul style="list-style-type: none"> • Council has provided adequate notice of the increase to all impacted and likely impacted families (families received information about the proposal from 13 December 2019).
Increase particularly impactful for families with multiple children in care and for single parent families, even on a part time basis.	<ul style="list-style-type: none"> • Proposed fees remain 3% to 8% below other providers
Many families can't claim subsidy as the cap is already reached with current fees leaving a gap and out of pocket expenses.	<ul style="list-style-type: none"> • Subsidy caps relate to family income • With fee increase, Waverley EECs remain 3% to 8% below other providers
The increase is not aligned to the current Australian cost of living index published by The Australian Bureau of Statistics, a 10% per day increase appears unjustifiable.	<ul style="list-style-type: none"> • Costs with running EECs not aligned with CPI • Over the last 5 years EEC fees have increased an average of 4.5% per annum

Operational considerations

As previously reported, the cost of care has been increasing well above the CPI. Fees have not kept pace with these changes and Council's requirements of meeting regulations and standards. In order to minimise impacts on families, Council has been able to absorb these increases for quite some time. Key drivers are changed usage patterns by families over a longer day resulting in increased staffing, changing regulatory requirements in NSW, and labour shortages in the Eastern suburbs.

Income generated by fees need to be raised to support operations, with around 80% of budget made up of staffing costs. This happens at a time when government funding is being reduced substantially, eroding the funding base that Council has been relying on for financial contributions to service delivery.

Within this context, Council acknowledges that the proposed fee increase of \$12 is substantial, with new fees of \$134 for babies and \$128 for 3-5-year-olds. However, Council's fees will remain below the average local fee of \$139 which includes both private and not for profit operations.

Moving forward - Children's services improvement program

Mitigating potentially adverse impacts, a broader service review undertaken by an external consultant will articulate a vision for early education and care services and consider service options, operational efficiencies and pricing, optimal staffing and quality enhancements. Some of the suggested improvements that have emerged are:

- Earlier opening time.
- Breakfast for children starting early.
- Integration of some extracurricular activities in daily fees.
- A strong focus on communicating educational program and practice.
- Improvements to facilities.

There is also scope for innovation and improvements and Council officers are already developing strategies for greater efficiencies and quality enhancements. Traineeships have been re-established in each of the

centres to help meet ratios, support workforce development and contain costs. Families have expressed a keen interest to become involved in discussions about the future of children's services and Council officers can facilitate greater engagement about future strategies and actions that strengthen education and care services.

5. Financial impact statement/Time frame/Consultation

A \$12 fee increase from March 2020 is expected to result in additional revenue of approximately \$250,000 for the remainder of 2019–20 financial year.

The fee proposal was advertised widely, sent to current and potential future families on Council's waitlist and placed on public exhibition from 13 December 2019 to 31 January 2020. If endorsed by Council, the fee increase is likely to be implemented in March 2020.

In addition to the fee proposal, Council has also received survey responses from families in November that provided important information about current parental and carer's attitude, preferences and expectations.

6. Conclusion

This report seeks endorsement of a \$12 fee increase in March 2020 in Council's EECs.

Feedback was received from 9.6% of centre users. Overall, families acknowledge the need for Council to increase fees. However, some comments expressed concern about what is perceived as a sudden increase.

Council's EEC fees have been kept low and have not sufficiently kept pace to cover increased costs. If endorsed, the proposed fees would still be below the average local daily fee of \$139 in the Waverley LGA. The increase will assist in addressing the current projected budget shortfall caused primarily by increased staffing costs. Consultancy input into a broader early childhood strategy for Waverley's children and family services will articulate a vision for strong and sustainable services.

7. Attachments

1. Survey responses [↓](#)
2. Parent feedback

Attachment 1**Proposed Changes to Early Education and Care Services Fees and Charges
Have Your Say - Waverley Council****Survey Responses received from 13 December 2019 to 31 January 2020****VISITORS 44, CONTRIBUTORS 29, RESPONSES 29**

I have reviewed the report and feel that the size of the proposed increase and the Council's reasoning for it does not seem fair, not very transparent and it is based on some flawed arguments.

The first sentence on the Children & families section of the council's website states that the "Council values and supports families", yet this proposed increase, coupled with the intention to require families to provide their own nappies runs against that statement. With the implementation of the increase also proposed to be accelerated from its usual July date, it does look like the Council is penalising working families on multiple fronts in the same year.

The Agenda document states that part of the reason for the increase is to become "price competitive with other local service providers non-subsidised". Aiming to have non-profit council administered EECs be price competitive with 'for profit' EEC businesses is a false argument. The Council exists to support its rates payers and community, not the other way around. It does not seek to generate a return on its investment and so it should not be seeking price neutrality with profit making ventures. The Council makes many expenditures with no financial return, such as \$400k community grants or spending millions on various road markings - the council should be measuring the benefit of its services to the community not to other businesses' financials. If the council is so concerned that rates payers are subsidising the EECs, why are Waverley Council rates payers not provided with waitlist priority to the Centres? That would at least provide a nexus between rates payers and the subsidies.

The financial analysis provided to support the increase is not very transparent nor sound. While it should not be comparing its pricing to profit making businesses, in making that comparison it is using prices of centres with much higher vacancy rates than its own very low vacancy rate. Those businesses must charge more per child given their higher vacancies to generate a profit for their owners. This skews the comparison rate higher than it would if they had equivalent vacancies. As well, the for-profit centres often offer longer hours

for the fees they charge, so its not an equivalent comparison.

On transparency, what forms part of "Other Expenses" and "Indirect Expenses"? These costs more than cover the purported losses yet no information is provided about them. Why is it that only a price increase is proposed but no tangible options are provided for cost reductions? The Council spends funds on many things such as grants, road works, parks, etc - why is subsidising childcare discriminated against while other activities receive funding?

While some increases may be necessary, i do think the Council should considers its stated intention to support families, and mitigate the increase as much as possible. It would preferable to implement any increases over a number of years rather than just two - especially given the variability in the cost base - the largest increase was only in 2018/19 and some of this may only be temporary (eg. one-off repairs on EECs; unusually large group of carers taking maternity leave).

In order for the public/stakeholders to understand the proposed fee increases for the Waverley Council Early Centres I believe more transparency of the budgets is required. Are improvement works to centres included in the budgets and therefore part of the increase the council is expecting to recoup through fee increases? To date Parents have not been given information/or asked for feedback regarding the estimated costs involved with improvement works. If this will impact future fees, parent/carers agreement should be gained before the works go ahead.

One of the main reasons that the council services are more attractive than private services is the significant difference in fees. If the fees become more comparable, than negative aspects of the council service could become a disincentive for parents looking for childcare. These include the shorter hours - 8am till 6pm, where a lot of private services open from 7am or 7.30am till 6pm as well as the set combination of days that you must attend at a council service, this is generally more flexible with private services - some will allow even single days of care per week to ensure their centres are running at full capacity.

Each July the fees have increased, and it is expected that there will be an increase July 2020 as well. I do believe it is unreasonable to bring this forward to March 2020 to recoup losses, particularly with the \$12 per day increase. Families are already being penalised with the council no longer providing nappies, at an approximate saving of \$30,000 per year. The increase per day is actually higher once you take this into account (for children in nappies), along with the inconvenience of having to remember to bring nappies each day and label them.

The council services are not for profit and therefore it is not a just comparison when comparing against privately run for profit centres. The council childcare services are supposed to support local families within the community, and should also be prioritising rate paying families for placement rather than families outside of the council area. Private childcare centres often provide care for longer hours and therefore should be more expensive than an equivalent council service. This also means that comparing Waverley EEC fees to

other Centres is not a fair comparison.

I do agree that a small fee increase is reasonable on an annual basis to cover inflation and staff wage increases. Any additional increases to fees over and above this should request community feedback, providing more transparency over the budget breakdown and looking at ways to mitigate increases to families. Potentially looking at splitting increases across several years to recoup costs would be more supportive to families, or only increasing fees temporarily to cover any one-off costs the centres incur – ie. High maternity leave costs, one off improvement works.

I feel this is a large increase and is getting close to the private facilities charges. The care is great at the council facilities however the charges should not be as high as the private facilities when there are many differences, namely the facilities are of very different standard, sheets/nappies/fruit are all included at the private facilities, private facilities also provide extracurricular activities within the fees as well.

Please find comments in attached doc.

Kind regards,

Many families would find an increase in fees of over 10% unaffordable - many are already struggling to achieve weekly budgets. Introducing the increase gradually over 2-3 years is much fairer.

This fee increase is unjustified, there was recently a fee increase less than 6 months ago and come January 2020 centres will no longer be providing nappies furthering the cost savings to the centre and thus increasing costs to the parents.

This proposed increase will only increase financial pressure on families.

While it is understandable that costs go up, this increase is disproportionate to CPI and I feel it is unreasonable to make such a large jump in one go. For example, we have 2 kids in the centre which means an extra \$24 a day and at 3 days a week almost \$300 a month more. My wife's salary only just covered the previous fees but now we will be out of pocket as a result of the increase.

It would be appreciated if you can take into account CPI is in fact ~3 % and these increases are over 10% and look to spread out the

increases over a more reasonable period.

Thanks for your consideration.

The suggested fee change is a lot more than the CPI. The fees should have been planned better in advance and it's not fair to the families that poor planning and preparation now results in higher fees for them. Daycare is way too expensive already at the current price especially as Sydney is such an expensive city to live in. Finland offers daycare for a month (20 days) for the same price we pay for two days here so cheaper daycare is doable if there's will.

If you compare the fees we were paying in July 2017 \$106 (over 3 years old) and the proposed fees now at \$128 => that represent an increase of 21% over 3 years!!!

CPI is around 2% every year and the average salary grow on average by 2.2% in NSW the last 3 years (Australian government source)

You already have implemented costs savings actions by removing nappies, not buying any new furniture, not retaining your experienced/talent staff

That's why that proposed increase is from my point of view too high

Firstly - I think the care provided is great and I have filled in the survey recently to express that view.

Please don't relate \$12 to CPI. CPI is running around 2% so it can't be blamed for this price increase. Please also explain exactly what data is being used for "3-7% below market average" rather than just quoting a comparison website.

We were just sluggish with a fee increase only a couple of months ago so I'd prefer if this increase started in July 2020.

Also - If we are paying up, the opening times should begin at 730am instead of 8am. As you are comparing the cost to "other local service providers nonsubsidised for competitive neutrality" you should also compare the times that these centers are open. Most, if not all, open at 730am if not 7am. Plus that way I can work the extra time needed myself to pay off this increased cost.

Thanks

I am a little disappointed that the fees will be going up by that much and would prefer it it did not go ahead .I totally support bringing in nappies to save money but now with the fees increasing by that much at the same time it feels a little much all in the one go. We have been at the centre a long time and the fees have increased quite a lot over the years already. This increase feels particularly irksome given the disappointing director service we have had from the centre over the last couple of years where we have been let down a number of times and believe that the priority is not the children. Therefore, I worry that this increase is not for the good of the kids at all. HOWEVER I cannot stress how much the care, professionalism and commitment of the team of educators at the centre means to us and if this means they get the extra money then at least I feel that is going where it should go.

Please see attachment for our detailed feedback and suggestions re the child fees increment.
Thank you for taking our feedback into consideration.

Comment omitted

I believe the increase is way too important in one go.
I'd be ok if the fee was increasing by 1 or 2 dollars but definitely not 12 dol... this is too much in one go.

I think the proposed fee increase is unnecessarily excessive. As parents we expect the annual CPI increase of 3%, but not a 10% increase. Especially not in one hit. I also understand that this increase would not be covered by the existing government subsidies. I am a single parent of two children (one not in daycare). This would mean almost an additional \$100 a fortnight I would be out of pocket. It's an outrageous increase.

I also understand that overall, the Council is in a profitable financial situation. Even if you have had increased expenses in certain areas (which perhaps require an internal review), overall the council is profitable and therefore do not need to charge parents more than the expected annual CPI increase.
cheers

Childcare fees should increase in line with CPI percentages or maximum at 2x the CPI rates of 1.6% to avoid putting families under financial pressure.

Costs can be reduced or potentially there could have been one off expenses in 2019 that resulted in a loss for the childcare function of the Council.

The Council still maintains a healthy financial position and operates a non for profit childcare service.

Increases will not be covered off by government subsidies since the hourly cap has been exceeded with current fees, therefore leaving parents to cover any increases completely out of pocket.

As parents of multiple children in the centres we request that any increases are undertaken progressively (eg. \$5 this year and \$5 next if losses continue) and with sufficient notice considering childcare costs is one of the biggest expenses for working parents of young children.

Our family is supportive of the proposed fee increase as the Gardiner Centre is fabulous. However the operating hours are too short. An increase in the morning by 30 mins, opening at 7.30am is more suitable for working parents. Thanks

Childcare fees should increase in line with CPI percentages or maximum at 2x the CPI rates of 1.6% to avoid putting families under financial pressure.

Costs can be reduced or potentially there could have been one off expenses in 2019 that resulted in a loss for the childcare function of the Council.

The Council still maintains a healthy financial position and operates a non for profit childcare service.

Increases will not be covered off by government subsidies since the hourly cap has been exceeded with current fees, therefore leaving parents to cover any increases completely out of pocket.

As parents of multiple children in the centres we request that any increases are undertaken progressively (eg. \$5 this year and \$5 next if losses continue) and with sufficient notice considering childcare costs is one of the biggest expenses for working parents of young children.

Please see attached our feedback on the proposed changes to the daycare fees. The increases are well above the rate of inflation and believe that this should be done over a longer period of time, as this will put significant financial strain on our family and others.

Hi!

I would like to take this opportunity to respond to the \$12 (10%) increase in fees that were proposed.

This increase would impact the financial situation of our family immensely.

My understanding is that there was an increase just 6 month ago.

The 10% increase in one hit would be a big impact for our family and is not in line with expectations of parents or CPI increases.

Please also consider the cuts on nappies in 2020 that will increase the cost for families.

Furthermore we do pay for extracurricular activities (e.g. Yoga, music, animal visits etc) and donations on a regular basis plus provide fruit for the kids on a daily basis.

All these extra expenses are adding up over the month and considering those the current costs are not that low compared to the market average.

My understanding is that the increase will not be covered off by government subsidies since the hourly cap has been exceeded with current fees, therefore leaving parents to cover any increases completely out of pocket.

Please consider that childcare fees should increase in line with CPI percentages or maximum at 2x the CPI rates of 1.6% to avoid putting families under financial pressure. To put this into perspective: We currently don't have the funds to move into a 3 bedroom apartment (from a 2 bedroom) with our 2 kids which equals roughly the amount of the proposed increase in fees for us.

For further arguments and a cost breakdown of the council childcare please see the attachment.

The increase should be gradual. \$16 extra per day per child in one fell swoop does not encourage a full work force, which is the state government's objective. It should not be more than \$4 increase a year.

Please see comments attached, which echo the views of many parents with multiple children enrolled at the council centres.

Unreasonable to propose fee increases of this magnitude, along with other costs which are passed on to parents (eg BYO nappies), with parents having no opportunity to explore other options, given places at other centres have already been filled for 2020.

I understand the need for an increase but \$12 a day is quite substantial particularly without knowing any benefits to parents and children.

We are at WEEC and I would suggest earlier start time of 7-7.30am for an extra \$12 per day per child and provide breakfast perhaps.

Also, a more structured pre-school program.

They've taken away the provision of nappies from this year for the younger babies and asking for an increase of \$12 per day now.

I'd just like to see some improvements for staff, parents and children for this large increase.

Thank you.

I do not support the childcare fee increases for the following reasons:

- * The increase is a large increase and it is effective immediately. Parents planning for childcare use fees as a determinant and childcare waitlists have long wait times. Therefore it is unreasonable for parents who have accepted places at a Waverley run centre to be notified just before the new year that their fees will increase substantially effective immediately.

- * It is evident that the expenses have increased significantly by \$1.3m (16%) in 2019. All efforts should be made to reduce costs in the first instance.

- * An increase in CPI would be a more acceptable approach than a sudden increase of \$12 per child per day. This approach would also allow families to adjust their budgets progressively.

Waverley Council is currently proposing a \$12 increase per child per day to cover off losses in the 2019 financial year.

We have taken the time to better understand the financial situation of the centres and propose solutions that can be agreed by all parties.

A \$12 increase for all children would raise approx \$676K for the Council. However it is an increase of nearly 10% in fees which is not in line with expectations of parents or CPI increases.

We can also argue that there are other areas where cuts have been made such as non-provision of nappies for children, which will increase the costs for parents, and that none of this fee increases would be covered by the existing government subsidies due to the hourly caps that have already been exceeded with the existing fees.

The 2019 Financial loss is the child care services function. The council is in a profitable financial position

Source: Page 16 of audited 2019 financial statements

While the childcare services function shows a loss of 988K the Council which should be considered as an entity as a whole is in a profitable overall position at 7.5M.

The childcare income is made up of 3.855K from grants and 3.880K from fees. We can see in note 3 that income from fees has decreased from the year before when it was 4.304K.

Why has it decreased? Fees haven't been reduced so does this mean the centres weren't running at full capacity in current year? It would be unusual as there is a large waitlist both internal and external to get in the centre. There is then a potential to recoup at least 424K just by getting to the previous year's fees from daycare services which should be achievable at the current rate.

Source: page 20 of audited financial statements

Expenses have increased by 16% between 2018-19 (\$1.2million)

While there isn't a breakdown of operating expense for daycare services it is evident that the expenses have increased significantly from 7.5M in 2018 to 8.7M in 2019. What are the reasons for this steep increase in costs =16%? Understandable staff will be paid at a higher rate and costs in general will increase with inflation but 2% would be normal for a CPI increase so this doesn't explain the remaining 13% increase. We would suggest a thorough review of the 2019 expenses to decrease these to 7.7-8M so that the centres can recoup their costs with the current fees +CPI.

An increase of CPI would result in approx \$2.3 more per child per day. Assuming an increase in fees of \$5 per child would allow the Council to raise \$281K more. This would be a more acceptable approach than a sudden increase of \$12 per child per day considering that none of this increase would be covered by the current government subsidies due to their hourly caps. This approach would also allow families to adjust their budgets progressively.

Mill hill Waverley EEC Gardiner Bronte

Approved places 52 71 56 51

increase of \$5

\$1,300 \$1,775 \$1,400 \$1,275

weeks in the year 49

\$63,700 \$86,975 \$68,600 \$62,475 \$281,750 <- increase in income at \$5 increase per child per day

Conclusion

Childcare fees should increase in line with CPI percentages or maximum at 2x the CPI rates of 1.6% to avoid putting families under

financial pressure.

Costs can be reduced or potentially there could have been one off expenses in 2019 that resulted in a loss for the childcare function of the Council.

The Council still maintains a healthy financial position and operates a non for profit childcare service.

Increases will not be covered off by government subsidies since the hourly cap has been exceeded with current fees, therefore leaving parents to cover any increases completely out of pocket.

As parents of multiple children in the centres we request that any increases are undertaken progressively (eg. \$5 this year and \$5 next if losses continue) and with sufficient notice considering childcare costs is one of the biggest expenses for working parents of young children.

Dear Sir/Madam, this is our first week with the Waverley EEC and we really like it. However, we were not informed about the proposed price change before we moved our daughter from another centre. I do not believe that \$12 are a valid increase given we bring Fruits, formula (if needed), nappies etc. every morning. I'm not sure if I would have changed as everything was included with our previous child care centre which was a non profit centre as well.

We and I'm confident other parents as well would appreciate your consideration of either non or a lower price increase.

Thank you very much!

No fee increase - \$134 is creeping into the cost of private/ not-for-profit daycare options that are often better equipped and more modern. This decreases the appeal of council centres

Many of us who use the centre are not receiving a CPI increase in our salaries and do not receive all the benefits that council staff receive. This increase makes a big difference to families with tight budgets and I strongly oppose it. I resent the lack of appreciation shown by the proponents of this hike, for the challenges faced by many of the families using the centre. On top of this you now also ask us to bring in our own nappies, which aside from the cost, is quite simply an irritation and totally inefficient for everybody involved. Are you serving the community or not!?

I think a little surprising considering there was also an increase last month and we now need to provide nappies too.

With 2 children the difference is quite significant

Attachment 2

Proposed Changes to Early Education and Care Services Fees and Charges

Parent feedback

(Four submissions included this attachment as part of their feedback)

Waverley Council is currently proposing a \$12 increase per child per day to cover off losses in the 2019 financial year.

As parents who currently have more than one child enrolled in the centre we have taken the time to better understand the financial situation of the centres and propose solutions that can be agreed by all parties.

A \$12 increase for all children would raise aprox \$676K for the Council. However it is **an increase of nearly 10% in fees which is not in line with expectations of parents or CPI increases.**

We can also argue that there are other areas where cuts have been made such as **non-provision of nappies for children, which will increase the costs for parents, and that none of this fee increases would be covered by the existing government subsidies** due to the hourly caps that have already been exceeded with the existing fees.

The 2019 Financial loss is the child care services function. The council is in a profitable financial position

Annual Financial Statements

16 / 106

Notes to the Financial Statements
for the year ended 30 June 2019

Note 2(a). Council functions/activities – financial information

Income, expenses and assets have been directly attributed to the following functions or activities.
Details of those functions or activities are provided in Note 2(b).

\$ '000	Income from continuing operations		Expenses from continuing operations		Operating result from continuing operations		Grants included in income from continuing operations		Total assets held (current and non-current)	
	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018
Functions or activities										
Asset Management Services	15,534	17,589	26,948	26,958	(13,414)	(9,369)	4,537	1,479	321,188	321,934
Beach Services, Maintenance & Safety	438	655	6,304	5,574	(5,866)	(4,919)	2	4	278	286
Cemetery Services	1,489	1,256	1,551	1,270	(62)	(14)	47	49	49,849	49,697
Child Care Services	7,760	7,398	8,748	7,551	(988)	(153)	3,854	3,049	6,355	6,573
Community Services	552	665	1,898	1,883	(1,346)	(1,218)	228	384	161,027	160,953
Corporate Support Services	53,487	52,032	10,773	11,990	42,714	40,042	1,717	1,937	71,064	69,659
Cultural Services	727	573	4,307	4,043	(3,580)	(3,470)	–	1	–	–
Customer Services & Communication	19	1	1,016	1,281	(997)	(1,280)	–	–	–	–
Development, Building & Health Services	11,147	13,612	11,543	9,943	(396)	3,669	–	176	16,995	15,658
Emergency Management Services	42	38	243	214	(201)	(176)	–	–	986	1,029
Environmental Services	606	619	1,979	2,175	(1,373)	(1,556)	298	367	584	731
Governance, Integrated Planning & Community Engagement	3	8	4,317	4,850	(4,314)	(4,842)	–	5	–	–
Library Services	242	281	3,967	3,618	(3,725)	(3,337)	175	226	39,597	39,891
Parking Services	25,458	26,140	10,606	9,972	14,852	16,168	–	–	13,811	13,338
Parks Services & Maintenance	109	112	7,656	7,757	(7,547)	(7,645)	–	–	173,300	172,331
Place Management	586	630	641	689	(55)	(59)	–	–	–	–
Recreation Services	–	18	775	428	(775)	(410)	–	13	262	277
Regulatory Services	366	1,006	1,452	1,276	(1,086)	(270)	–	–	–	–
Social & Affordable Housing	1,009	984	1,843	1,838	(834)	(854)	–	–	50,494	51,307
Traffic & Transport Services	–	–	20	10	(20)	(10)	–	–	42,426	42,078
Urban Open Space Maintenance & Accessibility	626	537	4,472	4,188	(3,846)	(3,651)	–	–	318,469	318,264
Waste Services	20,837	19,959	20,478	19,492	359	467	–	95	14,810	12,004
Total functions and activities	141,037	144,113	133,537	127,000	7,500	17,113	10,858	7,785	1,283,495	1,276,010

Source: Page 16 of audited 2019 financial statements

While the childcare services function shows a loss of 988K the Council which should be considered as an entity as a whole is in a profitable overall position at 7.5M.

The childcare income is made up of 3.855K from grants and 3.880K from fees. We can see in note 3 **that income from fees has decreased from the year before when it was 4.304K.**

Why has it decreased? Fees haven't been reduced so does this mean the centres weren't running at full capacity in current year? It would be unusual as there is a large waitlist both internal and external to get in the centre. There is then a potential to recoup at least 424K just by getting to the previous year's fees from daycare services which should be achievable at the current rate.

Note 3. Income from continuing operations (continued)

\$ '000	2019	2018
(b) User charges and fees		
Specific user charges		
<small>(per s.502 - specific 'actual use' charges)</small>		
Waste management services (non-domestic)	3,127	3,407
Total specific user charges	3,127	3,407
Other user charges and fees		
(i) Fees and charges – statutory and regulatory functions (per s.608)		
Planning and building regulation	2,763	2,717
Section 10.7 certificates (EP&A Act)	181	216
Section 603 certificates	101	115
Hoarding/crane permits	2,524	1,326
Total fees and charges – statutory/regulatory	5,569	4,374
(ii) Fees and charges – other (incl. general user charges (per s.608))		
Cemeteries	1,383	1,189
Child care	3,880	4,304
Leaseback fees – Council vehicles	139	135
Park rents	301	513
Restoration charges	406	181
Admission and service fees	401	337
Bus shelter fees	1,392	1,411
Car parking fees	5,331	5,815
Car parking meter income	10,759	11,222
Road opening permits	620	186
Temporary truck zone permit	1,795	1,595
Other	1,341	906
Total fees and charges – other	27,748	27,794
TOTAL USER CHARGES AND FEES	36,444	35,575

Source: page 20 of audited financial statements

Expenses have increased by 16% between 2018-19 (\$1.2million)

While there isn't a breakdown of operating expense for daycare services it is evident that the expenses have increased significantly from 7.5M in 2018 to 8.7M in 2019. What are the reasons for this steep increase in costs =16%? Understandable staff will be paid at a higher rate and costs in general will increase with inflation but 2% would be normal for a CPI increase so this doesn't explain the remaining 13% increase. **We would suggest a thorough review of the 2019 expenses to decrease these to 7.7-8M so that the centres can recoup their costs with the current fees +CPI.**

An increase of CPI would result in aprox \$2.3 more per child per day. Assuming an increase in fees of \$5 per child would allow the Council to raise \$281K more. This would be a more acceptable approach than a sudden increase of \$12 per child per day considering that none of this increase would be covered by the current government subsidies due to their hourly caps. This approach would also allow families to adjust their budgets progressively.

	Mill hill	Waverle y EEC	Gardin er	Bronte	
Approved places	52	71	56	51	
increase of \$5	\$1,300	\$1,775	\$1,400	\$1,275	
weeks in the year	49				
	\$63,700	\$86,975	\$68,600	\$62,475	\$281,750
					<- increase in income at \$5 increase per child per day

Conclusion

Childcare fees should increase in line with CPI percentages or maximum at 2x the CPI rates of 1.6% to avoid putting families under financial pressure.

Costs can be reduced or potentially there could have been one off expenses in 2019 that resulted in a loss for the childcare function of the Council.

The Council still maintains a healthy financial position and operates a non for profit childcare service.

Increases will not be covered off by government subsidies since the hourly cap has been exceeded with current fees, therefore leaving parents to cover any increases completely out of pocket.

As parents of multiple children in the centres we request that any increases are undertaken progressively (eg. \$5 this year and \$5 next if losses continue) and with sufficient notice considering childcare costs is one of the biggest expenses for working parents of young children.

REPORT
CM/7.5/20.02

Subject: Public Art Committee Membership

TRIM No: A18/0141

Author: Matthew Fallon, Manager, Cultural Programs

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council appoints the following resident members to the Waverley Public Art Committee for a term of two years:

1. Steven Thomson.
2. Max Lyandvert.
3. Jerome Harris.
4. Jennifer Cook.
5. Alexander Georgouras.
6. Kimberley Crofts.
7. Rohan Hawthorn.
8. Liane Rossler.

1. Executive Summary

Council made a public call through an expression of interest (EOI) process for residents of the Waverley local government area (LGA) to join the Waverley Public Art Committee (PAC). The Councillor Committee members of the PAC conducted a selection process to determine the recommendation of eight resident committee members.

2. Introduction/Background

Council established a Public Art Committee in 1992. In December 2017, the current Terms of Reference for the Waverley Public Art Committee were adopted by Council.

The PAC attracts residents from a range of backgrounds relevant to public art who volunteer their time to be members of the PAC. The breadth of skills available to the committee through its membership is of a high standard.

Through its deliberations, the committee aims to foster the ongoing development of quality, diverse and creative public art and visual art so as to enhance public access and experience of the arts. It selects and develops public art works that serve as important markers reflective of our heritage and cultural identity.

The committee aims to involve the community through informing and promoting public art and visual arts programs.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services 10 April 2018	OC/5.3/18.04	That Council appoints the following members to the Waverley Public Art Committee for a term of two years: <ul style="list-style-type: none"> • Alexandra Bowen. • Claire Edwards. • Isabelle Toland. • Joni Taylor. • Sam Marshall. • Sylvia Hrovatin. • Willa Stanton. • Charles Clapshaw. • Ian Shadwell (on reserve). • Liane Rossler (on reserve).
Council 12 December 2017	CM/7.10/17.12	That Council: <ol style="list-style-type: none"> 1. Adopts the Terms of Reference for the Waverley Public Art Committee attached to this report. 2. Calls for expressions of interest for new committee members to be appointed for the period March 2018 to February 2020.

4. Discussion

Expressions of Interest were invited from residents of the Waverley LGA in November/December 2019 for new members of the PAC for the term of March 2020–February 2022. The EOI was advertised in Waverley Council's Social Media, the Arts and Culture e-news and via Waverley Council's web site.

In response, 11 submissions were received.

The Terms of Reference of the Committee specify that the Committee includes up to eight Waverley residents with up to a further four reserve resident Committee members.

These submissions were reviewed and considered by the Chair of the Public Art Committee, Cr Paula Masselos (Mayor), along with Cr Elaine Keenan (Deputy Mayor) and Cr Angela Burrill. The recommended appointments have been made with consideration to the skills and expertise required of the Committee as outlined in Terms of Reference and are as follows:

- Steven Thomson.
- Max Lyandvert.
- Isabelle Toland.
- Jerome Harris.
- Jennifer Cook.

- Alexander Georgouras.
- Rohan Hawthorn.
- Liane Rossler.

The biographies of the recommended appointments are attached to this report.

5. Financial impact statement/Time frame/Consultation

The operation of the Waverley Public Art Committee requires Councillor, volunteer and staff time and a small expenditure for basic catering. Otherwise, there is no direct financial impact on Council's budget.

Subject to Council approving the resident membership for the Public Art Committee at this meeting, the first meeting of the Committee with the newly appointed resident members is scheduled for Monday, 23 March 2020.

The resident members of the Committee will be engaged for a two-year term.

6. Conclusion

Council is requested to appoint resident members of the Waverley Public Art Committee for the term March 2020–February 2022.

7. Attachments

1. Public Art Committee appointments - Biographies

Waverley Public Art Committee Appointments 2020-2021 Biographies

Steven Thomson

Steven has more fifteen years' experience designing and assessing public funding programs in the arts and heritage sectors. Alongside his corporate strategy and program design responsibilities at the Australia Council, Steven has chaired peer assessor meetings for Australia Council funding. Steven has chaired meetings across a wide range of art forms including the visual arts, community arts and cultural development, literature, dance, theatre, music and experimental arts.

Steven has worked in the heritage sector of the United Kingdom where he worked closely with the arts and culture sector to promote public engagement. Steven worked on included outreach programs of Tate Modern, The Serpentine Gallery, Design Museum and the Victoria and Albert Museum.

Max Lyandvert

Max Lyandvert is an award winning composer, theatre maker and artist. His career has successfully moved between the performing arts, film and TV and visual and installation art. He has won the highest awards in all three of these mediums including two Helpmann awards for performing arts, an AACTA award for best music for a miniseries in TV and recently composing the music. Max's focus in recent years has been towards the creation of immersive and interactive artworks and experiences, including sound and video installations and public Art. He was recently artist in residence and the recipient of an Australia Council Fellowship.

Jermoe Harris

Jerome is an experienced Quality Assurance Manager and Business Analyst and the Head of Quality for the Design and Assurance Division for Landlease Australia. He has worked to deliver public art projects across Australia. Areas of expertise include Business Culture Change and Organisational Quality Improvement through behavioural change, as well as procedure development including process mapping and modelling; ISO 9001:2015; auditing; technology; and people management.

Jerome runs an Instagram account and community website documenting the Bondi Beach Sea Wall.

Jennifer Cook

Jennifer Cook is consultant to Australia's major commercial property owners and developers, specialising in placemaking and community engagement through experiences, art, culture, history and place activation. She brings a wealth of experience in the non-profit creative sector, as Director of International Partnerships for Circa Contemporary Circus and was a director of several major arts, culture and music festivals in Brisbane before moving to Waverley.

Waverley Public Art Committee Appointments 2020-2021 Biographies

Alexander N. Georgouras

Alexander is a landscape architect and urban designer who has been involved in a variety of award-winning projects exploring the intersection of community, sustainability and resilience. His experience is within the realms of landscape architecture, urban design and education.

Alexander's design rigour has been consistently acknowledged throughout his professional tenure; being the recipient of both the AILA NSW Graduate Future Leaders Award (2015) and the AILA NSW Student Future Leaders Award (2013).

Most recently being acknowledged by Landscape Architecture Australia as 'one of ten emerging voices'.

Kimberley Croft

Kimberley is a Senior level practitioner with over 25 years' experience in design (Australia, Asia, and the UK) in human-centred design, ethnographic research, experience design, service design, strategic design and conceptual thinking. She seeks opportunities to utilise strategic design and research capabilities to help shape a more sustainable future. As a consultant she advises on the design of experience within cultural organisations as well as city precincts. She is experienced in working with community groups to lead participatory design processes. Kimberley is on the advisory board for UTS' Faculty of Transdisciplinary Innovation and is a frequent guest lecturer.

Rohan Hawthorn

Rohan Hawthorn is the General Manager of Shapiro Auctioneers and a specialist in Australian and International Fine Art. Rohan's career in the auction industry spans 15 years. Since joining the team at Shapiro Auctioneers in 2009 Rohan has built the fine art department and curated auctions of numerous collections including the Estate of Ray Hughes, the collection of Frank Watters, the Laverty collection, the Estate of Darcy Ryan, The Barbara Sheridan Donnay and the late Gilbert J. Donnay Collection, the Estate of Andrew Curtis, The Duncan and Sally Mount Collection and major corporate collections from The Royal Bank of Scotland, Corrs Westgarth Chambers and PWC.

Liane Rossler

Liane Rossler is an artist, designer, curator and creative advisor who has worked in creative industries for over thirty years. She has spent the last decade focused on projects that intersect art, design and the environment. Alongside her solo creative practice, she is founder of Superlocalstudio which inspires collaborative, socially engaged cultural and creative projects for diverse audiences.

Other recent work includes Here and Now, Supercyclers and Happy Talk; projects focused on clever and beautiful sustainable design practice. Liane was co-founder, former designer, and director of Dinosaur Designs for 25 years. Her Visual Arts degree from CoFA focused on drawing and painting.

REPORT
CM/7.6/20.02

Subject: High Impact Event - Head On Photo Festival 2020

TRIM No: A19/0754

Author: Shaun Munro, Acting Manager, Outdoor and Flagship Events

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council:

1. Approves the high impact event proposal for Head On Photo Festival to host the 2020 launch event at the Bondi Pavilion.
2. Under section 356 of the *Local Government Act*, grants the following financial assistance to Head On Photo Festival:
 - (a) \$5,000 from the Small Grants budget to support the production of high-quality images to be exhibited on the beachside balustrade along the Bondi Beach promenade.
 - (b) \$2,416 from the Venue Hire Grants budget to help cover the costs of hosting the festival launch at the Bondi Pavilion.

1. Executive Summary

Since March 2019, Council officers from the Cultural Programs and Events teams have been in discussions with Head On Photo Festival organisers to host an outdoor photographic exhibition on the beachside balustrade along the Bondi Beach promenade.

The exhibition on the beachside balustrade was assessed as a low impact event and after safety testing the balustrade during periods of high winds over an extended period of time towards the end of 2019, officers approved the exhibition for a three-week period commencing in May 2020.

In January 2020, the Events team received a high impact event proposal from Head On Photo Festival organisers to deliver the annual launch of the Head On Photo Festival at the Bondi Pavilion on Friday 1 May, 2020.

As a part of the high impact event proposal, Head On organisers requested financial assistance for the hire of the Bondi Pavilion and for funding to contribute to the production of high-quality photographic images to be exhibited on the beachside balustrade along the Bondi Beach promenade.

It is recommended that, having assessed the event proposal and the funding request, Council grants financial assistance to cover the cost of Bondi Pavilion venue hire fees; enters into an Event Venue Hire Agreement for the launch event; and that funding be allocated from the Small Grants budget to assist with the production of images for the outdoor exhibition.

2. Introduction/Background

Head On Photo Festival is administered via the Head On Foundation, a registered charity founded in 2007 and dedicated to promoting the work of photographers at all stages of their careers, encouraging excellence and innovation, making photography accessible to all and raising awareness of important issues through photography. The main activities of the Foundation are Head On Photo Festival and Head On Awards (Portrait, Landscape, Mobile and Student photographic prizes) and collaborative projects.

Head On Photo Festival acts as a bridge between Australian and international photographic markets. The festival has toured in America, China, India, Europe and New Zealand. This has introduced the international photographic audiences to the wealth of photographic talent Australia possesses.

Head On is inclusive, working with people from indigenous backgrounds, young people, older people, people with a disability and people of diverse cultural backgrounds.

For the past 10 years, Head On Photo Festival has showcased the work of 5,000 local and international photographers across the city, transforming Sydney into a cultural hub for photographic practitioners and enthusiasts.

In 2019, Head On Photo Festival hosted 157 photographic exhibitions and events and exhibited 900 artists at 89 venues across Sydney.

3. Relevant Council Resolutions

Nil.

4. Discussion

There are three proposal components to consider for the Head On Photo Festival.

The exhibition

Head On Photo Festival organisers applied to host an outdoor photographic exhibition on the beachside balustrade along the Bondi Beach promenade in March 2019. The exhibition was assessed as a low impact event and does not require Council approval.

The exhibition will be curated with an environmental landscape theme and Council Officers will have curatorial veto over the final content.

The exhibition provides an alternative exhibition space during the Bondi Pavilion Restoration project as well as visual amenity along the beach promenade.

After safety testing the balustrade during periods of high winds over an extended period of time towards the end of 2019, officers determined the viability of the proposed installation and approved the exhibition for a three-week period in May 2020.

The launch event - High impact event proposal

In January 2020, the Events team received a high impact event proposal from Head On Photo Festival organisers to deliver the annual launch of the Head On Photo Festival at the Bondi Pavilion on Friday 1 May, 2020.

The launch event in the Bondi Pavilion was assessed as a high impact event on the basis of the proposed sale and supply of alcohol and the anticipated attendance of 1,200-1,500 people.

The launch event provides an excellent opportunity for Council to host a high-calibre cultural event on the eve of the closing of the Bondi Pavilion for restoration.

Head On Photo Festival is major cultural festival that has been developed within the Waverley Local Government Area. The event will support our community strategic plan goal (1.1 CSP) of 'facilitating opportunities that recognise Waverley's unique place in the Australian contemporary cultural landscape' and situate a major photographic celebration on the doorstep of one of Sydney's most photographed locations, Bondi Beach.

It is recommended that, having assessed the event proposal provided by the Head On Festival organisers, Council approves officers entering into an Event Venue Hire Agreement for the event and providing a grant in support of the exhibition and event delivery.

Grant funding and financial assistance

Head On Photo Festival organisers submitted a Small Grant application to support the production of high-quality photographic images for the exhibition on the beachside balustrade along the Bondi Beach promenade.

The grant application is consistent with the assessment criteria within the Small Grant process currently out for community consultation.

- The grant is consistent with appropriate use of local government resources.
- The project demonstrates merit and community benefit.
- The project has demonstrated evidence of the required resources, skills and funding to be viable.
- The project does not generate identifiable risks or on-going liabilities to Council.

In addition to adherence to the grant assessment criteria, the exhibition and event together are consistent with the Waverley Community Strategic Plan via the following intersection points:

- 1.1 Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary cultural landscape.
- 1.2 Preserve and interpret the unique cultural heritage of Waverley.
- 2.1 Create a resilient, caring and cohesive community.

Head On Photo Festival organisers have also requested financial assistance for the venue hire costs associated with the Bondi Pavilion for the launch event. Under section 356 of the *Local Government Act 1993*, Council may, in accordance with a resolution of Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. It is recommended that Council grants financial assistance to the value of \$2,416 to cover costs associated with venue hire fees at the Bondi Pavilion.

5. Financial impact statement/Time frame/Consultation

The exhibition is recommended for funding outside of the time frames for the April 2020 Small Grants Round because there will be insufficient lead time to complete the required exhibition and event planning and delivery following a Council decision on funding in April.

Sufficient funds are available in the relevant budget for the grant of \$5,000 recommended in this report. Approval will result in a reduction in funds available for the April Small Grants Round.

The proposed second grant of \$2,416 does not represent any financial expenditure by Council, as the funds will be returned to Council as fees payable for the delivery of the launch event.

In order to allow sufficient time to organise the launch event, a decision on the high impact event proposal is required as early as possible.

6. Conclusion

The grant application meets the assessment criteria of the Waverley Small Grant Grants application process and Council can decide to provide financial assistance under section 356 of the Local Government Act.

The proposed launch of the Head On Photo Festival at the Bondi Pavilion on Friday, 1 May 2020, meets the Event Impact Criteria under Council's Event Policy that classifies it as a high impact event. Council officers are satisfied that impact risks associated with the event can be appropriately managed within the Bondi Pavilion.

It is recommended that Council approves the Small Grant application to support the production of high-quality photographic images to be exhibited on the beachside balustrade along the Bondi Beach promenade.

It is also recommended that Council approves a second grant for the Bondi Pavilion venue hire fees and approves that the General Manager enters into an appropriate Event Venue Hire Agreement with the event organisers for delivery of event.

7. Attachments

Nil.

REPORT CM/7.7/20.02



Subject: Youth Week 2020 - Bondi Blitz

TRIM No: A03/2784

Author: Rebecca Rodwell, Manager, Community Planning and Partnerships

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council, under section 356 of the *Local Government Act*, grants up to \$6,300 in financial assistance to WAYS Youth and Family to run activities during Youth Week 2020, including Bondi Blitz.

1. Executive Summary

Council has been supporting Bondi Blitz, run by WAYS Youth and Family for more than 20 years. This support has consisted of a small grant provided to WAYS, which is funded through a State Government Youth Week grant and matched by Council. Council also enables access to a Council venue, car parking permits, and assistance from Council officers for the event. Woollahra Council also provide their State Government Youth Week grant for Bondi Blitz.

Council officers have been working in partnership with WAYS Youth and Family to enhance Bondi Blitz each year, and to facilitate a range of diverse and interesting activities in and around youth work for local young people to get involved in.

For 2020, Council officers recommend that support of up to \$6,300 is provided to WAYS Youth and Family for the running of Bondi Blitz.

2. Introduction/Background

Each year, Council receives a small grant through the Department of Communities and Justice (formerly FACS) for Youth Week, which is an annual event that recognises young people aged 12–25 and their valued contribution to the community. Council is required to fund match this grant.

As part of the funding agreement, Councils must involve young people in all aspects of Youth Week, including the planning, development and management of activities. It is an opportunity for young people to share ideas, attend live events, have their voices heard on issues of concern to them and showcase their talents.

For more than 20 years, WAYS Youth and Family has been allocated funding from both Waverley and Woollahra Councils, to lead Youth Week activities in Waverley. A key activity has been the staging of Bondi Blitz, a music concert event involving young bands and performers at Bondi Park and side gigs at local businesses including the Bucket List.

Along with the funding contribution, Waverley also provides additional support through the use of the Dolphin Court, parking permits and support staff.

In February 2015, Council resolved to provide support to WAYS Youth Services to run a program of events for Youth Week celebrations for the period 2015–2017. This included the use of the Dolphin Court and the approval of an annual grant up to a total value of \$3,500 per year (subject to approval of the State Government Youth Week grant which is then matched with Council funds). In 2018, Council also supported Bondi Blitz and created a Youth Week program to engage young people with activities at the library, Pavilion and more broadly in the community.

In 2019, Youth Week ran from the 10–18 April, and Bondi Blitz was held on 7 April, showcasing local young DJs, bands and solo artists. Additional support was provided through the Bucket List which hosted the ‘Blitz Side Show’, featuring local young bands.

Young people were informed about local environmental protection and sustainability initiatives in the local community. They spoke to Council staff about environmental issues that concern them, with opportunity to join initiatives if they chose. The Youth Week activity program engaged young people in creative exploration of ideas and issues as audience members for innovative youth theatre and participants in life drawing workshops and Bondi Sea Wall Project, as well as opportunity to socialise and learn stress management skills in games and yoga workshops.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 February 2019	CM/7.14/19.02	That Council, under section 356 of the <i>Local Government Act</i> , grants up to \$6,000 in financial assistance to WAYS Youth and Family to run a program of activities during Youth Week 2019, including Bondi Blitz, subject to the State Government Youth Week Grant matching Council's grant.
Council 24 October 2017	CM/7.10/17.10	That Council: <ol style="list-style-type: none"> 1. Approves a grant to WAYS Youth Services of up to \$3,500, subject to confirmation of the State Government Youth Week Grant matching Council funds, to run a program of activities in Youth Week 2018. 2. Provides financial assistance under section 356 of the <i>Local Government Act 1993</i> to WAYS Youth Services to cover the costs associated with the operation of Bondi Blitz in Youth Week 2018. 3. Notes that: <ol style="list-style-type: none"> (a) In accordance with the funding agreement, Youth Week activities must be developed through a collaborative approach with young people. (b) Partnership opportunities will be explored to enhance Bondi Blitz and other youth focused Council initiatives in 2018. (c) The format for Youth Week 2019 is likely to be refreshed following consultation with young people to increase engagement in the activities.

Council 17 February 2015	CM/7.7/15.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves a grant of \$3,075 to WAYS Youth Services to run a program of events in Youth Week 2015. 2. Approves the waiving of hire fees for Bondi Park for the Youth Week Program. 3. Approves a grant to WAYS annually for 2016 and 2017 for Youth Week celebrations, subject to approval of the State Government Youth Week grant matched with Council funds, up to a total value of \$3,500 per year, and the waiving of any associated venue hire fees.
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4. Discussion

Youth Week is an opportunity to strengthen young people's positive engagement with the community, as well as provide information about local community and support services to young people. As a Youth Week grant recipient partner and auspice organisation, Waverley Council is required to report on the following:

- How young people were involved in the planning and organising of local Youth Week activities.
- Opportunities for young people to express their ideas and views, raise issues of concern, and create and enjoy entertainment.
- Opportunities for the wider community to listen to young people and acknowledge and celebrate young people's positive contribution in the community.
- How Youth Week activities link to the development and/or implementation of Council's planning for young people.

Planning for Youth Week 2020 is well underway, and Council officers have met with internal and external partners about the program of activities, including Bondi Blitz. Bondi Blitz is a valued contribution by WAYS for young people in the Waverley and Woollahra local government areas and a key Youth Week event. The cost to stage Bondi Blitz at Bondi Park utilising a mobile concert stage utilises the majority of the Youth Week funding provided by Waverley and Woollahra Councils. Under the previous agreements, Council has also provided substantial in-kind support for venue hire, parking and staff time (Rangers, Parks, Venue and Community Programs staff) to assist with the operation of Bondi Blitz. It is anticipated that WAYS will follow a similar structure in 2020.

5. Financial impact statement/Time frame/Consultation

WAYS will be funded \$3,718 with a 50% contribution from both Council and the Government Youth Week grant, and up to \$2,576 for the use of the Dolphin Court, parking and support by staff.

Bondi Blitz is booked for Sunday, 5 April. Youth Week 2020 is from 1–9 April, and the theme is 'Speak up. Be involved. Get connected. Have fun.'

Officers have been consulting with internal and external partners to organise Bondi Blitz, and other activities to be held during Youth Week.

6. Conclusion

This report recommends the funding of Bondi Blitz for Youth Week in 2020. The financial assistance provided in this financial year will be a maximum of \$6,300. As in previous years, Waverley will continue to work closely with internal and external partners to ensure this and other Youth Week activities remain engaging, relevant and fun for young people.

7. Attachments

Nil.

REPORT
CM/7.8/20.02

Subject: Sculpture by the Sea - Licence Agreement

TRIM No: SF19/3007

Author: John Clark, Director, Customer Service and Organisation Improvement
Evan Hutchings, Special Project Lead

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

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 attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the update on negotiations with Sculpture by the Sea Incorporated for a five-year licence agreement (with an option of a further five years) for the Sculpture by the Sea event commencing 2020.
3. Rejects the proposal from Sculpture by the Sea Incorporated to include in the licence agreement the clause detailed in the confidential attachment to this report.
4. Authorises the General Manager, or delegated representative, to finalise negotiations and execute a licence agreement with Sculpture by the Sea Incorporated for five years with an option of a further five years.

1. Executive Summary

On 16 July 2019, Council resolved to approve the 2019 Sculpture by the Sea event subject to Sculpture by the Sea Incorporated entering into a licence agreement with Council. The licence agreement formalises the operative provisions of the event and was executed in October 2019.

Council also resolved to offer Sculpture by the Sea Incorporated a further licence to stage the event for five years with an option of a further five years.

This report provides an update on negotiations for the new licence agreement and seeks to authorise the General Manager or delegated representative to execute the agreement.

2. Introduction/Background

Sculpture by the Sea is a sculpture exhibition that takes place over 18 days from the end of October each year. The event has been running since 1999 and is categorised by the NSW Department of Premier and Cabinet as a Category B Hallmark event.

On 16 July 2019, Council endorsed a draft one-year agreement and authorised the General Manager to finalise negotiations and execute the agreement which occurred in October 2019. Additionally, Council resolved to offer Sculpture by the Sea Incorporated a further five-year licence with an option for a further five years.

In November 2019, following the 2019 event, Council resolved to allocate funding in the 2019–20 Q2 budget review for landscaping works at Marks Park headland to maximise the sculpture placement potential for future events. The funding is contingent on the execution of a five-year licence agreement by 2 March 2020.

Council officers have been working with Sculpture by the Sea Incorporated over the past few weeks on minor amendments to the existing agreement and are close to finalising terms for the agreement to be executed.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 November 2019	CM/6.4/19.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Supports, in principle, the Sculpture by the Sea proposal for additional landscaping works at Marks Park headland, including regrading adjacent to the ridgeline path, to maximise the sculpture placement potential for future events. 2. Officers prepare a design schema for the intended landscaping works and action its public exhibition prior to the Q2 budget amendment for Council approval in February to undertake these works. 3. Authorises, upon execution of a five-year licence agreement no later than 2 March 2020, to hold Sculpture by the Sea in Waverley, Council officers to undertake the additional landscaping works referred to in clause 1 above. 4. Defers any major post-Sculpture-by-the-Sea restoration works to coincide with these proposed additional landscaping works to minimise park closures and disruptions to residents.
Council 17 September 2019	CM/7.10/19.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the update on negotiations with Sculpture by the Sea Incorporated set out in this report for the licence agreement for the 2019 Sculpture by the Sea event. 2. Notes that the resolution of the July Council meeting granting approval for Sculpture by the Sea for 2019 is subject to Sculpture by the Sea Incorporated entering into a licence agreement

		<p>with Council relating to the staging of the event.</p> <p>3. Notes that, while it was anticipated that an agreement would be in place by early September, as of 17 September the agreement has still not been signed.</p>
<p>Council 16 July 2019</p>	<p>CM/7.15/19.07</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves Sculpture by the Sea for 2019, subject to Sculpture by the Sea Incorporated entering into a licence agreement with Council relating to the staging of the event. 2. Offers Sculpture by the Sea Incorporated a further licence authorising Sculpture by the Sea Incorporated to stage the event for five years with an option of a further five years. 3. Authorises the General Manager, or delegated representative, to finalise negotiations and execute a licence agreement with Sculpture by the Sea Incorporated with respect to the Sculpture by the Sea event for 2019 based on the terms set out in this report as modified by this resolution, and for the subsequent proposed licence. 4. Officers consider amending the licence agreement as follows: <ol style="list-style-type: none"> (a) Insert at the end of clause 3.2.1: 'with the exception of a severe weather event.' (b) Insert at the end of clause 18.4.2(b): 'as required by clause 17.' (c) Insert a new clause 22.4.11: 'Turf remediation of the licensed area, if required.'

4. Discussion

Council officers have been working with Sculpture by the Sea Incorporated over the past few weeks on minor amendments to the existing agreement which generally reflect the way the event operates. Negotiations are progressing well with the vast majority of changes close to being finalised.

The exception to this is a proposal from Sculpture by the Sea to include a clause which is further discussed in the confidential attachment.

While the resolution of Council on 16 July 2019 allows Council to offer Sculpture by the Sea Incorporated a licence to stage the event for five years with an option of a further five years, it only provided to the General Manager or delegate to execute a licence agreement for the 2019 event. This report seeks to

authorise the General Manager or delegate to finalise negotiations and to execute the agreement for the five plus five term.

In relation to the proposed landscaping works at Marks Park, site visits with Sculpture by the Sea Incorporated have taken place and designs provided to them for comment. The allocation of funds in the Q2 budget review is contingent on the new licence agreement being executed by 2 March 2020.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

There are no financial impacts that result from this report. In-kind support for traffic management, turf remediation and staff, as well as grant funds are included in annual operating budgets.

Consultation

The licence agreement has been developed in conjunction with Sculpture by the Sea, Outdoor Events and General Counsel.

6. Conclusion

On 16 July 2019 Council resolved, in part, to approve the 2019 Sculpture by the Sea event subject to Sculpture by the Sea Incorporated entering into a licence agreement with Council.

Council also resolved to offer Sculpture by the Sea Incorporated a further licence to stage the event for five years with an option of a further five years. Negotiations on the new licence agreement are nearing completion and it is recommended that the General Manager or delegated representative be authorised to finalise negotiations and execute the new licence agreement.

7. Attachments

1. Sculpture by the Sea - Licence agreement - Attachment (confidential)

REPORT
CM/7.9/20.02

Subject: New Sports Field Licences

TRIM No: A19/0416

Author: Bianca Simpson, Service Manager, Open Space and Recreation

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Approves, in principle, new licence agreements for the use of Council's sports fields by Easts Football Club, Queens Park Football Club and Clan na Gael Gaelic Athletics Club for a period up to August 2023, applying the charity/community/not-for-profit rates under Council's Pricing Policy, Fees and Charges.
2. Notes that direct negotiations will take place with the respective clubs on the details of the hours of use and location of fields of the licence agreements.
3. Delegates authority to the General Manager to approve and sign the new licence agreements.

1. Executive Summary

Licence agreements for the use of sports fields in Waverley Park by Easts Football Club, Queens Park Football Club and Clan na Gael Gaelic Athletics Club expired in 2018. Council approval is sought to draft new agreements for these clubs.

2. Introduction/Background

Council maintains licence agreements with several sporting clubs for the use of our playing fields in Waverley Park and Hugh Bamford Reserve. In addition, Council also takes short-term bookings for these facilities.

Long-term licence agreements provide the community access to a range of sporting and recreational activities and support our local clubs. These outcomes support our Open Space and Recreation goals in the Waverley's Community Strategic Plan. The agreements also provide the clubs certainty of the availability of sports facilities, enabling them to plan ahead for consecutive seasons and build membership. The agreements have been successful in achieving these goals.

In 2011, Council went through an expression of interest process to award long-term licence agreements for the winter season. As a result of this process, several long-term licence agreements were awarded. All clubs who made an application were awarded an agreement. As set out under the Waverley Park Plan of Management, submissions for the expression of interest were evaluated under the following criteria:

- Carrying capacity of Waverley Oval and playing fields 2 and 3.
- Community contribution.
- Ability to meet financial obligations of the licence.

- Compatibility with other user groups.
- Historic connection.
- Proposed financial or in-kind contributions.
- Commitment to community sport and recreation outcome.
- Commitment to environmental sustainability.

Three of the agreements resulting from this process have now expired. These licence agreements were for two years with a three-year option. Once this time elapsed in 2018, these licences entered into a holding period for an additional season. There have been no breaches of the agreements. These clubs have expressed interest in a new licence.

Terms of the recently expired agreements which are the subject of this report are summarised below:

Table 1. Recently expired licences.

Club	Commencement Date	Term of Agreement	Further Period Option	Expiry of agreement	Expiry of option	Subsidy
Easts Football Club (winter season)	1 April 2014	2 years	3 years	31 August 2015 (option taken)	31 August 2018	25%
Queens Park Football Club (winter season)	1 April 2014	2 years	3 years	31 August 2015 (option taken)	31 August 2018	25%
Clan na Gael Gaelic Athletics Club (winter season)	1 April 2014	2 years	3 years	31 August 2015 (option taken)	31 August 2018	25%

3. Relevant Council Resolutions

Nil.

4. Discussion

Options for new licence agreements

The sporting facilities in Waverley Park are on Crown Land. Council is Crown land manager for the land. Under the *Crown Land Management Act 2016*, Council Crown land managers are able to administer Crown land under the public land provisions of the *Local Government Act 1993*. This includes issuing leases and licences.

For all Crown land that is classified as 'community land', Council is required to have an adopted plan of management (PoM) by 30 June 2021. The current Plan of Management for Waverley Park is a ten-year plan from 2012 to 2022. This plan will require an update to comply with the new Crown Lands Act in the near future. To facilitate continued access and use of the land while a PoM is being developed, the *Crown Land Management Regulation 2018* provides interim arrangements for granting of certain leases and licences.

Under clause 70(2) of the *Crown Land Management Regulation 2018*, Council has the following options in accommodating the request to grant an agreement for these clubs:

- Grant a short-term licence (up to 12 months). While not requiring ministers consent a new agreement would need to be drafted.

- Lease or licence renewal (for up to 21 years), for this to be effective a lease or licence must have been in effect prior to 1 July 2018, and the proposed tenure cannot add additional purposes that were not in the existing lease. This agreement does not require the Ministers consent.
- New lease or licence for an existing purpose (for up to 21 years), a lease or licence must have been in effect prior to 1 July 2018, and the proposed tenure cannot add additional purposes that were not in the previous lease. This process would require a new agreement. This agreement does not require the Ministers consent.

Consequently, new or renewed licences can be drafted new under clause 70(2)(c) of the Crown Land Management Regulation because they:

- Relate to land over which no PoM has been adopted since 1 July 2018.
- Do not exceed the maximum term as we are proposing a four-year term.
- Had an existing licence in force immediately before 1 July 2018.
- Do not change any permitted use of the land.

It is recommended that Council take the option to grant new licence agreements. It is recommended that the new licence agreements be put in place until August 2023 when the other winter licence agreements are due to expire. This will enable Council to run a new expression of interest process with all clubs operating in the winter season at the same time and ensure both the clubs and Council remain satisfied with the conditions. Running a single expression of interest process also ensures that all agreements are made under the same conditions.

A new agreement will enable Council to directly negotiate with the Clubs. This may open negotiation over field allocation presenting an opportunity to relieve some facilities such as Waverley Oval, which is at full capacity, and transfer hours to other lesser used playing fields such as Barracluff Park.

Council is able to directly negotiate with the clubs as certain categories of contracts are exempt from the requirement under the *Local Government Act* to invite tenders. Relevantly, section 55(3)(e) includes as an exempt category of contract 'contracts for the leasing or licensing of land by the council (other than the leasing or licensing of community land for a term exceeding five years to a body that is not a non-profit organisation).' Considering that the proposed licences are for terms that are five years or less and with non-profit organisations, Council can proceed with direct negotiations.

New licence agreement

As per the previous agreement, the licence offers the clubs a subsidised rate under Councils 2019–2020 Fees and Charges. If the clubs were to hire the fields under a short-term arrangement (for one season only), the same subsidy would apply; that is, there is no financial implication of the licence agreement to Council. The following table sets out the details of the licences and fees.

Table 2. Field usage and fees under licence agreements.

Club	TRIM	Fields Used	Days	Total Hours/week	Hourly rate	2019-20 Fee under fees and charges (with subsidy) 22 week season
Queens Park Football Club	A12/0208	Waverley no.2 Synthetic	22 x Sundays, Tuesdays & Wednesdays (peak hours)	10.0	\$100	\$22,000.00
		Waverley no.3	Tuesdays & Wednesdays (peak hours)	3.0	\$40	\$2,640.0
						\$24,640.00
Clan na Gael Gaelic Athletics Club	A12/0209	Waverley Oval (to move to Barracluff Park 2020)	Tuesdays	1.5	\$40	\$1,320.00
		Waverley no.2 Synthetic	Thursdays (peak time)	1.5	\$100	\$3,300.0
						\$4,620.00
Eastes Football Club	A12/0206	Waverley no.2 Synthetic	Wednesdays & Thursdays (peak and off peak)	3hrs (1hr off-peak time, 3hr peak time)	100 / 90	\$8,140.00
		Waverley no.3	Wednesdays	1.5	\$40	\$1,320.0
						\$9,460.00

Since the previous licence agreement in 2015, the fees for Waverley No. 2 field have increased faster than market rate due to the upgrade of this facility and associated improvement in quality of the field from a turf to a synthetic surface. As such, the Clubs will be paying more than previous years by approximately 6%.

5. Financial impact statement/Time frame/Consultation

Financial impact

Under the previous agreement, Council applied a 25% discount to clubs who held a licence. For the new agreements, the subsidised rate will be brought in line with Council's Fees and Charges. The subsidy supports the clubs who operate locally and thereby provide opportunities to our local community to participate in sports. As outlined in the Table 2 above, the subsidy for this winter season is detailed. As all community non-profit clubs receive the subsidy with or without a licence agreement, there is no financial impact to Council in granting these licence agreements.

Consultation

Council currently undertakes an expression of interest process for short-term bookings of our sports fields and courts for each summer and winter sporting season. Over the past few years, we have not seen new interest in booking sports facilities on a regular basis from clubs that are not currently covered by the long-term agreements. This suggests that the current licence agreements are not favouring some clubs over others, and remains a fair and equitable situation.

Council has recently undertaken consultation with sporting clubs that operate in the local government area on drafting the Open Space and Recreation Strategy. Feedback provided at this time supported the process of long-term licences as clubs are provided security of bookings. Furthermore understanding that our sporting fields are at or near capacity in the winter season we are unable to offer more licences outside of what had previously been negotiated; it is therefore not recommended that an Expression of Interest

process or further consultation should take place at this point in time. We therefore seek Council approval to directly negotiate with the Clubs.

Time frame

It is recommended that the new licence agreements cover a period of four winter seasons, being in effect until August 2023.

6. Conclusion

Under the current circumstances, with the agreements being mutually beneficial, Council approval is requested to draft new sports fields licence agreements to be in place until August 2023. New agreements for this period will align all of the long-term licence agreements, ensuring a single expression of interest process in 2023. In the interim, Council will have the opportunity to review the existing Plan of Management which will provide further direction for leasing and licencing in Waverley Park.

It is also recommended that the General Manager be authorised to sign the new licences.

7. Attachments

Nil.

REPORT CM/7.10/20.02



Subject: Coastal Risk Management - Diamond Bay Reserve and Coastal Cliff Edges

TRIM No: A19/0573

Author: Jordan Laverty, Project Manager

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

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)(e) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, prejudice the maintenance of law.
2. Receives and notes the current status of actions to improve safety along the coastal cliff edge outlined in this report.
3. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Eastern Avenue Reserve on Sunday, 12 January 2020.
4. Notes that officers have undertaken an interim risk review in January and February 2020 to assess continuing risk at Diamond Bay Reserve and to assess risk associated with the expanded geographical focus area of Eastern Avenue Reserve.
5. Notes the ongoing examination and minor upgrades to measures already implemented, including modifications and additions to signs and the ongoing repairs and improvements to existing balustrades and fences.
6. Notes that further significant investments at Diamond Bay Reserve and Eastern Avenue Reserve other than those previously endorsed by Council will be further considered when the independent coastal risk assessment is received in April 2020.

1. Executive Summary

The purpose of this report is to update Councillors on coastal risk management issues and actions relating to Diamond Bay Reserve, and to report on measures relating to Eastern Avenue Reserve.

Council officers and contractors are in the process of responding to Council resolutions CM/7.14/19.11, CM/7.5/19.09, CM/11.4/19.08 and CM/8.3/19.06 relating to risk management and safety concerns on the coastal cliff edge, with some actions taken and others underway.

2. Introduction/Background

As noted in earlier reports, in recent months safety and other concerns have been raised with Council over people accessing the cliff edge at Diamond Bay to take photographs.

In June 2019, Council unanimously resolved to investigate measures to restrict or deter access to the coastal cliff edge and report back to Council in September 2019.

On Saturday, 17 August 2019, a tragedy occurred at the Diamond Bay Reserve cliff edge when a woman fell to her death. At its August meeting, Council unanimously resolved to explore, investigate and, where appropriate, take further actions to deter access to the coastal cliff edge, extending to education and awareness through social media. Council also endorsed the carrying out of a coastal risk assessment by an independent and suitably qualified assessor.

In September 2019, Council unanimously resolved to investigate the cost and feasibility of installing a viewing platform at Diamond Bay Reserve as part of any works proposed on the Diamond Bay boardwalk following a structural condition assessment.

In November 2019, Council unanimously resolved to undertake remediation works on the existing boardwalks at Diamond Bay Reserve and Eastern Avenue Reserve and to commence design on the reconstruction of both boardwalks, including investigation into whether a viewing platform is feasible as part of the design. Council also endorsed not to install CCTV at Diamond Bay Reserve until the final design is complete.

On Sunday, 12 January 2020, a tragedy occurred at the Eastern Avenue Reserve (adjacent Oceanview Avenue) when a woman fell to her death after accessing the cliff edge.

Council officers have both commenced and completed several actions relating to these Council resolutions. The actions taken and underway are detailed in this report.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 November 2019	CM/7.14/19.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the current status of actions to improve safety along the coastal cliff edge outlined in this report. 2. Undertakes remediation works on the Diamond Bay and Eastern Avenue boardwalks as per condition assessment findings, noting cost estimates outlined in this report, with works to be funded from the SAMP reserve. 3. Proceeds to the design stage of reconstructing the Diamond Bay Reserve and Eastern Avenue boardwalks, noting cost estimates outlined in this report, with works to be funded in the 2020–21 capital works program. 4. Includes the possibility of a viewing platform as part of the design of the reconstructed boardwalk.

		<ol style="list-style-type: none"> 5. Does not install CCTV cameras at Diamond Bay Reserve at this stage until the final design is completed. 6. Acknowledges the heritage significance of the existing stone archway, wall and steps at Diamond Bay Reserve, and commences proceedings to heritage list them in order to protect and maintain these items as part of any future design and works.
Council 17 September 2019	CM/7.5/19.09	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the current status of actions to improve safety along the coastal cliff edge outlined in this report. 2. Considers and investigates the cost and feasibility of installing a viewing platform at Diamond Bay Reserve as part of any works proposed on the Diamond Bay boardwalk, following consideration of the boardwalk condition assessment. 3. Officers report back to Council with the results of the investigation.
Council 20 August 2019	CM/11.4/19.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Treats 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)(g) of the <i>Local Government Act 1993</i>. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 2. Expresses its sympathy and sadness at the tragic loss of life that occurred at the Diamond Bay Reserve on Saturday, 17 August 2019. 3. Notes the action taken and underway in response to Council resolution CM/8.3/19.06. 4. Notes the additional action undertaken by Council following the tragic events of 17 August 2019. 5. Notes the legal advice and summary of issues set out in the report. 6. Endorses the carrying out of an independent

		<p>coastal risk review by suitably qualified assessors to guide further decision making on risk management along the Waverley local government area coastline. Diamond Bay Reserve is to be a priority, with an interim report to be presented to Council as soon as possible.</p> <p>7. Urgently explores and takes appropriate action related to:</p> <ul style="list-style-type: none"> (a) Installing additional temporary barriers. (b) Signage. (c) Social media messaging, including on WeChat, Weibo and similar channels. (d) Internet sites, tourist sites and other PR outlets, including TripAdvisor. (e) Compliance action. (f) Investigating legal remedies, including trespass. <p>8. Investigates action related to:</p> <ul style="list-style-type: none"> (a) Community education. (b) Licensing and other legal options. (c) CCTV. (d) Identifiable commercial operators, such as photographic businesses. (e) Parking regulations in the immediate vicinity. (f) Activities by other Councils in managing similar locations. <p>9. Contacts the State Member for Vaucluse, Gabrielle Upton, MP, to seek assistance in this matter.</p> <p>10. Requests the Diamond Bay/Vaucluse and Dover Heights Precincts to provide input.</p>
Council 18 June 2019	CM/8.3/19.06	<p>That Council:</p> <p>1. Officers investigate measures to restrict or deter movement from the Diamond Bay</p>

		<p>Reserve and the Coastal Boardwalk to the cliff ledge. Such measures to include:</p> <ul style="list-style-type: none"> (a) Appropriate multilingual signage (b) Further physical barriers to restrict or hinder movement to the cliff ledge. <ol style="list-style-type: none"> 2. Investigates the cost and appropriateness for CCTV and consults the local police area command. 3. Officers report back to Council by September 2019 with a further investigation to consider the appropriateness and cost of installing a viewing platform from the coastal boardwalk. 4. Increases the frequency of ranger patrols in the area, in particular on weekends. 5. Installs an additional bin in Diamond Bay Reserve. 6. Informs the Vaucluse/Diamond Bay Precinct of Council's decision. 7. As part of the investigation Council officers liaise with Sydney Water and groups representing recreational fishermen about the access taken along the edge of the cliff to Sydney Water infrastructure by local fishermen.
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4. Discussion

The table below outlines the current status of actions from Council resolutions CM/7.5/19.09, CM/11.4/19.08 and CM/8.3/19.06 as well as other actions initiated by Council Officers.

Table 1. Current status of actions from Council resolutions.

Item #	Action	Status	Comment
1	Consider and investigate cost and feasibility of installing a viewing platform at Diamond Bay Reserve as part of any future works.	COMPLETE	The cost to replace the boardwalk at Diamond Bay Reserve is estimated at \$1,200,000. A viewing platform will be investigated as part of the design process.
2	Undertake a Coastal Risk Assessment by independent, suitably qualified assessors.	UNDERWAY	A consultant has been engaged to undertake this assessment. The final report and recommendations are expected to be completed in April 2020.
3	Install temporary fencing at Diamond Bay boardwalk to	COMPLETE	Temporary fencing was installed and has since been removed following the installation of a permanent

	further deter access.		balustrade.
4	Install additional permanent balustrade at Diamond Bay Reserve boardwalk to further deter access.	COMPLETE	Additional permanent balustrade has been installed, further restricting access to the archway at Diamond Bay Reserve.
5	Install additional temporary compliance signage to deter access and reinforce compliance messaging.	COMPLETE	Temporary signage was installed and has since been removed following the installation of permanent signage.
6	Install permanent compliance and advisory signage at Diamond Bay.	COMPLETE	<p>This was completed some months ago.</p> <p>Following the recent death at Eastern Avenue Reserve, additional permanent signage has been installed in the area. A total of thirty-eight permanent compliance or advisory signs (designed in accordance with AS2156.1 and AS2342) and eight 'danger keep out' signs have been installed on the fencing/balustrade of the coastal walk between the northern entrance to the Eastern Avenue Reserve Boardwalk and MacDonald Street, Vaucluse.</p> <p>Following the install of three new A2 signs adjacent to Chris Bang Avenue, two have been removed, possibly by local people due to the perceived visual impact of the larger signs. The signs are being replaced. This is likely to be an ongoing issue.</p> <p>Advisory A1 coreflute signs have been installed at all entries to the Eastern Avenue Reserve and Diamond Bay Reserve boardwalks. In addition, A1 coreflute signs have been installed at the end of Oceanview Avenue, Eastern Avenue and Bulga Road (entries to Eastern Avenue Reserve). These signs are advisory as their locations means that enforceable compliance signs would not have legal effect.</p>
7	Awareness campaign/education on risky behaviours through appropriate channels (e.g. Social Media).	ONGOING	Social media campaigning and messaging has commenced and is ongoing. This includes: currently utilising Instagram, Weibo and Wechat to communicate messaging. Comms team have reached out to social media influencers, with three sharing awareness posts on Diamond Bay to date including on Weibo. Advertised in 'This Week in Sydney' (produced yearly) which is translated into Mandarin and distributed at the Sydney international airport arrivals terminal, visitor centres, hotels, information kiosks, etc is being taken up. Education and awareness campaigns are ongoing via Council's social media platforms.
8	Review internet/tourism sites and other outlets promoting the site and take appropriate action.	ONGOING	Research is ongoing and commercial operators promoting this site are being contacted as identified.
9	Investigate legal remedies	COMPLETE	Infringement notices for disobeying local

	to manage access to the cliff edge and high-risk recreational activities.		government signs are available but are sometimes difficult to use. Staff working with Police on enforcement. Fines have been issued by both staff and Police. Trespassing is not a viable option as space is public land.
10	Identify commercial operators and review legal/licensing options to manage issue.	COMPLETE and ONGOING	Commercial users have been identified. Contact is being made as they are identified, and appropriate conditions have been added to permits relating to cliff access.
11	Investigate the installation of CCTV at Diamond Bay Reserve.	COMPLETE	<p>Officers have investigated options for installing mobile or temporary CCTV units at Diamond Bay. Multiple units would be required to provide sufficient coverage of the area, which would look unsightly and the units would be prone to vandalism. While wireless units would capture the risky activities taking place in the area, it may be costly and difficult for the cameras to be continually monitored. Without monitoring, the cameras would therefore only act to record risky behaviours to be viewed retrospectively. Even if risky behaviour is detected, it would require a human response which Council is providing through Rangers for a significant period at present with only partial success.</p> <p>There is no evidence to suggest that the presence of CCTV cameras act as an effective deterrent to risky or antisocial behaviours in this type of location. For these reasons the installation of CCTV at Diamond Bay is not recommended at this time but should be further considered through the risk assessment.</p>
12	Parking regulations in the immediate vicinity.	COMPLETE and ONGOING	Parking surrounding Diamond Bay currently unrestricted. Changes to be investigated as part of the Resident Parking Scheme review.
13	Activities undertaken by organisations currently managing similar risks.	COMPLETE	National Parks, Sutherland Shire Council and Randwick City Council have provided information on how they manage similar risks.
14	Contact Gabrielle Upton, MP to seek assistance on this matter.	UNDERWAY	Council officers have written to Gabrielle Upton, MP seeking a total of \$96,317 to assist with the coastal risk assessment and boardwalk remediation works. Further assistance may be requested following the risk assessment.
15	Seek input from Diamond Bay/Vaucluse and Dover Heights Precincts.	COMPLETE	Survey sent to each precinct. Some responses received. This has been considered and will inform risk assessment work.
16	Increased compliance action.	IN PROGRESS	Following the recent death, Ranger patrols have been further increased (5 pm–8 pm Monday–Friday and 9 am–8 pm Saturday and Sunday). Ranger presence is partially effective with some visitors evading Rangers to get access to the cliff edge. In addition, it is difficult to issue infringements as some people are refusing to produce ID when asked by Rangers. Police involvement is being sought as

			appropriate. Effectiveness and ongoing cost of this enforcement activity will be kept under review.
18	Meet with Sydney Water to determine access requirements at Diamond Bay.	COMPLETE and ONGOING	Officers are meeting Sydney Water representatives regularly. Sydney Water confirmed they do not require access down cliff edge at Diamond Bay nor do they own the stairs/assets in this location.
19	Consult with recreational fishing representatives.	COMPLETE	Correspondence with a safety officer from Recreational Fishing Alliance received and being considered. Those fishing are not main risk groups.
20	Independent condition assessment of Diamond Bay boardwalk.	COMPLETE	Final report received from independent structural engineer, recommending 'urgent' remediation works within 6 months, and full rebuild to follow in 12-18 months.
21	Investigate viewing platform at Diamond Bay.	UNDERWAY	To be included as part of boardwalk re-design. Initial thinking includes lowering part of the Boardwalk down to the level of the archway/ledge and building around it, although feasibility will need to be tested through design. Subject to site investigations, including geotechnical investigations.
22	Installation of bin enclosure at Diamond Bay.	COMPLETE	Two new bin enclosures have been installed at Diamond Bay Reserve.
23	Undertake Heritage Assessment on the existing stone archway, stairs and wall at Diamond Bay Reserve	IN PROGRESS	Heritage Planners have undertaken a preliminary review of these structures and advised that Council should ideally conserve them. They are not on any heritage register. Following Council decision to preserve heritage protection measures will be undertaken.
24	Repairs to damaged fences and balustrade at Diamond Bay Reserve and Eastern Avenue Reserve	COMPLETE	Works to repair fences and balustrades at these locations have been completed. Further additions are being considered as behaviour is monitored.
25	Diamond Bay Reserve and Eastern Avenue Boardwalks remediation works	UNDERWAY	RFT to engage construction services released on week starting 3 February. Works expected to be completed by June 2020.
26	Minor upgrades to measures already implemented	ONGOING	Council Officers and Ranger Patrols are regularly walking and inspecting the area. Repairs to damaged balustrades and fences have been undertaken and modifications and addition to signage is ongoing, with recommendations from the community being investigated and implemented as appropriate.

Further details on actions taken to date are set out in the confidential attachment to this report

In addition to the above actions, Council officers have reviewed the following items for suitability in further deterring access to the coastal cliff edge at Diamond Bay Reserve and Eastern Avenue Reserve.

'Non-climbable' balustrades

Noting that nothing is likely to be unclimbable, different materials (closed mesh for example) could be utilised in hotspot locations. While making access to the cliff edge more difficult access, this measure will also increase the difficulty of re-gaining access to the coastal walk from the cliff edge if people do manage to climb over, particularly along the boardwalks due to the increased elevation. Officers have opted to cost

and trial this material in specific locations. It is recommended that 'non-climbable' balustrades are also investigated for suitability as part of the new design for both boardwalks.

Higher fencing

Installing large fences is likely to be met with significant resistance from some residents in some areas due to visual impacts. As noted in item 8 of Table 1, following the install of three new A2 signs adjacent to Chris Bang Avenue, two have been removed, most likely by residents due to visual impact of the large signs. Fencing height is something that will be considered in the full risk review and in the Boardwalk redesign and rebuild.

It is noted that the boardwalk/path is safe and the balustrade effective as designed if people stay within the balustrades. It is only when people disobey signage and climb over the balustrades that they place themselves in danger.

Additional signage

As noted in Item 8 of *Table 1*, there have progressively been a total of 53 signs (46 permanent signs and seven corflute signs which will be upgraded) installed between the Eastern Avenue Reserve Boardwalk and MacDonald Street, Vacluse, adding to previous signage. AS2156.1 *Walking Tracks Part 1: Classification and Signage* states that 'the overuse and use of very large signs should be avoided'.

The independent coastal risk assessment will provide information and recommendations on best practice risk mitigation, including the above items. It is also noted that from a legal perspective, accessing a cliff edge would fall into the category of obvious risk.

5. Financial impact statement/Time frame/Consultation

Consultation undertaken has been outlined above.

Costs incurred to date on physical works, including the installation of temporary and permanent balustrades and signage, are approximately \$35,000. Additional personnel costs associated with Ranger patrols are approximately \$31,250 to date. Following the most recent death at Eastern Avenue Reserve, ranger patrols have been increased further, bringing the cost of additional personnel up to approximately \$2,300 per week moving forward, placing pressure on the Ranger time allocation and budget.

The cost to undertake an independent coastal risk assessment focusing on cliff edge safety is \$47,850. The final report is expected to be completed in April 2020.

The cost to undertake remediation works on the Diamond Bay Reserve and Eastern Avenue Reserve boardwalks is estimated at \$224,000, with works expected to be completed in June 2020.

The cost to undertake the design and construction of new boardwalks at Diamond Bay Reserve and Eastern Avenue Reserve are estimated to be \$2.02 million, with construction proposed to be funded in the 2020–21 and 2021–22 capital works programs.

Council is in the process of seeking state funding assistance via Gabrielle Upton, MP, and assistance from Sydney Water as part of the 'Refresh Vacluse' project.

6. Conclusion

This report sets out the response to Council resolutions CM/7.14/19.11, CM/7.5/19.09, CM/11.4/19.08 and CM/8.3/19.06 relating to risk management and safety concerns on the coastal cliff edge—noting actions taken to date and others underway.

7. Attachments

1. Diamond Bay and Eastern Reserve - Interim Risk Review (confidential)

**REPORT
CM/7.11/20.02**

Subject: Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse

TRIM No: SF19/5740

Author: Gabrielle Coleman, Strategic Planner

Director: Tony Pavlovic, Acting Director, Planning, Environment and Regulatory

This matter was last considered by Council at its meeting on 10 December 2019. Debate on the item was adjourned to this meeting. Below is a minute extract from the meeting. The original report, as well as supplementary information, is attached.

At the time of the procedural motion being moved, Cr Wakefield had spoken in favour of the substantive motion and no Councillors had spoken against the substantive motion.

**CM/7.10/19.12 Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse
(SF19/5740)**

At 9.04 pm, during the consideration of this item, the meeting adjourned for a short break.

At 9.12 pm, the meeting resumed.

MOTION

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 701–707 Old South Head Road, Vaucluse. The draft Planning Agreement offers a total monetary contribution of \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.
3. Notes that Council's policy is that VPA contributions are spent in the immediate vicinity of the development to which they relate.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR LEWIS AND SECONDED BY CR KEENAN:

That debate on this item be adjourned to the February Council meeting.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Cr O'Neill was not present for the consideration and vote on the procedural motion.

1. Attachments

1. Council report - Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse - 10 December 2019
2. Supplementary information

REPORT CM/7.10/19.12



Subject: Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse

TRIM No: SF19/5740

Author: Gabrielle Coleman, Strategic Planner

Director: Peter Monks, Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 701–707 Old South Head Road, Vaucluse. The draft Planning Agreement offers a total monetary contribution of \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

1. Executive Summary

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved section 4.55 modification (DA-482/2016/A) at 701–707 Old South Head Road, Vaucluse. The application was approved at a section 34 conciliation conference for modifications to the approved residential flat building. The approved modification resulted in an additional 280 sqm of gross floor area or total FSR of 1.195:1 where the permissible floor space ratio is 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 \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

2. Introduction/Background

The draft Planning Agreement offers a total monetary contribution of \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards 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 \$766,360, with \$689,724 (90%) to go towards the improvement and regeneration of parks and reserves in the Diamond Bay/Vaucluse area and \$76,636 (10%) to go towards Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

The contribution could support passive open space recreation upgrades such as playgrounds, picnic areas and park access and circulation improvements. Projects that would assist from additional funding in the immediate vicinity of the development include upgrading the clifftop walkways along Eastern Avenue Reserve and Diamond Bay Reserve.

Public exhibition of the draft Planning Agreement

The draft 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 and included:

- Public 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/Time frame/Consultation

Once the planning agreement has been executed, the applicant will be required to pay a monetary contribution of \$766,360 prior to the issue of an occupation certificate.

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 endorses the attached draft Planning Agreement for execution.

7. Attachments

1. Draft planning agreement
2. Explanatory note

WAVERLEY COUNCIL

(Council)

AND

**LAMAR 18 PTY LTD
(ABN 60 522 956 053)**

(Developer)

PLANNING AGREEMENT

(Development Contribution)

**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**

PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2019

PARTIES

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

LAMAR 18 PTY LTD of Unit 28, 26 – 30 Ocean Street, Bondi NSW 2026
ABN 60 522 956 053 ("**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 11 September 2017 the Developer caused the Development Application to be made to Council for Development Consent to modify DA 482/2016.
- D.** The Developer appealed the decision of Council in respect to the Development Application.
- E.** On 27 March 2018 the Developer offered to enter into this Agreement to make a development contribution towards a public purpose in accordance with Council's Planning Agreement Policy.
- F.** The Development Consent was granted by the Land and Environment Court on 4 March 2019.
- G.** Development consent DA 482/2016 required the Developer to enter into a Planning

Agreement and make a development contribution towards a public purpose (the First Planning Agreement). The First Planning Agreement is dated 12 September 2019. The condition of consent requiring the First Planning Agreement to be entered into has not been modified by the current Development Consent. The Developer is still required to comply with its obligations in relation to First Planning Agreement. This Planning Agreement is in addition to the First Planning Agreement and does not impact on the First Planning Agreement in any way.

- H. This Agreement is consistent with the Developer's offer referred to in Recital E.

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 Application, 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 as soon as possible following the Development Consent and in any event prior to an Occupation 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) as modified;

"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 owner’s consent, noting Council as a caveator, in a form registrable at NSW Land Registry Services and otherwise acceptable to Council or such other form of owner’s 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 Land 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;

“Development Application” means the development application referred to in item 3 of the Schedule;

“Development Consent” means the development consent granted by the Land and Environment Court on 4 March 2019 as modified by modification 482/2016/B in respect of the Development Application described in Item 3 of the Schedule;

“Development Contribution” means the amount of money 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;

“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 the land described 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;

“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 they have done 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 they have 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 an Occupation Certificate, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land 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, NSW 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) take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of an Occupation 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 in writing. 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 an Occupation 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, as soon as possible after entering into this Agreement and in any event prior to the issue of an Occupation 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 consideration of 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 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 and 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) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form.

12.4 The Developer may request removal of any caveat lodged against the Land in writing once all the Developer's obligations under this Agreement have been met. The Developer must pay the Council's costs in relation to the withdrawal of caveat or caveators consent as may be sought.

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 and 9 of the Schedule;
- (b) faxed to that Party at its fax number set out below in Item 8 and 9 of the Schedule;
- (c) emailed to that Party at its email address set out below in Item 8 and 9 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 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, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (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; 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.

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.

DRAFT

SCHEDULE

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	LAMAR 18 PTY LTD (ABN 60 522 956 053)
2	Land	LOT 1, 2 AND 3 IN DP 223349 AND LOT A IN DP 316890 AND KNOWN AS 701 – 707 OLD SOUTH HEAD ROAD, VAUCLUSE
3	Development Application	DA 482/2016/A (MODIFICATION OF DA 482/2016)
4	Development (description)	THE DEVELOPMENT AS DESCRIBED IN DA 482/2016 AS MODIFIED TO INCLUDE THREE ADDITIONAL UNITS, EXTENDING APPROVED UNITS, AMENDMENTS TO TOP FLOOR LEVEL AND ROOF DESIGN AND ADDITION OF 6 CAR PARKING SPACES
5	Development Contribution	\$766,360
6	Public Purpose	TO BE APPLIED TOWARDS THE IMPROVEMENT AND REGENERATION OF THE DIAMOND BAY/VAUCLUSE 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	UNIT 28, 26 – 30 OCEAN STREET, BONDI NSW 2026

Developer Fax
Developer Email

mbassin@rostcapital.com.au

Council Address

CORNER PAUL STREET AND BONDI
ROAD, BONDI JUNCTION NSW 2022

Council Fax

(02) 9387 1820

Council Email

info@waverley.nsw.gov.au

DRAFT

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on**

ROSS MCLEOD

General Manager

CLR PAULA MASSELOS

Mayor

**EXECUTED by LAMAR 18 PTY LTD
ABN 60 522 956 053**

In accordance with section 127 of the
Corporations Act 2001

MARINA BASSIN

Director/Secretary

LARISA ROZENTSVET

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

LAMAR 18 PTY LTD ABN 60 522 956 053 (Developer)

2 Description of subject Land:

The whole of the land being Lot 1,2 and 3 in Deposited Plan 223349 and Lot A in Deposited Plan 316890 known as 701 – 707 Old South Head Road, Vaucluse, 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 the development as described in DA 482/2016 as modified to include three additional units, extending approved units, amendments to top floor level and roof design and addition of 6 car parking spaces.

4 Background:

The Developer is the registered proprietor of the subject Land. A development application was lodged with Council, DA 482/2016/A, to modify DA 482/2016. The Developer appealed the decision of Council in respect to the Development Application. The Developer subsequently offered to enter into a Planning Agreement with Council pursuant to section 7.4 of the Act to provide a monetary contribution as the Development 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. Development Consent was granted by the Land and Environment Court on 4 March 2019 and subsequently modified by DA482/2016/B in respect to timing of certain requirements

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 applying funds to the improvement and regeneration of the Diamond Bay/Vaucluse area 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 as soon as possible after entering into the agreement and prior to an Occupation Certificate issuing for the Development and to pay a monetary contribution to Council in the amount of \$766,360 prior to an 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 infrastructure and facilities nearby the Development and in the broader community, in particular improvement and regeneration of the Diamond Bay/Vaucluse area;

- The upgrading and improvement of facilities will encourage business and development activity of the precinct;
- 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, caveat and payment of the monetary contribution prior to the issue of an Occupation Certificate.

This explanatory note is not to be used to assist in construing the Planning Agreement

Supplementary information

Voluntary planning agreement – 701-707 Old South Head Road, Vaucluse

A procedural motion was moved by Cllr Lewis and seconded by Cllr Keenan to adjourn debate on the subject VPA. There was discussion at the meeting about how the VPA was generated and whether this was unprecedented. Further details about the background of this VPA are provided below.

This is not the first time Council has received two VPAs associated with two separate development applications on one site. Two VPAs have previously been endorsed for 41 O'Donnell Street, North Bondi.

The original development application DA-482/2016 was approved for the demolition of the existing buildings on site and construction of a residential flat building. A VPA was offered in association with the GFA exceedance for \$517,537. This planning agreement has been executed and paid and will be allocated towards the upgrade and improvement of Diamond Bay Reserve, Vaucluse.

A section 4.55 modification application which resulted in an increased gross floor area exceedance was submitted to Council. It is common practice for applicants to lodge a DA that establishes a building envelope that can be filled with voids and other floorspace not counted towards calculable FSR. Once this envelope is approved, the applicant can lodge a section 4.55 modification application to fill in the voids and other non-calculable floorspace. In this instance, as modifications are not subject to the same criteria as a DA (i.e. clause 4.6 does not apply), an applicant is able to increase their FSR above the controls in a way that is difficult to refuse as they are 'of minimal environmental impact' in accordance with S4.55(1A)(a) of the Environmental Planning and Assessment Act 1979.

The section 4.55 modification was assessed by Council officers and referred to the Waverley Development Assessment Panel (WDAP). The modification application originally sought the additional FSR without sharing additional public benefits with the community. A VPA was subsequently provided by the applicant. The application was then refused on the grounds that the floor space exceedance resulting in three additional apartments was too significant as there was reduced amenity for upper level apartments with trying to fit the additional floor space within the existing envelope, adverse impact on views and reduction in articulation.

The applicant took the refusal to the Land and Environment Court (LEC). At conciliation proceedings the applicant submitted amended plans, which resulted in reduced floor space exceedance (compared to what was assessed by WDAP) and a VPA offer of \$766,360. This was then approved. It is important to note that this modification application may have been approved by the court without a VPA.

REPORT CM/7.12/20.02



Subject: Voluntary Planning Agreement - 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction

TRIM No: SF18/2505

Author: Gabrielle Coleman, Strategic Planner

Director: Tony Pavlovic, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Notes that Council authorised the Mayor and General Manager to sign and execute the planning agreement and affix the Council seal to the documentation at the December Council 2019 meeting.
2. Notes that the VPA contribution is for the in-kind dedication of commercial floor space in perpetuity and that, in part, some of the floor space must be used for community purposes.
3. Notes that 100% of the revenue generated by the leasing of commercial floor space will be hypothecated to Waverley's Affordable Housing Program.

1. Executive Summary

This report is a follow up to a report that went to Council on 10 December 2019 regarding the draft Planning Agreement associated with the approved development application (DA-498/2017) at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.

Council officers negotiated with the applicant for a VPA amount of \$5,164,236.85. In lieu of the monetary contribution, it was identified that this VPA amount plus the section 7.12 contributions of approximately \$650,000 could purchase and fit-out 505sqm (six tenancies) of commercial floor space on level one of the approved development.

As the VPA includes s 7.12 contributions money to cover the cost of fit-out and purchase of entire floor space, part of the floor space must be used for community uses. This would be in the form of one tenancy dedicated to a multi-purpose community facility.

The other five tenancies would be used as commercial floor space. The revenue from leasing out the commercial floor space must be hypothecated to a public purpose in line with section 7.4 of the *Environmental Planning and Assessment Act 1979*. A recommendation from the consideration of the VPA in December was that a report came back to Council investigating that 15-25% of the revenue from the leasing of the commercial floor space be allocated towards affordable housing. The report at the time recommended that 100% of the revenue from the leasing of the commercial floor space be allocated towards affordable housing, as negotiated with the developer and outlined in Schedule 1 of the Planning Agreement. This is further explained in this report.

The draft Planning Agreement provides a considerable public benefit. It involves the dedication of over 500sqm of floor space to Council. It would deliver a large multi-purpose community facility, much needed commercial floor space in Bondi Junction and the revenue would be hypothecated to affordable housing.

2. Introduction/Background

This report relates to the endorsed draft Planning Agreement associated with the approved development application (DA-498/2017) at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction. The development application was approved by the Sydney Eastern City Planning Panel on 13 December 2018 for the demolition of existing buildings and construction of fourteen storey mixed use building with four levels of basement car parking and offer to enter into a Planning Agreement to the value of \$5,164,236.85.

Council officers initiated negotiations for an in-kind dedication of commercial floor space on level one of the approved development in lieu of the monetary contribution. The contribution enabled the acquisition of 505sqm (six tenancies) of commercial floor space (see attached floor plan) and associated common space. The net revenue from the leasing of commercial tenancies must fund a public purpose.

Council's *Planning Agreement Policy 2014* allows for in-kind contributions, as well as monetary contributions. The main in-kind contributions that it allows for are affordable housing and commercial floor space. Commercial floor space dedication has been encouraged, particularly in Bondi Junction, given that it is important for Council to offset the loss of commercial floor space, achieve the aims of the following strategic documents: *Bondi Junction Commercial Centre Review*, *Waverley Economic Development Strategy*, *Community Strategic Plan*, *draft Local Strategic Planning Statement* as well as the commercial floor space focus and jobs targets for Bondi Junction as outlined in the Greater Sydney Commission's *Eastern City District Plan*.

Land and floor space in Waverley LGA is very expensive. The dedication of floor space provides a significant opportunity to create new dedicated and specialised community space for Bondi Junction and the broader community. The provision of a revenue generating asset also provides a sustainable long-term source of revenue for council subject to that revenue being allocated towards a public purpose.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 10 December 2019	CM7.9.19.12	<p>That Council:</p> <ol style="list-style-type: none"> Endorses the draft Planning Agreement attached to this report applying to land at 87–99 Oxford Street and 16–22 Spring Street, Bondi Junction. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation. Notes that the VPA is for the provision of floor space, and that, generally, Council's policy is that monetary VPA contributions are spent in the immediate vicinity of the development to which they relate. Investigates allocating 15–25% of any monies generated by the VPA to affordable housing, and that a report comes back to Council.

4. Discussion

Planning Agreement's monetary contribution to a public purpose

Section 7.4 of the *Environmental Planning and Assessment Act 1979* requires that the monetary contribution from a planning agreement be allocated to a public purpose. The VPA includes provision for community floor space as the VPA also includes s7.12 contributions money to cover the cost of fitout and purchase of all available floor space on level 1. As a result of including this contribution, Council's solicitor indicated that it was a requirement under s 7.12 of the EPAA that part of the floor space be used for a community facility. This could be a suite facing Spring or Oxford Street, or alternatively the space could host a community use that is currently in another Council property in the LGA, which would free up this other facility.

The provision of commercial floor space provides a greater ability to deliver public benefits and hence promote the public interest, rather than a one-off cash contribution. The floor space will be used for a multi-purpose community facility and commercial floor space to be leased out to market rate tenants or at a subsidised rate to community service providers, with the net revenue to be hypothecated to a public purpose. Discussions with Council's Property & Facilities, Community and Cultural Program teams have been held to understand their needs. These discussions have identified 'Commercial 1' facing Spring Street as a suitable location for the community facility. The area of this space is 165 m2, approximately the same approximate size of the combined Tamarama, Queens Park and Dining room in the Council Chambers building. Given that it would be self-contained and separate, while 'Commercial 2-6' (approx. 340 m2) facing Oxford Street would be more suitable for commercial tenancies. However, in practice this community-oriented use could locate in any tenancy.

To maximise the community benefit associated with this floor space VPA, the negotiations with the developer have included the 7.12 contributions to maximise floor space and fit-out for the multi-purpose community facility. Numerous other Council's including City of Sydney, North Sydney and Parramatta have used planning agreements to negotiate commercial floor space for a range of uses including tech start-ups, community arts centre and childcare centres. The Strategic Planning team has led the VPA negotiations with the developer and has worked closely with Council's Facilities, Community Programs and Cultural Programs teams to understand their needs.

Discussions with Council's Community Programs and Cultural Programs teams revealed that there is a high need for accessible and reasonably affordable venues either for long-term or one-off bookings that offer spaces for meetings; working together; workshops, seminars, or outreach offices/engagement spaces for regional services supporting local community. There is strong support for increased provision of community spaces that could support many different functions across age groups and create a stronger community hub in an area experiencing population growth. Due to the site's proximity and location, there is potential that the space could have a symbiotic or complementary role to the role and function of the Mill Hill centre, Boot Factory, library and possible future expanded Innovation Hub. and after hours uses.

Hypothecation of funding to public purpose

The net revenue associated with the leasing of the commercial floor space needs to fund a public purpose, in perpetuity. If the floor space is used for market rate leasing, then the VPA has identified that 100% of the revenue go to affordable housing. Based on our existing policy, VPA contributions in Bondi Junction would typically be split as 90% towards Council's Complete Streets Program and 10% towards Waverley's Affordable Housing Program. However, the contribution as drafted is consistent with the PA Policy, which allows flexibility for the public purpose in the following circumstances:

- The public purpose must account for the 'obligation preferences of the developer'.

- Council must 'take into account Council's vision and mission statement, the Strategic Plan's general priorities' in determining the public purpose. A deliverable of the CSP is to 'increase affordable housing options'.

The Strategic Town Planning Team have led the VPA negotiations with the developer and worked closely with Council's Housing programs Team. Affordable housing was identified as the most appropriate public purpose and highest value public purpose based on the following reasons:

- Approximately \$200,000 per annum generated by a commercial market lease would only ever consist of a small funding contribution towards a capital works item, which would be largely funded by another source. Our PA Policy states that the Planning Agreements should not fund works over and above the capital works schedule and works which would have been funded by another source in any case.
- Capital works often find another funding source, often grant funding via the NSW Government, and it would be difficult to ensure that ongoing revenue from leasing is funding *additional* capital works and not existing planned capital works that would have been funded via other sources (grants) or in later years of the LTFP.
- the need for affordable rental housing in Waverley LGA is critical and the *Local Housing Discussion Paper* and CSP calls for greater funding mechanisms for affordable rental housing. It is a longstanding commitment of Council to fund affordable housing. This VPA has the potential to secure a substantial increase to Council's AH program if an innovative funding model, which is supported by Community Programs. Council's request to investigate a rate of 15% to 25% of this annual revenue being allocated to affordable housing would have a low impact in terms of affordable housing delivery.

Affordable housing delivery model

Waverley is a leader in affordable housing provision, however, given the residential booms of the last 20 years, the traditional model of purchasing older flat buildings for affordable rental dwellings is no longer a viable delivery model. Council cannot compete with developers who can pay a premium to renew these sites. As a result, Council Officers have explored alternative and innovative ways of funding affordable rental housing, including subsidising market rate housing (as an alternative to purchasing and owning).

These innovative delivery models for affordable housing have been explored and will be presented in the near future through the draft Local Housing Strategy which is currently being finalised. A workshop will also be jointly run with Strategic Town Planning and Community Programs this year, including industry experts, to discuss various models. Once an appropriate delivery model/s are agreed, these will be formalised and seek endorsement from Council.

One innovative delivery model that is being currently considered is hypothecating net revenue from recurrent income sources, such as commercial tenancies to subsidise market rate rental properties to make them affordable (in perpetuity). This VPA provides an opportunity to explore this model, subject to the outcomes of an endorsed Council position on appropriate delivery models. While subsidising market rate housing is more achievable than purchasing new stock (given there is no need for a significant upfront capital cost), the key issue with subsidising rental housing is that a sustainable recurrent source of funding is required. This is where the net revenue from commercial leasing would play a role. Using this approach, this VPA could add over 20 affordable rental dwellings to our affordable housing portfolio, effectively in perpetuity. In contrast, our current approach to affordable housing delivery would only allow the purchase of up to one affordable rental dwelling every four years based on net revenue. This is a significant public benefit.

5. Financial impact statement/Time frame/Consultation

Financial impact

Should this draft planning agreement be endorsed in its current form the financial impact would be as follows:

Contribution	Amount (approx.)	Use
VPA	\$5.16 million	Purchase 505sqm of floor space
Section 7.12	\$650,000	Pay for the fit out of the floor space
<i>Net revenue of commercial space (340m2)</i>	\$200,000 p.a.	Commercial rental at market rates to fund affordable housing.

Time frame

The in-kind contribution will likely be handed over to Council by January 2022.

Public exhibition of the draft Planning Agreement

The public exhibition was reported to Council previously and no submissions were received.

6. Conclusion

It is recommended that Council notes that the in-kind contribution of commercial floor space, in part needs to be used for community uses. Further, that 100% of the net revenue be hypothecated to Council's affordable housing program. This is a unique opportunity that will result in a significant public benefit.

7. Attachments

1. Level 1 - Commercial floor space plan [↓](#)
2. Endorsed planning agreement [↓](#)
3. Explanatory note



WAVERLEY COUNCIL

(Council)

AND

LINDSAY BENNELONG DEVELOPMENTS PTY LTD
(ACN 002 133 931)

(Developer)

AND

BONDI LAND PTY LIMITED
(ACN 615 618 203)

(Owner)

PLANNING AGREEMENT

(Development Contribution)

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

PLANNING AGREEMENT NO. _____***Section 7.4 of the Environmental Planning and Assessment Act, 1979*****THIS AGREEMENT** is made on

2019

PARTIES

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

LINDSAY BENNELONG DEVELOPMENTS of Ground Floor, 21 – 23 Solent Circuit, Baulkham Hills NSW 2153 ACN 002 133 931 ("**Developer**")

BONDI LAND PTY LIMITED of Ground Floor, 21 – 23 Solent Circuit, Baulkham Hills NSW 2153 ACN 615 618 203 ("**Owner**")

BACKGROUND/RECITAL

- A.** Bondi Land Pty Limited is the Owner of the Land. The Developer is the developer of the Land and the applicant in the Development Application.
- 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 23 November 2017 the Developer caused a development application to be made to Council for development consent. Consent was granted on 13 December 2018. In accordance with the offer made by the Developer the consent contained a condition for the owner/applicant to enter into a Planning Agreement and amongst other things pay a monetary contribution amount of \$5,164,236.85.
- D.** The Developer subsequently sought to modify development application DA 498/2017 in relation to timing for entering into the Planning Agreement and provision of security. Consent was granted on 19 March 2019 (DA 498/2017/A).
- E.** The Developer sought to further modify development application DA 498/2017/A consistent with an updated offer to Council to enter into a Planning Agreement to make the Development Contribution (being an in kind contribution in lieu of a cash contribution) towards a public purpose in accordance with Council's Planning Agreement Policy and

Development Contributions Plan if the modified Development Consent was granted.

- F. The further modified Development Consent referred to in recital E was granted on _____.
- G. This Agreement is consistent with the Developer's offer referred to in Recital E.

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 Application, as may be modified.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the later of the Development Consent and the date of this Agreement. The parties must execute and enter into this Agreement prior to a Construction Certificate for works above ground level (as determined at the time of the Development Consent) 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) as modified;

"Agreement" means this agreement;

"Bank Guarantee" means an irrevocable and unconditional undertaking by a trading bank approved by the Council or an unconditional insurance bond with an insurer approved by Council in the amount of \$5,809,592.41 without an expiry or end date and containing terms and conditions reasonably acceptable to Council and in accordance with clause 9 of this Agreement;

"Building" means the building the subject of the Development Application;

"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 Consent Form" means an irrevocable authority to Waverley Council registering and maintaining a caveat on the Land, in a form acceptable to Council and executed by the

Owner of the Land, or such other form of Owner's consent to caveat 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 Land is located within;

"Commercial Strata Lots" means the commercial lots (including any garage, car space, storage area and associated common space) identified in Item 5 of Schedule 1 to be transferred to Council together with Exclusive Use Rights as part of the Development Contribution;

"Completion Notice" means the notice issued by Council upon completion of the Works referred to in clause 6 of Schedule 2;

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

"Construction Terms" means the terms set out in Schedule 2;

"Defect" has the same meaning as defined in Schedule 2;

"Defect Liability Period" has the same meaning as defined in Schedule 2;

"Development" means the development the subject of the Development Application described in item 4 of Schedule 1;

"Development Application" means the development application described in item 3 of Schedule 1;

"Development Consent" means the development consent dated _____, as may be modified, granted in respect of the Development Application ;

"Development Contribution" means the contribution referred to in item 5 of Schedule 1 and Schedule 2 and includes the transfer of the Commercial Strata Lots and Fit-Out Works in accordance with this Agreement;

"Development Contribution Date" means the time the Development Contribution is to be delivered as specified in item 7 of Schedule 1;

"Exclusive Use Rights" means the right of exclusive use of Council as the owner of the Commercial Strata Lots to use the areas marked as "common" on the Preliminary Floor Plans pursuant to a binding registered by-law;

"Fit-Out Works" has the same meaning as defined in Schedule 2;

"Floor Plans" has the same meaning as defined in Schedule 2;

"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 the land described in item 2 of Schedule 1 and all lots resulting from any subdivision or consolidation or part thereof;

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

“Owner” means the registered proprietor of the Land, Bondi Land Pty Limited;

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

“Preliminary Floor Plans” has the same meaning as defined in Schedule 2;

“Public Purpose” for the purpose of this Agreement means the public purpose described in item 6 of Schedule 1;

“Rectification Notice” has the same meaning as defined in Schedule 2;

“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 1” means the schedule titled ‘Schedule 1’;

“Schedule 2” means the schedule titled ‘Schedule 2’;

“Schedule of Finishes” has the same meaning as defined in Schedule 2;

“Strata Certificate” means approval by Council or a Certifying Authority for the strata subdivision of the Building in accordance with the Strata Plan;

“Strata Plan” means the strata plan which creates a strata scheme in respect of the Building and separate titles to the Commercial Strata Lots;

“Works” has the same meaning as defined in Schedule 2.

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/procure, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must use all reasonable endeavours to commence, progress and complete the Development as expeditiously as reasonably practicable and, in any event, so as to deliver the Development Contribution by the Development Contribution Date.

- 5.3 The delivery of the Development Contribution is to take the form of a dedication by way of transfer and delivery of the Commercial Strata Lots (and complete Fit-Out Works) to the Council at no cost to Council (that is, for no monetary consideration payable by the Council in respect of the transfer of the Commercial Strata Lots to the Council and free of any rates, levies and other outgoings to the date of transfer) and free of all encumbrances. For the avoidance of doubt, the Council is responsible for the payment of any stamp duty in respect of the transfer and legal fees beyond those contemplated in clause 15 (if any).

Transfer of Commercial Strata Lots

- 5.4 The Developer agrees to procure and the Owner will transfer the Commercial Strata Lots to the Council at no cost to Council as set out in clause 5.3 and free of all encumbrances and the Council agrees to accept the transfer of the Commercial Strata Lots to be used by the Council for the Public Purpose.
- 5.5 The Developer will cause the Building and the Commercial Strata Lots to be constructed in a proper and workmanlike manner in accordance with the Development Consent, Floor Plans and the Construction Terms referred to in Schedule 2 hereof and this clause 5.
- 5.6 The Developer will ensure that the Commercial Strata Lots and Fit-out Works are finished in a proper and workmanlike manner in accordance with the Schedule of Finishes and to the same standard as the other commercial units in the Building and that the floor plan of the Commercial Strata Lots is identical or substantially similar to the Floor Plans.
- 5.7 The Developer shall at its own expense comply with its obligation as to remedying any Defect in the Commercial Strata Lots in accordance with Schedule 2.
- 5.8 On or before the date of this Agreement, the Developer has provided the Council with copies of the proposed strata plan and by-laws for the Development including but not limited to an Exclusive Use Rights by-law. The Council acknowledges that the strata plan and by-laws are draft only and are subject to amendment before they are finalised (provided such amendments do not materially detrimentally affect the Commercial Strata Lots).

Strata Subdivision

- 5.9 The Developer will immediately notify Council in writing upon the issue of the Strata Certificate.
- 5.10 The Developer will immediately notify Council in writing of:
- (a) the lodgement of the Strata Plan with NSW Land Registry Services (including the strata plan number allocated to the Strata Plan upon lodgement); and
 - (b) the registration of the Strata Plan.

Delivery of Development Contribution

- 5.11 The Developer must promptly after receiving the Occupation Certificate deliver to Council a certified true copy of the Occupation Certificate for all development and Works upon the Land including the Fit-out Works.
- 5.12 On the Development Contribution Date the Developer must transfer and deliver to Council the Commercial Strata Lots (and complete Fit-Out Works) free of any encumbrances in accordance with this Agreement.
- 5.13 Prior to the delivery of the Development Contribution in accordance with 5.12, the Developer must deliver to Council:
- (a) a current clear Land Tax Certificates from Revenue NSW in respect to the Commercial Strata Lots;
 - (b) a certificate of currency of appropriate insurances for the Building and Land; and
 - (c) evidence all outgoings including rates, have been paid to the date of transfer.

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 wholly excludes the application of Sections 7.11 and 7.24 of the Act.
- 7.2 The Development Contribution includes the amount levied in relation to the Development under Section 7.12 of the Act in the amount of \$645,355.56.

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 and Owner warrant that they have done 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 and Owner warrant that they have 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 practicable after entering into this Agreement and in any event prior to the issue of a Construction Certificate for works above ground level (current at the date of this Agreement), the Developer and Owner will at their cost arrange and effect registration of

this Agreement under s7.6 upon the title to the Land and as soon as practicable will:

- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Owner 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, NSW for the registration fees for registration of this Agreement; and
 - (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.
 - (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 Simultaneously with the delivery of the Development Contribution in accordance with clause 5 and Schedule 2, the Council must provide a duly executed LRS Request form (or, if required by the LRS, separate Request forms in respect of each lot in the Development) in registrable form for the removal of the registration of this Agreement from the title to the Land, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 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) Prior to the issue of a Construction Certificate for works above ground level (as determined at the time of the Development Consent), 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) in the amount of \$5,809,592.41;

- (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 consideration of 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 deliver any part of the Development Contribution in accordance with this Agreement and the Schedules to it, 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 breach or failure under this Agreement as referred to in 9.2(a), then the Council will be entitled to claim any loss or damages sustained as a result of the Developer or Owner's breach or failure under this Agreement, on the Bank Guarantee without further notice.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement to deliver the Development Contribution and payment of any outstanding monetary amounts payable under this Agreement, the Council will return the Bank Guarantee to the Developer upon delivery of the Development Contribution in accordance with this Agreement.

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; and
- (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; and
- (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 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 The Developer and Owner acknowledge and agree that:

- (a) the Land is charged with the delivery of the Development Contribution 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 delivered 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 delivered in full to Council; and
- (d) upon entering into this Agreement, the Developer and Owner shall provide Council with the Caveat Consent Form.

12.3 The Council must promptly provide caveator consent to the registration of any plan or dealing in respect of the Land that is permitted under this Agreement and is not inconsistent with the Council's right to receive the Development Contribution under this Agreement. The Developer must pay the Council's reasonable costs in relation to provision of caveators consent.

12.4 The Council must, simultaneously with delivery of the Development Contribution in accordance with clause 5 and Schedule 2, remove any caveat lodged by or on behalf of the Council against the Land. The Developer must pay the Council's reasonable costs in relation to the withdrawal of caveat.

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

- 15.1 Until the Development Contribution is delivered in full, the Developer and Owner may not sell or transfer the Land or assign, or novate this Agreement, or attempt or purport to do so, without the Council's prior written consent. However, the Developer and Owner may enter into contracts for sale and put and call options in respect of lots within the Development.
- 15.2 For the avoidance of doubt, this Agreement does not prevent or restrict:
- a. the Developer or the Owner charging, recharging, mortgaging or remortgaging the Land or any part of it or their respective rights under this Agreement; or
 - b. the exercise of the rights of any chargee or mortgagee under any charge or mortgage over the Land or any part of it or over this Agreement (including the exercise by any such chargee or mortgagee of its power of sale or any other enforcement powers under any such charge or mortgage)

PROVIDED that the Council's rights herein including as to delivery of the Development Contribution in accordance with this Agreement are not affected and this Agreement and the conditions of Development Consent that give rise to this Agreement continue to run with the

Land and are enforceable against the owner of the Land from time to time, their transferees, successors, assigns and every person who is entitled to an estate or interest in the possession of the Land or any part of it including any mortgagee in possession.

- 15.3 Without limiting clause 12.3 and, subject to clause 15.2, the Council must promptly provide caveator consent to the registration of a dealing in respect of any existing or future mortgage or charge over the Land or any part of it.

16 COSTS AND DUTY

- 16.1 Council's reasonable 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 arising from this Agreement or its preparation.
- 16.2 The Council must pay all duty (including all fines and penalties except those arising from the default of another party) in respect of this Agreement and the transfer of the Development Contribution to the Council.

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 non-exclusive 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 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, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (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; 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.

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 1

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	Lindsay Bennelong Developments Pty Ltd (ACN 141 697 912)
2	Land	<p>16 Spring Street, Bondi Junction – Lot 3 DP 975587</p> <p>18 Spring Street, Bondi Junction – Lot 4 DP 975587</p> <p>Ground floor shop, 20 Spring Street, Bondi Junction – Lot 1 SP31260</p> <p>2/20 Spring Street, Bondi Junction – Lot 2 SP31260</p> <p>Common Property, 20 Spring Street, Bondi Junction – CP/SP31260</p> <p>22 Spring Street, Bondi Junction – Lot B DP401739</p> <p>87 Oxford Street, Bondi Junction – Lot 1 DP 975587</p> <p>89 Oxford Street, Bondi Junction – Lot 9 DP 656476</p> <p>91 Oxford Street, Bondi Junction – Lot A DP 312346</p> <p>93 Oxford Street, Bondi Junction – Lot 11 Section S DP 145</p> <p>95-99 Oxford Street, Bondi Junction – Lot A DP 40173</p>
3	Development Application	DA 498/2017/B and DA 498/2017/C
4	Development (description)	The demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels, or as modified.

5	Development Contribution	Transfer land which incorporates floor space as identified in the Preliminary Floor Plans (SK1.400 dated 13 May 2019) being 505m ² on the First Floor comprising commercial tenancies 1,2,4,5 and 6 and associated common space (Commercial Strata Lots) and Fit-out Works
6	Public Purpose	In part, a multi-purpose community hub and in part for the funding of recurrent expenditure relating to the provision of affordable housing under Waverley's Affordable Housing Program (or such other Council program or plan of action for the purposes of providing affordable housing, or if none a similar community purpose), in perpetuity. The said funding of recurrent expenditure is raised through revenue derived from leasing the Commercial Strata Lots.
7	Development Contribution Date	Within fourteen (14) days of the later of registration of the Strata Plan and delivery of the Occupation Certificate in accordance with clause 5.10 and prior to or simultaneous with the first settlement of any other lot(s) within the Development.
8	Developer Address	Ground Floor, 21 – 23 Solent Circuit, BAULKHAM HILLS NSW 2153
	Developer Fax	(02) 9841 0412
	Developer Email	leigh@bennelong.com
	Council Address	Corner Paul Street and Bondi Road, BONDI JUNCTION NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

SCHEDULE 2

CONSTRUCTION TERMS

1. Interpretation

- 1.1 For the purposes of this Schedule 2, the defined terms in clause 4.1 and the Interpretation in clause 4.2 of this Agreement will apply, unless a contrary intention is indicated:

Builder means any person or entity contracted under the Construction Contract to carry out Works relating to the Development upon the Land.

Construction Contract means the contract to carry out all Works.

Defect means anything that materially adversely affects the appearance, structural integrity, functionality or use or enjoyment of the Commercial Strata Lots or Fit-out Works or any part thereof including but not limited to defects caused by faulty materials or faulty workmanship (other than minor settlement cracks and minor shrinkage).

Defect Liability Period means the period of 12 months commencing on the day immediately after the title of the Commercial Strata Lots are transferred to Council in accordance with the provisions of this Agreement.

Fit-out Works means the fit-out of the Commercial Strata Lots to be transferred to Council in accordance with the Floor Plans and Schedule of Finishes which have been approved by Council, completed to the satisfaction of Council acting reasonably.

Floor Plans means the final floor plan for the Commercial Strata Lots and Fit-out Works with specifications approved by Council.

Preliminary Floor Plans means preliminary floor plans for the Commercial Strata Lots and Fit-out Works with specifications approved by Council and attached hereto and marked A.

Preliminary Schedule of Finishes means the preliminary finishes for the Fit-out Works as approved by Council and attached hereto and marked B.

Schedule of Finishes means the final finishes for the Fit-out Works as approved by Council.

Rectification Notice means a notice in writing from Council to the Developer:

- (a) identifying the nature and extent of a Defect;
- (b) specifying the works or actions that are required to rectify the Defect; and
- (c) specifying the date by which or the period within which (being reasonable in all the circumstances) the Defect is to be rectified.

Works means the any building, engineering or construction work in, on, over or under the Land necessary to construct the Building and Commercial Strata Lots including the Fit-Out Works.

2. Requirements of authorities and approvals

- 2.1 These Construction Terms must be read and construed subject to:
- (a) any requirements or conditions of the Development Consent; and
 - (b) the requirements of and conditions imposed by all relevant authorities and all laws relating to the Development and the construction of the Development.
- 2.2 If the Developer requires any approvals in order to carry out the obligations under this Agreement, then the Developer will acquire all approvals necessary to carry out the Works at its own cost.
- 2.3 The Developer must ensure that the Works carried out under this Agreement are carried out:
- (a) in accordance with the Development Consent for the Works and all approvals and requirements of all laws, including without limitation, work health and safety legislation; and
 - (b) in good and workman like manner and so that they are diligently progressed until completion.

3. Cost of Works

- 3.1 All cost of the Works including any rectification works necessary must be borne by the Developer.

4. Project Management and Builder Engagement

- 4.1 The Developer will be responsible for managing the Works.
- 4.2 The Developer will ensure that any contractor it engages to carry out the Works agrees to:
- (a) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and
 - (b) to invite a Council representative to be present at on-site meetings relating to the Commercial Strata Lots and Fit-out Works.

5. Floor Plans and Schedule of Finishes

- 5.1 The parties acknowledge that as at the date of entering into this Agreement the Preliminary Floor Plans and Preliminary Schedule of Finishes whilst not in final form, are the most detailed and accurate available.
- 5.2 The Developer agrees that it will consult with Council promptly and in good faith in respect to updating the Preliminary Floor Plans and Preliminary Schedule of Finishes for the purposes of creating the final Floor Plans and Schedule of Finishes to the satisfaction of Council.
- 5.3 The Council shall be entitled to request reasonable amendments to the Preliminary Floor Plans and Preliminary Schedule of Finishes prior to finalisation.
- 5.4 The final Floor Plans and Schedule of Finishes must:
- (a) be in accordance with the Development Consent, all approvals and requirements

- of all laws; and
- (b) be in line with the Developer's Trade Break Down dated 14 May 2019 and Fitout Costplan dated 14 May 2019 approved by to Council for the purposes of this Agreement.

6. Carrying out of Works

- 6.1 The Developer must keep the Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.
- 6.2 Without limiting any other provision of this Agreement, the Developer must ensure all Works are carried out in accordance with the Floor Plans, Schedule of Finishes and to the satisfaction of Council, acting reasonably.
- 6.3 Council shall have access to the Commercial Strata Lots during construction of Works at all times upon 5 days written notice to the Developer to inspect their progress and ensure compliance with this Agreement.
- 6.4 Council may acting reasonably and in accordance with Australian construction standards, once before the construction of the Works is complete, after an inspection under clause 6.3, give the Developer a written direction to rectify or repair to the reasonable satisfaction of Council any specified part of the Commercial Strata Lots and Fit-out Works due to any Defect or non-compliance with the Developer's obligations herein that renders any part of the Commercial Strata Lots or the Fit-out Works unable to be legally occupied. Such direction will include an itemised list of the works required to rectify or repair the Commercial Strata Lots and Fit-out Works. If the Developer, acting reasonably, believes that any of the rectification works itemised in the direction under this clause are not necessary or appropriate to render the relevant part of the Commercial Strata Lots or the Fit-out Works able to be legally occupied, the Developer must provide the Council with written reasons for the Developer's belief within 5 business days of receipt of the written direction.
- 6.5 The Developer, at its own cost, is to promptly comply with any reasonable direction referred to in clause 6.4.
- 6.6 The Developer undertakes the Works entirely at its own risk.
- 6.7 Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder and/or the Developer as necessary effects and the Developer must produce evidence to the Council of, the following insurances issued by an insurer approved by Council:
 - (a) construction work insurance for at least the value of the Works;
 - (b) public liability insurance for at least \$20 million; and
 - (c) workers compensation insurance as required by law.

AND all relevant insurances shall be maintained until the Council has issued a

Completion Notice in accordance with clause 7 and transfer of the Commercial Strata Lots and Fit-out Works in accordance with this Agreement has been effected. Notwithstanding this, such insurances must be continue so as to cover the rectification works during the Defect Liability Period.

7. Completion of the Commercial Strata Lots and Fit-out Works

- 7.1 The Developer is to give written notice to Council of the date on which it considers has completed all Works including the Fit-out Works required to be carried out under this Agreement. Council will then inspect the Works by arrangement with the Developer as soon as practicable.
- 7.2 Completion of the Commercial Strata Lots and Fit-out Works required to be carried out by the Developer under this Agreement and transferred to Council, are only complete for the purposes of this Agreement when Council, acting reasonably, gives a written notice to the Developer to that effect ('Completion Notice'). Until such time as the Completion Notice is provided and the transfer of the Commercial Strata Lots and Fit-out Works to Council has been effected, the Developer shall be obliged to maintain all relevant insurances.
- 7.3 Notwithstanding any other provision herein, Council is not required to give a Completion Notice to the Developer unless:
- (a) an Occupation Certificate is provided to Council in respect of the Building including the Commercial Strata Lots and the Fit-out Works;
 - (b) the Developer has furnished to the Council a certificate by a suitably qualified person to the effect that the work has been carried out and completed in accordance with the Agreement and any applicable development consent;
 - (c) works as executed plans in respect to the Fit-out Works are provided to Council in a format acceptable to Council;
 - (d) if required by Council, the Developer has procured from the copyright owner of the plans referred to in clause 7.3(c), a non-exclusive licence in favour of Council to use the copyright in the plans for Council's purposes;
 - (e) the Developer has furnished to the Council all necessary certificates and warranties relating to the Commercial Strata Lots and Fit-out Works;
 - (f) the Developer has furnished to the Council copies of all relevant approvals by all authorities and certifiers relating to the Works;
 - (g) the Developer has furnished to the Council evidence of all relevant services having been connected to the Commercial Strata Lots;
 - (h) the Developer has removed all of its equipment and construction materials

from the Commercial Strata Lots and Building and made good any damage or disturbance to the Land, Building and Commercial Strata Lots as a result of that removal and the Building and Commercial Strata Lots are left in a neat and tidy state, clean and free of rubbish; and

- (i) the Developer has complied with any reasonable written direction from Council under clause 6.4.

- 7.4 Notwithstanding the provision of a Completion Notice by Council, the Developer must comply with all obligations under this Agreement relating to the delivery of the Development Contribution including but not limited to its obligations to transfer the Commercial Strata Lots free of any encumbrances at no cost to Council and rectification obligations during the Defect Liability Period.

8. Rectification of Defects

- 8.1 Without limiting the Council's rights generally in respect of Defects during the whole of the Defect Liability Period, the Council may give the Developer one Rectification Notice during the first 6 months of the Defect Liability Period.
- 8.2 The Developer shall upon receipt of a Rectification Notice, remedy any Defect in the Commercial Strata Lots and Fit-out Works within the time period specified in the notice.
- 8.3 The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 8.4 The Council must give the Developer and its contractors any access necessary to carry out the rectification works.
- 8.5 When the Developer considers the rectification works are complete, the Developer must notify Council and provide all appropriate documentation including invoices which evidence the rectification works were carried out.
- 8.6 Provided the Council acting reasonably is satisfied that the rectification works referred to in the Rectification Notice have been carried out in a proper and workmanlike manner and in accordance with the Development Consent and all relevant approvals then the Council must notify the Developer in writing as soon as practicable that it is satisfied or if not satisfied it must issue a further Rectification Notice.

**EXECUTED by WAVERLEY COUNCIL with Common Seal of Waverley Council
affixed pursuant to a resolution of Waverley Council on**

ROSS MCLEOD

General Manager

CLR PAULA MASSELOS

Mayor

**EXECUTED by LINDSAY BENNELONG
DEVELOPMENTS PTY LTD
(ACN 002 133 931)**

In accordance with section 127 of the
Corporations Act 2001

Director

Secretary

**EXECUTED by BONDI LAND PTY LIMITED
(ACN 615 618 203)**

In accordance with section 127 of the
Corporations Act 2001

Director

Secretary



"B"

djrd
architects

WHITTON LANE BASE BUILDING TENANCY SCHEDULE

Issue date: 23.08.2019

The attached documents outline the base building tenancy schedule for Commercial Units 1, 2, 4, 5 & 6 to be occupied by Waverley Council in Lindsay Bennelong's Whitton Lane development at 91 Oxford Street Bondi Junction.

For the purpose of establishing a fit-out budget, DJRD have provided general mid-level specification for finishes, joinery and some FF&E. Services including mechanical, electrical, hydraulic, fire, security, audio visual and hydraulic are to be provided by the Consultant Team.

The following documents form part of the tenancy schedule;

1. Base Building Schedule (below)
2. Indicative tenant block plans. Note, these have not been prepared in consultation with Waverley Council and serve to indicate a general arrangement only.

Item	Description
General Floor Areas	
FLOOR	Carpet tiles equal to Interface World Woven = Colour TBC
WALLS	Plasterboard painted – low VOC paint
WALL SKIRTING	Aluminium commercial skirting 6mm glue fixed
COLUMN LINING	Exposed finish
COLUMN SKIRTING	Aluminium commercial skirting 6mm glue fixed
OFFICE CEILING	Standard 2 way exposed grid ceiling Set plasterboard to perimeter.
OFFICE LIGHTS	General lighting – T5 LED troffer by Engineer
MECH GRILLS	By Engineer. Flush with ceiling
BLINDS	Roller blinds Manual
INTERNAL PARTITIONS – STORE, UTILITY ETC	Slab to ceiling stud partition uninsulated. 1 layer 13mm plasterboard on stud frame.
INTERNAL PARTITIONS – MEETING ROOMS, TOILETS	Slab to slab acoustic partition. 13mm plasterboard on steel stud frame. Insulated,
GLAZED PARTITIONS	Floor to ceiling single glazed partition.
ACOUSTIC WALL LININGS	2200mm high
Toilets	
TOILET FLOOR TILES	To match base building
TOILET WALL TILES	To match base building

djrd

P1 / 22

TOILET CEILING	To match base building
TOILET LIGHTS	To match base building
SANITARY FITTINGS	To match base building
Tea points / kitchenettes	
FLOOR	Vinyl
SPLASHBACK	Colour backed glass
BENCHTOP	Laminate
CABINETRY	Laminate doors on melamine carcass.
KITCHEN EQUIPMENT	Full height fridge, microwave, waste bins, boiling & chilled water tap, sandwich press, stainless steel sink, paper towel dispenser.
Workplace assume (TBC)	
JOINERY	Kitchenettes to commercial 1 and (4/5/6) and storage cupboards to commercial tenancy 2
Services (by others)	
POWER & DATA	Include cable trays, phones, data and power points
SECURITY	Include alarm, monitoring and card readers
MECHANICAL	Include ceiling grills and insulation
HYDRAULIC	Include additional connections, water, hot water, waste, etc

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)

LINDSAY BENNELONG DEVELOPMENTS PTY LTD (ACN 002 133 931)
(Developer)

BONDI LAND PTY LIMITED (ACN 615 618 203)
(Owner)

2 Description of subject Land:

The whole of the land being Lot 3 DP 975587, Lot 4 DP 975587, Lot 1 SP31260, Lot 2 SP31260, CP/SP31260, Lot B DP401739, Lot 1 DP 975587, Lot 9 DP 656476, Lot A DP 312346, Lot 11 Section S DP 145, Lot A DP 40173 known as 87 – 99 Oxford Street, Bondi Junction, 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 the demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels, or as modified.

4 Background:

The Owner is the registered proprietor of the subject Land. The Developer caused a development application to be made to Council for development consent, DA 498/2017. The development consent was approved and contained a condition for a Planning Agreement and a monetary contribution as the development application provided for additional floor space which exceeds floor space controls permitted for such buildings under Council's planning controls. The Developer subsequently sought to modify DA 498/2017 in respect to timing requirements for entering into the Planning Agreement and provision of security. The modification DA 498/2017/A was approved. The Developer then sought to further modify the development consent consistent with an offer to enter into a Planning Agreement with Council pursuant to section 7.4 of

the Act, to provide an in kind contribution (in lieu of a monetary contribution) if the Development Consent is granted. The offer is in line with Council's Voluntary Planning Agreement Policy 2014 and Development Contributions Plan 2006.

5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement:

The Planning Agreement will assist Council in achieving its objectives by providing Council with floor space to be used in part as a multi-purpose community hub and in part for leasing to raise revenue to fund recurrent expenditure of affordable housing under Waverley's Affordable Housing Program, intended to be in perpetuity. This will enable Council to provide a material public benefit to residents of areas close to the Development and the broader community.

The Agreement is a binding relationship between Council and the Developer 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 and Owner 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 for works above ground level and to deliver the Development Contribution (transfer of Commercial Strata Lots and Fit-Out Works) to Council to the value of \$5,809,592.41 within fourteen (14) days of the later of registration of the Strata Plan and delivery of the Occupation Certificate and prior to or simultaneous with the first settlement of any other lot(s) within the Development.

This Agreement wholly excludes the application of Sections 7.11 and 7.24 of the Act. The Development Contribution includes the amount levied in relation to the Development under Section 7.12 of the Act in the amount of \$645,355.56.

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 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 through the provision of floor space which in part can provide a multi-purpose community hub for use by the community in the area surrounding the Development and in part can fund recurrent expenditure relating to affordable housing through leasing revenue;
- The contribution will provide a space for use by the community and encourages community groups within the precinct;
- The contribution can positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. ;
- Public Interest is promoted by virtue of the planning agreement because it will assist to increase the provision of affordable housing;
- The contribution will assist to provide housing for low income and disadvantaged people within the community;
- The contribution will facilitate 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(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 community 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 a Construction Certificate issuing for the Development for works above ground level. The Development Contribution is to be delivered within fourteen (14) days of the later of registration of the Strata Plan and delivery of the Occupation Certificate and prior to or simultaneous with the first settlement of any other lot(s) within the Development.

This explanatory note is not to be used to assist in construing the Planning Agreement

**REPORT
CM/7.13/20.02**

Subject: Precinct Committees - Motions

TRIM No: A04/0038

Author: Mary Shiner, Community Liaison Co-ordinator

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council:

1. Receives and notes the list of motions received from Precincts for the period July 2019 to December 2019 attached to this report.
2. Endorses the development of a proposal that outlines a process for the hosting of public forums by the Combined Precincts' group.

1. Executive Summary

At its February 2019 meeting, Council resolved to receive reports on Precinct Committee motions every six months.

The purpose of this report is to:

- Provide Council with a consolidated list of motions resolved by Council's 13 Precinct Committees and the Combined Precincts' group for the period July 2019 to December 2019.
- Seek Council's endorsement for the development of a proposal which outlines a process for the hosting of public forums by the Combined Precincts' group.

Motions are formal requests for Council to consider taking action/s. Sometimes these motions are resource-intensive and/or are not already accounted for in Council's Operational Plan or budget, and therefore require a resolution of Council. The attached list sets out motions resolved by each Precinct Committee and the Combined Precincts' group from July – December 2019. The list also includes the Council officer response provided to the Precinct for each of the respective motions.

While Council officers make every attempt to provide suitable responses to motions, the Precincts are sometimes expecting more than staff can provide due to the above constraints.

This report includes a motion endorsed at the July 2019 Combined Precincts' meeting regarding the hosting of community forums on topics of interest.

2. Introduction/Background**Precinct meeting motions received from July to December 2019**

The attached list sets out the Precinct motions received from July to December 2019, and includes the Council officers' responses, as provided in the Council Response Reports which are presented to Precinct

meetings. During this period, there were 28 Precinct meetings, plus three Combined Precincts' meetings, with a total of 67 motions submitted to Council.

In addition to motions, Council receives many action requests, i.e. service requests and requests for information. These are not included in this report as they are generally resolved by staff.

At the July 2019 Combined Precincts' meeting the Precincts endorsed the following motion and is discussed in this report:

Motion 3 (*Resolution from the 18 July 2019 CPM*)

That once every 4 months, each Precinct nominate a topic that they see as being the most critical at the time to the Waverley community, and that the one selected as the most critical be advertised and discussed at an open forum, organised by Council and the Combined Precincts.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 February 2019	CM/7.6/19.02	That Council receives and notes the list of motions received from Precincts for the period February 2018 to December 2018 attached to this report, with the next and subsequent reports to be every six months.

4. Discussion

The Combined Precincts' group is interested in exploring the possibility of hosting a series of open forums for the Waverley community on important topics relevant to the whole community.

Some suggested topics submitted at the December 2019 Combined Precincts' meeting include:

- That Council legalises the parking of vehicles on driveways, within the streetscape, but excluding on any part of the footpath.
- That the positions of Mayor and Deputy Mayor be elected positions and form part of the four yearly Council elections.

The Combined Precincts' envisage that these open forums would be organised in conjunction with Council. However, to progress this idea, a proposal that sets out the process, costs and respective responsibilities needs to be developed, given the idea is still in its infancy.

Precinct Committees, Motions and community engagement

In addition to the formal Precinct meeting process and submission of Precinct motions, Precincts also participate in many of Council's other consultative mechanisms, including, online feedback mechanisms, strategic planning and issues based consultative forums and focus group discussions.

Over the past six months, Precincts have provided strategic input into many of Council's projects including: the Bronte Surf Club and Community Facilities Upgrade; the proposed new pick-up/drop-off bays in Bondi Junction and at Bondi Beach; workshops to inform the Waverley Village Centres Strategy; the Community Engagement Policy and Strategy Review; and changes to speed limits in Waverley (reducing speed limits from 50 km/h to 40 km/h across the local government area).

5. Financial impact statement/Timeframe/Consultation

Council supports the Precinct system via the allocation of a dedicated Community Liaison Co-ordinator position. The budget allocated to the operation of the Precincts includes funds for printing and distribution of Precinct flyers, as well as a small training component. No additional funds are required to support this report.

6. Conclusion

Council has supported the Precinct system for over 30 years as a source of community opinion. The work of Precincts contributes to local capacity building and strengthens local democratic processes by increasing public participation in Council decision-making processes.

Motions endorsed at Precinct meetings are one way in which Precinct members convey their views and opinions on issues to Council. In order to make these more readily available to Councillors and the community, Council will receive a report on all Precinct motions every six months for noting and consideration.

7. Attachments

1. Consolidated Precincts Response Reports - July to December 2019 (under separate cover)

REPORT
CM/7.14/20.02

Subject: Status of Mayoral Minutes and Notices of Motion

TRIM No: SF18/691

Author: Natalie Kirkup, Governance and Internal Ombudsman Officer

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to December 2019.

1. Executive Summary

At its meeting on 17 April 2018, Council requested officers to provide a quarterly progress report on all mayoral minutes and notices of motion adopted by Council during the 2012–2017 Council term and the 2017–2020 Council term.

This report provides an update on the status of the mayoral minutes and notices of motion adopted by Council from September 2012 to December 2019.

Finalised mayoral minutes and notices of motion from the previous term—that is, from September 2012 to September 2017—have been removed from the quarterly report, in accordance with Council’s resolution of 19 March 2019. All active resolutions that are yet to be finalised from the previous term remain in this report.

2. Introduction/Background

The mayoral minutes and notices of motion adopted by Council from September 2012 to December 2019 have been compiled by Internal Ombudsman, Governance and Civic, and presented to the Executive Leadership Team (ELT) for the status of each resolution to be updated.

The resolutions have been grouped into two tables: one for mayoral minutes and one for notices of motions. The director responsible for actioning each resolution has identified whether the resolution has been finalised or whether it remains active, and in some cases has provided commentary on an active resolution.

Where a resolution is shown as ‘finalised’, it means all actions and/or follow-up actions have been completed or no further progress can be made to execute the resolution. Where a resolution is shown as ‘active’, it means action has commenced and/or there are items pending for further work and/or follow-up is required to finalise the resolution.

The tables showing the updated status of the resolutions arising from mayoral minutes and notices of motions from September 2012 to December 2019 are attached to this report at Attachment 1 and Attachment 2 respectively.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 10 October 2019	CM/7.12/19.10	That Council receives and notes this report on the status of Mayoral Minutes and Notices of Motion adopted by Council from September 2012 to August 2019.
Council 18 June 2019	CM/7.8/19.06	That Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to April 2019.
Council 19 March 2019	CM/7.1/19.03	That: 1. Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to December 2018. 2. Finalised mayoral minutes and notices of motion from September 2012 to September 2017 be removed from future quarterly reports.
Council 11 December 2018	CM/7.13/18.12	That Council receives and notes this report on the status of mayoral minutes and notices of motions adopted by Council from September 2012 to October 2018.
Council 17 July 2018	CM/7.6/18.07	That Council: 1. Receives and notes this report on the status of Mayoral Minutes and Notices of Motion adopted by Council from September 2012 to May 2018. 2. Notes that all resolutions of Council are being tracked, but only Mayoral Minutes and Notices of Motion have been requested to be reported back to Council on a quarterly basis.
Council 17 April 2018	CM/8.4/18.04	That: 1. Council officers provide a quarterly progress report to Council on all Councillor Notices of Motions and Mayoral Minutes adopted by Council during the 2012-2017 and the 2017-2020 Council terms. 2. The report provides a short summary on the progress of each resolution, and completed resolutions remain in the report for ease of reference.

4. Discussion

Internal Ombudsman, Governance and Civic maintains a resolution tracking sheet, which contains all resolutions requiring action by officers. The tracking sheet is updated after each meeting of Council, where resolutions are allocated to a directorate for action. It is the responsibility of ELT to update the status of the

resolutions for their respective areas. The attachments to this report are subsets of this sheet, containing only mayoral minutes and notices of motion, as requested by Council.

The below table details the total number of mayoral minutes and notices of motion by year and the total of those finalised, from September 2012 to December 2019.

Table 1. Statistics.

Year	Mayoral Minutes Total	Mayoral Minutes Finalised	Notices of Motion Total	Notices of Motion Finalised
2012	10	10	14	13
2013	14	14	35	35
2014	18	18	40	40
2015	8	8	23	22
2016	11	10	49	45
2017	17	15	56	48
2018	30	24	89	54
2019	27	9	87	33

5. Financial impact statement/Timeframe/Consultation

Financial

There has been no additional cost to Council in preparing this report.

Timeframe

This report covers the period September 2012 to December 2019.

Consultation

The status of the resolutions contained in the attachments to this report have been provided by the Executive Leadership Team.

6. Conclusion

This report provides the status of mayoral minutes and notices of motion adopted by Council from September 2012 to December 2019. It is recommended that Council receives and notes this report.

7. Attachments

1. Status of Mayoral Minutes - February 2020 (under separate cover) ➡
2. Status of Notices of Motion - February 2020 (under separate cover)

REPORT CM/7.15/20.02



Subject: Councillor Expenses and Facilities - Six-monthly Report

TRIM No: SF18/2204

Author: Jane Worthy, Internal Ombudsman

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2019 to 31 December 2019 attached to this report.

1. Executive Summary

The purpose of this report is to report on the provision of expenses and facilities to Councillors, as required by the Councillor Expenses and Facilities Policy.

2. Introduction/Background

Council adopted the Councillor Expenses and Facilities Policy in May 2018 based on the Office of Local Government's Councillor Expenses and Facilities Policy template. The policy requires Council to report on the provision of expenses and facilities to Councillors every six months.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 16 July 2019	CM/7.1/19.07	That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 January 2019 to 30 June 2019 attached to this report.
Council 15 May 2018	CM/7.7/18.05	That Council: <ol style="list-style-type: none"> 1. Adopts the Councillor Expenses and Facilities Policy attached to this report subject to the following amendments: <ol style="list-style-type: none"> (a) Subject to compliance with the relevant legislation, one beach parking permit be provided to each councillor. (b) One name badge be provided to each councillor. 2. Notes that all yearly allowances will: <ol style="list-style-type: none"> (a) Commence on 1 July of each year. (b) Be allocated each financial year.

		<p>(c) Be applied on a pro rata basis in the final year of the term.</p> <p>3. Notes that the term allowance for information and communications technology (ICT) equipment will be adjusted to account for:</p> <p>(a) The current term being only three years (i.e. \$6,000).</p> <p>(b) Expenses already incurred in this Council term by each respective Councillor.</p> <p>4. Allocates an additional \$33,500 in the 2018/19 budget to meet the anticipated additional costs associated with the new Councillor Expenses and Facilities policy.</p>
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4. Discussion

Clause 15.2 of the Councillor Expenses and Facilities Policy states that:

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

The report is attached. It outlines each Councillor's expenditure against budget and the remaining budget for each expense category under the policy as at 31 December 2019. It also shows the totals for all Councillors. The expense categories 'conferences and seminars' and 'interstate, overseas and long-distance intrastate travel' are not itemised per Councillor because the Policy provides a total figure for all Councillors.

Given that the policy allows Councillors six months in which to submit claims for reimbursement, it is possible that not all expenditure claims are accounted for in the attached report. The internal auditor has recommended that, when the policy is reviewed, the lodgement period be reduced to three months as per the Office of Local Government template to improve efficiency, accuracy and best practice accounting reconciliation and reporting.

The carer expense category allows Councillors to claim carer expenses on a per hour basis as needed. This means that there is no upper limit on the amount that can be claimed. Finance has allocated a nominal figure per Councillor for budgeting purposes only.

The fees paid to Councillors are in addition to expenses and facilities and are therefore not included in the attached report.

The requirement of clause 15.2 is in addition to the statutory reporting of Councillor expenses and facilities in the annual report; see clause 15.1 of the policy and clause 217 of the *Local Government (General) Regulation 2005*.

5. Financial impact statement/Timeframe/Consultation

All Councillor expenditure is within budget.

6. Conclusion

This report satisfies the requirement of Council to report on the provision of Councillor expenses and facilities every six months.

7. Attachments

1. Councillor Expenses - For period 1 July 2019 to 31 December 2019

Natural Account	2019/20 Current Approved Budget	2019/20 YTD Actuals	2019/20 Remaining Funds on Current Budget
Councillors Expenses	(173,339)	(19,227)	(154,112)
11002. Elected Member - Goltsman	(14,219)	(6,108)	(8,111)
Home Office Expenses	(1,200)	(19)	(1,181)
ICT Device (Equipment) Expenses	(4,569)	(2,796)	(1,773)
Carer Expenses	(1,000)	0	(1,000)
ICT Usage Expenses	(4,200)	(917)	(3,283)
General Travel Expenses	(750)	(103)	(647)
Professional Development	(2,500)	(2,273)	(227)
11004. Elected Member - Burrill	(12,997)	(4,279)	(8,718)
Home Office Expenses	(1,200)	(96)	(1,104)
ICT Device (Equipment) Expenses	(347)	0	(347)
Carer Expenses	(4,000)	(2,736)	(1,264)
ICT Usage Expenses	(4,200)	(1,314)	(2,886)
General Travel Expenses	(750)	(133)	(617)
Professional Development	(2,500)	0	(2,500)
11006. Elected Member - Wakefield	(12,420)	(1,936)	(10,484)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(1,770)	0	(1,770)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	(1,700)	(2,500)
General Travel Expenses	(750)	(236)	(514)
Professional Development	(2,500)	0	(2,500)
11008. Elected Member - Wy Kanak	(16,452)	(542)	(15,910)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(5,802)	0	(5,802)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	(68)	(4,132)
General Travel Expenses	(750)	(474)	(276)
Professional Development	(2,500)	0	(2,500)
11009. Elected Member - Betts	(16,650)	(927)	(15,723)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(6,000)	0	(6,000)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	(227)	(3,973)
General Travel Expenses	(750)	0	(750)
Professional Development	(2,500)	(700)	(1,800)
11011. Elected Member - Kay	(16,531)	(845)	(15,686)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(5,881)	0	(5,881)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	0	(4,200)
General Travel Expenses	(750)	(145)	(605)
Professional Development	(2,500)	(700)	(1,800)

Natural Account	2019/20 Current Approved Budget	2019/20 YTD Actuals	2019/20 Remaining Funds on Current Budget
11012. Elected Member - Masselos	(16,650)	(2,744)	(13,906)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(6,000)	(825)	(5,175)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	(227)	(3,973)
General Travel Expenses	(750)	(293)	(457)
Professional Development	(2,500)	(1,400)	(1,100)
11021. Elected Member - Keenan	(14,083)	0	(14,083)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(3,433)	0	(3,433)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	0	(4,200)
General Travel Expenses	(750)	0	(750)
Professional Development	(2,500)	0	(2,500)
11022. Elected Member - Copeland	(12,070)	(450)	(11,620)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(1,420)	0	(1,420)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	(450)	(3,750)
General Travel Expenses	(750)	0	(750)
Professional Development	(2,500)	0	(2,500)
11023. Elected Member - O'Neill	(16,650)	0	(16,650)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(6,000)	0	(6,000)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	0	(4,200)
General Travel Expenses	(750)	0	(750)
Professional Development	(2,500)	0	(2,500)
11024. Elected Member - Lewis	(13,762)	(46)	(13,716)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(3,112)	0	(3,112)
Carer Expenses	(2,000)	0	(2,000)
ICT Usage Expenses	(4,200)	0	(4,200)
General Travel Expenses	(750)	(46)	(704)
Professional Development	(2,500)	0	(2,500)
11025. Elected Member - Nemesh	(10,855)	(1,349)	(9,506)
Home Office Expenses	(1,200)	0	(1,200)
ICT Device (Equipment) Expenses	(1,205)	0	(1,205)
Carer Expenses	(1,000)	0	(1,000)
ICT Usage Expenses	(4,200)	(1,349)	(2,851)
General Travel Expenses	(750)	0	(750)
Professional Development	(2,500)	0	(2,500)
Governance Services			
11016. Councillors Expenses	(27,000)	(8,774)	(18,226)
Interstate, Overseas and long distance interstate travel	(12,000)	0	(12,000)
Conferences and Seminars	(15,000)	(8,774)	(6,226)

REPORT
CM/7.16/20.02

Subject: Audit, Risk and Improvement Committee Meeting - Minutes - 29 October 2019

TRIM No: SF20/986

Author: Al Johnston, Governance and Internal Ombudsman Officer

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 29 October 2019 attached to this report.

1. Executive Summary

Council established the Audit, Risk and Improvement Committee ('the Committee') in February 2019. External independent members were appointed in September 2019, and the first meeting of the Committee was held on 29 October 2019. The minutes of that meeting are attached to this report for Council's information.

2. Introduction/Background

The Audit, Risk and Improvement Committee provides independent assistance to Council by monitoring, reviewing and providing advice on governance processes, risk management and control frameworks, and external accountability obligations.

The Committee is supported by an internal audit function and together they are one mechanism Council uses to ensure its internal controls and management approaches are adequate and effective for the management of risk across the organisation.

The Committee generally meets five times each calendar year. Once the minutes of each meeting have been confirmed by the Committee, they are reported to Council for noting.

3. Relevant Council Resolutions

Nil.

4. Discussion

Nil.

5. Financial impact statement/Time frame/Consultation

The minutes of the meeting held on 29 October 2019 were confirmed by the Committee at its meeting held on 19 December 2019.

6. Conclusion

The minutes of the Committee's first meeting held on 29 October 2019 are attached to this report for Council's information.

It is recommended that Council notes the minutes.

7. Attachments

1. ARIC - 29 October 2019 - Minutes



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 29 OCTOBER 2019**

Voting Members Present:

Elizabeth Gavey	Independent Member (Chair)
John Gordon	Independent Member
Kath Roach	Independent Member
Cr George Copeland	Councillor Member

In Attendance:

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Peter Monks	Director, Planning, Environment and Regulatory
Darren Smith	Chief Financial Officer
Umayal Sivanandan	Senior Internal Auditor (SSROC)
Teena Su	Executive Manager, Finance (for Items 4.1 and 4.2)
Jane Worthy	Internal Ombudsman

Invitees:

Brett Hanger	External Auditor (Nexia Australia) (for Items 4.1 and 4.2)
Kevin Trinh	Executive Manager, Information Management and Technology (for Items 4.1-4.3)

At the commencement of proceedings at 9.00AM, those present were as listed above.

Prior to the commencement of the meeting the Voting Members of the Committee met in closed session for a confidential discussion with the External Auditor.

At the conclusion of the meeting Ms Gavey and Mr Gordon met in closed session for a confidential discussion with the Senior Internal Auditor.

1. Apologies/Leaves of Absence

There were no apologies received.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Kath Roach declared a less than significant, non-pecuniary interest in Item ARIC/4.8/19.10 and informed the meeting that she was involved in one of the Code of Conduct investigations listed in Attachment 4 to the report. She was declaring the interest on the basis of any perceptions associated with the item.

3. Confirmation of Minutes

As this meeting is the first meeting of the Waverley Audit, Risk and Improvement Committee, there are no minutes to confirm.

4. Reports**ARIC/4.1/19.10 Presentation - 2018-19 Financial Statements (A19/0124)****MOTION / DECISION**

Mover: John Gordon

Seconder: Kath Roach

That the Committee:

1. Notes the Annual Engagement Plan for the 2018–19 Financial Statements Audit attached to the report.
2. Notes the Management Letter for the Interim Phase of Audit for 2018–19 financial year attached to the report.
3. Notes the updated Financial Statements for the 2018–19 financial year tabled at the meeting.

DISCUSSION

The Committee asked the CFO questions about any difficulties preparing the Financial Statements. The CFO advised that staff shortages, lack of system integration and data accuracy complicated the process but there was no material impact. Before the next audit a position paper on the new accounting standards needs to be undertaken.

The Committee asked about asset valuations, any plans to address the deteriorating operating performance ratio and Council's appetite for user pay services, increased insurance premiums and reduced grant revenue.

ACTION

The Committee requested that it receives a presentation on the Long Term Financial Plan and in particular the cost structure of Council's services.

ARIC/4.2/19.10 External Audit Update (SF18/655)**MOTION / DECISION**

Mover: Kath Roach
Seconded: Cr Copeland

That the Committee notes the External Auditor's draft Report on the Conduct of the Audit for the year ended 30 June 2019 and the draft Engagement Closing Report for the year ended 30 June 2019 attached to the report.

DISCUSSION

The Committee asked the Chief Financial Officer if the new accounting standards will be fully implemented by March. The Chief Financial Officer took the question on notice.

The Committee asked if Council had considered doing a hard close in March. The Chief Financial Officer replied that it is a resourcing issue as his team is stretched to meet the October deadline as it is, and that he would need to analyse the benefits of doing so. The General Manager added that it may not be an immediate priority.

ACTIONS

1. The Committee requested that the recommendations in the Management Letters be included in the Audit Report Recommendations.
2. The Chief Financial Officer to advise progress re implementation of new accounting standards at a future ARIC meeting.

ARIC/4.3/19.10 Presentation - Council's Information Technology Systems (A18/0665)**MOTION / DECISION**

Mover: Kath Roach
Seconded: Cr Copeland

That the Committee:

1. Notes the presentation by the Executive Manager, Information Management and Technology on Council's information technology systems.
2. Receives a standing report on progress with the work program outlined in the presentation.

DISCUSSION

The Executive Manager, Information Management and Technology presentation to the Committee covered the following areas:

- Technical Security Audit
- Cyber Security and Essential 8
- Measures to date

The Executive Manager outlined the department's work program over the next 6 months as:

- ICT Strategy
 - Road map for technology investment
 - Governance and resourcing structures to support

- **Audit Recommendations**
 - Roles/Access Matrix for critical systems
 - Multi Factor Authentication (MFA)
 - ICT Acceptable Use Policy (covering security)
 - Disaster Recovery Plan
- **Network upgrade implementation**
 - Faster, more reliable and resilient network

The Committee asked questions on a range of topics including child care centre record management systems, training staff in cyber security, phishing events, super users, the Acceptable Use Policy, management of access to data, cloud infrastructure, policy on data breaches, and prioritising the Essential 8 items.

ACTION

The Committee requested to receive the presentation from the cyber security training program that was rolled-out to staff.

ARIC/4.4/19.10 Presentation - Council's Probity Infrastructure (A07/0944)

MOTION / DECISION

Mover: Kath Roach
 Seconder: Cr Copeland

That the Committee:

1. Notes the presentation by the Internal Ombudsman on Council's probity infrastructure.
2. Receives a standing report on progress of the development of the Governance Framework.

DISCUSSION

The Internal Ombudsman's presentation to the Committee covered the following areas:

- Role of the Internal Ombudsman – hybrid model: Internal Ombudsman, Governance and Civic
- Complaints management
- Mayoral Minute on corruption prevention at Waverley
- The Governance Framework
- Issues moving forward:
 - Department currently the focus of organisational review and development
 - Roles and responsibilities need to be clarified
 - Key documents need creating or updating

The Committee asked a series of questions about the role of the department including the operation of the precincts, the complaints management process and the triaging of complaints, the department restructure and the status of the draft Governance Framework.

The Internal Ombudsman committed to check the insurance cover for the operations of the precinct system.

The Committee also asked about the organisational culture around fraud and corruption and the community perceptions of the organisation in this area. The General Manager provided feedback about the outcomes of the recent staff survey.

The Committee asked the Internal Ombudsman if the Governance Framework could be completed within a

2 year period. The Internal Ombudsman advised that this was possible with the help of the rest of the organisation imputing the relevant documents, depending upon the outcome of the organisational review and development. The Committee requested a regular update report be provided to the Committee as a standing item.

The Committee asked the Internal Ombudsman what the top three areas of the Governance Framework needing attention are. The Internal Ombudsman advised that the top three areas would be complaints management, risk management, and procurement, including tendering and contract management.

ACTION

The Committee requested that the Governance Framework Report include a detailed update on each component of the framework including a timeline for completion.

ARIC/4.5/19.10 Review of ARIC Charter and Internal Audit Charter (A18/0658)

MOTION / DECISION

Mover: Kath Roach
Seconder: John Gordon

That:

1. A revised Audit, Risk and Improvement Committee Charter based on the Camden Council ARIC Charter be circulated to Committee members for comment.
2. The review of the Internal Audit Charter be deferred to the ARIC meeting in March 2020 to coincide with the Committee's receipt of the Chief Financial Officer's report on internal audit services.

DISCUSSION

The Committee said the term 'assurance' is used throughout the Charter and asked whether the Committee is in a position to provide assurance, given assurance cannot be provided unless testing is done. If the term 'assurance' is to be used it requires a definition but it is better to replace it with something along the lines of 'limited assurance', 'assistance', 'review and assist' or 'assistance and advice'.

ACTION

1. The Committee requested that the ARIC Charter include:
 - provisions on an independent review of the Committee every five years
 - a limitation on the term of the chair to five years
 - aligning the reporting requirements of the Committee and the Internal Audit function
 - confidentiality provisions to restrict access to meeting agendas
 - provisions about media, including social media.
2. Revised Charter be circulated to the Committee.

ARIC/4.6/19.10 Audit Report Recommendations - Implementation Status Update (SF19/963)

MOTION / DECISION

Mover: Kath Roach
Seconder: John Gordon

That the Committee:

1. Notes the report on implementation status of the high and medium rated recommendations from internal audits from 2017 to date.
2. Receives a summary report at the December 2019 meeting on the status of the recommendations with a high risk rating from internal audits for the period 2011-2017, as well as the status of recommendations from external audits for a similar period.

DISCUSSION

The Committee raised concerns that there appeared to be no follow up on recommendations from internal audits from 2017 to date and asked about follow up on earlier audits and whether Council is satisfied that all high risk items from before 2017 have been completed. The Committee was advised that the absence of this information partially arose from the format and nature of the material presented to the committee.

The General Manager advised that Council has a register of earlier recommendations, back to 2011 that could be reviewed to satisfy the Committee as to their implementation status.

The Committee also enquired about follow up and implementation of recommendations from the external auditor and requested a status report of external audit recommendations. The General Manager agreed to include a review of this in the next report with a gap analysis.

ACTION

The Committee requested that the next report also include the process for sign-off on the implementation of internal and external recommendations, including extensions of deadlines.

ARIC/4.7/19.10 Annual Internal Audit Plan Status Update (A19/0149)**MOTION / DECISION**

Mover: Kath Roach
Seconder: Cr Copeland

That the Committee:

1. Notes the Annual Internal Audit Plan 2018/2019 status update.
2. Receives a draft Annual Internal Audit Plan 2019/2020 and a draft Four Year Internal Audit Plan at the December 2019 meeting.

DISCUSSION

The Committee asked questions about the quality of s149 certificates, the quality of Council's data generally, the frequency of follow up audits and any recent fraud and corruption audits undertaken by Council.

The General Manager advised that Council has recently implemented a fraud diagnostic dashboard tool to cross check payroll, creditors and petty cash systems.

ACTIONS

1. The General Manager mentioned Council has recently implemented a diagnostic dashboard tool and suggested the data can be reported to the Committee on a quarterly basis. The Committee requested that Council report quarterly to the Committee on any anomalies identified.
2. The Committee requested that a column be added to the Annual Internal Audit Plan that indicates

the type of audit undertaken, for example was the audit compliance, performance, follow-up, in-depth, a 'drive-by' or a system-based audit.

ARIC/4.8/19.10 Governance Information Report (A07/0944)

MOTION / DECISION

Mover: John Gordon

Seconder: Kath Roach

That the Committee:

1. Receives and notes the report.
2. Requests that a report providing trend information relating to complaints and compliments, access to information and external investigations be included as a standing item on the Committee agenda .

DISCUSSION

The Committee raised concerns that there is very little commentary and status update in the 'Register of external investigation recommendations – 2015 onwards' attached to the report.

ACTION

The Committee requested that the 'Register of external investigation recommendations – 2015 onwards' be reformatted to consist of a summary of the outstanding matters, recommendations and current status.

ARIC/4.9/19.10 ARIC Meeting Dates and Draft Annual Work Program (A18/0658)

MOTION / DECISION

Mover: John Gordon

Seconder: Kath Roach

That the Committee:

1. Adopts the following meeting dates for the remainder of 2019 and for 2020:
 - 19 December 2019
 - 19 March 2020
 - 21 May 2020
 - 20 August 2020 (Provisional on timeline for preparation of Financial Statements)
 - 15 October 2020 (Provisional on timeline for preparation of Financial Statements)
 - 10 December 2020
2. Chair populates the Annual Work Program document and circulates to Committee members for comment.

DISCUSSION

The Committee discussed the meeting dates for the remainder of 2019 and for 2020 and decided that the second Thursday of the month is the most suitable day to hold the meetings. There was a discussion of the timing of the submission of the Financial Statements to the Committee for its input, and it was agreed that the August and October dates are provisional while officers review the process and timeline for the financial statements audit and report back to the December 2019 meeting.

ACTION

The Committee requested that the ARIC Charter include provisions for meetings to be convened via electronic devices such as conference calls.

5. Other Business

There was no other business.

6. Meeting Closure

THE MEETING CLOSED AT 12.33PM.

Elizabeth Gavey
19 December 2019

.....
SIGNED AND CONFIRMED
CHAIR

**REPORT
CM/7.17/20.02**

Subject: Audit, Risk and Improvement Committee - Revised Charter

TRIM No: A18/0658

Author: Jane Worthy, Internal Ombudsman

Director: John Clark, Director, Customer Service and Organisation Improvement

RECOMMENDATION:

That Council adopts the draft Audit, Risk and Improvement Committee Charter attached to this report.

1. Executive Summary

Council appointed the new members of the Audit, Risk and Improvement Committee (ARIC) in September 2019. They have now had an opportunity to review the Committee's Charter and are proposing a series of amendments to align the Charter with industry best practice.

The most significant change proposed by the Committee restricts the availability of agendas to committee members and non-voting invitees, with non-member Councillors receiving a summary agenda consisting of the agenda contents page.

Feedback from councillors on the proposed changes has been sought and as a result some minor changes have been made to the draft Charter, and more significant changes have been suggested by officers in the report regarding the availability of agendas.

It is recommended that Council adopts the draft Charter attached to this report. However, should Council wish to remove the proposed restrictions on their access to the Committee's meeting agendas it may consider moving the amendment provided in the report.

2. Introduction/Background

In February 2019, Council established the Audit, Risk and Improvement Committee (ARIC) and adopted the Committee's charter. Three external independent members and one councillor member were appointed to the Committee in September 2019, and the Committee has since held two meetings, on 29 October and 19 December 2019.

The Committee members, Elizabeth Gavey (Chair), John Gordon, Kath Roach and Councillor George Copeland, have now reviewed the adopted Charter and have recommended Council make some changes to the document to reflect current industry best practice while also maintaining its alignment with the yet to be proclaimed amendments to the Local Government Act (s428A) which will affect Audit, Risk and Improvement Committees in the future.

In proposing their changes, the committee members have drawn on the ARIC charters of other local councils, and their own experiences on public and private sector audit committees. The Committee has also considered the discussion paper issued by the Office of Local Government in September 2019 titled 'A New

Risk Management and Internal Audit Framework for local councils in NSW', which is likely to lead to further changes to ARICs later in 2020 or in 2021.

A councillor workshop was held on 11 February 2020 with three of the four committee members in attendance to enable Councillors to discuss the proposed changes with the members before the revised Charter is presented to Council for adoption.

The ARIC's recommended changes to the Charter are outlined in section 4 of the report.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 17 September 2019	CM/7.15/19.09	That Council: 1. Appoints Elizabeth Gavey, Kath Roach and John Gordon as the external independent members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024, with their appointments beyond 31 December 2020 being subject to Council being satisfied with their performance at a performance review to be conducted in or prior to December 2020. 2. Appoints Elizabeth Gavey as Chair of the Committee during the period of her appointment.
Council 19 February 2019	CM/7.4/19.02	That Council: 1. Establishes an Audit, Risk and Improvement Committee to succeed Council's current Audit Committee, to be operational by the end of May 2019. 2. Authorises the General Manager to undertake all necessary actions to establish the Committee and to select an independent Chair and Members to recommend to Council for appointment. 3. Adopts the Audit, Risk and Improvement Committee Charter for the Committee attached to this report, subject to the following amendment: (a) In section 5, under the heading 'Non-voting Members', insert the following sentence: 'Councillors who are not Committee members may attend meetings of the Committee as observers.' 4. Sets the remuneration for the external independent committee members at \$1,500 (Chair) and \$1,300 (Member) per meeting, which includes preparation and travel time.

4. Discussion

The key changes proposed to the adopted ARIC Charter by the Committee are summarised below (there have also been some minor changes to improve readability that are not listed):

1. The term 'assurance' has been deleted from the document and replaced with terms such as 'assistance', 'review and assist' or 'assistance and advice'. The Committee has explained the rationale for this as follows: Assurance has a particular meaning – especially in the audit context – and implies a positive statement that things are in place, involving an independent, objective assessment. The ARIC is not in a position to do this – they rely heavily on information provided by Council staff, the internal and external auditors etc, and although they will probe and challenge the information provided, they cannot conduct an independent assessment themselves.

The wording in the draft Charter has been changed to reflect this – see for example section 1 "Objective", where the ARIC provides independent assistance by monitoring, reviewing and advising, and the particular responsibilities in section 6 that contain language along the lines of "determine", "satisfy itself" and "consider".

2. The Introduction has been deleted.
3. Section 1 'Objective' (page 5 of the draft Charter) - The Objective and Scope section has been renamed 'Objective' and rewritten to eliminate the repetition between it and the Role and Responsibilities section.
4. Section 2 'Authority' (page 5 of the draft Charter) - A sentence has been added to clarify that the Committee has no delegated authority to act on behalf of Council.
5. Section 2 'Authority' (page 5 of the draft Charter) - Wording has been added to dot point 5 to clarify that the Committee can provide information, advice and recommendations to the General Manager as well as the elected Council.
6. Section 2.1 'Committee Reporting Structure' (page 5 of the draft Charter) - A diagram representing the Committee's Reporting Structure has been included.
7. Section 3 'Independence of the Committee' (page 6 of the draft Charter) - Paragraph 6 has been expanded to provide more detail around external independent members undertaking other work for Council.
8. Section 4.1 'Voting Members' (page 7 of the draft Charter) - A provision has been added at paragraph 12 to allow a pool of suitable candidates to be created from one recruitment process to speed up any future recruitments.
9. Section 4.1 'Voting Members' (page 7 of the draft Charter) - A provision has been added at paragraph 13 to appoint an acting Chair for a limited period should the position of Chair become vacant.
10. Section 4.2 'Invitees and Observers' (page 8 of the draft Charter) - This new section combines the old 'Non-voting Members' and 'Non-voting Invitees' sections into one. Paragraphs four and five have been amended to clarify who the Committee can invite to attend Committee meetings and for what purpose.
11. Section 5 'Term of Office' (pages 8-9 of the draft Charter) - This section has been renamed and rewritten. The new provisions consist of a limitation on the term of the Chair to five years and allow

for continuity and transfer of members' corporate knowledge over consecutive Council terms, otherwise the intent of the provisions in this section is the same.

12. Section 6 'Role and Responsibilities' (pages 9-12 of the draft Charter) - This section has been rewritten to reflect current best practice and align with Section 428A of the Local Government Act.
13. Section 7 'Responsibility of Committee Members' (pages 12-13 of the draft Charter) - This section has been created to consolidate relevant provisions that appear throughout the document, as well as some revised and new provisions. This includes responsibilities related to the code of conduct, conflicts of interest and much of section 6I of the current ARIC Charter (Accountability of the Committee and members). The revised provisions cover the Committee's dealings with confidential and personal information (section 7.3) and include a prohibition on Committee members from making public comment, including to the media and on social media, on any matter related to Waverley Council (section 7.4).
14. Section 7.2 'Conflict of Interests' (page 13 of the draft Charter) - Paragraph 3 has been added to make clear that external independent members of the Committee are not 'designated persons' for the purposes of Part 4 of the Model Code of Conduct for Local Councils in NSW (as they have no authority to act on behalf of Council), and therefore they do not have to complete an annual return disclosing their interests.
15. Section 8 'Reporting and Review Requirements' (page 14 of the draft Charter) - This section has been simplified and aligns the reporting requirements of the Committee and the Internal Audit function. A new provision has been added at section 8.1 paragraph 4 to require an independent review of the Committee every five years, which reflects current state government practice and is also a requirement anticipated in the discussion paper issued by the Office of Local Government referred to earlier in the report.
16. Section 9.1 'Meetings' (pages 14-15 of the draft Charter) - The number of meetings required per year has been reduced from five to four but the option to meet more often remains, and options for the Committee to meet by telephone or video conference have been added at paragraph 4.
17. Section 9.3 'Chair to have Precedence' (page 15 of the draft Charter) – This is a new section to emphasise that the Chair has precedence over the control and management of the meeting and to cover the circumstance where the chair is absent for part, or all, of a meeting.
18. Section 9.4 'Decision-making' (page 15 of the draft Charter) - The old 'Voting' section has been retitled 'Decision-making' and the means by which the Committee makes a decision is outlined (however, see the 'Workshop outcomes' section of the report below).
19. Section 9.6 Agendas and Minutes (pages 15-16 of the draft Charter) – This section has been substantially amended to classify agendas as confidential and not publicly available. The availability of agendas is to be restricted to committee members and non-voting invitees with non-member Councillors receiving a non-confidential summary agenda consisting of the agenda contents page. Non-Councillor members who attend a committee meeting as an observer will be provided with a confidential agenda while they are at the meeting. Paragraphs 7, 8 and 9 have been amended to set out the processes for the Committee's minutes.

Workshop outcomes

Much of the discussion at the workshop centred around the confidentiality of the ARIC agendas and the proposal to restrict non-member councillors' access to them. Other areas of the charter discussed were the external review of the Committee, quorum, voting, the communication role of the Committee, and the member recruitment process.

At the workshop some minor amendments were suggested that the Committee have agreed to accept, and they have been included in the attached draft Charter as follows:

- Section 9.2 'Quorum' (page 15 of the draft Charter) - The words "comprising at least two independent external members" have been deleted because they are superfluous.
- Section 9.4 'Voting' (page 15 of the draft Charter) - The heading 'Decision-making' has been changed back to 'Voting'. This reverses the change identified at clause 18 above.

Councillors expressed concern at the workshop about the proposed restriction on the availability of agendas to all Councillors. Following the workshop, the independent members have requested that their recommended changes are put to Council with a suggested amendment in this report for Councillors to move at the Council meeting should they wish to provide access to all Councillors. Should Councillors wish to do so, it is recommended that the following motion be moved:

"That Council adopts the draft Audit, Risk and Improvement Committee Charter attached to this report subject to the following amendment:

1. *Paragraphs 2,3,4 and 5 of Section 9.6 'Agendas and Minutes' be deleted and replaced with the following:*

"Meeting agendas are classified as confidential and not publicly available. The confidential agenda will only be issued to Committee members, all councillors and the non-voting invitees set out in Section 4.2 of this Charter.

The Secretariat will ensure the confidential agenda is issued to the parties listed above at least seven days before the meeting".

This proposed amendment also removes any reference to agendas being available on the website because the agendas are confidential. Committee minutes are made publicly available when they are reported to Council for noting after confirmation by the Committee.

5. Financial impact statement/Time frame/Consultation

There is no unbudgeted cost to Council in revising the Charter.

The Charter will become effective immediately and in time for the next ARIC meeting in March if it is adopted by Council at this meeting.

Councillors, staff and the Committee members have been consulted on the changes to the Charter.

6. Conclusion

The Audit, Risk and Improvement Committee members appointed by Council in September 2019 have had an opportunity to review the Committee's Charter and are proposing a series of amendments as outlined in this report to align the Charter with industry best practice. Feedback on the proposed changes has been sought from Councillors and as a result some changes have been made and further changes suggested.

It is recommended that Council adopts the draft Charter attached to this report. However, should Council wish to remove the proposed restrictions on their access to the Committee's meeting agendas it may consider moving the amendment provided in the report.

7. Attachments

1. Draft Audit, Risk and Improvement Committee Charter



WAVERLEY
COUNCIL

Audit, Risk and Improvement Committee Charter

Audit, Risk and Improvement Committee Charter

Policy owner	General Manager
Approved by	Council
Date approved	
Commencement date	
TRIM Reference	SF19/5469
Next revision date	February 2022
Relevant legislation/codes	Local Government Act 1993; S428A LG Act and Local Government Amendment (Governance and Planning) Act 2016; Government Information (Public Access) Act 2009; Privacy and Personal Information Protection Act 1998; Code of Conduct for Council Committee Members and Other Council Officials.
Related policies/procedures/guidelines	Internal Audit Charter
Related forms	Nil

Table of Contents

1. Objective.....	5
2. Authority.....	5
2.1 Committee Reporting Structure.....	5
3. Independence of the Committee.....	6
4. Membership.....	6
4.1 Voting Members	6
4.2 Invitees and Observers.....	8
5. Term of Office	8
6. Role and Responsibilities	9
6.1 Compliance.....	9
6.2 Risk Management.....	10
6.3 Fraud Control	10
6.4 Financial Management.....	10
6.5 Governance/Internal Control.....	10
6.6 Implementation of Strategic Plan, Delivery Program & Strategies	11
6.7 Service Reviews	11
6.8 Collection of Performance Measurement Data by Council	11
6.9 Any other Matters Prescribed by Regulations	11
6.10 Internal Audit	11
6.11 External Audit.....	12
7. Responsibility of Committee Members.....	12
7.1 Code of Conduct.....	13
7.2 Conflict of Interests.....	13
7.3 Confidential and Personal Information.....	13
7.4 Media Protocol.....	13
8. Reporting and Review Requirements	14
8.1 Assessment Arrangements	14
8.2 Review of the Committee Charter.....	14
9. Administrative Arrangements	14
9.1 Meetings	14
9.2 Quorum	15
9.3 Chair to have Precedence	15
9.4 Voting.....	15
9.5 Secretariat Support	15

9.6 Agendas and Minutes 15

9.7 Induction 16

9.8 Remuneration 16

DRAFT

1. Objective

The Waverley Audit, Risk and Improvement Committee ('the Committee') provides independent assistance to Council by monitoring, reviewing and providing advice on governance processes, risk management and control frameworks, and external accountability obligations.

The Committee is supported by an internal audit function and together they are one mechanism Council uses to ensure its internal controls and management approaches are adequate and effective for the management of risk across the organisation.

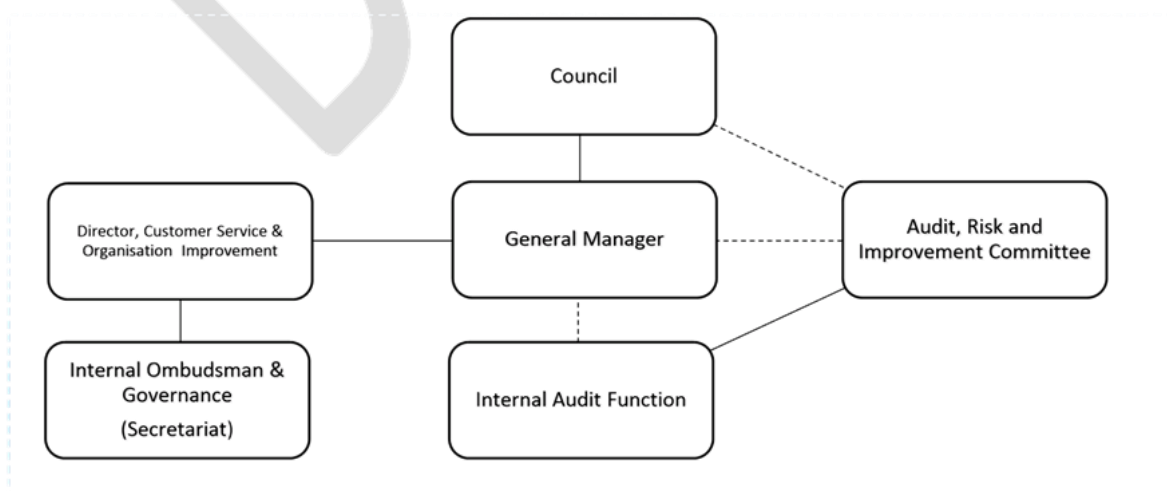
2. Authority

The Committee is an external independent advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the Committee means that it may only make recommendations to Management and the Council.

To assist the Committee to undertake its functions the Council authorises the Committee to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Request the attendance of any employee or councillor at Committee meetings.
- Obtain external legal and other professional advice considered necessary to meet its responsibilities.
- Provide information, advice and recommendations to the elected Council and/or the General Manager on any matter within the scope of its responsibilities.
- Provide Council with advice on the Committee Charter.

2.1 Committee Reporting Structure



3. Independence of the Committee

The Committee has an independent status to ensure its effectiveness. To achieve this, any advice or recommendations of the Committee cannot be directed by any organisational unit, employee or official of the Council.

Committee members are required to have an independence of mind in deliberations and not act as a representative of a particular area of the community or of the Council.

All Committee business and activities must be free of influence from any element in the organisation.

The Committee is independent of the activities that it audits or reviews to ensure unbiased judgements, proper conduct and impartial advice to Management and the Council.

The Committee must not have any direct operational responsibility or authority over any of the activities audited or reviewed and must not assume responsibilities for the implementation of any of its recommendations to Management or the Council about Council's operations.

To further preserve independence, external independent members must not undertake other business or employment (OBE) with Council without the written approval of the General Manager. This includes any organisation in which an external independent member has a controlling interest. However, Council may utilise the expertise of independent members to assist it in other areas of the organisation, but only in their capacity as independent ARIC members, or in other circumstances where independence can be maintained and subject to the explicit approval of the General Manager in each circumstance.

4. Membership

The Committee comprises 4 voting members.

4.1 Voting Members

The 4 voting members are made up of:

- 3 external independent members and
- 1 councillor member (other than the Mayor).

External independent members may only be appointed to the Committee by resolution of the Council.

The external independent members shall be sought by way of public advertisement inviting expressions of interest for assessment by an Audit, Risk and Improvement Committee Appointment Panel comprising the Mayor (or their delegate), General Manager, Internal

Ombudsman and two external representatives from Council's legal or conduct review panels.

The Panel will recommend the external independent membership of the Committee to Council for its determination. The Panel must ensure that the recommended external independent members, taken collectively, have recent and relevant:

- financial and accounting experience
- risk management experience
- performance improvement experience
- local government / public sector experience
- legal or governance experience, and
- experience in asset management.

Council must appoint one of the external independent Committee members as the Chair of the Committee.

The Councillor member of the Committee must be appointed by resolution of the Council.

The Mayor cannot be a member of the Committee.

The Council may resolve to appoint an alternate Councillor member to the Committee to attend meetings in the absence of the Councillor member. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

A vacancy for an external independent member of the Committee will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 5 of this Charter, failure to attend without cause for three consecutive meetings, or removal of the member by resolution of the Council.

Vacant external independent member positions on the Committee must be filled by way of public advertisement inviting expressions of interest for assessment by the Panel, who will recommend a new member to Council. This will occur as soon as practical within the period of two Committee meetings.

However, Council may establish a pool of suitable candidates to fill future vacancies on the Committee. A candidate may be a member of the pool for a maximum period of 12-months.

Should the position of Chair become vacant, the Committee members will appoint, by means of a vote, an acting Chair from the external independent members until such time as the Council appoints a replacement Chair.

Former Waverley Council staff and Councillors may be eligible for appointment as an external independent member to the Committee but only following a two-year break from service at the Council.

Committee members must decline any request to act as referee to applicants for vacant positions on the Committee.

4.2 Invitees and Observers

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- General Manager
- All Directors, including the Chief Financial Officer
- General Counsel
- Internal Ombudsman
- Executive Manager, Finance
- Internal Auditor
- External Auditor

The Committee may exclude the General Manager or any other staff member from a Committee meeting while it deals with any matter, if it thinks it appropriate to do so.

Other Council staff may be invited by the Chair of the Committee or the General Manager to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Councillors who are not Committee members may attend meetings of the Committee as observers.

5. Term of Office

Subject to the following paragraph, appointments to the Committee shall be for a period of up to 4 years (or as determined by the Council), ensuring that continuity of independent membership is maintained over each Council term where possible. The appointment for an independent external member may be renewed for a further term of up to 4 years with a maximum total term of 8 years.

Upon the appointment of an independent member, Council may set the initial term of that member for a period less than four years, so that the changeover of the independent members on the Committee is staggered with one independent member being replaced or

reappointed at a different time from the other two independent members. This will allow for continuity and transfer of corporate knowledge over consecutive Council terms.

Notwithstanding this, positions will be declared vacant and new members will be sought on the date of the Council general election for Councillor members and at least six months after that date for independent external members. Appointees may be reappointed for an additional term, not to exceed 8 years in total, by Council through this process.

The Chair must be an independent external member and may be appointed as Chair for a maximum of 5 years. The total term of the Chair as an independent external member of the Committee is not to exceed 8 years.

In the case of resignation from the Committee by an independent external member, a new independent member will be selected following the process outlined in this Charter.

6. Role and Responsibilities

The responsibilities of the Committee may be revised or expanded by the Council from time to time. In accordance with Section 428A of the Local Government Amendment (Governance & Planning) Act 2016, the Committee must keep under review the following aspects of Council operations:

- Compliance
- Risk Management
- Fraud Control
- Financial Management
- Governance
- Implementation of Strategic Plan, Delivery Program & Strategies
- Service Reviews
- Collection of Performance Measurement Data by the Council
- Any other matters prescribed by regulations.

The General Manager may also place before the Committee such other matters as they think fit where the Committee's input may add value.

The Committee will also provide information to Council that the Committee believes will assist Council to improve the performance of its functions.

The responsibilities of the Committee are further defined below.

6.1 Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of its risk assessment and management arrangements.

- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

6.2 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing disaster recovery and business continuity planning arrangements, including whether plans have been tested periodically.

6.3 Fraud Control

- Satisfy itself there is an appropriate fraud and corruption prevention program in place.
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

6.4 Financial Management

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.

6.5 Governance/Internal Control

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors.
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with.

- Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, reports and recommendations from authoritative bodies including:
 - State and Federal Government and their relevant agencies
 - Independent Commission against Corruption
 - NSW Ombudsman
 - Australian Institute of Company Directors
 - Other relevant accounting, legislative and sector bodies.

6.6 Implementation of Strategic Plan, Delivery Program & Strategies

- Review that Council is meeting its integrated planning and reporting obligations in accordance with legislative requirements.

6.7 Service Reviews

- Monitor that service reviews, or other appropriate improvement reviews, are undertaken where appropriate to ensure a focus on continuous improvement.

6.8 Collection of Performance Measurement Data by Council

- Review that Council is collecting appropriate performance measurement data and reporting its performance measures in accordance with the integrated, planning and reporting framework.

6.9 Any other Matters Prescribed by Regulations

- Review Council's processes to monitor new and emerging regulatory requirements that will impact risk management, governance and the Committee's responsibilities.

6.10 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Council's Risk Management Framework, and approve the Internal Audit Plan.
- Consider the adequacy of the Internal Auditor's resources to carry out their responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.

- Monitor the implementation of internal audit recommendations by management.
- Meet separately with the Internal Auditor, without Management present, at least once per year.
- Every two years review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.

6.11 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by the External Auditor and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.
- Review the Closing Report and any management letters outlining the results of the external audit, including whether appropriate action has been taken in response to audit recommendations and adjustments. This is to be undertaken following the initial response by Management.
- Meet separately with the External Auditor, without Management present, at least once per year.

The Committee may, at any time, consider any other matter it deems important. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

7. Responsibility of Committee Members

Members of the Committee are expected to:

- Understand the relevant legislation and regulatory requirements appropriate to the Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.

- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

7.1 Code of Conduct

Members of the Committee must comply with Council's *Code of Conduct for Council Committee Members and Other Council Officials* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

7.2 Conflict of Interests

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, external independent members of the Committee are not 'designated persons'.

7.3 Confidential and Personal Information

In the course of their work on the Committee, Committee members will be entrusted with sensitive or confidential information about Council's operations, and at times the personal information of staff members.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct for Council Committee Members and Other Council Officials*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

7.4 Media Protocol

Committee members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

8. Reporting and Review Requirements

The Committee shall report to the Council on the management of risk and internal controls at least once each year.

At the first meeting after the financial statements are considered each year by the Committee, the Committee through the Chair shall also submit and present a formal report outlining its major achievements, issues identified and other relevant matters to a closed session of a Council meeting.

8.1 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years.

The review will be conducted on a self-assessment basis (unless otherwise determined by the General Manager), with appropriate input from management and any other relevant stakeholders.

When reviewing the Committee's performance, the Chair should be satisfied that an effective, comprehensive and complete service is being provided.

The General Manager will arrange for an independent review, at least every 5 years, of the efficiency and effectiveness of the operations of the Committee. The results of the review will be reported to Council.

8.2 Review of the Committee Charter

At least once every two years, the Committee will review its Charter to ensure it remains current, relevant and accurately reflects the Committee's composition, role and responsibilities.

The Committee may make recommendations to the Council to change aspects of the Charter. However, the adoption of the Charter is the responsibility of Council.

9. Administrative Arrangements

9.1 Meetings

Meetings of the Committee are not open to the public. There is no opportunity for members of the public to address the Committee.

The Committee will meet at least four times per year, with one of the meetings to include a review of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members and the General Manager may make requests to the Chair for additional meetings.

Meetings can be held in person, by telephone or by video conference.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Charter.

Where internal audit priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Committee will be kept fully informed of all changes via email.

9.2 Quorum

Quorum at a Committee meeting is three Committee members.

9.3 Chair to have Precedence

The Chair is to have precedence over the control and management of the meetings.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Chair be absent from, or unable to chair, a meeting or part of a meeting, the Committee members present will appoint, by means of a vote, an independent external member to act as Chair for the meeting, or that part of the meeting as the case may be.

9.4 Voting

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a decision of the Committee.

Each member of the Committee is entitled to one vote only. In the case of an equality of votes on any matter, the Chair of the Committee shall have the casting vote.

9.5 Secretariat Support

Council will provide Secretariat for the Committee from the appropriate Council department. Council will also provide project support to the Committee as appropriate.

9.6 Agendas and Minutes

Meeting agendas must be set and approved by the Chair of the Committee in consultation with the General Manager and Internal Ombudsman.

Agendas are classified as confidential and not publicly available. The confidential agenda will only be issued to Committee members and the non-voting invitees set out in Section 4 of this Charter.

A non-confidential summary agenda consisting of the agenda contents page will be issued to all Committee members, invitees, Councillors and other relevant stakeholders, and published on Council's website.

The Secretariat will ensure both the confidential and summary agendas are circulated to the respective parties above at least seven days before the meeting.

A non-member Councillor attending a Committee meeting as an observer will be provided with a hardcopy of the confidential agenda for the duration of their attendance at the meeting. At the conclusion of the meeting the Councillor must return the agenda to the Secretariat.

The General Manager through the Secretariat support must ensure that full and accurate minutes of the proceedings of Committee meetings are kept. The minutes must record:

- the date and start time of meetings, attendees and any apologies
- any conflict of interests declared at the meeting
- the confirmation of the minutes from previous the meeting
- the Committee's decision on each item
- the time the meeting closed.

The draft minutes must be approved by the Chair of the Committee. The Secretariat will then circulate the draft minutes to all Committee members, Councillors and relevant staff within three weeks of the meeting being held.

Draft minutes are not publicly available.

Minutes must be confirmed by the Committee at the next available Committee meeting, and subsequently reported to Council for noting.

9.7 Induction

New voting members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

9.8 Remuneration

The external independent members of the Committee shall be remunerated for participating on the Committee on a per meeting basis at the remuneration level adopted by Council.

REPORT
CM/7.18/20.02

Subject: Footpath, Kerb and Gutter Audit - Procurement

TRIM No: A20/0012

Author: Sam Samadian, Public Domain Co-ordinator

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council notes that a contract has been executed with Pavement Management Services Pty Ltd for the supply of consultancy services to carry out visual inspections for condition ratings and defect reporting for footpaths and kerb and gutters in the local government area for the sum of \$50,932.45 (including GST).

1. Executive Summary

The purpose of this report is to advise Council of the contract with Pavement Management Services Pty Ltd for the supply of consultancy services carry out visual inspections for condition ratings and defect reporting for footpaths and kerb and gutters in the local government area (LGA).

Following a request for quotation for these services issued to five companies, Council only received one quote. Council's Purchasing Procedure requires a minimum of two written quotes to be obtained for projects with costs between \$50,001 and \$150,000 from the LGP Panel. Council has resolved that the General Manager cannot approve exemptions from the Procedure for purchases greater than \$50,000.

It should be noted that due to an administrative error the Acting Director, Community, Assets and Operations executed the contract for work prior to receiving the required resolution from Council.

2. Introduction/Background

Council staff recently carried out a request for quotation process seeking to engage an appropriately qualified and experienced consultant to carry out visual inspections for condition ratings and defect reporting for footpaths and kerb and gutters in the LGA.

Council has a footpath network of approximately 207 km within road reserves, parks and the coastal walk. There is also 245 km of kerb and gutter within the road reserves and parks and reserves.

It is anticipated after adopting the data received from this project, Council will be able to maintain its asset management plan, asset valuations and plan the footpath and kerb and gutter pavement maintenance and renewal programs more efficiently.

3. Relevant Council Resolutions

Nil.

4. Discussion

Council carried out a request for quotation process seeking submissions from five appropriately qualified and experienced service providers on the Local Government Procurement Panel. The scope includes the supply of consultancy services to carry out visual inspections for condition ratings and defect reporting for footpaths and kerb and gutters in the LGA. A Quotation Evaluation Committee (QEC) was established to evaluate the quotations. The QEC consisted of:

- Brandon Ockelford – Senior Asset Planning, Team Leader.
- Ross Picard – Assets Engineer.
- Sam Samadian – Public Domain Coordinator.

Quotations closed at 2 pm on 24 January 2020, and a total of one quotation was received from the following respondent:

- Pavement Management Services Pty Ltd.

Following evaluation of the quotation, the QEC recommends that the services offered by Pavement Management Services Pty Ltd provides value outcomes to Council. Overall, Pavement Management Services demonstrated a high level of project appreciation and the methodology presented by Pavement Management Services was deemed suitable. It is therefore recommended that Council accept Pavement Management Services as the preferred supplier to carry out visual inspections for condition ratings and defect reporting for footpaths and kerb and gutters in the LGA.

The number of written quotations received via the request for quotation process did not meet the minimum required under Council's Purchasing Policy, for projects with costs of \$50,001 to \$150,000. Therefore, it is recommended that Council approves the recommendation of the committee to award a contract to Pavement Management Services Pty Ltd.

5. Financial impact statement/Time frame/Consultation

Financial impact statement

The budget for this review can be accommodated in the current 2019/2020 financial year operational Infrastructure Services consultancy budget. The contract price is 50,932.45 (including GST). There are sufficient funds to cover the price quoted by the recommended supplier.

Time frame

The project will commence in late February 2020 and is expected to be completed by late March 2020.

The recent requirement to seek approval from Council for less than the required quotes has added an approximate 3-week delay to the program.

Consultation

Consultation has taken place with relevant internal stakeholders in Community, Assets and Operations and Finance in ensuring that the correct information is collected in assessing Councils assets.

6. Conclusion

It is recommended that Pavement Management Services Pty Ltd be awarded the contract.

7. Attachments

Nil.

REPORT
CM/7.19/20.02

Subject: Tender Evaluation - Replacement of Parking Meters

TRIM No: SF19/3144

Author: Colin Handsaker, Manager, Customer Parking

Director: Tony Pavlovic, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Treats the Tender Evaluation Matrix and schedule of rates attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as these documents relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The documents contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, after considering the tenders submitted for a proposed contract to provide equipment and services to design, supply, install, program and commission an on-street parking system for Council, accepts the tender from the recommended tenderer identified in the Tender Evaluation Matrix attached to this report for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] and for scheduled maintenance and services as per the schedule of rates attached to this report.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with the recommended tenderer for five years with options for a further three years plus two-and-a-half years.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

1. Executive Summary

The purpose of this report is to seek Council's approval for the appointment of the recommended tenderer for the supply and maintenance of up to 290 on street parking meters, including the option for the supply and installation of in ground parking sensors and precinct signage as recommended by the Tender Evaluation Committee (TEC).

2. Description of Service or Product being Tendered

Due to the impending completion of the current contract, Council is seeking to replace its current parking meter fleet.

As part of this replacement, Council would like to update its current pay and display machines with a pay by plate and pay by bay option. Council is also looking to incorporate new parking technology into its long-term Smart City vision. This includes, but is not limited to, integration with enforcement solutions, such as sensors, wayfinding apps and precinct signage.

3. Scope of Tender

Council is aiming to achieve a full replacement of its on-street parking meter fleet and associated supporting systems. The preferred tenderer is to provide equipment and services to design, supply, install, program, commission and maintain an on-street parking system including parking sensors, wayfinding apps and precinct signage for Waverley Council.

4. Reason for Tender

The current contract for the replacement of parking meters expires on 16 June 2020. The current contractor is Australian Parking and Revenue Control (APARC), which has held the contract for six years.

This tender process seeks to award a new contract for the replacement of parking meters to commence on 17 June 2020.

5. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 20 August 2013	1308.18.3	<p>That:</p> <ol style="list-style-type: none"> 1. The report be treated 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) of the Local Government Act 1993. 2. Council endorses the recommendation to enter into a contract with the preferred tenderer, Australian Parking & Revenue Control Pty Ltd (APARC) for the purchase of meters and associated equipment and services together with a maintenance agreement for a period of 60 months subject to agreement of contract conditions. 3. Council notify unsuccessful tenderers of the decision.

6. Discussion

Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Colin Handsaker, Manager Parking Patrol
- Tony Pavlovic, Executive Manager Compliance
- Peter Monks, Director Planning, Environment & Regulatory

The panel was supported by Rodney Crook, Acting Procurement Manager.

An RFT Evaluation was developed and approved by the Evaluation Panel on 25 November 2019.

Tenders for On Street Meter Replacement were called on 26 November 2019. Advertisements for the Tender were placed in the Local Government Tenders section of the Sydney Morning Herald and Wentworth Courier on Tuesday 26 and Wednesday 27 November 2019. The tender was also released on Council's online tendering portal, Tenderlink, on 26 November 2019. Tenders closed on 23 December 2019.

The Evaluation Panel used the RFT Evaluation Plan to determine which tenders offered the best value for money in the provision of replacement of parking meters to Council.

Tenders received

The following tenders were received:

Australian Parking and Revenue Control Pty Ltd
Database Consultants Australia (DCA)
Reino International Pty Ltd

Late tenders

There were no late Tenders received

Non-conforming tenders

No non-conforming tenders were received.

Alternative tenders

No alternative tenders were received.

Three tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

CONFORMING TENDERS EVALUATED
Australian Parking and Revenue Control Pty Ltd
Database Consultants Australia (DCA)
Reino International Pty LTD

Tender evaluation

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation & Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

Advertised Evaluation Criteria	Weighting
Compliance with the technical specification	30%
Demonstrated experience in the supply, installation and maintenance of parking meters in similar local government area and environments	15%
Key Personnel on the project team	10%
Quality, sustainability and environmental management systems	10%

Demonstrated ability to interface with other parking technology providers/devices/systems and smart parking solutions	15%
Value for money	20%
Firm delivery timeline by 9 June 2020	Mandatory (Y/N)
Work, Health and Safety	Mandatory (Y/N)
Financial and trading integrity including insurances	Mandatory (Y/N)
Total	100%

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

Evaluation Panel's recommendation

Following a diligent evaluation of the tenders, the Evaluation Panel recommends that the services/product offered by the recommended tenderer provides the best value to Council based on the non-price and price criteria assessment. The recommended tenderer demonstrated superior experience, including extensive previous local government experience. The recommended tenderer has also provided quality personnel with extensive background in projects of a similar nature.

In addition, the tenderer has provided a detailed program and staging plan ensuring that the works will be completed prior to the expiry of the current contract on 17 June 2020.

7. Financial impact statement/Time frame/Consultation

Financial impact statement

The parking meter replacement project is provided for in the Q2 Budget Amendment report to be considered at this meeting and is fully funded from the Parking Meter Reserve. The ongoing maintenance of the parking meters is covered within the parking meter operational budget.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report. Council currently has sufficient reserve funds to cover the price tendered by the recommended tenderer.

Time frame

It is anticipated that the full installation of the parking meters is to be completed by 9 June 2020. This was a mandatory condition of the tender specification.

Consultation

Consultation has taken place with Council's General Counsel, Internal Ombudsman and Governance Department, Maddocks and RMS, which will continue throughout the project.

8. Conclusion

The Tender Evaluation Panel recommends Council enter into contract with the recommended tenderer for the provision of equipment and services to design, supply, install, program, commission and maintain an on-street parking system.

9. Attachments

1. Tender Matrix (confidential)
2. Schedule of rates (confidential)

REPORT
CM/7.20/20.02

Subject: Tender Evaluation - Cleaning and Hygiene Services

TRIM No: A19/0310

Author: Andrew Best, Executive Manager, Property and Facilities

Director: Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Declines to accept any of the tenders for the supply of cleaning and hygiene services, in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)–(d) of the *Local Government (General) Regulation 2005* as the best value outcome for Council would be achieved by entering into negotiations with the top two tenderers as identified in Attachment 1 to this report.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, authorises the General Manager to enter into negotiations with the top two tenderers to ensure that the optimal cleaning hours required for each building are delivered under the contract and that they are cleaned to the required standard and to do all things necessary to execute a contract for the provision of cleaning and hygiene services.
5. Notifies tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

1. Executive Summary

This report seeks Council's approval to decline all tenders for the supply of cleaning and hygiene services and to enter into direct negotiations with a short list of two tenderers and subsequently award a three-plus two-year contract.

The ability to directly negotiate with the two short listed companies will ensure that the optimal number of cleaning hours are provided at each Council facility which in turn will ensure the required benchmark standard for cleaning is maintained. It will also provide the best value for money outcome for Council.

2. Description of Service or Product being Tendered

Council has a diverse portfolio of facilities comprising of childcare centres, community halls, amenity

buildings, administration offices and depots. To ensure that these facilities are properly maintained Council is required to have under contract a specialist supplier of cleaning and hygiene services.

Council undertook a tender process seeking submissions from experienced contractors for the provision of cleaning and hygiene services under a contract term of three years with a two-year option.

3. Scope of tender

The scope of the tender included the provision of cleaning and hygiene services at 35 Council buildings including childcare centres, community centres, amenity buildings, administration offices and depots.

4. Reason for Tender

The tender is required due to the fact that Council's current cleaning services contract expires 29 March 2020 and the cost of cleaning services exceeds the tender threshold of \$250,000. The current hygiene service is being delivered by Fresh and Clean Australia and the current service agreement also expires on 29 March 2020.

The decision was taken to combine the delivery of the cleaning and hygiene services due to the efficiencies and operational benefits this offers.

5. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 20 August 2019	CM/7.14/19.08	<p>That Council:</p> <ol style="list-style-type: none"> Notes that a tender for cleaning services of Council facilities is currently being prepared. Notes that its current cleaning services contract with Challenger Services Group Pty Ltd (CSG) expires on 30 August 2019. Extends its contract with CSG to 29 March 2020 to allow for the completion of the tender process. Notes that the contract price for the period of extension is estimated to be \$640,000, with the funds existing in the 2019-20 operational budget. Notes that the current contract will be varied to include a transition plan to ensure the effective transition to a new supplier, should that be the outcome of the tender.
Council 17 June 2014	CON.17/14	<p>That:</p> <ol style="list-style-type: none"> The Evaluation of Findings report attached to Council's file be treated 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) of the Local Government Act 1993. Council endorses the recommendation to enter into a contract with Challenger Services Group for a period of 2 years with an option to extend for a further 3 x 1 years (5 Year Contract)

		subject to agreement of final contract conditions.
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6. Discussion

Invitation to tender

A Tender Evaluation Panel (TEP) was established to evaluate the tender submissions. The Panel consisted of:

- Andrew Best – Executive Manager, Property and Facilities.
- Roniet Meyerthal – Senior Coordinator, Business & Services Waverley Library.
- Alejandra Torres – Sustainability Engagement Officer, Environmental Sustainability.

In addition to the TEP members, Rodney Crook Acting Procurement Manager chaired all meetings of the TEP and Vince Tari (Executive Manager, Procurement) attended the Tender evaluation meeting.

An Evaluation and Probity Plan was developed and approved by the TEP on 12 December 2019.

Given the importance and high value of the contract APAC Probity were engaged to oversee the evaluation process to ensure the approved Tender Evaluation and Probity Plan were followed and to provide advice on governance throughout the process. A representative of APAC was involved in TEP meetings and the subsequent interviews. A Tender report was developed by APAC Probity and issued at the end of the evaluation process.

Tenders for the cleaning and hygiene services tender were called on 28 November 2019.

Advertisements for the Tender were placed in the local government tenders section of the Sydney Morning Herald and Wentworth Courier on 26 and 27 November 2019. The tender was also advertised on Council's online tendering portal, Tenderlink, on 28 November 2019.

Tenders closed on 19 December 2019.

The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tenders offered the best value for money in the provision of cleaning and hygiene services to Council.

Tenders received

The following tenders were received:

- Advanced National Services Pty Ltd.
- Arcadia Pacific Group Pty Ltd.
- Bayton Cleaning Co Pty Ltd.
- Broadlex Services Pty Ltd.
- Challenger Services Group.
- Damar Industries Pty Ltd.
- Ezko Property Services (Aust).
- Facilities First Australia Pty Ltd.
- Fast Facilities Services Pty Ltd.
- International Cleaning Services.
- MSR Services Australia.
- Quayclean.
- SKG Cleaning Services Pty Ltd.

- Solo Services Group Australia.
- Storm International Pty Ltd.
- Pickwick Cleaning Services Unit Trust.
- TST Property Services.

Late tenders

Nil.

Non-conforming tenders

The following non-conforming tenders were received:

- The tender submitted by Advanced National Services Pty Ltd was deemed to be non-conforming due to the fact that no prices were submitted and was not considered further.
- The tender submitted by Damar Industries Pty Ltd was deemed to be non-conforming due to the fact that no returnable schedules or prices were submitted and was not considered further.
- The tender submitted by TST Property Services was deemed to be non-conforming due to the fact that no returnable schedules were submitted and was not considered further.

Alternative tenders

Nil.

Tender evaluation

All 14 conforming tenders were evaluated in accordance with Council's Purchasing Procedures, the Tender Evaluation and Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation and Probity Plan set out a process whereby the hours of weekly cleaning provided in the Tender submissions was compared to the optimal hours Council officers have estimated that are required to clean each facility to the required standard. The Plan allowed that where the weekly hours were outside a 15% tolerance they may be rejected and not assessed.

The following tenders were not assessed as a result of this process.

- Arcadia Pacific Group Pty Ltd.
- Facilities First Australia Pty Ltd.
- Fast Facilities Services Pty Ltd.
- International Cleaning Services.
- Storm International Pty Ltd.
- Pickwick Cleaning Services Unit Trust.

The remaining eight tenders all proceeded to be assessed at the Tender evaluation meeting.

The Evaluation and Probity plan set out the following three mandatory criteria; compliance with direct labour requirements, work health and safety and financial and trading integrity and insurances. The TEC agreed weightings to be used against each of the advertised selection criteria as follows:

Advertised Evaluation Criteria	Weighting
Demonstrated experience and ability to deliver the contract	30%
Management and supervisory personnel/ operations and transition plans	25%
Environmental / social sustainability	15%
Lump Sum Pricing	30%
Total	100%

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

The following clarifications were made through Tenderlink to all Tenderers during the process:

- A post-tender addendum indicating minor administrative changes to the contract to all tenderers.
- Clarifications sent to suppliers who did not acknowledge addendum, or execute their tender correctly.
- One supplier omitted to provide insurance certificates but did so on clarification.

Evaluation Panel's recommendation

The TEP assessed the submissions in accordance with the Evaluation and Probity plan and created a short list of the two-top ranked tenderers as identified in Attachment 1.

Following the evaluation financial assessments and reference checks were undertaken and representatives of the two companies were subsequently invited to interviews with the TEP, which were conducted on 3 February 2020.

7. Financial impact statement/Time frame/Consultation

Financial impact statement

The budget for cleaning and hygiene services exists within operational budgets.

Time frame

Negotiations will occur as soon as possible to ensure a contract can be entered into prior to the expiration of the existing contract.

Consultation

There was no consultation required for this tender other than the usual tender processes.

8. Conclusion

The Tender Evaluation Panel recommends Council reject all tenders to the cleaning and hygiene services tender and to negotiate with two of the tenderers to ensure a best value for money outcome.

9. Attachments

1. Tender Evaluation Matrix (confidential)

NOTICE OF MOTION CM/8.1/20.02



Subject: Queens Park Pedestrian and Cycle Path

TRIM No: A18/0523

Submitted by: Councillor Lewis

MOTION:

That the Mayor writes to the Minister for Planning and Public Spaces to seek funding to construct the proposed \$3 million footpath and cycle path that runs on the southern side of Queens Park parallel to Darley Road that has been prepared by Waverley Council, Randwick City Council and Centennial Parklands, with design funding from Transport for NSW.

This item was deferred from the Council Meeting on 10 December 2019.

Background

In May 2019, the Minister for Planning and Public Spaces the Hon. Robert Stokes, MP, made comment regarding the improvement of public spaces to support walking and cycling in our communities: 'we need to use open space to promote walking, running and cycling because there's a real public health benefit to this.' Funding has been committed to these improvements in the 2019–20 NSW State Budget. Consistent with this budget allocation and State Government objectives, Waverley Council and the Centennial Park Trust have prepared plans for a footpath and cycle path that runs along the southern side of Queens Park that is costed for construction at \$3 million. This work is not funded and should be included in the State expenditure to improve publicly owned land.

The path will be located entirely within Queens Park and is currently a well-worn dirt track. Construction of a footpath and cycle path along Darley Rd will provide a safe and accessible connection to Queens Park and the larger Centennial Park. As there is no alternative footpath, surrounding residents and visitors use the dirt track as the only safe option. This dirt track sees a high number of walkers and runners throughout the day to access sports fields, Centennial Park and beyond to the city, particularly at weekends.

Darley Road is also a significant bicycle route, as it connects residents from both Waverley and Randwick Council areas to Centennial Park. In the PM peak hours, this results in a steady flow of bike riders using the uphill east bound lane of Darley Road. This is an unsafe situation for bike riders, and results in delay to motorists using Darley Road. A separate cycle path parallel to the proposed footpath in Queens Park will provide a much-needed recreational link.

Consultation conducted by Centennial Parklands for the path has received overwhelming community support, and the designs and documentation for the path has been completed with the assistance of funding from the TfNSW Active Transport Grants Program. Funding for the construction of the path has not yet been supported by the Minister for Transport. The purpose of this motion is to seek construction funding to deliver this much-needed pedestrian and bicycle link within Queens Park.

The proposed pathway supports a demonstrated community need for a path within public open space that links to key recreational amenities provided within the Centennial Parklands. This pathway supports

multiple State Government objectives, including improvement to the amenity of Queens Park, providing additional tree cover and the use of public open space to support active lifestyles.

A plan of the proposed pathway is attached to this motion.

General Manager's comment

This matter was raised at the Waverley Cycling Advisory Committee on 24 October 2019 and is consistent with Council's position. Funding for the construction of this project has been sought under the TfNSW Active Transport Program. However, previous applications have not been successful. The motion as drafted is supported.

George Bramis

Acting Director, Planning, Environment and Regulatory

Attachments

1. Plan of proposed pathway



Rev. A

NOTICE OF MOTION CM/8.2/20.02



Subject: Council Apps

TRIM No: A15/0210

Submitted by: Councillor Nemesh
Councillor Kay

MOTION:

That Council:

1. In regard to the Snap Send Solve app:
 - (a) Notes that residents of Waverley can now report local issues to Council via the app.
 - (b) Investigates the success of the app and reports to Council in May 2020, including:
 - (i) Number of residents who have downloaded the app.
 - (ii) Number of issues and the kind of issues logged using the app.
 - (iii) Feasibility and suitability of increasing the scope and use of the app.
2. In regard to the PayStay app:
 - (a) Notes that individuals can now pay for metered parking at Bondi Beach using the app.
 - (b) Further notes that it is Council's intention for all meters in the Waverley local government area (LGA) to become compatible with the PayStay app in 2019–20.
 - (c) Investigates the success of the app as it is rolled out to the whole of the Waverley LGA and reports to Council in May 2020, including:
 - (i) Total number of users of the app.
 - (ii) Number of transactions and the locations of those transactions.
 - (iii) The dollar amount generated from those transactions and what proportion of parking meter revenue is generated compared to other payment means.

This item was deferred from the Council Meeting on 10 December 2019.

General Manager's comment

Waverley residents can use the Snap Send Solve app to report local issues across the LGA. These reports are sent to Council as an email with the location address and description of the issue, and are allocated by Customer Service to the relevant department for action.

Residents have been using the Snap Send Solve app for around five years to report issues to Council. However, in April this year, Council upgraded its licence with Snap Send Solve in order to receive the customer contact details and photographs of each issue. The upgrade means that the customer now receives an automated email with the outcome.

In the eight months since the upgrade, there has been a 102% increase in requests logged via the Snap Send Solve app, and Council is currently promoting its usage on our website.

As part of its agreement with Snap Send Solve, Council has access to detailed reporting on usage and types of issues reported. Should this motion be adopted, a report will be prepared for the May 2020 Council meeting by the Customer Service department.

The PayStay app, which allows customers to pay for metered parking by mobile phone, has been trialled at Queen Elizabeth Drive and Park Drive since mid-September. The app has received positive feedback from customers with usage slowly increasing. The Compliance team is currently rolling out the app across all parking meters in Waverley, with completion of the project due by the end of January.

All the information requested in this motion is available from the PayStay system, and, should the motion be adopted, Council's Compliance team will prepare a report for the May 2020 Council meeting.

John Clark,
Director, Customer Service and Organisation Improvement

George Bramis
Acting Director, Planning, Environment and Regulatory

NOTICE OF MOTION CM/8.3/20.02



Subject: Right to Free Speech and Protest

TRIM No: A18/0601

Submitted by: Councillor Keenan
Councillor Wy Kanak

MOTION:

That:

1. Council acknowledges the right to free speech and the right to protest are fundamental in a democratic society.
2. Council notes:
 - (a) That the Prime Minister, Scott Morrison, is vowing to draft new laws to ban protesting under the plan to stop environmental groups targeting companies that support controversial projects
 - (b) That Civil liberty groups, including the NSW Council for Civil Liberties, Liberty Victoria and the Human Rights Law Centre, have all condemned the Prime Minister's suggestion.
 - (c) With great concern, that the Prime Minister is specifically targeting environmental and climate action groups, such as Extinction Rebellion, which would include Extinction Rebellion Bondi and anti-Adani protesters at a time when climate change is having a devastating impact on Australia and the planet.
 - (d) The Prime Minister made these comments at a resources industry meeting in Brisbane, which is yet another sign of an undemocratic trend to undermine the right to protest, often at the behest of large companies such as coal and mining organisations.
3. The Mayor writes to the Prime Minister, Scott Morrison; the Environment Minister, Melissa Price; the leader of the Opposition, Anthony Albanese; the Shadow Minister for the Climate Change and Energy, Mark Butler; and LGNSW to strongly oppose any move to ban the right of environmental and other climate action groups to protest against controversial projects or lack of climate action.
4. The letter contains this community's concern, as set out above.

This item was deferred from the Council Meeting on 10 December 2019.

Background

The notion that a government could outlaw a boycott is legally questionable and morally dubious, especially when there are existing laws that can deal with unruly conduct or assault. It is also an extraordinary incursion into free speech when the right to protest and boycott are at the heart of most liberal democracies.

Large issues such as climate change and protection of the environment encourage strong responses by citizens whose broader rights are affected. Protest action may well increase if effective measures are not taken by commercial interests to address those issues. Citizens should not be criminalised for taking such action.

Protesters were voicing the concerns of millions of Australians and the wider business world is moving away from coal because they can see it is damaging our climate and damaging the economy.

People protesting in the streets are not the only ones expressing alarm about climate change—the head of the Defence Force, the deputy governor of the Reserve Bank and the Australian Prudential Regulation Authority have all recently raised serious concerns. There are broad community concern about climate change, and to disparage these people as ‘fringe-dwelling extremists’ is an insult to all Australians who want action on climate.

It is also of concern that Labor's deputy leader, Richard Marles, said the protesters had been ‘absolutely indulgent’ and said the opposition would consider any legislation the Morrison government brought to Parliament.

See <<https://www.smh.com.au/politics/federal/morrison-s-boycott-plan-sparks-free-speech-furore-20191101-p536o1.html>>.

General Manager’s comment

The General Manager has reviewed this motion and has no comments to provide.

Ross McLeod
General Manager

NOTICE OF MOTION CM/8.4/20.02



Subject: Acknowledgement of Country in Email Signatures

TRIM No: A02/0424

Submitted by: Councillor Wy Kanak

MOTION:

That Council includes an Acknowledgement of Country in all its email signature footer formatting that is based on the wording used in the Council agenda Acknowledgement in the interim, or another form of wording in the future, that is culturally appropriate and sanctioned by discussions from our First Nations Community and Elders.

This item was deferred from the Council Meeting on 10 December 2019.

Background

This motion is part of the 2019 NSW Local Government Aboriginal Network recommendations requested by delegates at that Strategic Planning Conference for NSW Councils to consider and implement.

Some Councils already do a version of email signature Acknowledgements of Country, and it would be an action consistent with Council's Reconciliation Action Plan to act likewise.

As President of the NSW Local Government Network and as RAP Champion, Cr Wy Kanak seeks Council's support for this proposal.

General Manager's comment

As part of the roll-out of Council's Reconciliation Action Plan, our Corporate Style Guide will be updated to include an Acknowledgement of Country in email signatures. This is planned for January 2020.

An Acknowledgement of Country can be included in Council's strategic documents. Currently, the Community Strategic Plan includes an Acknowledgement of Country, and this can be extended to future strategic documents as they are developed or updated.

John Clark

Director, Customer Service and Organisation Improvement

NOTICE OF MOTION CM/8.5/20.02



Subject: Water Tank Rebate Scheme

TRIM No: A06/2074

Submitted by: Councillor O'Neill
Councillor Masselos

MOTION:

That Council:

1. Investigates:
 - (a) The introduction of a Water Tank Rebate Scheme available to all ratepayers, residents and businesses of rateable properties in the local government area.
 - (b) The budgetary implications, and identifies options for how this rebate may be funded by Council.
2. Officers provide a report to Council for consideration.

This item was deferred from the Council Meeting on 10 December 2019.

Background

NSW is experiencing its most devastating drought in recorded history. Currently, level 1 water restrictions are in place in Sydney, with severe restrictions to be applied from the 10 December 2019.

More than 85% of Greater Sydney's water supply relies on rain. This means that our water is in short supply during prolonged droughts. Water restrictions limit how and when we use drinking water outdoors. While NSW is experiencing below average rainfall, as a coastal council, the Eastern Suburbs get above the State average for rainfall at roughly 170% above the State average.

While during the millennial drought the State Government initiated a state-wide water tank rebate scheme, along with other initiatives including a washing machine rebate scheme and a shower head replacement scheme, no such initiatives have been led by the current State Government.

Such a scheme will help ratepayers transition to more sustainable reuse of rainwater, and decrease ratepayer's reliability on potable water.

If we all do our bit and save a little, together we'll make a big difference.

General Manager's comment

This analysis and report could be completed. Sydney Water offered a rebate for rainwater tanks from 1 July 2007 until 30 June 2011 to Sydney residents.

George Bramis

Acting Director, Planning, Environment and Regulatory

NOTICE OF MOTION CM/8.6/20.02



Subject: Hollywood Avenue Car Park - Resident Rate for Overnight Use

TRIM No: A18/0477

Submitted by: Councillor Masselos
Councillor O'Neill

MOTION:

That Council investigates the introduction of a six-month trial of a new service that allows overnight use of Hollywood Car Park by Waverley residents at a discounted rate, with a report to be brought back to Council on the feasibility of the new service.

This item was deferred from the Council Meeting on 10 December 2019.

Background

There is demand from Waverley residents for access to additional parking space to reduce the amount of cars parking on the street.

The Council-endorsed People, Movement and Places Strategy found that 'Better parking management would help to provide better utilisation of parking and greater equity of access to car parking spaces with highest demand'.

Following initial consultation with Council officers, it became clear that Hollywood Car Park has available capacity.

The trial would test the feasibility of a new service that allows residents to park overnight in Hollywood Avenue Car Park at reduced rates, to assist in removing cars from the streets.

A report is to be brought back to Council presenting the feasibility of such a service and presenting the proposed details of a future trial.

General Manager's comment

Staff see merit in the proposal and will report back on the feasibility of the trial.

Emily Scott
Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.7/20.02



Subject: Off-leash Dog Area - Mackenzies Bay, Tamarama

TRIM No: A11/0440

Submitted by: Councillor Kay
Councillor Goltsman

MOTION:

That Council:

1. Investigates that Mackenzies Bay, Tamarama, be a daily off-leash dog area.
2. Officers prepare a report for Council to consider public exhibition/community consultation of any proposal.
3. Notes that Mackenzies Bay includes a 'pop-up beach', as it changes from a rocky inlet to a sandy beach, and back, due to environmental factors.
4. Notes that residents have used Mackenzies Bay over many years for exercising their dogs even though it is designated as 'dogs prohibited'.
5. Notes that there is a community change.org petition that has over 600 names supporting that dogs be permitted at Mackenzies Bay (at the time when the motion was lodged with Council on 14 January 2020).

Background

Mackenzies Bay is a small rocky inlet between Bondi and Tamarama beaches, which has recently included a sandy beach, as it has regularly in the past, a situation that is thought to occur through overarching environmental factors and impacts from swells and storm surges at the Bay.

Local dog owners have been using it as a place for their four-legged friends to run around the rocks and splash around in the shallows for years, whether there is a beach or not.

As it is well off the main path, there isn't the risk of an off-leash dog interacting with walkers on the Bondi-Bronte coastal walk.

It is one of the smallest beaches in Australia, and not always present, so the Bay is a much less attractive venue than the nearby beaches for sunbathers and families and, in any case, it often has rips and heavy swell that make it unsuitable for swimmers.

It is understood that Council Rangers have recently been enforcing the 'no dogs' policy by requesting that the beach be cleared of all dogs, to the dismay of responsible dog owners who just want a place for their pets to enjoy the water.

The investigation should consider how to encourage responsible dog ownership compliance, including clear Council signage, and the installation of a dog litter bag dispenser and bin at the bottom of the steps to the Bay to make it convenient for owners to clean up after their dogs.

Allowing dogs off-leash at Mackenzies Bay would provide a unique place in Waverley for dog owners to take their pets for a swim, provide a sense of community for dog owners who gather at the Bay with their dogs, and enhance socialisation and well-being for the dogs themselves. In one sense, it would normalise what has been done over many years.

General Manager's comment

Council has nine off-leash areas in Waverley. Residents of Tamarama have access to Marks Park and Bronte Park which have timed dog off-leash zones. Marks Park is within a comfortable walking distance of 300m of Mackenzies Bay. Locating a dog off-leash zone in this location would not cover a shortfall of dog off-leash in this local catchment.

On initial investigation of using Mackenzies Bay as a dog off-leash area is not recommended for the following reasons:

- As outlined in the notice of motion, the environment in Mackenzies Bay is changeable depending on weather conditions. While favourable weather conditions with adequate sand cover can make the area suitable for dogs and people accessing the rocks and water, in unfavourable conditions with little sand cover the area is dangerous. The potential risk may be in particular to small dogs accessing the water and being washed against rocks and people retrieving dogs being injured. Creating a permanent dog off-leash zone in an area which at times is dangerous is not advisable.
- Remnant vegetation is located directly between the coast walk path and bay area. Dogs off-leash in the area would be detrimental to the condition of this vegetation.
- Providing support facilities such as paths, bins and dog bag dispensers which is advisable in dog off-leash zones is not possible in the Mackenzie Bay area.

The draft Open Space and Recreation Strategy identifies a shortfall of dog-off leash areas in the Bondi Basin and identifies opportunities to increase capacity in this area. It is recommended that this remain the priority for Council. Consultation would take place in identify an appropriate location for this area as outlined by the strategy.

Emily Scott

Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.8/20.02



Subject: Williams Park - Verge Maintenance

TRIM No: A03/1179

Submitted by: Councillor Nemesh
Councillor Betts

MOTION:

That:

1. Council officers investigate an increase in the frequency of maintenance of the Williams Park Verge on the east side of Military Road between Bondi Diggers and Bondi Wastewater Treatment Plant and immediate surrounds with specific reference to:
 - (a) Removal of dumped rubbish, litter and debris
 - (b) Removal of dead vegetation
2. A report come back to Council no later than the May 2020 meeting.

Background

Removal of dumped rubbish and dead vegetation has been an ongoing issue on the verge of Williams Park on Military Road for some time. Both sides of Military Road between the Bondi Wastewater Treatment Plant Eastern Driveway and 5 Military Road are constantly filled with trash and dumped items. The Dover Heights Precinct has asked for Council to investigate and find a solution that improves local amenity.

General Manager's comment

The Williams Park verge is currently on a three-month proactive maintenance schedule by the Open Spaces and Sports Field Maintenance team. This service includes mowing to ensure growth does not impede Military Road, as well as the removal of litter and dead vegetation. Any additional reactive requests for work received via Council's customer relationship management system, Merit, are completed as per the agreed service standards.

The Williams Park verge has also been included on the dumped rubbish precinct list for daily inspection by the dedicated illegal dumping crew. Any dumped rubbish is removed within 48 hours, as per the agreed service level unless it is reported to the RID squad for investigation/enforcement follow-up.

Emily Scott
Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.9/20.02



Subject: Air Fresheners in Public and Staff Toilets

TRIM No: A20/0098

Submitted by: Councillor Kay
Councillor Burrill

MOTION:

That Council:

1. Urgently investigates the undue health impacts of automatic air fresheners used in public and staff toilets in the Waverley local government area.
2. Notes the importance of short-term mitigation measures that may be taken by Council officers, including, but not limited to, warning signage outside the toilets.
3. Receives a report by April 2020 that includes recommended actions, alternatives to existing air fresheners, and any short-term mitigation measures implemented so far.

Background

Concerns have been raised that exposure to automatic air fresheners, currently being used in some public toilets in the Waverley local government area and in Council buildings, can cause an asthmatic attack, anaphylactic shock, and reduction in lung functions for some people with asthma.

Statistics indicate that 20% of people with asthma have allergies to elements in common use by automatic air fresheners.

Although there may be limited legislation that applies to this matter, it would be reasonable for the investigation to include a review of the relevant legislation under which Council operates.

The investigation should distinguish Council actions for Council-owned and/or operated buildings, commercial areas, and community areas, and buildings managed by third parties (e.g. Westfield).

General Manager's comment

Council operates automatic air fresheners in a small proportion of its facilities. The air fresheners assist in providing a more pleasant environment for users of the facilities. Were they not in place, it would likely lead to an increased number of community complaints relating to bad odours.

Council is in the process of awarding a new cleaning and hygiene services contract, which provides an opportunity to move to an alternative type of air freshener. It should be noted that moving to products advertised as oil-based, organic or all natural may not completely remove the health risk for people who have pre-existing conditions such as asthma or allergies.

It is felt that displaying warning signs on toilet doors across Council facilities may unduly alarm the wider community.

Emily Scott
Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.10/20.02



Subject: Bushfire Relief - Donation and Assistance

TRIM No: A02/0065

Submitted by: Councillor Masselos
Councillor Nemesh
Councillor Keenan

MOTION:

That Council:

1. Notes Waverley's participation in the Bushfire Council Co-ordination Service to provide in-kind assistance to councils and communities affected by bushfires.
2. Notes and congratulates the numerous community fundraising and assistance efforts that are taking place in the Waverley community.
3. Donates \$25,000 to bushfire relief charities to be funded via the second quarter adjustment incorporated within the Quarterly Financial Review report.
4. Approves the payment of the donation in five equal payments to Australian Red Cross Disaster Recovery and Relief, the Salvation Army Disaster Appeal, St Vincent de Paul Society Bushfire Appeal, WIRES and GIVIT.

Background

The impact of this seasons bushfires has been severe across the state and the country. There are many communities and families badly affected and in need of assistance. At the forefront of efforts to reduce the impacts of fires has been the NSW Rural Fire Service and its numerous community volunteers.

Waverley, like many communities less affected by the bushfires, has been looking for ways to assist. Community members have been contacting Council to asking how they can assist, and a number of groups are approaching Council with ideas to raise funds, including charity concerts and other events. Council is looking to assist eligible events through streamlined approval processes and where appropriate under the sponsorship policy. Of note was the sterling efforts of the Bondi Bathers Surf Life Saving Club which collected and transported much needed donated supplies to communities in need. Council and individual Councillors were able to assist these efforts.

The NSW Government through the Office of Local Government, in conjunction with the City of Sydney, the Sydney Resilience Office and LGNSW, have established the Bushfire Council Coordination Service to enable lesser or unaffected Councils to provide resources and support to affected councils and communities. Waverley has signed up to this initiative and has been able to offer the services of over 50 staff and appropriate equipment to assist other councils. Staff within the organisation have been keen to volunteer to assist.

The other need in affected communities is money to help people recover. This Notice of Motion is put forward to enable Council to consider a donation on behalf of the community to bushfire relief and recovery. There are a range of existing charitable organisations that are being recommended in Government and RFS communications on donations and we are recommending that any Waverley donation be split among these groups.

Consultation with the General Manager and CFO indicates that funding for the donation is likely to be able to be accommodated within the 2019–20 budget and can be provided for within the second quarter review. Steps have been taken to provide for this to occur should the motion be passed by Council.

General Manager's comment

Staff support Council making this donation if it is of a view to so do. Provision has been made within the second quarter review for funding for the donation.

Ross McLeod
General Manager

NOTICE OF MOTION CM/8.11/20.02



Subject: Murriverie Road, North Bondi - 15 Minute Parking

TRIM No: A02/0637

Submitted by: Councillor Lewis

MOTION:

That Council installs a 15 minute parking zone for one car spot on the southern side of Murriverie Road, North Bondi, west of Glenayr Avenue.

Background

There is a small but vibrant shopping precinct on and around the corner of Murriverie Road, and Glenayr Avenue, North Bondi. The rejuvenation of the precinct has been assisted by the success and expansion of the café on the eastern corner. As a result, local residents needing to access the chemist on the corner and the other shops have difficulty getting short-term parking; in particular, to pick up scripts. Installing a 15 minute spot will allow residents better access to the local retailers.

General Manager's comment

While officers believe this request has merit, it conflicts with a school bus stop that operates from 7.30 to 9.30 am on school days. For this reason, it would be advisable to have the 15 minute parking after 9.30 am. This would also better facilitate parking for visitors to the chemist.

Officers propose that a 5.5 m 15 minute parking zone is installed from the No Stopping sign on Murriverie Road at Mitchell Street. Time restrictions to be 9.30 am to 8.00 pm, Monday to Friday, and 8.30 am to 12.30 pm, Saturday.

If Council endorse this motion, it is essential that we consult with the local business community prior to making parking changes. We would notify property owners and business at 1 and 2 Mitchell Street and at 1–3, 4, 5, and 7 Glenayr Avenue about the proposal to install the 15 minute parking. The chemist is a tenancy within 1 Mitchell Street.

The required next steps of the proposal would be:

1. Consult State Transit regarding bus stop usage.
2. Prepare concept plan for notification
3. Distribute notifications to property owners and tenants (allow two weeks for responses as property owners are contacted by mail).
4. Review responses.
5. Prepare report for Waverley traffic committee.

6. Approval by Council.

Emily Scott

Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.12/20.02



Subject: Waverley Cenotaph - Indigenous Commemorative Plaque

TRIM No: A04/0553

Submitted by: Councillor Wy Kanak
Councillor Copeland

MOTION:

That:

1. Council reserves the currently blank southern face of the Waverley Cenotaph for an engraving/plaque that in plain and direct language commemorates the brave and fallen Aboriginal warriors who were First Nation freedom fighters in the colonial skirmishes and battles during the Frontier Wars.
2. The language, design and ceremonial affixing of such a plaque be done with community consultation, cultural protocols and in conjunction with First Nation owner descendants and Aboriginal organisations, including the La Perouse Local Aboriginal Land Council and Land Council networks.

Background

Discussion of what is known as the Frontier Wars—a term for battles and ‘skirmishes’ between First Nation Peoples resisting invasion and displacement from their traditional country—is receiving more community focus as our country moves towards marking Lieutenant (‘Captain’) Cook’s claiming of parts of the east coast of Australia for the English King George III, and the subsequent historical association of Australia’s First Nations Peoples with a colonial agenda that would bring on battles for our people to protect and maintain Aboriginal Torres Strait Islander land, waters and sky.

A Sydney traditional owner descendant elder effectively spoke of commemorating the fallen from these battles as part of the ceremonial sand and soil gathering in Waverley as part of our community’s contribution to commemorating the First World War and the ANZACS, and the redesigned Hyde Park War Memorial section receiving and storing those sand and soil gatherings.

General Manager’s comment

This notice of motion relates to a proposal to commemorate Aboriginal warriors lost during the Frontier Wars, and to the existing Waverley Soldier’s Memorial.

The Soldier’s Memorial was unveiled in 1918 to honour Australians killed in World War I. It has been added to since that time to recognise those who have fought and died in subsequent conflicts. In 2018, to commemorate the 100th anniversary of the end of World War I, a plaque was added that included the following words: ‘On the 100 year commemoration of the end of World War I, we pay our respects to all who have fought and died in all forms of conflict.’

The issue of specific recognition of ‘Aboriginal and Islander peoples who resisted invasion of their traditional lands and waters’ was considered in the report to Council in relation to the installation of the

commemorative plaque. Council officers considered that the wording used that encompassed all who have given their lives in all conflicts would be appropriate for the 100th anniversary plaque, rather than wording that singled out a particular series of conflicts.

That is certainly not to say that commemoration of ‘the brave and fallen Aboriginal warriors who were First Nation freedom fighters in the colonial skirmishes and battles during the Frontier Wars’ should not occur. On the contrary, the frontier wars are an important part of Australia’s history. The questions are rather around what, where and in what form a commemorative memorial is appropriate, and how any memorial affects existing commemorative memorials. Staff are also aware of other proposals being discussed in the community for recognition within the Memorial Gardens.

The Memorial Garden area in Waverley Park is a prominent area for the recognition of those who have fought in and given their lives in conflict. Should Council and the community wish now to commemorate those lost during the Frontier Wars, the Gardens are likely to be an appropriate location.

Examining the commemoration of Aboriginal warriors lost during the Frontier Wars is an initiative that sits comfortably within the framework of the Reconciliation Action Plan recently adopted by Council. There are a number of stakeholders likely to have views on the specific proposal suggested in the notice of motion. As noted in the motion, First Nation owner descendants and Aboriginal organisations, including the La Perouse Local Aboriginal Land Council and Land Council networks, would be groups with an important view. In addition, groups such as the Returned Services League (RSL) who have a role as ‘community custodians’ for the commemoration of those who have fought and fallen in conflicts, would also have an important voice in how any commemoration can be appropriately given effect to, particularly within the context of the existing cenotaph.

Given the likelihood of stakeholder interest and input, it is suggested that Council may wish to consider being less specific as to the precise placement of the plaque on the cenotaph, and instead resolve to seek to incorporate an appropriate commemorative memorial within the Memorial Gardens. This could then be developed in consultation with the appropriate stakeholders, including those noted in clause 2 of the notice of motion and representatives of the RSL.

Ross McLeod
General Manager

NOTICE OF MOTION CM/8.13/20.02



Subject: Tamarama Fitness Station - Mitigation of Amenity Impacts

TRIM No: A17/0353

Submitted by: Councillor Kay
Councillor Burrill

MOTION:

That Council:

1. Investigates measures to mitigate privacy and noise impacts on residents at 21, 23 and 25 Gaerloch Avenue, Tamarama, from the adjacent, upgraded Tamarama fitness station located on the coastal walk close to the Tamarama Surf Life Saving Club, including, but not limited to, changing the height, style and location of the current fitness equipment.
2. Officers consult the above adjoining neighbours and other interested parties on the matter.
3. Receives recommendations in a formal report.

Background

In 2019, Council upgraded three coastal walk fitness stations, and removed a generally unused fourth.

In comparison with the previous fitness stations, the new ones are generally of a larger size ('Tamarama', previous size 18 sqm, current size around 60 sqm; 'Gaerloch', previous size 28 sqm, current size larger but not confirmed; and 'Marks Park', previous size 60 sqm, current size not confirmed).

All fitness stations have new concrete platforms and amphitheatre-style steps/seats, new fitness equipment and bright two-tone colour paint.

Community consultation on the concept design of the new fitness stations occurred in 2017. More than two thirds of respondents stated that they did not utilise the fitness stations, and of those that did, they commented that there was no need 'to vary extensively from the existing equipment'.

The Tamarama fitness station is located only a few metres from three residences along Gaerloch Avenue at numbers 21, 23, and 25. This fitness station has increased in area by over 330%. Residents have reported undue privacy and noise amenity impacts resulting from the new fitness station, which they believe is due to its large size, the pull-up bars equipment (formerly push-up bars), and the amphitheatre-style seating.

The residents acknowledge that their properties and families will be generally impacted by activities on the coastal walk, but believe that the impacts from the use of the new Tamarama fitness station as a gathering spot are unreasonable and would like any disturbance to be minimised, including at night when Council Rangers are unavailable and the Police are unlikely to attend.

General Manager's comment

The Coastal Walk Fitness Stations were upgraded in 2019 following community consultation in 2017, the stations replace the dilapidated fitness stations built circa 2006. Council is striving to offer updated facilities and infrastructure to support a healthy lifestyle synonymous with our local government area. The equipment chosen and installed are improved versions of the 2014 equipment installed at Bondi Beach in materials more durable to the coastal environment. Equipment selections were based on the pre-existing exercise activities along the coastal walk, offering the same activities and not reducing the activities.

With the upgrade comes the need to meet Australian Standards for safety and design, despite maintaining similar exercise activities and equipment, the area required as defined by the Australian Standards has increased. With this increase in size, the fitness stations were benched into the landscape and required retaining walls. The walls became an opportunity to provide additional steps for plyometric exercises, subscribing to Council's forwarding thinking approach of providing more rather than less community assets.

The location of the Tamarama Fitness station is roughly in the same location as the previous station, with an increase in size back into the slope and towards the Coastal Walk path. It remains directly behind 21 Gaerloch Avenue due to the large amount of rock between the station and the surf lifesaving club. Council officers had discussed the fitness station with the developer and contractor of 21 Gaerloch Avenue in relation to the development application conditions and potential impacts. Because the developer did not reinstate planting as required by the DA, Council officers instructed the fitness station contractors to plant new coastal shrubs and low planting in front of the sandstone wall as a variation to contract. These new plants are intended to provide screening to the property.

Council officers do not recommend making changes to the equipment as this would likely require removal of equipment diminishing the amenity of the space and the station.

Emily Scott

Director, Community, Assets and Operations

NOTICE OF MOTION CM/8.14/20.02



Subject: Cultural Bushfire Control Strategies

TRIM No: A02/0424

Submitted by: Councillor Wy Kanak
Councillor Copeland
Councillor Keenan

MOTION:

That Council:

1. Supports First Nation elders and bushfire cultural control strategists being involved in creating future bushfire management strategies that acknowledge and implement traditionally-based 'cultural cool burning' techniques as part of broader bushfire management regimes.
2. Makes a submission to the NSW and Federal inquiries and any other bushfire-discussion-related matters requesting that First Nation elders and bushfire cultural control strategists be involved in creating future Australian bushfire management strategies.
3. Through the peak body Local Government NSW, lends its support to Aboriginal burning-off practices combined with Rural Fire Service Aboriginal community volunteer training, such as occurred recently at the NSW south coast Shire of Eurobodalla.

Background

Amid the tragedy and compassion of this 2019–2020 summer bushfire season, the sovereignty and knowledge of First Nations Peoples needs to be respected and implemented in ongoing fire management practices across the Australian landscape.

It is interesting to observe that this severe bushfire summer is devastating our country on the eve of the colonial invasion 250 years ago, interrupting our people's ancient cultural and spiritual connection to country. It is time to reassess and integrate our First Nation's wisdom.

General Manager's comment

As the Waverley local government area is not in a mapped bushfire-prone area and has limited bushfire expertise within the organisation, Council is not in a position comment on this matter from a technical perspective.

However, it seems logical that traditional knowledge could be used constructively within bushfire management approaches. If Council chooses to support this motion as an advocacy position, staff will take the action as resolved.

Staff note that Waverley's remnant and native bushland may require occasional burning to regenerate. If this approach becomes necessary, undertaking cool burns using the knowledge of First Nation elders would assist in maintaining and improving the ecological condition of our remaining remnant areas.

Ross McLeod
General Manager

QUESTION WITH NOTICE
CM/9.1/20.02**Subject:** On-street Parking Losses**TRIM No:** A15/0235**Submitted by:** Councillor Nemesh

QUESTION

The following question was submitted by Cr Nemesh:

Since October 2017, how many on-street parking spaces within the local government area have been removed by Council?

This item was deferred from the Council Meeting on 10 December 2019.

General Manager's answer

Council does not keep integrated records of car park space removals. It has not been possible to undertake a full detailed staff review of all records due to current staff shortages and backfilling with temporary staff; however, an accurate estimate has been made. A detailed analysis of relevant records could be undertaken, but would take a staff member four to six weeks to complete. It is anticipated that staffing issues will be resolved by March and the analysis could be undertaken at this time. However, the estimate below is believed to be accurate.

Staff estimate that on-street parking spaces removed by Council since October 2017 are:

- Seven Ways Streetscape upgrade: four parking spaces.
- Bronte Cutting Trial (temporary removal pending trial outcome): 20 parking spaces.

Future capital works projects, such as the South Bondi Amenities project, will likely result in 16 car park losses.

While not as a result of a Council resolution, on-street car parking spaces can be affected by residential development applications that are approved by Council officers (or planning panels) under the law and delegation. This number can vary from year to year, and would take a review of all development approvals to provide an accurate answer. It is not proposed that this work be undertaken at this time.

Emily Scott
Director, Community, Assets and Operations

URGENT BUSINESS
CM/10/20.02**W A V E R L E Y**
COUNCIL**Subject:** Urgent Business**Author:** Ross McLeod, General Manager

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered 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 to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the 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 require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

CLOSED SESSION
CM/11/20.02

Subject: Moving into Closed Session

Author: Ross McLeod, General Manager

RECOMMENDATION:

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/11.1/20.02 CONFIDENTIAL REPORT - Safety by Design in Public Spaces - Procurement of Temporary Security Measures at Bondi Beach

This matter is considered to be confidential in accordance with Section 10A(2)(e) of the Local Government Act, and the 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, prejudice the maintenance of law.

CM/11.2/20.02 CONFIDENTIAL REPORT - Tender Evaluation - Level 4 Eastgate Office Refurbishment - Head Contractor Services

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the 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 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, 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 clauses 14.9–14.10 of the Waverley Code of Meeting Practice, 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/12/20.02

Subject: Resuming in Open Session
Author: Ross McLeod, General Manager



RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.