



W A V E R L E Y  
COUNCIL

## COUNCIL MEETING

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

**7.00 PM, TUESDAY 20 OCTOBER 2020**

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

Ross McLeod  
**General Manager**

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

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.



## 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.*

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*At the time of issuing this agenda, the reports for items CM/7.14/20.10 and CM/7.15/20.10 were not available. They will be issued to Councillors under separate cover and published online prior to the meeting.*

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## 9. Questions with Notice

There are no questions with notice.

## 10. Urgent Business..... 388

## 11. Closed Session ..... 389

The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

CM/11.1/20.10	CONFIDENTIAL REPORT - Sculpture by the Sea 2020
CM/11.2/20.10	CONFIDENTIAL REPORT - Alexandria Integrated Facility and 48A Burrows Road, Alexandria - Lease with Ausgrid
CM/11.3/20.10	CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee

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**13. Meeting Closure**

## **OBITUARIES CM/3/20.10**

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



Kerryn Sloan

The Mayor will ask Councillors for any obituaries.

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

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.1/20.10



**Subject:** Confirmation of Minutes - Council Meeting -  
15 September 2020

**TRIM No:** SF20/42

**Author:** Richard Coelho, Governance Officer

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### RECOMMENDATION:

That the minutes of the Council Meeting held on 15 September 2020 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 - 15 September 2020



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE ON TUESDAY, 15 SEPTEMBER 2020**

**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
Evan Hutchings	Executive Manager, Governance and Projects

*At the commencement of proceedings at 7.02 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.04 pm, and Cr Nemesh, who arrived at 7.19 pm.*

*At 7.36 pm, Cr O'Neill left the meeting and did not return.*

*At 8.57 pm, Cr Wakefield left the meeting and did not return.*

*At 10.54 pm, Cr Burrill left the meeting and did not return.*

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

The General Manager read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

*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.*

*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 Goltsman declared a less than significant non-pecuniary interest in item CM/8.2/20.09 – Clarke Reserve – Pathway to Playground, and informed the meeting that he lives in Clarke Street.

### **3. Obituaries**

Philip Jones  
Ron Lander  
Hersz Friedman

*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 A Freeman – CM/7.3/20.09 – CM/7.3/20.09 – Innovation Civic Hall.
- 4.2 M Futeran – CM/8.3/20.09 – Planning Proposal – Frances, Edward, Wellington and Simpson Streets, Bondi Beach.
- 4.3 P and L Singer – CM/8.3/20.09 – Planning Proposal – Frances, Edward, Wellington and Simpson Streets, Bondi Beach.
- 4.4 T Froud – CM/8.3/20.09 – Planning Proposal – Frances, Edward, Wellington and Simpson Streets, Bondi Beach.
- 4.5 J McAlpin – CM/8.4/20.09 – Planning Webinars on Council's Website.

**ITEMS BY EXCEPTION****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the recommendations for the following items be adopted as recommended in the business paper:

CM/5.1/20.09 Confirmation of Minutes - Council Meeting - 18 August 2020

CM/7.4/20.09 Code of Conduct and Procedures - Review

CM/7.5/20.09 Draft 2019-20 Financial Statements

CM/7.6/20.09 Investment Portfolio Report - August 2020

CM/7.10/20.09 Public Art Committee Meetings - 2020 - Minutes

CM/7.11/20.09 Waverley Artist Studios - Tenure Extension

CM/7.13/20.09 Seven Ways Public Domain - Proposed Additional Works

CM/7.16/20.09 Car Parks - Access Infrastructure Upgrade

CM/7.17/20.09 North Bondi Surf Life Saving Club - Variation of Licence

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

**5. Confirmation and Adoption of Minutes**

**CM/5.1/20.09 Confirmation of Minutes - Council Meeting - 18 August 2020 (SF20/42)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council Meeting held on 18 August 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

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

**CM/5.2/20.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 August 2020 (SF20/45)**

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 27 August 2020 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/V.07/20.08 – Curlewis Street Pop-up Cycleway Concept Plan.



And that this item be dealt with separately below.

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

**CM/5.2.1/20.09      Adoption of Minutes - Waverley Traffic Committee Meeting - 27 August 2020 -  
TC/V.07/20.08 - Curlewis Street Pop-up Cycleway Concept Plan (SF20/3091)**

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

**MOTION**

Mover:      Cr Kay  
Seconder:   Cr Betts

That the Traffic Committee's recommendation be adopted subject to amendments to clauses 3 and 4 and the addition of a new clause 10, such that the recommendation now reads as follows:

That Council:

1. Approves the concept design for a temporary pop-up cycleway along Curlewis Street between Campbell Parade and Old South Head Road as documented in Attachment 1 (Curlewis Street Pop-up Cycleway for August TC), subject to detailed design.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the design following preparation of detailed plans by TfNSW with input from Council officers.
3. Notes that Transport for NSW:
  - (a) Notified residents and businesses along Curlewis Street of the proposed pop-up cycleway on Saturday, 5 September 2020, and intends to consider any community feedback when developing the detailed design.
  - (b) Intends to issue a follow up notification at least five days before construction works commence.
  - (c) Is estimating that construction will start in late October 2020.
4. Officers conduct broad community consultation from February 2021 on the pop-up cycleway and the possibility of the cycleway becoming permanent following the temporary pop-up scheme.
5. Requires that the detailed design process to be undertaken includes a road safety assessment for the following three options:
  - (a) A safe north-south crossing of Curlewis Street at the pedestrian crossing on the western side of Gould Street.
  - (b) A safe north-south crossing of Curlewis Street at the Glenayr Avenue signalised intersection.
  - (c) No crossing of Curlewis Street with the cycleway to run along the northern side of Curlewis Street between Gould Street and Campbell Parade.
6. Requires that the detailed design includes an examination of potential conflict between traffic westbound on Curlewis Street turning right into Old South Head Road and cyclists crossing Old South

Head Road. The assessment is to consider the potential need to introduce a right-turn arrow for the turn from Curlewis Street within the signal design.

7. Requires that the 40 km/h speed limit on the eastern end of Curlewis Street is extended to Old South Head Road upon opening of the cycleway.
8. Officers complete a detailed review of cyclist transition to and from the cycleway at Campbell Parade.
9. Officers investigate the implications of the cycleway along Curlewis Street upon deliveries to and from commercial premises and loading/truck zones.
10. Receives a briefing report at the Strategic Planning and Development Committee meeting on 3 November 2020, or as appropriate, which includes any changes to the current concept design along Curlewis Street, and an updated timetable for construction and operation of both the Waverley and Woollahra components of the Beach to Bay pop-up cycleway.

AT THIS STAGE IN THE PROCEEDINGS, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR KAY, THAT THE ITEM LAY ON THE TABLE. THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

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

LATER IN THE MEETING, CR BURRILL MOVED A PROCEDURAL MOTION, SECONDED BY CR MASSELOS, THAT THE ITEM BE TAKEN FROM THE TABLE. THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

*Crs Nemesh, O'Neill, Wakefield and Wy Kanak were not present for the consideration and vote on the procedural motion.*

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That the Traffic Committee's recommendation be adopted subject to amendments to clauses 3 and 4 and the addition of a new clause 10, such that the recommendation now reads as follows:

That Council:

1. Approves the concept design for a temporary pop-up cycleway along Curlewis Street between Campbell Parade and Old South Head Road as documented in Attachment 1 (Curlewis Street Pop-up Cycleway for August TC), subject to detailed design.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the design following preparation of detailed plans by TfNSW with input from Council officers.
3. Notes that Transport for NSW:
  - (a) Notified residents and businesses along Curlewis Street of the proposed pop-up cycleway on Saturday, 5 September 2020, and intends to consider any community feedback when developing the detailed design.
  - (b) Intends to issue a follow up notification at least five days before construction works commence.
  - (c) Is estimating that construction will start in late October 2020.

4. Officers conduct broad community consultation from February 2021 on the pop-up cycleway and the possibility of the cycleway becoming permanent following the temporary pop-up scheme.
5. Requires that the detailed design process to be undertaken includes a road safety assessment for the following three options:
  - (a) A safe north-south crossing of Curlewis Street at the pedestrian crossing on the western side of Gould Street.
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  - (c) No crossing of Curlewis Street with the cycleway to run along the northern side of Curlewis Street between Gould Street and Campbell Parade.
6. Requires that the detailed design includes an examination of potential conflict between traffic westbound on Curlewis Street turning right into Old South Head Road and cyclists crossing Old South Head Road. The assessment is to consider the potential need to introduce a right-turn arrow for the turn from Curlewis Street within the signal design.
7. Requires that the 40 km/h speed limit on the eastern end of Curlewis Street is extended to Old South Head Road upon opening of the cycleway.
8. Officers complete a detailed review of cyclist transition to and from the cycleway at Campbell Parade.
9. Officers investigate the implications of the cycleway along Curlewis Street upon deliveries to and from commercial premises and loading/truck zones.
10. Receives a briefing report at the Strategic Planning and Development Committee meeting on 3 November 2020, or as appropriate, which includes any changes to the current concept design along Curlewis Street, and an updated timetable for construction and operation of both the Waverley and Woollahra components of the Beach to Bay pop-up cycleway.

*Crs Nemesh, O'Neill, and Wakefield and were not present for the vote on this item.*

## **6. Mayoral Minutes**

### **CM/6.1/20.09                      Coronavirus (COVID-19) - Summer 2020 (A20/0245)**

#### **MOTION**

Mover:        Cr Masselos

That Council:

1. Notes that:
  - (a) COVID-19 Beach Management plans for this spring and summer have been developed and will be published in the near future.
  - (b) The plan includes significant communication on beach capacity, and infrastructure, increased staffing and escalation protocols to manage numbers and access should numbers at our beaches and public open spaces be too great. The closure of our beaches, open spaces and

Coastal Walk is a last resort.

- (c) The plan also involves working closely with other agencies, including NSW Police, NSW Health, Transport for NSW, Surf Life Saving NSW, other councils and LGNSW to take a whole of system approach to managing beach numbers, including promoting social distancing and public health order compliance and trying to prevent too larger numbers of people attending the beach.
  - (d) The on-beach components of this planning work form the basis of current operations, with additional rangers and lifeguards continuing to monitor numbers and ensure the current PHOs are being implemented.
  - (e) In developing the plans, extensive consultation and collaboration have been undertaken with NSW Police, NSW Health, Transport for NSW, and between beach-side Councils in Sydney.
  - (f) The PHOs no longer specify maximum numbers in public open spaces, and instead specify that people can gather in groups of up to 20, and the one person per four square metres rule applies. It is further noted that social distancing of 1.5 metres is health advice only and is not a PHO requirement, but is being encouraged in our beach management approach.
  - (g) LGNSW has convened a meeting of beach-side Mayors, the Police and Surf Life Saving NSW that has agreed that LGNSW write to the Premier on our behalf seeking funding for additional staff to act as COVID ambassadors/marshals and the development and funding for an education and advertising campaign addressing beach crowding and behaviour.
  - (h) This year's spring and summer temperatures are expected to be above average.
2. Enters into discussions with the Bondi and District Chamber of Commerce with a view to establishing a voluntary register of businesses and venues that have COVID-safe plans as a means to encourage and facilitate the adoption of best practice COVID-safe plans by businesses and venues, and that potential customers can refer to.
  3. Develops a COVID counter on Council's home page that shows the number of COVID-19 cases in Waverley at a specified date and refers people to the NSW Health website for further information.
  4. Writes to the Minister for Health and Medical Research, the Minister for Planning and Open Spaces, and the Minister for Transport seeking a meeting with a delegation of mayors from Waverley, Woollahra, Randwick and Bayside Councils, to discuss the PHOs, our COVID-19 plans, specific challenges, given the ease of access to our iconic city beaches that will need to be met this coming summer, and initiatives for how these may be met.
  5. Immediately steps up our own community education efforts aimed at encouraging people to help stop the spread, including a social media campaign, given the number of active cases of COVID-19 has been slowly increasing in the Waverley local government area.
  6. Acknowledges the difficult job our rangers, lifeguards, ambassadors and other staff have in trying to keep our residents, community and visitors safe and appreciates their professionalism and dedication in the execution of their duties in this COVID pandemic environment.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 1(b), CLAUSE 5 AND THE ADDITION OF A NEW CLAUSE 7.

**AMENDMENT**

Mover: Cr Copeland  
Seconder: Cr Wy Kanak

That the following clause be added to the Motion:

‘Discourages joggers from using the Coastal Walk in any direction at this time.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

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

*Cr O'Neill was not present for the vote on the amendment.*

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

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**UNANIMOUS DECISION**

That Council:

1. Notes that:
  - (a) COVID-19 Beach Management plans for this spring and summer have been developed and will be published in the near future.
  - (b) The plan includes significant communication on beach capacity, and infrastructure, increased staffing and an escalation protocols to manage and restrict numbers and access, should numbers at our beaches and public open spaces be too great. The closure of our beaches, open spaces and coastal walk is a last resort and safe access to the water will be maintained.
  - (c) The plan also involves working with closely with other agencies, including NSW Police, NSW Health, Transport for NSW, Surf Life Saving NSW, other councils and LGNSW to take a whole of system approach to managing beach numbers, including promoting social distancing and public health order compliance and trying to prevent too larger numbers of people attending the beach.
  - (d) The on-beach components of this planning work form the basis of current operations, with additional rangers and lifeguards continuing to monitor numbers and ensure the current PHOs are being implemented.
  - (e) In developing the plans, extensive consultation and collaboration have been undertaken with NSW Police, NSW Health, Transport for NSW, and between beach-side Councils in Sydney.
  - (f) The PHOs no longer specify maximum numbers in public open spaces, and instead specify that people can gather in groups of up to 20, and the one person per four square metres rule applies. It is further noted that social distancing of 1.5 metres is health advice only and is not a PHO requirement, but is being encouraged in our beach management approach.
  - (g) LGNSW has convened a meeting of beach-side Mayors, the Police and Surf Life Saving NSW

that has agreed that LGNSW write to the Premier on our behalf seeking funding for additional staff to act as COVID ambassadors/marshals and the development and funding for an education and advertising campaign addressing beach crowding and behaviour.

(h) This year's spring and summer temperatures are expected to be above average.

2. Enters into discussions with the Bondi and District Chamber of Commerce with a view to establishing a voluntary register of businesses and venues that have COVID-safe plans as a means to encourage and facilitate the adoption of best practice COVID-safe plans by businesses and venues, and that potential customers can refer to.
3. Develops a COVID counter on Council's home page that shows the number of COVID-19 cases in Waverley at a specified date and refers people to the NSW Health website for further information.
4. Writes to the Minister for Health and Medical Research, the Minister for Planning and Open Spaces, and the Minister for Transport seeking a meeting with a delegation of mayors from Waverley, Woollahra, Randwick and Bayside Councils, to discuss the PHOs, our COVID-19 plans, specific challenges, given the ease of access to our iconic city beaches that will need to be met this coming summer, and initiatives for how these may be met.
5. Immediately steps up our own community education efforts aimed at encouraging people to help stop the spread, including wearing masks and continuing to use hand sanitiser, as well as a broad social media campaign, given the number of active cases of COVID-19 has been slowly increasing in the Waverley local government area.
6. Acknowledges the difficult job our rangers, lifeguards, ambassadors and other staff have in trying to keep our residents, community and visitors safe and appreciates their professionalism and dedication in the execution of their duties in this COVID pandemic environment.
7. Investigates a possible solution to overcrowding on the Bondi to Bronte Coastal Walk to see if a one-way system could be safer; for example, one-way south on the actual walkway and a safe northern passage along our streets.

*Crs O'Neill and Wakefield were not present for the vote on this item.*

#### **CM/6.2/20.09                      Centennial Park and Moore Park Trust    (A03/0943)**

#### **MOTION**

Mover:        Cr Masselos

That Council:

1. Notes that:
  - (a) As part of the Department of Planning, Industry and Environment's '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper, the State Government is proposing to create a super oversight agency to manage and potentially remove the Centennial Park and Moore Park Trust, and other trusts of famous Sydney parklands.
  - (b) This new government-managed agency (the Agency), risks not providing the same protections that a public trust does and will threaten the independence that local trusts maintain by challenging government attempts to commercialise and develop these public spaces.

- (c) The Centennial Park and Moore Park Trust has been at the forefront of local initiatives such as the establishment of the Cyclist Liaison Committee in 2016, which provided a formal consultation framework between the cycling community and the Trust to ensure that people were safe and satisfied.
  - (d) Council has valued the Centennial Park and Moore Park Trust's consultation and advice over the decades regarding development proposals, environmental policies and local initiatives.
2. Commends the Trust for their ongoing commitment to protecting the parklands so diligently.
3. Includes the following calls on the State Government in a submission to the Department of Planning, Industry and Environment on the '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper:
- (a) Ensure the independence of the Centennial Park and Moore Park Trust, and other local parklands trusts, to preserve and protect the independent local governing authorities of public parklands in NSW.
  - (b) Provide recurrent State funding for the parkland, to ensure they do not need to rely on commercialisation of the public parklands.
  - (c) Commit to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.
  - (d) Ensure a governance model for the Agency that will allow for a sufficient level of local community input into the management of the parklands, specifically Centennial Park, Moore Park and Queens Park.
4. Requests the Mayor write to the NSW Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, advising of Council's submission and urging him to ensure these matters are taken into account in finalising the Strategy.

## Background

The Centennial and Moore Park Trust (CMPT) was established in 1983 and is responsible for the long-term strategic planning of the parklands, as well as the operational day-to-day management of Centennial Park, Moore Park and Queens Park.

On 17 July 2020, the NSW Government launched a new 50-year vision for Greater Sydney's network of parklands and green open spaces, which will see the disbanding of the Centennial Park and Moore Park Trusts.

The Premier of the time, the Hon Neville Wran, initiated the policy and practice of appointing local trusts to own and defend the parklands. This powerful legacy has seen the CPMPT grow to be a powerful locally based group committed to proactively and diligently protecting the parklands and ensuring they remain public, green, open spaces. For example, the Trust successfully stopped the Sydney Cricket and Sports Grounds Trust from building another stadium on its land.

The draft vision was open for public comment until 11 September 2020, and a request has been forwarded to the Department of Planning, Industry and Environment to allow a late submission.

The vision will be overseen by a new Greater Sydney Parklands government agency that brings together the Centennial Park and Moore Park Trust, and Western Sydney Parklands Trusts, as well as the parklands of Callan Park and Fernhill Estate. Combined, the agency will oversee more than 6,000 hectares of parklands

across Sydney, which host almost 40 million visits each year.

We need to take a strong position regarding the independence of the Centennial Park and Moore Park Trust and stress the importance in presenting and protecting the independent local government authorities of public parklands in NSW.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3(d).

**FORESHADOWED MOTION**

Mover: Cr Goltsman

That this item be deferred to the next Council meeting.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

**DECISION**

That Council:

1. Notes that:
  - (a) As part of the Department of Planning, Industry and Environment's '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper, the State Government is proposing to create a super oversight agency to manage and potentially remove the Centennial Park and Moore Park Trust, and other trusts of famous Sydney parklands.
  - (b) This new government-managed agency (the Agency), risks not providing the same protections that a public trust does and will threaten the independence that local trusts maintain by challenging government attempts to commercialise and develop these public spaces.
  - (c) The Centennial Park and Moore Park Trust has been at the forefront of local initiatives such as the establishment of the Cyclist Liaison Committee in 2016, which provided a formal consultation framework between the cycling community and the Trust to ensure that people were safe and satisfied.
  - (d) Council has valued the Centennial Park and Moore Park Trust's consultation and advice over the decades regarding development proposals, environmental policies and local initiatives.
2. Commends the Trust for their ongoing commitment to protecting the parklands so diligently.
3. Includes the following calls on the State Government in a submission to the Department of Planning, Industry and Environment on the '50-Year Vision for Sydney's Parklands and Open Spaces' discussion paper:
  - (a) Ensure the independence of the Centennial Park and Moore Park Trust, and other local parklands trusts, to preserve and protect the independent local governing authorities of public parklands in NSW.
  - (b) Provide recurrent State funding for the parkland, to ensure they do not need to rely on commercialisation of the public parklands.
  - (c) Commit to ensuring the objects of the Agency are directed towards preserving and protecting open, green spaces and public parklands.
  - (d) Ensure a governance model for the Agency that will allow for a sufficient level of local



community input, including co-management with First Nations people, into the management of the parklands, specifically Centennial Park, Moore Park and Queens Park

4. Requests the Mayor write to the NSW Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, advising of Council's submission and urging him to ensure these matters are taken into account in finalising the Strategy.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Goltsman, Kay and Keenan.

*At 8.57 pm, during the consideration of this item, Cr Wakefield left the meeting and did not return.*

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

**7. Reports****CM/7.1/20.09 Election of Deputy Mayor (SF20/4501)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Agrees to elect a Deputy Mayor for a term of approximately 12-months to expire at 12.01 am on Saturday, 4 September 2021.
2. Notes the procedure for the election of Deputy Mayor by Councillors outlined in the report.
3. Conducts the election of the Deputy Mayor by open voting method.

*The election of the Deputy Mayor was conducted by the Returning Officer as follows:*

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received and sought any further nominations before closing nominations.

At the close of nominations, the following nominations had been received:

Cr Goltsman and Cr Keenan

The election of Deputy Mayor proceeded by means of open voting and the following votes were recorded:

Cr Keenan

7 votes

Cr Goltsman

5 votes

**RESULT OF ELECTION**

Cr Keenan was declared elected as Deputy Mayor of Waverley Council for the ensuing term to 12.01 am on

Saturday, 4 September 2021.

*At 7.36 pm, following the vote on this item, Cr O'Neill left the meeting and did not return.*

**CM/7.2/20.09                      Appointment of Councillors to Committees (SF20/4501)**

**MOTION**

Mover:        Cr Masselos  
Seconder:    Cr Keenan

That Council:

1.     Appoints Councillors to the standing committees, advisory committees and other committees listed in section 4 of this report for a 12-month term to expire at 12.00 am on 4 September 2021.
2.     Appoints delegates to the various organisations listed in section 4 of this report for a 12-month term to expire at 12.00 am on 4 September 2021.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE MEMBERSHIP OF THE ACCESS ADVISORY COMMITTEE AND AMENDMENTS TO CLAUSES 1 AND 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1.     Appoints Councillors to the standing committees, advisory committees and other committees as listed below for a 12-month term to expire at 12.00 am on 4 September 2021.
2.     Appoints delegates to the various organisations as listed below for a 12-month term to expire at 12.00 am on 4 September 2021.

**AMENDMENT (WITHDRAWN)**

Mover:        Cr Betts  
Seconder:    Cr Goltsman

That the following clause be added to the Motion:

‘Reinstates the Community Safety Advisory Committee, consisting of three councillors and seven community members.’

**FORESHADOWED AMENDMENT**

Mover:        Cr Wakefield

That the following clause be added to the Motion:

‘Receives a report outlining the potential reinstatement of the Community Safety Advisory Committee.’

THE MOVER OF THE AMENDMENT THEN WITHDREW THE AMENDMENT.

THE FORESHADOWED AMENDMENT NOW BECAME THE AMENDMENT AND WAS ACCEPTED BY THE MOVER OF THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 4 AND AMENDMENTS TO CLAUSES 1 AND 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Appoints Councillors to the standing committees, advisory committees and other committees as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.
2. Appoints delegates to the various organisations as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.
3. Receives a report outlining the potential reinstatement of the Community Safety Advisory Committee.
4. Receives a report outlining the potential reinstatement of the Housing Advisory Committee.

**STANDING COMMITTEES**

<b>Committee name:</b>	<b><u>Operations and Community Services Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Membership:</b>	Crs Copeland (Chair), Wakefield (Deputy Chair) and all other Councillors.

<b>Committee name:</b>	<b><u>Strategic Planning and Development Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor unless s/he declines in which case Council will appoint the Chair.
<b>Membership:</b>	Crs Lewis (Chair), Wy Kanak (Deputy Chair) and all other Councillors.

**ADVISORY COMMITTEES**

<b>Committee name:</b>	<b><u>Access Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	All Councillors are members of this committee.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Keenan (Chair), Kay (Deputy Chair) and all other Councillors.

**Committee name:** **Audit, Risk and Improvement Committee**

**No. of Councillors to be appointed:** One and an alternate. The Mayor cannot be a member of this Committee.

**Chair of Committee:** An Independent Member (non-Councillor).

**Membership:** Cr Copeland (Alternate: Cr Wakefield).

**Committee name:** **Cycling Advisory Committee**

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

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

**Membership:** Crs Lewis (Mayor's delegate), Copeland and Goltsman.

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

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

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

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

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

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

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

**Membership:** Crs Masselos (Chair), Wy Kanak (Deputy Chair) and Goltsman.

**Committee name:** **Public Art Committee**

**No. of Councillors to be appointed:** Maximum of three.

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

**Membership:** Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

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

**No. of Councillors to be appointed:** Council must appoint one voting representative to the

Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.

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

**Membership:** Cr Masselos (Mayor) (Chair), Alternate: Cr Kay.

#### **OTHER COMMITTEES**

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

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

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

**Membership:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Masselos and Goltsman.

**Committee name:** **Waverley Business Forum**

**No. of Councillors to be appointed:** The Mayor, and an alternate, the Deputy Mayor.

**Co-Chair of Forum:** The Mayor, or in the absence of the Mayor, the Deputy Mayor, is co-chair of the Forum.

**Membership:** Cr Masselos (Mayor), Alternate: Cr Keenan (Deputy Mayor).

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

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

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

**Membership:** Cr Lewis.

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

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

**Membership:** Crs Masselos (Mayor) and Keenan (Deputy Mayor),  
Alternates: Crs Copeland and O'Neill.

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

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

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

**Membership:** Cr Masselos (Mayor), Alternate: Cr Keenan.

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

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

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

**Membership:** Cr Copeland, Alternate: Cr O'Neill.

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

**No. of Councillors to be appointed:** Two or three delegates, whether they be Councillors or senior staff.

**Membership:** Crs Copeland, Masselos and Wy Kanak.

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

**CM/7.3/20.09                      Innovation Civic Hall - Proposed Operating Model for the Refurbished Boot Factory (A18/0001)**

**MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the completion of the investigation of a Knowledge and Innovation Hub precinct within the Waverley local government area, as defined by the Council resolution in October 2017.
2. Notes the four-stage process that has been undertaken to complete the investigation including research and community consultation, options analysis, a facilitated workshop with the Council established Steering Committee, and a final business case on the preferred model.
3. Thanks the Knowledge and Innovation Hub working group participants, including Sarah Martin, Anton Nemme, Liane Rossler and James Zaki, for their contribution through this multi-year project.
4. Receives and notes the *Business Case to Reboot the Boot Factory by Establishing an Innovation Civic Hall* prepared by Asset Technologies Pacific in March 2020 (Attachment 1).
5. Endorses the preferred option of the Innovation Civic Hall (ICH) for the Boot Factory, and the design of fit-out of the building on the basis.

6. Officers proceed to work on the future operational management model for the ICH, with report to come back to Council on final costings, programming, sponsorship and staffing.
7. Notes that the operational model should be considered in the context of the operational management model of Bondi Pavilion currently being prepared in order to explore and realise any operational advantages and desirable efficiencies possible.
8. Further investigates a maker space at Waverley Library, with a report to come back to Council on viability.

**AMENDMENT 1**

Mover: Cr Burrill  
Seconder: Cr Keenan

That:

1. Clause 5 be deleted.
2. Clause 6 be amended to read as follows:

‘Officers proceed to work on the future operational management model for the Innovation Civic Hall (ICH), with report to come back to Council on final costings, programming, sponsorship and staffing prior to endorsement of the preferred option of the Innovation Civic Hall (ICH) for the Boot Factory, and the design of fit-out of the building on this basis.’

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 and Wy Kanak.

**FORESHADOWED MOTION**

Mover: Cr Goltsman

That this matter be deferred to allow the preparation of a competitive analysis report, along with an updated business case, to demonstrate financial feasibility.

**AMENDMENT 2**

Mover: Cr Burrill  
Seconder: Cr Betts

That the following clause be added to the Motion:

‘Further investigates whether the ICH is the optimal use of the Boot Factory and adjoining Mill Hill or whether an alternative option would be a better solution, such as seeking 4,000–5,000 square metres in a new building.’

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 and Wy Kanak.

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

**DECISION:**

That Council:

1. Notes the completion of the investigation of a Knowledge and Innovation Hub precinct within the Waverley local government area, as defined by the Council resolution in October 2017.
2. Notes the four-stage process that has been undertaken to complete the investigation including research and community consultation, options analysis, a facilitated workshop with the Council established Steering Committee, and a final business case on the preferred model.
3. Thanks the Knowledge and Innovation Hub working group participants, including Sarah Martin, Anton Nemme, Liane Rossler and James Zaki, for their contribution through this multi-year project.
4. Receives and notes the *Business Case to Reboot the Boot Factory by Establishing an Innovation Civic Hall* prepared by Asset Technologies Pacific in March 2020 (Attachment 1).
5. Endorses the preferred option of the Innovation Civic Hall (ICH) for the Boot Factory, and the design of fit-out of the building on the basis.
6. Officers proceed to work on the future operational management model for the ICH, with report to come back to Council on final costings, programming, sponsorship and staffing.
7. Notes that the operational model should be considered in the context of the operational management model of Bondi Pavilion currently being prepared in order to explore and realise any operational advantages and desirable efficiencies possible.
8. Further investigates a maker space at Waverley Library, with a report to come back to Council on viability.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos and Wy Kanak.

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

*Crs O'Neill and Wakefield were not present for the consideration and votes on this item.*

*A Freeman addressed the meeting.*

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

*At 10.09 pm, the meeting resumed.*

**CM/7.4/20.09 Code of Conduct and Procedures - Review (SF20/882)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council adopts the following documents attached to the report:

1. Code of Conduct for Councillors (Attachment 1).
2. Code of Conduct for Council Staff (Attachment 2).



3. Code of Conduct for Council Committee Members and other Council Officials (Attachment 3).
4. Procedures for the Administration of the Code of Conduct attached to this report (Attachment 4).

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

**CM/7.5/20.09                      Draft 2019-20 Financial Statements    (A19/0807)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2020:
  - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
  - (b) To the best of the Council's knowledge and belief, present fairly the Council's operating result and financial position for the year and accord with the Council's accounting and other records.
2. Council is unaware of any matter that would render the financial statements false or misleading in anyway.
3. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special Purpose Financial Statements, be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. The financial statements be referred to Council's auditor for audit.
7. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
8. The audited financial statements be advertised and presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.

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

**CM/7.6/20.09 Investment Portfolio Report - August 2020 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Receives and notes the Investment Summary Report for August 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.

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

**CM/7.7/20.09 Coronavirus (COVID-19) - Business Support Package - Review and Continuation (A20/0258)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the review of the short-term COVID-19 Business Support Package and measures that have been delivered from 1 March 2020 through to 30 September 2020.
2. Continues the Business Support Package as amended in this report from 1 October 2020 to 31 March 2021, or until such earlier time as determined by Council.
3. Delegates authority to the General Manager to suspend any measures in the Business Support Package, other than those relating to the Fees and Charges, in response to changes in the status of the COVID-19 pandemic situation.
4. Notes the continued suspension of rent for community tenants until 31 December 2020.
5. Discounts rent for community tenants by 50% from 1 January 2021 to 31 March 2021.
6. Discounts the licence fees for the Oxford Street Mall markets and the Roscoe Street markets by 50% from 1 January 2021 to 31 March 2021.
7. Introduces a 50% discount COVID-19 Small Business Support category into Council's Fees and Charges to apply to the following fee from 1 January 2021 to 31 March 2021, with the same criteria as the \$0 (fee waiver) COVID-19 Small Business Support category:
  - (a) Footpath seating.
8. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges as follows from 1 October 2020 to 31 March 2021:
  - (a) Remove the following fee from the category:
    - (i) Mobile vendor licences.

(b) Retain the following fee in the category:

(i) Fitness permits.

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

**CM/7.8/20.09                      Draft Planning Agreement Policy (Amendment No. 3) and Draft Affordable Housing Contributions Scheme - Exhibition (SF20/4416)**

**MOTION**

Mover:        Cr Masselos

Seconder:    Cr Keenan

That Council:

1. Publicly exhibits for 42 days the draft Waverley Planning Agreement Policy 2014 (Amendment No. 3) attached to the report.
2. Notes that the updates to the Policy include an update to the VPA split of contributions to affordable housing from a minimum of 10 to 25%, updated benchmark rates and housekeeping amendments.
3. Publicly exhibits for 42 days the draft Waverley Affordable Housing Contributions Scheme attached to the report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION**

That Council:

1. Publicly exhibits for 42 days the draft Waverley Planning Agreement Policy 2014 (Amendment No. 3) attached to the report.
2. Notes that the updates to the Policy include an update to the VPA split of contributions to affordable housing from a minimum of 10 to 25%, updated benchmark rates and housekeeping amendments.
3. Publicly exhibits for 42 days the draft Waverley Affordable Housing Contributions Scheme attached to the report.
4. Investigates using the affordable housing reserve for the provision of Social Housing and Waverley Community Living Program (WCLP) Accommodation in addition to our current affordable housing program.

**Division**

**For the Motion:**        Crs Betts, Copeland, Goltsman, Keenan, Lewis, Masselos and Wy Kanak.

**Against the Motion:**    Crs Kay and Nemesh.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**CM/7.9/20.09 Cultural Advisory Committee - Establishment (A19/0092)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Establishes a Cultural Advisory Committee in accordance with the terms of reference attached to this report.
2. Adopts the Terms of Reference attached to this report.
3. Disestablishes the Bondi Pavilion Stakeholder Committee.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.***CM/7.10/20.09 Public Art Committee Meetings - 2020 - Minutes (A18/0141)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Receives and notes the minutes of the Waverley Public Art Committee meetings held on 10 February 2020, 25 May 2020 and 13 July 2020 attached to this report.
2. Notes that the minutes will be made available to the public via Council's website.

*Cr Wakefield was not present for the consideration and vote on this item.***CM/7.11/20.09 Waverley Artist Studios - Tenure Extension (A20/0106)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Extends the tenure of the current Waverley Studio artists, Carolyn Craig, Julia Guttman, Laura Jade, Cameron Scott and Kirra Weingarth, from 31 January 2021 until 31 August 2021.
2. Notes the call-out for the next round of studio artists will commence in May 2021, with the expected induction date of 1 September 2021.

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

**CM/7.12/20.09      Planning Proposal - 122 Bronte Road, Bondi Junction (SF20/3778)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes the submissions made to the public exhibition of the planning proposal for 122 Bronte Road, Bondi Junction that seeks to amend the Waverley Local Environmental Plan 2012 as follows:
  - (a) Rezone the site to B4 Mixed Use.
  - (b) Increase the building height from 15m to 18.5m.
  - (c) Increase the floor space ratio from 2:1 to 4:1.
  - (d) Include the site on the Active Street Frontages Map.
2. Opposes the planning proposal on the grounds that it is not in the public interest to allow an undesirable increase in development potential for the site.
3. Requests the Department of Planning, Industry and Environment to consider the following amendments to the planning proposal should it be considering any support for the planning proposal:
  - (a) That the maximum permissible height of building be retained at 15m.
  - (b) That the maximum permissible floor space ratio be amended to 2.5:1.
  - (c) That the site be included on the Key Sites Map to apply Clause 6.9 Design Excellence.
4. Forwards the submissions and exhibition report to the Department of Planning, Infrastructure and Environment.
5. Writes to each individual that made a submission to detail the process of plan making for this planning proposal, and to provide an update on the final determination.

**Division****For the Motion:** Crs Betts, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh and Wy Kanak.**Against the Motion:** Nil.*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.***CM/7.13/20.09      Seven Ways Public Domain - Proposed Additional Works (A17/0158)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Notes that the accredited accessibility consultant inspection engaged to review the safety issues at

Seven Ways has found the current natural split pavers at this location to be acceptable.

2. Based on Councillor concern, replaces the natural split pavers at Seven Ways with standard pavers and inclusion of appropriate skate deterrents.
3. Allocates \$60,909 to the Seven Ways project budget in order to commence works to be funded from the 2020–21 Road Infrastructure Streetscape Renewal Program, and that this change be reflected in the Q1 budget review.

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

**CM/7.14/20.09          Curlewis Street Pop-up Cycleway (SF20/3091)**

**MOTION / DECISION**

Mover:      Cr Masselos  
Seconder:   Cr Kay

That Council receives and notes this report.

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

**CM/7.15/20.09          Edmund Street Social Housing - Concept Design (A18/0175)**

**MOTION**

Mover:      Cr Masselos  
Seconder:   Cr Keenan

That Council:

1. Endorses the concept design Option 3 (five apartments with Juliette balconies) for the 2A Edmund Street social housing project attached to the report (Attachment 1).
2. Proceeds to detailed design and the submission of a development application for Option 3.
3. Notes engagement completed on the project to date and proceeds to public consultation as part of the development application process.

**FORESHADOWED MOTION**

Mover:      Cr Burrill

That:

1. Council defers the concept design and requests further development of the design to consider the following:
  - (a) Designing the building to fit within the existing envelope so that it is high-quality and fit for purpose.
  - (b) Removing the rooftop terrace, which is not the predominant character of the local area.
  - (c) Consulting relevant social housing experts for best practice social housing design.
  - (d) Reconsidering window design to provide better amenity to residents, especially in the

bedrooms facing the rear of the property.

- (e) Removing the laundry tubs and extending bench space in the kitchens and adding an island/table where appropriate.
- (f) Reconsidering the drying of laundry, as dryers will not be provided
- (g) Reconsidering adding balconies to all units to provide private open space.

2. A further report come back to Council.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## DECISION

That Council:

1. Endorses the concept design Option 3 (five apartments with Juliette balconies) for the 2A Edmund Street social housing project attached to the report (Attachment 1).
2. Proceeds to detailed design and the submission of a development application for Option 3 subject to:
  - (a) Reconsidering window design to provide better amenity to residents, especially in the bedrooms facing the rear of the property.
  - (b) Removing the laundry tubs and extending bench space in the kitchens and adding an island/table where appropriate.
  - (c) Reconsidering the drying of laundry, as dryers will not be provided.
  - (d) Reconsidering adding balconies to all units to provide private open space.
3. Notes engagement completed on the project to date and proceeds to public consultation as part of the development application process.

## Division

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Nemesh and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Goltsman and Kay.

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

## CM/7.16/20.09 Car Parks - Access Infrastructure Upgrade (A20/0442)

### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council:

1. Installs a hybrid car park access system comprising both Automatic Number Plate Recognition and ticketing system technology, at the Eastgate, Hollywood Avenue and Library Council car parks.

2. Notes that a budget of \$1.5 million has been approved for the car park Infrastructure Upgrade Project, with \$700,000 allocated in the current financial year's Capital Works Program and \$800,000 allocated in the 2021–22 financial year.

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

**CM/7.17/20.09          North Bondi Surf Life Saving Club - Variation of Licence (A19/0101)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Endorses the proposed Variation of Licence with the North Bondi Surf Life Saving Club to incorporate the newly constructed storage area known as the Advanced Response Lifesaving Facility.
2. Authorises the General Manager to finalise negotiations and execute the Variation of Licence.

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

**8. Notices of Motions**

**CM/8.1/20.09          Dover Heights Coastal Reserves - Tree Maintenance (A14/0059)**

*This matter was last considered by Council at its meeting on 21 July 2020. Debate on the item was adjourned to this meeting.*

**MOTION**

Mover: Cr Nemesh

Seconder: Cr Betts

That Council:

1. Immediately removes the buddleja at the southern end of Weonga Reserve.
2. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
3. Removes the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with low-growing shrubs.

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

That Council:

1. Adjourns debate on this motion to allow officers to properly investigate the proposed tree removal.
2. Receives a report from officers detailing outcomes of their investigation.



THE MOVER OF THE PROCEDURAL MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3 SUCH THAT THE PROCEDURAL MOTION NOW READS AS FOLLOWS:

That:

1. Council adjourns debate on this motion to allow officers to properly investigate the proposed tree removal.
2. Council receives a report from officers detailing outcomes of their investigation.
3. As part of the report, the General Manager reviews any potential failings in process.

THE PROCEDURAL MOTION WAS THEN PUT AND DECLARED CARRIED.

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

UPON THE RESUMPTION OF DEBATE, THE MOVER OF THE MOTION MOVED THE FOLLOWING AMENDED MOTION:

1. Removes the buddleja at the southern end of Weonga Reserve in a staged approach to ensure the stability of the slope.
2. Immediately prunes the buddleja.
3. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
4. Notes the vandalism and removal of the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with coastal heath species.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## **DECISION**

That Council:

1. Removes the buddleja at the southern end of Weonga Reserve in a staged approach to ensure the stability of the slope.
2. Immediately prunes the buddleja.
3. Notes that the removal of this plant is specified in the Weonga, Rodney and Raleigh Reserve Biodiversity Action Plan 2014–2020.
4. Condemns the vandalism and removal of the acacia longifolia located on an incline towards the cliff at Rodney Reserve opposite Dover Road and replaces the plants with coastal heath species.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**CM/8.2/20.09 Clarke Reserve - Pathway to Playground (A04/2119)**

*Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Clarke Street.*

**MOTION / DECISION**

Mover: Cr Betts  
Seconder: Cr Nemesh

That, in view of the waterlogged grass surrounding Clarke Reserve playground, Council installs pathway access to the Clarke Reserve children's playground from the existing pathway between Jensen Avenue and Christison Park.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**CM/8.3/20.09 Planning Proposal - Frances, Edward, Wellington and Simpson Streets, Bondi Beach (A20/0436)****MOTION**

Mover: Cr Betts  
Seconder: Cr Goltsman

That Council investigates the merits of preparing a draft planning proposal for the block of land bordered by Frances Street, Edward Street, Wellington Street and Simpson Street, Bondi Beach, from R2 Low Density Residential to R3 Medium Density Residential to correct an apparent anomaly in the Waverley Local Environmental Plan and align with the zoning and controls of the land surrounding this block to the north, south and west.

THE MOTION WAS PUT AND DECLARED LOST.

**Division:**

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

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

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

*M Futeran, P and L Singer, and T Frood addressed the meeting.*

**CM/8.4/20.09 Planning Webinars on Council's Website (A09/0720)****MOTION**

Mover: Cr Burrill  
Seconder: Cr Kay

That Council:

1. Officers produce webinars to place on Council's website to include an explanation of the following:
  - (a) The hierarchy and relationships between:
    - (i) Waverley Community Strategic Plan.
    - (ii) Local Strategic Planning Statement.

- (iii) Housing Strategy.
  - (iv) Bondi Junction Urban Design Review.
  - (v) Our Liveable Places Centres Strategy (formerly known as the Village Centres Strategy).
  - (vi) Local Character Strategy.
  - (vii) Open Space Strategy.
  - (viii) Heritage Assessment Strategy.
  - (ix) Waverley's Local Environment Plan (WLEP).
  - (x) Waverley's Development Control Plan (WDCP).
- (b) The process for assessing and determining planning proposals (PP) and development applications (DA) where a voluntary planning agreement (VPA) is lodged alongside the PP or DA, how and when this would occur, and how the VPA is assessed and endorsed.
2. In development of these webinars:
- (a) Requests the Precincts to provide questions on these subjects that they would like answered.
  - (b) Places a supplementary frequently asked questions document on Council's website for use in conjunction with the webinar, and to answer the question from different sectors of the residential and business community 'what does this mean to me?'
3. Considers any additional estimated costs that may be incurred to prepare the webinars beyond existing budget allocations in the Planning, Environment and Regulatory directorate as part of the Q1 budget review.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

## **DECISION**

That Council:

1. Officers produce webinars to place on Council's website to include an explanation of the following:
- (a) The hierarchy and relationships between:
    - (i) Waverley Community Strategic Plan.
    - (ii) Local Strategic Planning Statement.
    - (iii) Housing Strategy.
    - (iv) Bondi Junction Urban Design Review.
    - (v) Our Liveable Places Centres Strategy (formerly known as the Village Centres Strategy).

- (vi) Local Character Strategy.
  - (vii) Open Space Strategy.
  - (viii) Heritage Assessment Strategy.
  - (ix) Waverley's Local Environment Plan (WLEP).
  - (x) Waverley's Development Control Plan (WDCP).
- (b) The process for assessing and determining planning proposals (PP) and development applications (DA) where a voluntary planning agreement (VPA) is lodged alongside the PP or DA, how and when this would occur, and how the VPA is assessed and endorsed.
2. In development of these webinars:
- (a) Requests the Precincts to provide questions on these subjects that they would like answered.
  - (b) Places a supplementary frequently asked questions document on Council's website for use in conjunction with the webinar, and to answer the question from different sectors of the residential and business community 'what does this mean to me?'.  
(c) In producing the webinar material, Council officers note Council's commitment to implementing and progressing the planning policies in ways that operate to involve and acknowledge that Aboriginal First Nation Peoples have a custodial ongoing spiritual, social, cultural, economic and traditional relationship to looking after country and people.
3. Considers any additional estimated costs that may be incurred to prepare the webinars beyond existing budget allocations in the Planning, Environment and Regulatory directorate as part of the Q1 budget review.

*Crs Nemesh, O'Neill and Wakefield were not present for the vote on this item.*

*At 10.54 pm, following the vote on this item, Cr Burrill left the meeting and did not return.*

*J McAlpin addressed the meeting.*

## **9. Questions with Notice**

There were no questions with notice.

## **10. Urgent Business**

There were no items of urgent business.

**11. Closed Session****CM/11/20.09 Closed Session****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

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/11.1/20.09 CONFIDENTIAL REPORT - Sculpture by the Sea 2020

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) (d)(ii) (d)(iii) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and confer a commercial advantage on a competitor of Council; and reveal a trade secret.

CM/11.2/20.09 CONFIDENTIAL REPORT - Rowe Street - Public Private Partnership Proposal

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.

CM/11.3/20.09 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion Shop 4 Retail Tenancy - Lease

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 sections 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*.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

*At 11.16 pm, Council moved into closed session.*

**CM/11.1/20.09      CONFIDENTIAL REPORT - Sculpture by the Sea 2020 (A19/0736)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

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)(d)(i), (d)(ii) and (d)(iii) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of Council; and reveal a trade secret.
2. Defers this item until the next Council meeting to consider the new Public Health Orders that are expected to take effect from the 1 October 2020.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**CM/11.2/20.09      CONFIDENTIAL REPORT - Rowe Street - Public Private Partnership Proposal (A13/0061)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council 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. Council negotiates a Heads of Agreement with Zondaro to jointly prepare and then submit a development application for the Rowe Street Interchange Access Project and then to jointly marketing those lots once a development consent is in place. The HOA will need to include, amongst other matters, the following:
  - (a) Preparation of a design scheme based on the outcome of the GHD study completed in 2019, compliance with the Waverley Local Environment Plan 2012 and NSW Government Architect Design Guidelines and associated documentation to the satisfaction of all parties for the purpose of preparing a development application.
  - (b) Submission of a development application for the consideration and determination of the Sydney Eastern City Planning Panel.
3. Once the draft Heads of Agreement are prepared, officers report back to Council outlining the revised proposal and seeking Council's endorsement to apply to the Minister for Local Government to establish a Public Private Partnership between Council and Zondaro for the shared preparation of a development application and the joint sale of Council lots and Zondaro lots that contribute to the development of the Rowe Street Interchange Access project.

*Cr Wy Kanak requested that it be recorded in the minutes that he voted against the Motion.*

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**CM/11.3/20.09                      CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion Shop 4 Retail Tenancy  
- Lease (A20/0211)**

**MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Wy Kanak

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.     Declines to accept any of the tenders for the leasing of the shop 4 retail tenancy at Bondi Pavilion, 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 four tenderers, as identified in the attachment 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 four ranked tenderers to ensure the best value for money outcome for Council, with a view to entering into a contract in relation to the lease of the shop 4 retail tenancy at Bondi Pavilion.
5.     Notes that a report will be brought back to Council on the outcome of the direct negotiation process, to appoint the successful tenderer and to seek approval to commence the 28-day public exhibition period, as required under section 47 of the *Local Government Act 1993*.
6.     Notifies tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**Division:**

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

**Against the Motion:**        Nil.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

**12.    Resuming in Open Session**

**CM/12/20.09                      Resuming in Open Session**

**MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council resumes in open session.

*Crs Burrill, O'Neill and Wakefield were not present for the consideration and vote on this item.*

*At 11.25 pm, Council resumed in open session.*

***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 11.29 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**20 OCTOBER 2020**



## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/20.10



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 24 September 2020

**TRIM No:** SF20/45

**Author:** Richard Coelho, Governance Officer

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### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 24 September 2020 be received and noted, and that the recommendations contained therein be adopted.

### Introduction/Background

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

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

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

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

### Attachments

1. Waverley Traffic Committee Minutes - 24 September 2020

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 24 SEPTEMBER 2020**



**Voting Members Present:**

Cr P Masselos	Waverley Council – Chair
S/Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr M Carruthers	Transport for NSW – Network and Safety Officer
Mr P Pearce	Representing Marjorie O’Neill, MP, Member for Coogee
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vacluse

**Also Present:**

Cr T Kay	Waverley Council – Alternate Chair
Mr D Joannides	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr M Almuhanha	Waverley Council – Senior Traffic Engineer

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*At the commencement of proceedings at 10.02 am, those present were as listed above, with the exception of Ms J Zin, who arrived at 10.03 am.*

*At 11.38 am, Ms J Zin left the meeting and did not return.*

**Apologies**

Apologies were received and accepted from Mr B Gidiess (State Transit).

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

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

1. Cr P Masselos declared a less than significant non-pecuniary interest in item TC/C.01/20.09 – 40 km/h Speed Limit Changes – Traffic Control Devices (Group 2), and informed the meeting that she lives in Murray Street.
2. Mr P Pearce declared a less than significant non-pecuniary interest in item TC/C.01/20.09 – 40 km/h Speed Limit Changes – Traffic Control Devices (Group 2), and informed the meeting that he lives in Murray Street.

**Adoption of Previous Minutes by Council - 27 August 2020**

The recommendations contained in Part 1 – Matters Proposing that Council Exercise its Delegated Functions – of the minutes of the Waverley Traffic Committee meeting held on 27 August 2020 were adopted by Council at its meeting on 15 September 2020 with the following change:

1. TC/V.07/20.08 – Curlewis Street Pop-up Cycleway Concept Plan.

Council adopted the recommendation of the Traffic Committee, subject to amendments to clauses 3 and 4 and the addition of a new clause 10, such that the recommendation now reads as follows:

That Council:

1. Approves the concept design for a temporary pop-up cycleway along Curlewis Street between Campbell Parade and Old South Head Road as documented in Attachment 1 (Curlewis Street Pop-up Cycleway for August TC), subject to detailed design.
2. Delegates authority to Executive Manager, Infrastructure Services, to modify the design following preparation of detailed plans by TfNSW with input from Council officers.
3. Notes that Transport for NSW:
  - (a) Notified residents and businesses along Curlewis Street of the proposed pop-up cycleway on Saturday, 5 September 2020, and intends to consider any community feedback when developing the detailed design.
  - (b) Intends to issue a follow up notification at least five days before construction works commence.
  - (c) Is estimating that construction will start in late October 2020.
4. Officers conduct broad community consultation from February 2021 on the pop-up cycleway and the possibility of the cycleway becoming permanent following the temporary pop-up scheme.
5. Requires that the detailed design process to be undertaken includes a road safety assessment for the following three options:
  - (a) A safe north-south crossing of Curlewis Street at the pedestrian crossing on the western side of Gould Street.
  - (b) A safe north-south crossing of Curlewis Street at the Glenayr Avenue signalised intersection.
  - (c) No crossing of Curlewis Street with the cycleway to run along the northern side of Curlewis Street between Gould Street and Campbell Parade.
6. Requires that the detailed design includes an examination of potential conflict between traffic westbound on Curlewis Street turning right into Old South Head Road and cyclists crossing Old South Head Road. The assessment is to consider the potential need to introduce a right-turn arrow for the turn from Curlewis Street within the signal design.
7. Requires that the 40 km/h speed limit on the eastern end of Curlewis Street is extended to Old South Head Road upon opening of the cycleway.

8. Officers complete a detailed review of cyclist transition to and from the cycleway at Campbell Parade.
9. Officers investigate the implications of the cycleway along Curlewis Street upon deliveries to and from commercial premises and loading/truck zones.
10. Receives a briefing report at the Strategic Planning and Development Committee meeting on 3 November 2020, or as appropriate, which includes any changes to the current concept design along Curlewis Street, and an updated timetable for construction and operation of both the Waverley and Woollahra components of the Beach to Bay pop-up cycleway.

### ITEMS BY EXCEPTION

The following items on the agenda were dealt with together and the Council Officer's Proposal for each item was unanimously supported by the Committee:

TC/C.03/20.09	Arden Street, Waverley - Varna Street to Chesterfield Parade - 100% Detailed Design.
TC/C.04/20.09	1 Scott Street, Bronte - 'P Disability Only' Zone.
TC/C.05/20.09	100 St James Road, Bondi Junction - 'P Disability Only' Zone.
TC/C.06/20.09	110-116 Bronte Road, Bondi Junction - Construction Zone.
TC/V.01/20.09	30 Anglesea Street, Bondi - No Stopping Line.
TC/V.03/20.09	98-102 Brighton Boulevard, North Bondi - Construction Zone.
TC/V.04/20.09	9 Martins Avenue, Bondi - 'P Disability Only' Zone.

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

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

#### TC/C      STATE ELECTORATE OF COOGEE

##### **TC/C.01/20.09      40 km/h Speed Limit Changes - Traffic Control Devices (Group 2) (A18/0579)**

*Cr P Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she lives in Murray Street.*

*Mr P Pearce declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Murray Street.*

#### **COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the designs of the 23 traffic control treatments attached to this report for construction at:
  - (a) Tamarama Marine Drive, Tamarama (at the rear of 23 Thompson Street) – 75 mm high speed hump.
  - (b) 67 Watson Street, Bondi – 75 mm high speed hump.
  - (c) 458 Bronte Road, Bronte – 100 mm high speed hump.
  - (d) 492 Bronte Road, Bronte – 100 mm high speed hump.
  - (e) 18 Brown Street, Bronte – 100 mm high speed hump.
  - (f) 62 Hewlett Street, Bronte – 75 mm high speed hump.
  - (g) 44 Victoria Street, Waverley – 100 mm high speed hump.
  - (h) Queens Park Road at Bourke Street, Queens Park – Pedestrian refuge.
  - (i) 47 York Road, Queens Park – 100 mm high speed hump.
  - (j) Dickson Street at Birrell Street, Bronte – Kerb build-out.
  - (k) Dickson Street at Read Street, Bronte – 100 mm speed hump and kerb build-out.
  - (l) 25 Murray Street, Bronte – 75 mm high speed hump.
  - (m) 37 Murray Street, Bronte – 75 mm high speed hump.
  - (n) Lugar Street at Brae Street, Bronte – Kerb build-out.
  - (o) 2 Birrell Street, Bondi Junction – Raised pedestrian crossing.
  - (p) 67 Birrell Street, Queens Park – Raised pedestrian crossing.
  - (q) Birrell Street at Henrietta Street, Waverley – Raised pedestrian crossing.
  - (r) Pacific Street at Bronte Road, Bronte – Splitter island.
  - (s) 93 Ocean Street, Bondi – 100 mm speed hump.
  - (t) Park Parade at Birrell Street, Bondi – Kerb build-outs.
  - (u) Evans Street at Brae Street, Bronte – 100 mm speed hump and kerb build-out.
  - (v) 13 Sandridge Street, Bondi – 75 mm speed hump.
  - (w) Bourke Street at Bourke Lane, Queens Park – 75 mm speed hump and kerb build-out.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

*The Committee considered and voted on each traffic control treatment separately. Each WTC recommendation was unanimously supported except clauses 1(b) and 1(f), which were split votes, as indicated.*

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to amendments to clause 1 and the addition of a new clause 3, such that the recommendation now reads as follows:

That Council:

1. In relation to the 23 traffic control treatments attached to this report, takes the following action:

- (a) Tamarama Marine Drive, Tamarama (at the rear of 23 Thompson Street) – 75 mm high speed hump.

Does not install the traffic control treatment subject to bringing forward the installation of a raised pedestrian crossing that will connect upper Tamarama Park with the beach at a location deemed safe by Council officers.

- (b) 67 Watson Street, Bondi – 75 mm high speed hump.

**WTC RECOMMENDATION (SPLIT VOTE):**

Does not install the traffic control treatment.

*The NSW Police representative and the TfNSW representative voted against the recommendation.*

- (c) 458 Bronte Road, Bronte – 100 mm high speed hump.

Installs the traffic control treatment subject to relocating it to the western entrance of Bronte Park before the split in the road at approximately 399 Bronte Road and reducing its height to 75 mm.

- (d) 492 Bronte Road, Bronte – 100 mm high speed hump.

Installs the traffic control treatment subject to relocating it to 419 Bronte Road in front of the park entrance eastbound and reducing its height to 75 mm.

- (e) 18 Brown Street, Bronte – 100 mm high speed hump.

Does not install the traffic control treatment.

- (f) 62 Hewlett Street, Bronte – 75 mm high speed hump.

**WTC RECOMMENDATION (SPLIT VOTE):**

Does not install the traffic control treatment.

*The NSW Police representative and the TfNSW representative voted against the recommendation.*

- (g) 44 Victoria Street, Waverley – 100 mm high speed hump.

Does not install the traffic control treatment.

- (h) Queens Park Road at Bourke Street, Queens Park – Pedestrian refuge.

Installs the traffic control treatment.

- (i) 47 York Road, Queens Park – 100 mm high speed hump.

Installs the traffic control treatment subject to reducing its height to 75 mm.

- (j) Dickson Street at Birrell Street, Bronte – Kerb build-out.

Installs the traffic control treatment, including new line marking.

- (k) Dickson Street at Read Street, Bronte – 100 mm speed hump and kerb build-out.

Installs the kerb build-out but does not install the speed hump.

- (l) 25 Murray Street, Bronte – 75 mm high speed hump.

Defers this item to the October Traffic Committee meeting in order to investigate alternative treatments on Murray Street.

- (m) 37 Murray Street, Bronte – 75 mm high speed hump.

Defers this item to the October Traffic Committee meeting in order to investigate alternative treatments on Murray Street.

- (n) Lugar Street at Brae Street, Bronte – Kerb build-out.

Installs the traffic control treatment.

- (o) 2 Birrell Street, Bondi Junction – Raised pedestrian crossing (100 mm high).

Installs the traffic control treatment subject to reducing its height to 75 mm.

- (p) 67 Birrell Street, Queens Park – Raised pedestrian crossing (75 mm high).

Installs the traffic control treatment.

- (q) Birrell Street at Henrietta Street, Waverley – Raised pedestrian crossing (75 mm high).

Installs the traffic control treatment.

- (r) Pacific Street at Bronte Road, Bronte – Splitter island.

Installs the traffic control treatment.

- (s) 93 Ocean Street, Bondi – 100 mm speed hump.

Installs the traffic control treatment subject to reducing its height to 75 mm.

- (t) Park Parade at Birrell Street, Bondi – Kerb build-outs.

Installs the traffic control treatment.

- (u) Evans Street at Brae Street, Bronte – 100 mm speed hump and kerb build-out.

Installs the kerb build-out but does not install the speed hump.

- (v) 13 Sandridge Street, Bondi – 75 mm speed hump.

Installs the traffic control treatment.

- (w) Bourke Street at Bourke Lane, Queens Park – 75 mm speed hump and kerb build-out.

Defers this item to the October Traffic Committee meeting in order to reconsider the design, including the impact on bike lanes.

2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
3. Investigates roadside barrier treatments of planting and/or fencing for all recommended speed humps, to be installed during construction, and delegates authority to the Executive Manager, Infrastructure Services, to undertake works where need is determined.

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

**TC/C.02/20.09                      Macpherson Street, Bronte - Temporary Road Closure to Dismantle Tower Crane (A19/0394)**

**COUNCIL OFFICER'S PROPOSAL:**

That:

1. Council approves the temporary full closure of Macpherson Street, Bronte, between Albion Street and Leichhardt Street, on Sunday, 31 January 2021, from 4.00 am to 11.00 pm, subject to the applicant:
  - (a) Obtaining approval from NSW Police.
  - (b) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue.
  - (c) Notifying local residents and businesses prior to the event.
  - (d) Using Transport-for-NSW-accredited traffic controllers.
  - (e) Covering all costs associated with closing the road, including traffic control.
2. A Council officer be on-site for the duration of the works at the applicant's expense, and that this be communicated to the applicant.
3. Council delegates authority to the Executive Manager, Infrastructure Services, to approve any backup date and times, if required.



**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to clause 1 being amended to read as follows:

'Council approves the temporary full closure of Macpherson Street, Bronte, between Albion Street and Leichhardt Street, on Sunday, 31 January 2021, from 6.00 am to 11.00 pm, subject to the applicant:

- (a) Obtaining approval from NSW Police.
- (b) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue.
- (c) Notifying local residents and businesses prior to the event.
- (d) Using Transport-for-NSW-accredited traffic controllers.
- (e) Covering all costs associated with closing the road, including traffic control and Police user charges.'

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

**TC/C.03/20.09                      Arden Street, Waverley - Varna Street to Chesterfield Parade - 100% Detailed Design (SF18/779)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses the 100% detailed design for Arden Street between Varna Street and Chesterfield Parade, Waverley, attached to this report (Attachment 2).
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the design should circumstances arise during the delivery of the project.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.04/20.09                      1 Scott Street, Bronte - 'P Disability Only' Zone (A18/0719)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 m 'P Disability Only' zone outside 1 Scott Street, Bronte.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.05/20.09            100 St James Road, Bondi Junction - 'P Disability Only' Zone (A18/0719)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 'P Disability Only' Zone outside 100 St James Road, Bondi Junction, centred at the property frontage.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.06/20.09            110-116 Bronte Road, Bondi Junction - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs an 11.5 m 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles' construction zone along the frontage of 116 Bronte Road, Bondi Junction, on Porter Street.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V            STATE ELECTORATE OF VAUCLUSE**

**TC/V.01/20.09            30 Anglesea Street, Bondi - No Stopping Line (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 1.5 m unbroken yellow (C3) No Stopping line between 30 Anglesea Street and 32 Anglesea Street, Bondi.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.02/20.09                    21 Curlewis Street, Bondi Beach - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That:

1. Council installs a 9 m 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles' construction zone at 21 Curlewis Street, Bondi Beach.
2. The construction zone be 7 m at the frontage of 21 Curlewis Street, 1 m in front of 19 Curlewis Street and 1 m in front of 23 Curlewis Street.
3. Council delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*D Craddock (on behalf of Wiseberry Enmore), K Pitharoulis and P Coroneos addressed the meeting.*

**TC/V.03/20.09                    98-102 Brighton Boulevard, North Bondi - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 16 m 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles' construction zone along the frontage of 98–102 Brighton Boulevard, North Bondi.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.04/20.09            9 Martins Avenue, Bondi - 'P Disability Only' Zone (A18/0719)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 m 'P Disability Only' zone on the southern side of Martins Avenue adjacent to 2 Ocean Street, Bondi.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/CV            ELECTORATES OF COOGEE AND VAUCLUSE**

Nil.

**THE MEETING CLOSED AT 12.17 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**20 OCTOBER 2020**

:

## MAYORAL MINUTES CM/6/20.10

**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/7.1/20.10



**Subject:** Annual Returns Disclosing Interests of Councillors and Designated Persons

**TRIM No:** A20/0075

**Author:** Natalie Kirkup, Governance Officer

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

#### RECOMMENDATION:

That Council receives and notes the returns of Councillors and designated persons disclosing interests for the period 1 July 2019 to 30 June 2020.

#### 1. Executive Summary

This report informs Council of the annual lodgement of returns disclosing the interests of Councillors and designated persons and tables the returns received as required under Part 4 of the Code of Conduct for Councillors and the Code of Conduct for Council Staff.

#### 2. Introduction/Background

Part 4 of the Codes for Councillors and Council Staff requires Councillors and designated persons to lodge an annual return of interests with the General Manager by 30 September each year. Under both Codes, 'designated persons' include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

The form of return is specified in schedule 2 of both Codes. The General Manager is required to keep a register of returns and to table the returns at the first Council meeting after the last day for lodgement of returns.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 10 October 2019	CM/7.10/19.10	That Council receives and notes the returns by Councillors and Designated Persons disclosing interests.

#### 4. Discussion

All Councillors and designated persons submitted their returns to Governance by the legislative deadline of 30 September 2020; see the attachment to this report.

All completed returns, except the returns of Waverley Local Planning Panel members, are required to be tabled at the next available Council meeting following their completion for the relevant period (being 1 July 2019 to 30 June 2020), which, in this case, is the Council meeting on 20 October 2020. All returns are required to be included in Council's register of returns.

In addition, the returns are classified as 'open access information' under the *Government Information (Public Access) Act 2009* ('GIPA Act'), which means they must be made publicly available free of charge on Council's website unless there is overriding public interest against disclosure. The Information and Privacy Commission's guideline on annual returns states that:

- The returns should be made publicly available on the council's website unless there is an overriding public interest against release or to do so would impose unreasonable additional costs on council.
- The fact that a return of interests is open access information is a factor in favour of disclosure in balancing the public interest.
- In the circumstances where council decides that there is an overriding public interest against disclosure, consideration should then be given to whether it is practicable to release an edited copy of the record (for example redacting the individual's signature or residential address) in accordance with section 6(4) of the GIPA Act.
- If it is practicable to do so, then the information should be deleted from a copy of the record and the remainder of the return made available on the council's website.
- Where information is deleted from a return, council should keep a record indicating, in general terms, the nature of the information redacted.
- Copies of publicly available information about returns may be made in accordance with clause 5(1)(b) of the GIPA Regulation.

The General Manager, as the principal officer of Council under the GIPA Act, has determined that there is an overriding public interest against disclosing the residential address of Councillors and designated persons on Council's website. Accordingly, this information will be redacted in the returns published online. However, Council will continue to make the returns available for viewing and copying on request, subject to the requirements of the GIPA Act.

#### 5. Financial impact statement/Time frame/Consultation

##### Financial impact statement

There is no financial impact associated with the annual returns process.

##### Consultation

An email was circulated to all Councillors and designated persons setting out their requirement to complete their annual return and to return it to Governance prior to 30 September 2020.

**Time frame**

The Codes of Conduct for Councillors and Council Staff require returns to be lodged by 30 September and for them to be tabled at the first Council meeting after lodgement. Council is in line with this time frame

**6. Conclusion**

Councillors and designated persons are required to lodge their annual returns by 30 September. The returns then have to be tabled at the first Council meeting after this date. All Councillors and designated persons lodged their returns on time.

**7. Attachments**

1. Register of Annual Returns Disclosing Interests 2020 [↓](#)



## Register of Annual Returns Disclosing Interests 2020

Position Title	Occupant	Date Received
General Manager	Ross McLeod	31 July 2020
Director Planning, Environment and Regulatory Services	Peter Monks	27 July 2020
Director Community, Assets and Operations	Emily Scott	28 August 2020
Director Customer Service and Organisation Improvement	John Clark	17 August 2020
Chief Financial Officer	Darren Smith	29 July 2020
General Counsel	Karen Mobbs	4 September 2020
Executive Manager Compliance	Tony Pavlovic	2 September 2020
Executive Manager Infrastructure Services	Dan Joannides	9 August 2020
Executive Manager Customer, Cemetery and Lifeguard Services	Rachel Hensman	31 August 2020
Executive Manager Development Assessment	Mitchell Reid	28 August 2020
Executive Manager Finance	Teena Su	1 September 2020
Executive Manager Major Projects	Sharon Cassidy	21 August 2020
Executive Manager Urban Planning, Policy and Strategy	George Bramis	26 August 2020
Manager Building Certification and Compliance	Mark Featherstone	23 September 2020
Manager Development Assessment	Angela Rossi	7 September 2020
Manager Development Assessment	Beth Matlawski	24 July 2020
Manager Development Assessment	Bridget McNamara	19 August 2020
Executive Manager Procurement	Vince Tari	25 August 2020
<b>Councillors</b>		
Mayor	Paula Masselos	24 July 2020
Deputy Mayor	Elaine Keenan	30 September 2020
Councillor	Sally Betts	28 August 2020
Councillor	Angela Burrill	31 July 2020
Councillor	George Copeland	30 September 2020
Councillor	Leon Goltsman	25 August 2020
Councillor	Tony Kay	19 August 2020
Councillor	Steven Lewis	25 August 2020
Councillor	Will Nemesh	28 August 2020
Councillor	Marjorie O'Neill	30 September 2020
Councillor	John Wakefield	29 September 2020
Councillor	Dominic Wy Kanak	28 September 2020
<b>Waverley Local Planning Panel Panellists</b>		
Chairperson	Hon Paul Stein	3 July 2020
Alternate Chair	Hon Angus Talbot	10 July 2020
Alternate Chair	Annelise Tour	27 July 2020
Professional Expert	Michael Harrison	20 July 2020
Professional Expert	Gabrielle Morrish	3 July 2020
Professional Expert	Jan Murrell	21 July 2020
Professional Expert	Ian Stapleton	13 July 2020
Professional Expert	Peter Brennan	10 July 2020
Professional Expert	Jocelyn Jackson	13 July 2020
Professional Expert	Richard Thorp	6 July 2020
Community Representative	Allyson Small	6 July 2020
Community Representative	Sandra Robinson	1 July 2020
Community Representative	Penny Mora	6 July 2020

## REPORT

### CM/7.2/20.10



WAVERLEY  
COUNCIL

**Subject:** Cultural Advisory Committee - Appointment of Councillors

**TRIM No:** A19/0092

**Author:** Tanya Goldberg, Executive Manager, Communications, Culture and Events

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

#### RECOMMENDATION:

That Council appoints up to three Councillors to the Cultural Advisory Committee until 4 September 2021.

#### 1. Executive Summary

In accordance with Council's recent decision to establish the Cultural Advisory Committee, it is recommended that Council proceed with the appointment of Councillors to this Committee.

Given that Council appoints Councillors, and chairs where required, to its standing committees, advisory committees and other committees, as well as delegates to other organisations in September of every year, it is recommended that Councillor appointments to the Cultural Advisory Committee are brought in line with that annual process. Consequently, it is recommended that this appointment expires with the expiration of those other committees on 4 September 2021.

#### 2. Introduction/Background

Actions set out in the draft Cultural Plan 2020–2025, call for the establishment of a Cultural Committee to oversee the implementation and ongoing performance of the Cultural Plan 2020–2025, and to provide advice to Council on major cultural issues, initiatives and opportunities.

Council established the Cultural Advisory Committee and adopted its terms of reference at its meeting on 15 September 2020.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 15 September 2020	CM/7.2/20.09	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Appoints Councillors to the standing committees, advisory committees and other committees as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.</li> <li>2. Appoints delegates to the various organisations as listed below for a 12-month term to expire at 12.01 am on 4 September 2021.</li> <li>3. Receives a report outlining the potential reinstatement of the Community Safety Advisory</li> </ol>

		Committee.
		4. Receives a report outlining the potential reinstatement of the Housing Advisory Committee.
Council 15 September 2020	CM/7.9/20.09	That Council: <ol style="list-style-type: none"> <li>1. Establishes a Cultural Advisory Committee in accordance with the terms of reference attached to this report.</li> <li>2. Adopts the Terms of Reference attached to this report.</li> <li>3. Disestablishes the Bondi Pavilion Stakeholder Committee.</li> </ol>

#### 4. Discussion

The terms of reference for the Cultural Advisory Committee (Attachment 1) call for the membership of up to three Councillors, in addition to the Chair, who is the Mayor or the Mayor's delegate.

In September of every year, Councillors are appointed to Council's standing committees, advisory committees and other committees for a period of 12 months. The appointments occur in September to coincide with local government elections held every four years, Mayoral elections held every two years and the Deputy Mayoral election held annually. The next local government elections will be held on 4 September 2021. It is therefore considered that the term of this appointment should expire at the same time as all other committee appointments, on 4 September 2021.

#### 5. Financial impact statement/Time frame/Consultation

##### Financial impact statement

There is no cost to Council in appointing Councillors to this committee.

##### Time frame

Councillors become members of the Committee for the term specified in this report as soon as the decision is declared.

As outlined in section 4 above, the appointment should expire at the same time as all other committee appointments, on 4 September 2021.

##### Consultation

No consultation is required for the appointment of Councillors to this committee.

#### 6. Conclusion

It is recommended that Council appoint up to three Councillor members to the Cultural Advisory Committee for a term that will expire at the same time as all other Council committee appointments, on 4 September 2021.

**7. Attachments**

1. Cultural Committee - Terms of Reference [↓](#)

# Waverley Council Cultural Committee

## Terms of Reference September 2020

### Introduction

Resulting from actions in the Waverley Council Cultural Plan 2020-2025, a Cultural Committee has been established to oversee the implementation and ongoing performance of the Waverley Council Cultural Plan 2020-2025, and to provide advice to Council on major cultural issues, initiatives and opportunities.

### Policy Framework/Strategic Context

- Waverley Community Strategic Plan 2018-29
- Reconciliation Action Plan
- Disability Inclusion Action Plan
- Bondi Junction Evening, Culture and Entertainment Strategy
- Economic Development Plan
- Sustainable Visitation Strategy
- Local Strategic Planning Statement
- Library Strategic Plan
- Public Art Master Plan

### Purpose

The Cultural Committee will support Waverley Council in the delivery of its Cultural Plan. The plan sets the long term vision for culture in the Waverley Local Government Area and provides a roadmap for Council, the community and partners to work together towards an exciting and engaging arts and cultural life for our area.

The Cultural Committee members represent the community in an advisory role to Council. Committee members provide knowledge and diverse perspectives about creative practice, arts and cultural activities, and events relevant to the Waverley area and Council's Cultural Plan, and other key strategies and policies.

### Objectives

- Support Waverley Council in the on-going delivery of its Cultural Plan by providing input into Council's cultural processes and projects
- Contribute to the development and enhancement of a strong, recognisable profile for arts, culture and innovation in Waverley that reflects the local identity, diversity, and values of Waverley

- Support and contribute to Council's aspirations to establish Waverley as an international arts and culture destination
- Provide input to consideration of Council's priorities for innovation, arts and cultural development within the Waverley area, within the parameters of Council's strategies and policies
- Facilitate communication between community representatives, cultural organisations and Council in arts and cultural related disciplines, and assist in gathering input from the local creative community in future cultural planning opportunities
- Contribute to the reviews of Council's arts and cultural strategies, policies, programs and services
- Provide input into the assessment of applications or proposals related to cultural residencies programs and related recommendations
- Identify funding sources for culture in Waverley, including sponsorship and philanthropic opportunities for Council's consideration

### **Requirements**

To attend Committee meetings and contribute to achieving the objectives of the Waverley Cultural Committee. Other duties that may reasonably be determined and agreed by Committee members.

Where a committee member does not attend scheduled committee meetings on three consecutive occasions without advising Council staff, they are deemed to have retired from the Committee.

### **Scope**

The scope of the Cultural Committee in providing advice, includes the following:

- Events Policy and Guidelines
- Artists in Residence Programs
- Bondi Pavilion and Boot Factory arts and culture programming
- Bondi Story Room themes, content and program development
- Mentorship programs and other community and creative sector networking programs/opportunities
- Funding: grants, philanthropy, sponsorship
- Promotion and communication of Waverley's cultural infrastructure and programs

Limitations to scope:

- The Cultural Committee is an advisory body only
- The Cultural Committee notes the operation of the Public Art Committee, and is obligated to remain informed of PAC activities and recommendations

### **Structure**

Chairperson: **The Mayor or the Mayor's delegate**

Committee Members:

- i. Up to three (3) Waverley Councillors
- ii. Up to six (6) industry professionals and others who have expertise and experience in the advancement of arts and culture, and represent a mix of artists and arts workers (minimum 3 Waverley residents)
- iii. Up to two (2) arts and cultural organisation representatives from sector specific bodies such as the Australia Council for the Arts and Create NSW

will be appointed, to a maximum total of 11 places plus the Chair, for a period of two years. Up to four (4) reserve representatives for category ii. above will also be appointed for the same two year period.

Administrative support: Waverley Council staff

Relevant Council staff will attend meetings to provide advice

Any Councillor or General Manager/Director may attend meetings

### **Selection**

The Committee's selection panel will comprise:

- Chairperson of the Committee, or in the absence of a Chairperson, GM or GM's delegate
- Executive Manager, Communications, Culture and Events
- Manager, Cultural Programs

A recommendation about the membership of the Waverley Cultural Committee will be prepared for the consideration and endorsement of Council. Officers may seek further information from nominees or their referees as part of the selection process.

### **Meetings**

Meetings will be held quarterly or more frequently as required.

The quorum for a meeting of the Committee will be a majority of Committee members of whom one must be the Mayor or the Mayor's delegate.

Notice of Committee meetings will be provided at least one week before the meeting

At the discretion of the Chair, members of the public or subject experts may be invited to speak to or provide advice on issues being considered by the Committee.

Where these Terms of Reference do not address the conduct of the meetings, Council's Code of Meeting Practice will apply.

Agendas and minutes of all Committee meetings are public documents which are published following the determination of Council.

### **Working groups**

Working groups may be established to investigate sector specific issues and opportunities, drawing from the membership of the Cultural Committee.

The establishment of working groups must take into account and acknowledge that the following entities already operate:

- The Waverley Public Art Committee
- The Boot Factory Steering Group
- The Waverley Multicultural Committee
- The Nib Advisory Committee

The Cultural Committee notes the operation of these entities and is obligated to remain informed of their activities and recommendations.

### **Conflict of interest**

Committee members are subject to the Waverley Council Code of Conduct which is available from the [Council website](#).

For the duration of their term, members of the Cultural Committee and their relatives (as defined in the Waverley Council Code of Conduct) are ineligible from applying for programs run by Waverley Council including but not limited to: Waverley Artist Studios, Bondi Pavilion Gallery program, Waverley Library gallery program, Waverley Art Prize, Waverley Youth Art Prize, Bondi Pavilion Theatre Program, Bondi Festival, Bondi Wave, Public Art Tenders (permanent or temporary), the Bondi Beach Sea Wall, and community Small Grants program or any other program produced by Waverley Council which would benefit the member either directly financially or through critical recognition.

Potential conflicts of interest will be dealt with at the commencement of the meeting at which the agenda item is being considered and will be disclosed and handled in accordance with the Waverley Council Code of Conduct and Code of Meeting Practice.

### **Media**

Members of the Committee are not to speak to the media in their capacity as Committee members.



**REPORT**  
**CM/7.3/20.10**

**Subject:** Small Grants Program 2020-21 - Round 1

**TRIM No:** A20/0378

**Author:** Leisa Simmons, Manager, Housing Programs and Community Support

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

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**RECOMMENDATION:**

That Council, under the Small Grants Program 2020–21 (Round 1), grants \$50,000 to the individuals and organisations as recommended in Table 1 of the report, subject to any conditions specified in Attachment 1 of the report.

**1. Executive Summary**

Round 1 of Council's Small Grants Program 2020–21 closed on 1 September 2020. The applications received were assessed in two streams, Cultural and Community, and Environmental. A total of 27 submissions were received, 15 for community and cultural projects, and 12 for environmental projects. Fifteen proposals are recommended for funding to the value of \$50,000. An overview of the applications received and recommendations made is provided in Table 1. A summary of each application is attached to the report.

**2. Introduction/Background****Program description**

The Small Grants Program enables Council to support community initiatives through the provision of financial assistance, offered annually in three streams:

Community and Cultural	Aims to support the delivery of identifiable social, cultural and recreational benefits to Waverley's community that align with goals in the Waverley Community Strategic Plan 2018-29.
Environmental	Aims to support environmental improvement projects that align with goals in the Waverley Community Strategic Plan 2018-29, and Council's Environmental Action Plan.
Creative Streets	Aims to support community contributions to public spaces that align with goals in the Waverley Community Strategic Plan, using an Urban Interventions Framework.

Council allocates a budget of around \$108,000 annually to Small Grants for projects that meet community and cultural, environmental, and creative streets objectives. Grants are offered in two rounds that are advertised in March and August each year.

In July 2019, Council endorsed amendments to the guidelines, including expanding the eligibility criteria, tightening the selection criteria, and increasing the maximum amount available per application from three to five thousand dollars. Council also endorsed the offer of 'Creative Streets' grants just once a year, to be advertised in March. In March 2020, Council endorsed an overarching Community Grants Policy that covers the Community Services and Cultural Grants, and Small Grants Programs.

### This round

The Sustainable Waste Team contributed \$10,000 from the NSW EPA Litter Prevention Grant (for litter reduction initiatives) and from the NSW EPA Better Waste Recycling Fund (for resource recycling/ recovery initiatives) for this round of Environmental Grants to support 'on the ground' waste projects delivered by small businesses, schools and community organisations.

An invitation for applications to this round's Community and Cultural, and Environmental Small Grants streams was distributed widely in July and August through Council's social media channels, community inter-agencies, and special interest email groups. In August, officers participated in a grants workshop for small businesses run by Council's Economic Development Team and the Bondi and Districts Chamber of Commerce.

### 3. Relevant Council Resolutions

Meeting and date	Resolution No.	Resolution
Council 21 July 2020	CM7.6/20.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>Under the Community Services and Cultural Grants Program 2020–21, grants \$316,703 to the organisations set out in the attachment to this report for the amounts sought by the applicants.</li> <li>Conducts an expression of interest process under its Community Services and Cultural Grants Program seeking small project proposals that can provide improved access to mainstream activities for people with disability sustained over a period of at least three years, with funding of up to \$20,500 to be allocated.</li> <li>Under its Small Grants Program, grants \$5,000 to the North Bondi Surf Club to celebrate the 40th anniversary of the admission of women to full membership of Surf Lifesaving Australia, contingent on the approval by Council's Events Team of a detailed event/activity management plan, including an approved date, site, scale and provisions for meeting the requirements of any NSW public health orders likely to be in place at the time.</li> </ol>
Council 16 June 2020	CM/7.10/20.06(2)	That Council grants \$5,000 to COA Sydney, under its Community Services and Cultural Grants Program, to facilitate immediate support for vulnerable older people impacted by the coronavirus shutdown, with funding to be provided from the 2019/2020 budget.
Council 19 May 2020	CM/7.5/20.05(2)	<p>That Council:</p> <ol style="list-style-type: none"> <li>Approves grants to the value of \$24,704 to individuals and organisations as set out in Table 1 of this Report, under its Community Services and Cultural Grants Program, to facilitate immediate support for activities</li> </ol>

Meeting and date	Resolution No.	Resolution
		<p>relating to the coronavirus shutdown, with conditions where specified in Attachment 1.</p> <p>2. Approves grants to the value of \$57,510 to individuals and organisations as set out in Table 1 of this Report, under its Small Grants Program (Round 2) 2019–20, with conditions where specified in Attachment 1.</p> <p>3. Given the disruptions caused by the COVID-19 virus and as per Council’s grants policy, invites unsuccessful applicants who wish to do so, to submit an unsolicited application for funding within the next 10 days. This will allow the applications to undergo proper assessment, with officer recommendations coming to the next council meeting.</p>
Council 17 March 2020	CM/7.4/20.03	That Council adopts the Community Grants Policy attached to this report.
Council 16 July 2019	CM/7.10/19.07	<p>That Council:</p> <p>1. Under the Community grants Program 2019-20, grants \$333,673 to the organisations set out in Attachment 1 to this report for the activities and amounts listed.</p> <p>2. Adopts the following guidelines attached to this report:</p> <p>(a) Small Grants – Community and Cultural Guidelines (Attachment 3).</p> <p>(b) Small grants – Environmental Grants Guidelines (Attachment 4).</p> <p>(c) Small Grants – Creative Streets Grants Guidelines (Attachment 5).</p>
Operations 5 August 2014	OCRD.20/14	<p>That:</p> <p>1. The Committee notes the changes being implemented in the Small Grants Program with regard to timing, promotions and website documentation.</p> <p>2. The Committee implements Option 2 below, so that Environmental Grants are available to schools and small business organisations who meet eligibility criteria, and with community groups retaining the opportunity to apply for small grants for social, cultural and recreation projects.</p> <p>3. The relevant Director provide all Councillors with briefing details on the existing criteria for assessing all applications.</p>

Meeting and date	Resolution No.	Resolution
		4. 'Small businesses' are defined as 'micro-businesses', consisting of 5 or fewer employees.

#### 4. Discussion

As shown in Table 1 below, a total of 27 applications were received from individuals and organisations seeking funds totalling \$133,462. More than half of the applications were from 'first time' applicants, and project proposals included nine that represented new ideas or innovation. The round elicited a strong response from Waverley's small business community in response to Environmental Services invitation to apply for projects aiming to improve resource recovery or reduce the generation of waste. The round also reflected a continued community interest in verge and street gardens with three applications from individuals representing small volunteer groups working on gardens. Two thirds of the applicants sought at least the maximum grant amount available, making the round very competitive.

Council officers with expertise in each of the grants categories assessed the applications received against the relevant selection criteria, consulted with sector specialists, and undertook follow up with applicants where necessary. The 'new normal' resulting from the coronavirus Pandemic, likely to remain a consideration in project implementation over at least the next six months, was considered in assessment of community benefit. The proposals recommended for funding include about one quarter of the applications from first time applicants, and three proposals targeting benefit to support Waverley's arts community (\$15,000); two supporting diversity (\$6,500); and two supporting children, families and young people (\$3,500). Support for two of the five street garden applications is also recommended (\$10,000).

*Table 1. Overview of applications and recommendations.*

No	Project	Applicant	1 <sup>st</sup> Time	Target for Benefit	\$ Sought	\$ Recommended
<b>Arts &amp; Culture</b>						
1	Head on Photo Festival at Bondi Beach	Head on Foundation	-	General Public	\$5,000	\$5,000
2	Into (Domestic Interventions)	Cameron Stead	-	General Public	\$5,000	\$5,000
3	And he taught the canaries to sing	Estelle Rozinski	Yes	General Public	\$4,800	-
4	Welcome	Claire Edwards	Yes	General Public	\$5,000	-
5	Flickerfest International Short Film Festival	Flickerfest	-	General Public	\$5,000	\$5,000
	<b>Total</b>				<b>\$24,800</b>	<b>\$15,000</b>
<b>Community</b>						
1	Garden Improvement Project	Waverley Woollahra Art School	-	-	\$5,000	\$5,000
2	Scaffolding for Students	Rise Foundation Australia	Yes	Young People	\$5,000	-
3	Waverley Digital Access Project	Junction Neighbourhood	-	Older People	\$5,000	-

No	Project	Applicant	1 <sup>st</sup> Time	Target for Benefit	\$ Sought	\$ Recommended
		Centre				
4	Water Play Equipment Wairoa Avenue Facility	Bondi Beach Playgroups	-	Children & Families	\$2,500	\$2,100
5	Hewlett Street Community Garden	Jenny Birrell	-	-	\$5,000	\$5,000
6	City East Mentor Program	City East Community College	-	Diversity	\$5,000	\$1,500
7	Holly Days Indigenous Nippers Program	Tamarama SLC	-	Diversity	\$7,000	\$5,000
8	Headspace at Home Vlog	POW Hospital Foundation	-	Young People	\$1,400	\$1,400
9	Our Kitchen Hand Garden	Jewish Care	-	People w Disability	\$5,000	-
10	Moore St Bee Sanctuary	Andrew Every	Yes	-	\$3,500	-
	<b>Total</b>				<b>\$44,400</b>	<b>\$20,000</b>
<b>Environment</b>						
1	Powered by Sunshine	North Bondi Surf Club	-	Energy	\$5,000	\$2,500
2	Rainwater Tank	Pearl Montessori Early Learning Centre	Yes	Water	\$5,000	\$2,500
3	Increase Recycling	Trio Café	Yes	Resource Recovery	\$1,756	\$1,000
4	Know Your Waste	Bondi Public School	-	Resource Recovery	\$5,000	\$4,000
5	Milk Juggler System	Porch & Parlour Café	Yes	Waste Reduction	\$5,000	\$1,500
6	Takeaway Food Container Trial	Replated	Yes	Waste Reduction	\$4,200	\$3,500
7	Garden Verge	Bru Café	Yes	-	\$2,200	-
8	Waste Plastic Saving Water	Earth Champions Foundation	Yes	Resource Recovery	\$5,000	-
9	Re-usable Bags	Bondi Beach Baby	Yes	Waste Reduction	\$3,106	-
10	Composting System	Heart Café Wayside Chapel	Yes	Resource Recovery	\$18,000	-
11	E-waste marketing	Arnie's Recon	Yes	Resource Recovery	\$5,000	-
12	Skips to prevent Illegal Dumps	SKIPR	Yes	-	\$5,000	-
	<b>Total</b>				<b>\$64,262</b>	<b>\$15,000</b>
<b>Grand Total</b>					<b>\$50,000</b>	

## 5. Financial impact statement/Time frame/Consultation

Sufficient funds are available in relevant budgets to cover the grant allocations recommended in this report. The disbursement of funds can take place immediately after approval, provided applicants meet any required conditions. Table 2 below provides an overview of the budget for each of the streams and the value of the grants recommended.

*Table 2. Small Grants Program 2020–21 Round 1 – Overview of budgets and recommendations.*

Grant Category	Budget Round 1	Number of applications received	\$ Value of applications received	Number of grants recommended	\$ Value of grants recommended
Community and Cultural	\$35,000	15	\$69,200	9	\$35,000
Environment	\$15,000	12	\$48,062	6	\$15,000
Total	\$50,000	27	\$117,262	15	\$50,000

## 6. Conclusion

The Small Grants Program provides Council with a unique opportunity to respond to ideas proposed by members of its community, and to facilitate the diverse contributions they make to Waverley's physical and social infrastructure. This latest round reflects agility in the face of the Coronavirus Pandemic, and community interest in reducing environmental impacts, and connecting with neighbours to enhance local streetscapes. To facilitate these contributions, this report recommends that Council approves grants to the value of \$50,000 to individuals and organisations as set out in Table 1 of this report, with conditions where specified in Attachment 1.

## 7. Attachments

1. Small Grants project proposals 2020-21 (Round 1) - Descriptions and recommendations [↓](#)

## Attachment 1: Description Small Grants Project Proposals Round 1, 2020/21

### October 2020

#### Descriptions and recommendations prepared in consultation with other specialist staff by:

Leisa Simmons and Julie Jenkinson, Community Programs

Tanya Goldberg and Joanna Dining, Cultural Programs

Shaun Munro, Outdoor and Flagship Events

Vicky Bachelard, Environmental Sustainability

### Arts and Culture

Application 1	Head On Photo Festival at Bondi Beach
Organisation	Head on Foundation
The Activity	Funds are sought to support the mounting of a second series of free exhibitions along the Bondi Promenade of photographs entered into the 2020 Head On Photo Festival. The exhibitions are planned for November 2020.
Assistance Sought	\$5,000
Background	The Head on Photo Festival is an established annual international photographic competition. The Head on Foundation has a commitment to 'bringing the art to the people' through free exhibitions in public spaces. The Foundation has received grants from Create NSW, City of Sydney and Woollahra Councils, and is sponsored by Sony, Fujifilm and Olympus.
Funding History	The Head On Foundation received a Small Grant of \$5,000 in April 2020 (acquitted) to support the launch and announcement of the competition winners, and a free exhibition mounted along the Bondi Beach promenade of photographs with an environmental focus. Due to COVID 19 restrictions, the launch was held on-line in May, and the exhibition was delayed until July. In the middle of a long quiet winter the exhibition brought a cultural 'spark' to Bondi that was greatly appreciated by locals and visitors alike.
Website	<a href="http://www.headon.com.au">www.headon.com.au</a>
Comment	The works presented to the community add incredible value to daily life especially during COVID restrictions and provide a good option for presenting art with appropriate social distancing measures. An exhibition series mounted in November will provide a cultural offering that everyone can enjoy safely in the lead up to summer.
Recommendation	<i>\$5,000 recommended</i>

Application 2	Into (Domestic Interventions)
Organisation	Cameron Stead
The Activity	Funds are sought to support the development, production and exhibition of a series of short video artworks focused on personal moments of domesticity and self-reflection during the COVID 19 shutdown. The artworks will be displayed in one or more shopfront locations in the Waverley area.
Assistance Sought	\$5,000
Background	Cameron Stead is a visual artist and is currently a Waverley Artist in Residence

Funding History	Nil
Website	<a href="http://www.cameronstead.com">www.cameronstead.com</a>
Comment	This project proposal will enable showcasing of the work of the Waverley Artist Studios in lieu of gallery programs. It will promote reflection on the experience of a very specific time, and the planned 'shop front' exhibition will make the opportunity available to everyone.
Recommendation	<i>\$5,000 recommended provided that the applicant works with Council's Visual Arts Team to ensure that the planned public exhibition component can be implemented.</i>

<b>Application 3</b>	<b>And he taught the canaries to sing</b>
Organisation	Estelle Rozinski
The Activity	Seed funding is sought to support the initial development stage of a collection of vignettes of Polish Jewish life before 1939, to be published online in English, Polish and Hebrew, and to establish the website infrastructure that would house the stories. Original artwork and stories will be available for exhibition (COVID permitting) at the Waverley Library, Bondi Pavilion and the Sydney Jewish Museum.
Assistance Sought	\$4,800
Background	<p>The applicant reports that this project proposal grew out of her exhibition 'The Missing Mezzuzot of Zdunska Wola' on permanent display in the Zdunska Wola Museum Poland. Zdunska Wola Poland was home to 12,000 Jewish people before 1939, including her maternal family. The project's stated aims include:</p> <ul style="list-style-type: none"> <li>▪ To celebrate and bring to life the vibrant energy and diversity of Jewish life in the Polish town of Zdunska Wola before 1939</li> <li>▪ To provide the next generations with a sense of their history alongside the knowledge of the Holocaust</li> <li>▪ To provide a stimulus for intergenerational discussion</li> <li>▪ To provide a template for other communities fractured and traumatised by war and hatred.</li> </ul>
Funding History	Nil
Website	-
Comment	This is a beautifully described project that is clearly well researched and holds incredible value as a springboard for discussions about inter-generational trauma and prejudice. With no exhibition spaces on offer at this time, and limited grant funding available, we are not in a position to support the project. Officers suggest that the applicant explores development of a proposal for the Waverley Library Galleries program in 2021-2022.
Recommendation	<i>Not recommended this round</i>

<b>Application 4</b>	<b>Welcome</b>
Organisation	Claire Edwards
The Activity	Seeking funds to support the development of 4 projections of beaches/ pools in Waverley to be played during winter evenings in Rowe Street Bondi Junction.



Assistance Sought	\$5,000
Background	Claire Edwards describes her trade as place making and research.
Funding History	Nil
Website	-
Comment	Whilst interesting, this proposal provides insufficient evidence of research and development including of sites that would be available at the time of installation, the approvals required for such an installation, potential partners, and the budget that would be required for effective implementation.
Recommendation	<i>Not recommended</i>

<b>Application 5</b>	<b>Flickerfest International Short Film Festival 2021</b>
Organisation	Flickerfest
The Activity	Funding is sought to support the 30 <sup>th</sup> year of Flickerfest in 2021, scheduled for 15-24 January in North Bondi Park. The applicant reports that the 2021 Program will include more than 20 competitive programs encompassing Australian, international and documentary programs, together with Flickerup, its national schools competition. Some programs will be offered on-line for the first time, to maximise opportunities for participation in spite of COVID 19 restrictions.
Assistance Sought	\$5,000
Background	Flickerfest is an internationally recognised and accredited short film festival and a leader in Australia in this field. Further to general viewing opportunities, programs for children and families, and workshops for film makers are also offered.
Funding History	Flickerfest received a Small Grant of \$4,500 in October 19 (acquitted). The applicant reports that Flickerfest, held in January 2020, included 27 competitive programs, and attracted an audience of more than 8,000 to 209 film screenings.  Australian films made up 45% of films screened, and 46% were directed by women. Twelve films were screened in the inaugural ASEAN Region competition and partnerships enabled three finalists to join the festival from the Philippines, Thailand, and Laos.
Website	<a href="http://flickerfest.com.au">http://flickerfest.com.au</a>
Comment	Flickerfest is a significant cultural offering for Waverley with a strong local following. Council has a long standing and valuable relationship with Flickerfest which is synonymous with Bondi Beach, and intimately connected with the Bondi Pavilion, and the Australian independent film industry.
Recommendation	<i>\$5,000 recommended</i>

## Community

<b>Application 1</b>	<b>Waverley Woollahra Art School Garden Improvement Project</b>
Organisation	Vicy West representing garden volunteers
The Activity	Funds are sought to support a group of volunteers already working in the

	garden space adjacent to the Art School on Bondi Road to tidy and refurbish the space, including re-painting existing structures and adding raised garden beds for native planting, a small tool store, a street library and a sign welcoming public use.
Assistance Sought	\$5,000
Background	The applicant is a horticulture student who has been working with Council's Coordinator Local Connections for the past six months at this site, with approval from Council's Property and Facilities team and the Waverley Woollahra Art School.
Funding History	Nil
Website	<a href="https://wwas.org.au/">https://wwas.org.au/</a>
Comment	The project proposed is a logical extension of current gardening and maintenance works. Repainting existing structures would enliven the space. Garden beds would add interest and biodiversity. The addition of a street library would identify the site as a place for the community to pause and engage. A discreet toolbox at the back of the garden would allow ease of access to equipment to facilitate maintenance by the volunteers.
Recommendation	<i>\$5,000 provided that the volunteer group continues to liaise with Council's Coordinator Local Connections, and other stakeholders.</i>

<b>Application 2</b>	<b>Scaffolding for Students</b>
Organisation	Rise Foundation Australia
The Activity	Funds are sought to support the delivery the Rise Foundation's mental health education program for high school students.
Assistance Sought	\$5,000
Background	According to its web site the Rise Foundation Australia specialises in the provision of evidence based mental health first aid, and mental health response training to promote mental health well being and prevent suicide. Courses are accredited with Fitness Australia and Exercise and Sports Sciences Australia.
Funding History	Nil
Website	<a href="https://www.therisefoundation.net">https://www.therisefoundation.net</a>
Comment	The application does not provide any information about unmet local needs, or demonstrate any particular connection with the Waverley GA.
Recommendation	<i>Not recommended</i>

<b>Application 3</b>	<b>Waverley Digital Access Project</b>
Organisation	Junction Neighbourhood Centre
The Activity	Funds are sought to support the exploration of existing services promoting digital access for vulnerable groups in Waverley, the identification of gaps, and facilitation of a coordinated response amongst the various agencies offering support.
Assistance Sought	\$5,000

Background	Waverley's ECHO Neighbourhood Centre amalgamated with Junction Neighbourhood Centre in 2013, and in 2014 the Bondi Junction Centre was relocated to 59 Newland St Bondi Junction. JNC operates a 'drop in' Centre in Bondi Junction and provides programs and services to a range of identified needs groups including older people, and others who are socially isolated.
Funding History	JNC received a Small Grant May 18 to develop a training and resource package to support the provision of assistance in 'form filling' by staff and volunteers, acquitted. The training package has been completed and utilised to train staff and volunteers who deliver the service weekly from JNC's Bondi Junction and Maroubra Centres.
Website	<a href="http://jnc.org.au">http://jnc.org.au</a>
Comment	The application does not provide evidence of 'buy in' from the other agencies that would necessarily be partners in the proposed project. Officers recommend that the applicant undertakes some further project development and applies again in a future round.
Recommendation	<i>Not recommended this round</i>

<b>Application 4</b>	<b>Water Play Equipment Wairoa Avenue</b>
Organisation	Bondi Beach Playgroups
The Activity	To purchase water play equipment for the Wairoa Avenue playgroup
Assistance Sought	\$2,500
Background	Bondi Beach Playgroups is part of the Playgroups NSW Association which has over 1,700 playgroup sessions and more than 50,000 parents and children meeting each week. Playgroups are not for profit, and run voluntarily by parents for parents and their kids. Bondi Beach Playgroups currently offers sessions on Wednesdays from Wairoa Avenue, and is seeking volunteers to run additional sessions.
Funding History	Bondi Beach Playgroups Received a Small Grant of \$3,000 in May 2019 to support the purchase of play equipment for the Francis Street Play Group, acquitted
Website	<a href="http://www.bondibeachplaygroups.org.au">http://www.bondibeachplaygroups.org.au</a>
Comment	There may be benefits for Bondi Beach Playgroups and Council in working jointly to develop an overall picture of play equipment needs to facilitate the contributions of its volunteer group coordinators. In this competitive round a grant of \$2,100 is recommended.
Recommendation	<i>\$2,100 recommended</i>

<b>Application 5</b>	<b>Hewlett Street Community Garden – Phase Three</b>
Organisation	Jenny Birrell representing the gardeners
The Activity	Funds are sought to support the continuing development of the Hewlett Street Community Garden with the construction of two additional wicking beds, the installation of two compost bins at the site, and the purchase of soil, plants and other materials for the garden.
Assistance Sought	\$5,000

Background	<p>The Hewlett Street Garden was established in 2017 with the support of Council's Community Connections Program.</p> <p>The applicant reports that the gardening group retains a strong core of 9 committed members, has attracted new gardeners, and enjoys positive feedback from passers by, especially families with young children.</p> <p>The group has completed the consultation and planning work recommended in response to the application they submitted to the last small grants round.</p>
Funding History	The group received small grants in 2017 to set up the garden, and in 2019 to turn three beds into wicking beds. Both have been acquitted.
Website	-
Comment	A letter box drop to 300 surrounding properties about the group's plans for the garden received a strongly positive response, with some recipients volunteering to join the group's Spring roster. The proposed design has been approved by Council's public gardening advisory group. The proposed expansion will expand gardening capacity for this active group in terms of work to do and knowledge and produce to share.
Recommendation	<i>\$5,000 recommended</i>

<b>Application 6</b>	<b>City East Mentor Program</b>
Organisation	City East Community College Inc.
The Activity	Due COVID 19 public health restrictions, City East will not hold its annual mentor program gathering which was scheduled for October this year. Instead, the College is requesting funds in addition to its May grant to enable the development of a digital collection of 12 stories of mentors and mentees that can be shared broadly in the community, and that will provide a lasting record of the program's outcomes.
Assistance Sought	\$5,000
Background	The College's Mentor Program supports professional work-ready migrants and refugees to reach their employment potential by matching mentees with volunteers from their profession. The applicant reports that since its establishment in 2016, the Program has provided support for more than 400 professionally skilled migrants trying to find their way in the Australian job market. The Program has been promoted through Council's Multicultural Advisory Committee.
Funding History	The College received small grants in 2017, 2018 and 2019 to support networking events, which were each attended by around 90 people, including mentors and mentees. All grants have been acquitted. The College received a small grant of \$3,500 in May 2020, which will not be spent as intended due to COVID 19 public health restrictions.
Website	<a href="https://www.cityeastcc.com.au">https://www.cityeastcc.com.au</a>
Comment	The 2016 census showed that 17.4% of Waverley residents worked in professional, scientific and technical services, and that 38.5% of the population was overseas born. This program provides a valuable opportunity for Waverley's many professionals to 'give back' by volunteering as a mentor and sharing the benefit of their own experience as a professional and/ or as a migrant.



	The development of a digital record of stories from the Program will provide a lasting record that can be shared widely in the community. Officers recommend that the College's May grant is topped up by \$1,500 to the maximum grant amount available per project.
Recommendation	<i>\$1,500 recommended</i>

<b>Application 7</b>	<b>"Holly Days" Indigenous Nippers Program</b>
Organisation	Tamarama Surf Lifesaving Club
The Activity	<p>Funds are sought to support the Club to run the Holly Days Program over summer 2020 in partnership with WEAVE Youth Services. The Holly Days Program will offer participation, free of charge, in the Club's 16 week Nippers Program for up to 11 Indigenous children.</p> <p>The proposed program will provide children with the opportunity to learn safe surf practice and the other physical skills and the social connections that come with participation in Nippers Programs.</p>
Assistance Sought	\$7,000
Background	First offered by the Club in 2006 with two participants, the Holly Days Program has consistently achieved a participation rate of 10 Nippers each time the Club has offered it. A 2019 participant represented the Club at various interclub competitions, and received the Club's 'Best and Fairest' award for Nippers.
Funding History	\$3,000 in October 2017 for the Holly Days Program.
Website	<a href="http://www.tamaramaslsc.org">http://www.tamaramaslsc.org</a>
Comment	This program will provide benefits for the children who participate, and the partners who contribute. It will promote opportunities for community connection. Officers recommend the maximum grant amount available.
Recommendation	<i>\$5,000 recommended</i>

<b>Application 8</b>	<b>Headspace at Home Vlog</b>
Organisation	Prince of Wales Hospital Foundation
The Activity	<p>Funds are sought for the development, filming and dissemination of Vlogs on the topics of sexual health and exercise to add to a series produced to reach out to young people during the Coronavirus shutdown. The series currently consists of 'headspace at home', 'keeping connected', 'GPs', and an 'introduction to the telehealth' system.</p> <p>Since the onset of COVID 19, Headspace has maintained services to young people primarily through telehealth.</p>
Assistance Sought	\$1,400
Background	Headspace Bondi Junction is a project of the SES Area Health Service funded with a federal grant, and servicing the Eastern Suburbs. Headspace provides mental health, physical health including sexual health, drug and alcohol, and education support services to young people aged 12-25.
Funding History	\$1,320 in May 19 to enable support payment of a young local trainer for the

	delivery of three <i>Mental Health First Aide for Youth</i> courses.
Website	<a href="https://headspace.org.au/headspace-centres/bondi-junction">https://headspace.org.au/headspace-centres/bondi-junction</a>
Comment	The Vlogs produced to date provide a personable, light hearted, and engaging 'welcome' to the services provided. The Vlogs proposed will provide information for young people in a relatively low cost format that is familiar and accessible for them.
Recommendation	<i>\$1,400 recommended</i>

<b>Application 9</b>	<b>Our Kitchen Hand Garden</b>
Organisation	Jewish Care
The Activity	Funds are sought to install a vertical kitchen garden on a wall outside the kitchen at the Jewish Folk Centre, and a flower garden.
Assistance Sought	\$5,000
Background	Our Kitchen Hand is a Jewish Care program providing food shopping and preparation, food and kitchen hygiene, and healthy eating skills for people with disability from the Waverley area in a purpose designed kitchen at the Jewish Folk Centre.
Funding History	Nil recent
Website	<a href="https://jewishcare.com.au/">https://jewishcare.com.au/</a>
Comment	The application provides little detail on plans for installation of the proposed vertical garden. Further research and development of the proposal is recommended.
Recommendation	<i>Not recommended this round</i>

<b>Application 10</b>	<b>Moore St Bee Sanctuary</b>
Organisation	<b>Moore St Bee Sanctuary</b>
The Activity	Funds are sought to support the purchase of plants, materials, a native bee hive and educational signage for a verge garden located on the corner of Moore and Edward Streets Bondi, where a garden has been established by the applicant.
Assistance Sought	\$3,500
Background	An application for approval of a street garden has been made but assessment has not yet been finalised.
Funding History	Nil
Website	-
Comment	As the applicant does not live immediately adjacent to the verge on which the garden has been established, consultation with neighbours is likely to be recommended as a condition of approval of the garden. Officers recommend that the applicant completes requirements for approval of the garden and applies again in a future round.

Recommendation	<i>Not recommended this round</i>
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## Environment

Application 1	North Bondi Surf Lifesaving Club Powered by Sunshine
Organisation	North Bondi Surf Lifesaving Club
The Activity	Funds are sought to support the installation of a 37kW solar power system on the club's rooftop to power its facilities.
Assistance Sought	\$5,000
Background	<p>Council's Solar my Club program has supplied a feasibility report for installation of a 37kW solar system and is supportive of this funding request. The installation would:</p> <ul style="list-style-type: none"> <li>▪ Save 32% on annual electricity bills</li> <li>▪ Save around \$9,000 each year to help divest into other important lifesaving resources/equipment</li> <li>▪ Produce 49MWh of clean green electricity each year equal to powering 8 homes annually</li> <li>▪ Help to avoid 43 tonnes of annual carbon emissions, equivalent to taking 15 cars off the road each year.</li> </ul>
Funding History	Nil for Small Grants Environmental
Website	<a href="http://northbondisurfclub.com/">http://northbondisurfclub.com/</a>
Comment	Due to budget cuts as a result of COVID 19 the full amount requested cannot be granted
Recommendation	<i>\$2,500 recommended</i>

Application 2	Rainwater Tank
Organisation	Pearl Montessori Early Learning Centre
The Activity	Seeking funding to install a rainwater tank to water the Centre's vegetable garden and provide water for water play. The application also includes the creation of a creek bed for water play.
Assistance Sought	\$5,000
Background	-
Funding History	Nil
Website	<a href="https://pearlmonessori.com.au/">https://pearlmonessori.com.au/</a>
Comment	<p>The Centre is committed to sustainability education and plans to take the children to Barracluff Park to see the educational signage about Council's water harvesting scheme. No metrics have been provided on how much water would be saved, but this will be requested.</p> <p>Due to budget cuts as a result of COVID 19 the full amount requested cannot be granted.</p>
Recommendation	<i>\$2,500 recommended</i>

<b>Application 3</b>	<b>Increase Recycling</b>
Organisation	Trio Cafe
The Activity	Trio Café would like to purchase suitable red and yellow bins for café staff to use to ensure waste is separated correctly and increase recycling rates.
Assistance Sought	\$1,756
Background	-
Funding History	Nil
Website	<a href="https://www.triocalfe.com.au/">https://www.triocalfe.com.au/</a>
Comment	We recommend this business undergo a free waste assessment through the NSW Bin Trim program. Businesses may apply for infrastructure and equipment rebates through the Bin Trim program, with matched funds of \$1,000 to \$50,000 available.
Recommendation	<i>\$1,000 recommended</i>

<b>Application 4</b>	<b>Know your waste Bondi</b>
Organisation	Bondi Public School
The Activity	<p>Bondi Public school is requesting funds to purchase three bins for each classroom, for waste, recycling and food waste. Currently there is no consistency with what is available in each classroom or what the bins look like.</p> <p>Having consistency across the school along with targeted education, with the help of the school's Green team, will make it easier for the students and staff to recycle.</p>
Assistance Sought	\$5,000
Background	-
Funding History	\$5,000 in 2019 - acquitted
Website	<a href="https://bondi-p.schools.nsw.gov.au/">https://bondi-p.schools.nsw.gov.au/</a>
Comment	<p>Using colour coded bins across the school will help support higher recycling rates and less contamination.</p> <p>It is recommended that the school starts with the red and yellow bins funded through this grant and adds the compost bins at a later date.</p>
Recommendation	<i>\$4,000 recommended</i>

<b>Application 5</b>	<b>Milk Juggler System to Reduce Plastic Waste</b>
Organisation	Porch and Parlour Cafe
The Activity	The Porch and Parlour Café is seeking funds to reduce waste from plastic milk bottles. They would like to purchase a milk juggler system – milk is bought in large bladders and stored in a specially designed fridge that dispenses the milk.
Assistance Sought	\$5,000



Background	-
Funding History	Nil
Website	<a href="https://porchandparlour.com/">https://porchandparlour.com/</a>
Comment	<p>This system will greatly reduce waste at the café and also the delivery and storage of milk crates.</p> <p>We recommend this business undergo a free waste assessment through the NSW Bin Trim program. Businesses may apply for infrastructure and equipment rebates through the Bin Trim program, with matched funds of \$1,000 to \$50,000 available.</p>
Recommendation	<i>\$1,500 recommended</i>

<b>Application 6</b>	<b>Bronte/ Waverley Reusable Takeaway Food Container Trial</b>
Organisation	RePlated
The Activity	<p>RePlated have previously worked with offices to create a closed loop system for reusable takeaway containers. They would like to run a trial of this system with cafes in Bronte and Waverley. They have partnered with community group Plastic Free Bronte and so far, have four local cafes onboard for the trial with others in the pipeline. The cafes have committed to a 12 week trial and data collection on the outcomes achieved.</p> <p>RePlated has considered the implication of Covid-19 and are working with cafes to ensure the system is Covid safe.</p>
Assistance Sought	\$4,200
Background	-
Funding History	Nil
Website	<a href="https://www.replated.co/">https://www.replated.co/</a>
Comment	This is a new initiative that could greatly reduce the amount of single use plastic in our waste streams. Officers recommend funding the purchase of the reusable container and the independent report but not the marketing component.
Recommendation	<i>\$3,500 recommended</i>

<b>Application 7</b>	<b>Bru Coffee Garden Verge</b>
Organisation	Sondra Beram
The Activity	Funds are sought to cover the cost of the installation of "astro turf" on the Council verge adjacent to the Bru Café. Installation was undertaken in August 2020.
Assistance Sought	\$2,200
Background	The applicant reports that Council and her business made several unsuccessful attempts to grow grass on what was an unsightly verge.
Funding History	Nil
Website	<a href="https://brucoffee.com.au">https://brucoffee.com.au</a>
Comment	Astro turf had already been installed before the application was submitted. Environmental grants do not fund projects in retrospect.

Recommendation	<i>Not recommended</i>
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<b>Application 8</b>	<b>Waste Plastic Saving Water: A demonstration project recycling takeaway food containers into water collection cells</b>
Organisation	Athena Foundation Ltd trading as Earth Champions Foundation
The Activity	Earth Champions are seeking funding to support a demonstration project to recycle takeaway containers into water cells for an underground water harvesting scheme. This would involve the collection of containers and the remanufacturing of them. They could then be used to channel water into underground water harvesting tanks which Earth Champions, with partners Atlantis, would install.
Assistance Sought	\$5,000
Background	-
Funding History	Nil
Website	<a href="https://www.earthchampions.org/">https://www.earthchampions.org/</a>
Comment	Council already has five successful underground stormwater harvesting schemes at high profile parks. Installing another system would require ongoing investment for Council, and would require careful consideration. Therefore, Officers suggest that Earth Champions makes contact with the Sustainable Water Coordinator at Council to investigate whether this trial is feasible, prior to considering a resubmission.
Recommendation	<i>Not recommended</i>

<b>Application 9</b>	<b>Bondi Beach Baby Reusable Packaging</b>
Organisation	Bondi Beach Baby
The Activity	Bondi Beach baby has an online store selling baby goods. They are seeking funds to manufacture a reusable cotton bag to wrap the company's products in instead of plastic wrap.
Assistance Sought	\$3,106.82
Background	-
Funding History	Nil
Website	<a href="https://www.bondibeachbaby.com/">https://www.bondibeachbaby.com/</a>
Comment	It was unclear to assessing officers what the environmental credentials of the cotton bags are and whether they were a good substitute, or if perhaps no wrapping at all would be preferable.
Recommendation	<i>Not recommended</i>

<b>Application 10</b>	<b>Howz that Dirty Heart</b>
Organisation	Heart Café Wayside Chapel
The Activity	Wayside Chapel is seeking funds to install a commercial composter to reduce food waste from their Heart Café Kitchen by 90%.

Assistance Sought	\$18,000
Background	-
Funding History	Nil Small Grants Environment
Website	<a href="https://www.heartcafe.com.au/">https://www.heartcafe.com.au/</a>
Comment	It was not clear from their application whether they had secured other funding to support the purchase of the composter. They did not respond to provide further information to support the application. It is recommended they re apply next round with more information.
Recommendation	<i>Not recommended this round</i>

<b>Application 11</b>	<b>E-waste collection service marketing campaign</b>
Organisation	Arnie's Recon
The Activity	Funds are sought to support extension of the services of Arnie's recon into the Waverley area.
Assistance Sought	\$5,000
Background	Arnie's Recon provide a free e-waste collection service across Sydney. They separate the waste into recyclable components and arrange recycling/ reuse through local and overseas re-manufacturers and re-furbishers.
Funding History	Nil
Website	<a href="https://www.arniesrecon.com/">https://www.arniesrecon.com/</a>
Comment	Whilst this seems like a good service for residents the funds being sought are for a marketing campaign to increase business, not for an actual environmental project. Our Environmental Grant Guidelines state "Environmental Grants are available to fund 'on the ground' projects with real measurable outcomes. Projects must have a positive and desirable effect on the environment".
Recommendation	<i>Not recommended</i>

<b>Application 12</b>	<b>Skips to prevent illegal dumps</b>
Organisation	SKIPR
The Activity	
Assistance Sought	\$5,000
Background	SKIPR is a new business that aims reduce illegal dumping in the Waverley Council area and elsewhere by providing skip bins for waste removal for home renovations, demolitions, and spring cleaning.
Funding History	Nil
Website	<a href="https://www.skipr.com.au/">https://www.skipr.com.au/</a>
Comment	It is not clear from the application what the funds being sought would be used for.
Recommendation	<i>Not recommended</i>

## REPORT

### CM/7.4/20.10



**Subject:** Investment Portfolio Report - September 2020

**TRIM No:** A03/2211

**Author:** Sid Ali, Revenue Co-ordinator

**Director:** Darren Smith, Chief Financial Officer

### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for September 2020 attached to the 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 September 2020, Council's investment portfolio generated \$160,540 of interest.

The interest on investment budget for the 2020–21 financial year was adopted by Council at its meeting on 30 June 2020 and was set at \$2,347,560.

The interest income for the year to date figure as at 30 September 2020 tracked at 23.56% (\$553,029) of the current budget forecast of \$2,347,560.

#### 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	2020/21 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Budget %
July	2,347,560	201,573	201,573	8.59%
August	2,347,560	190,916	392,489	16.72%
September	2,347,560	160,540	553,029	23.56%

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 15 September 2020	CM/7.6/20.09	That Council:  1. Receives and notes the Investment Summary Report for August 2020 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 30 September 2020, Council's cash investment portfolio generated interest earnings of \$553,029, representing 23.56% of the current approved budget of \$2,347,560.

Council's investment portfolio posted a return of 0.78% p.a. for the month of September versus the Ausbond Bank Bill Index benchmark return of 0.09% pa.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond Bank Bill index benchmark by 1.09% pa (1.67% vs 0.58% pa).

#### Portfolio value

Council's investment portfolio, as at 30 September 2020, has a current market value of \$172,536,309 which represents a gain of \$858,582 on the \$171,677,726 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset Group	Face Value	Current value
Bonds	\$ 3,000,000	\$ 3,051,756
Cash	\$ 20,959,874	\$ 20,959,874
Floating Rate Note	\$ 24,800,000	\$ 24,958,190
Floating Rate Term Deposits	\$ 8,500,000	\$ 8,508,263
Managed Funds	\$ 14,417,852	\$ 14,417,852
Term Deposit	\$ 100,000,000	\$ 100,640,373
<b>Total</b>	<b>\$ 171,677,726</b>	<b>\$ 172,536,309</b>

#### Analysis

Attached to this report is the Summary of Investment Portfolio for the period ending 30 September 2020. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

The TCorpIM LT Growth fund fell 0.6% in September. The Australian share market ended its 5 month streak of gains and fell 3.4%. All sectors of the market fell with Energy (-10.7%) faring the worst while Industrials

was the best performing sector (-0.3%). Overseas markets generally fell with the US S&P 500 (-3.8%), European S&P350 (-1.4%) and Chinese S&P 300 (-4.8%) all falling although the Japanese S&P 500 gained slightly (0.9%).

The overall return for the last 12 months has exceeded the AusBond Bank Bill index by 1.09% pa (1.67% vs 0.58% pa).

*Table 3. Portfolio return.*

Month	Portfolio Return %	Ausbond BB Index %	Variance %
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
Feb-20	-0.83	0.95	-1.78
March-20	-5.97	1.18	-7.15
April-20	4.29	0.58	3.71
May-20	3.61	0.10	3.51
June-20	2.03	0.09	1.94
July-20	3.08	0.11	2.97
Aug-20	2.50	0.11	2.39
Sep-20	0.78	0.09	0.69
<b>Average % return Over the last 12 months</b>	<b>1.67</b>	<b>0.58</b>	<b>1.09</b>

Council has a well-diversified portfolio invested among a range of term deposits and floating rate notes from highly rated Australian ADIs. 91% 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. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short- and long-term holdings.

#### **Investments in ethically, socially and environmentally beneficial alternatives**

As at the end of September 2020, 70.4% of Council's portfolio, including the capital money holding for the day-to-day operations, was invested in non-fossil-fuel-lending ADIs and socially responsible investments, down from 71.4% the month prior. Fossil-fuel-lending ADIs accounted for 21.2% of the portfolio. The remaining 8.4% is invested with TCorp.

Over the period of 28 months, from June 2018 to September 2020, Council has reduced its investment in fossil fuel lending ADIs from 59% to 21.20 % as displayed in Figure 1 below.

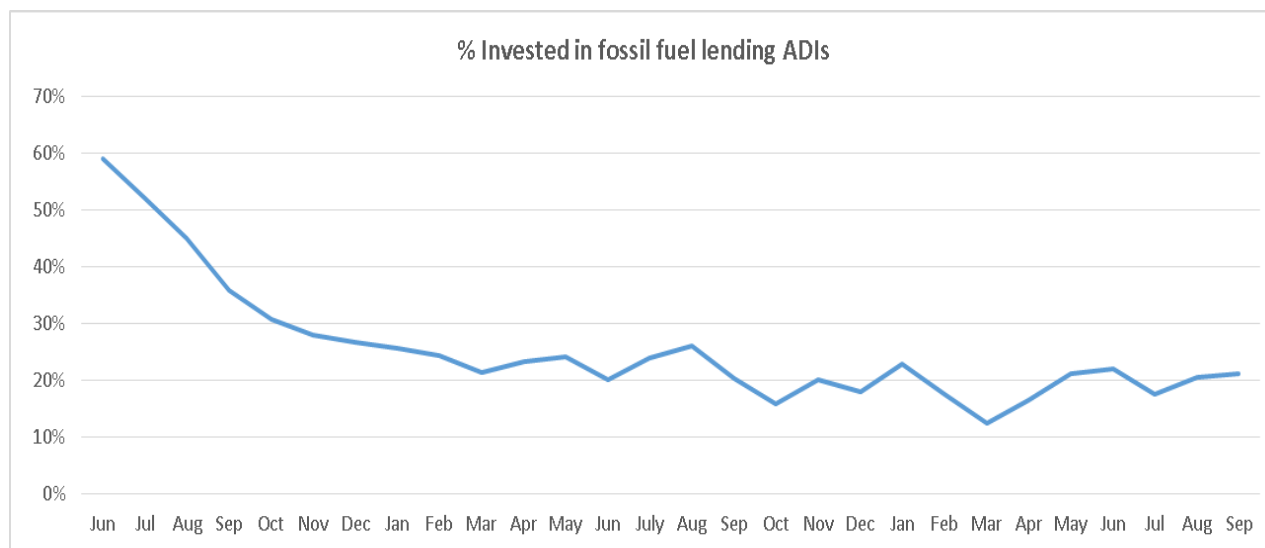


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 80.15% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 10.28% of the portfolio. The remaining 9.57% is invested with TCorp as displayed in Figure 2 below.

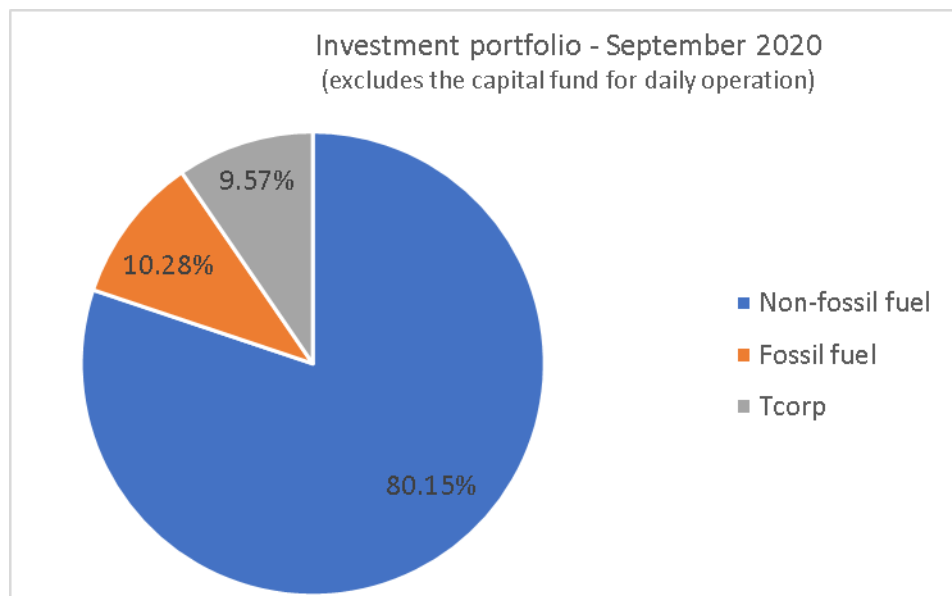


Figure 2. Investment portfolio – September 2020.

During September, Council's investment portfolio had \$18.5m in a range of 3 to 12-month term deposits mature with a weighted average rate of approximately 1.44%pa. Council invested \$13m in a selection of 3 and 11 month TDs with non-fossil fuel aligned bank and 'green' deposits with CBA at an average weighted rate of 0.73%.

The following table compares rates on offer during the September month between the non-fossil/green investment and the fossil fuel ADI.

*Table 4. Non-fossil fuel v fossil fuel ADI deposit rates.*

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
2-Sep-20	10,000,000	12	0.73%	0.75%
29-Sep-20	3,000,000	3	0.65%	0.60%

## 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 \$553,029 YTD at 30 September 2020, representing 23.56% of the current budgeted interest of \$2,347,560.

## 7. Attachments

1. Investment Summary Report - September 2020 [↓](#)

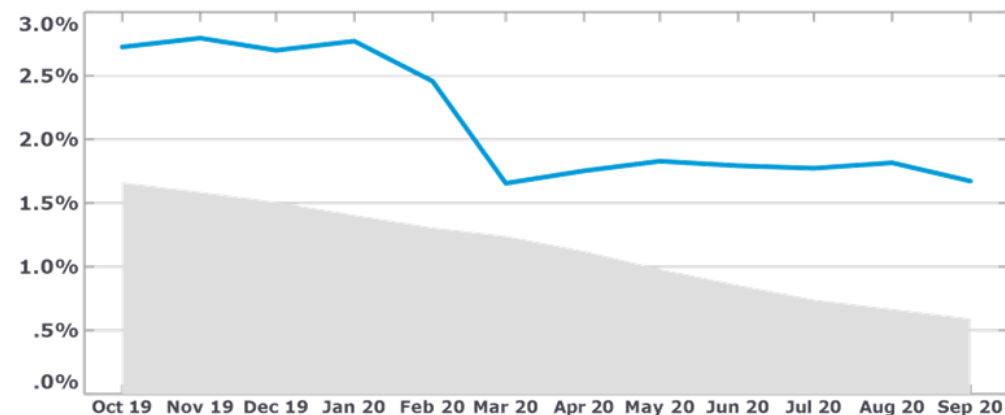




## **Investment Summary Report September 2020**

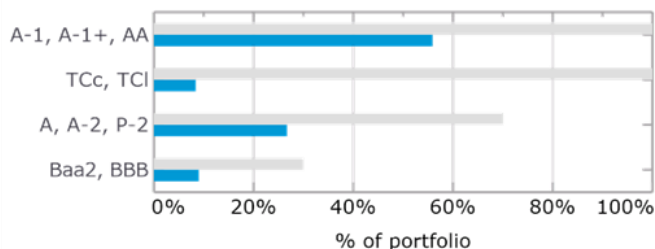
**Waverley Council****Executive Summary - September 2020****Investment Holdings**

	Face Value (\$)	Current Value (\$)
Bonds	3,000,000.00	3,051,756.15
Cash	20,959,873.85	20,959,873.85
Floating Rate Note	24,800,000.00	24,958,190.29
Floating Rate Term Deposits	8,500,000.00	8,508,262.99
Managed Funds	14,417,852.45	14,417,852.45
Term Deposit	100,000,000.00	100,640,373.01
	<b>171,677,726.30</b>	<b>172,536,308.74</b>

**Investment Performance**

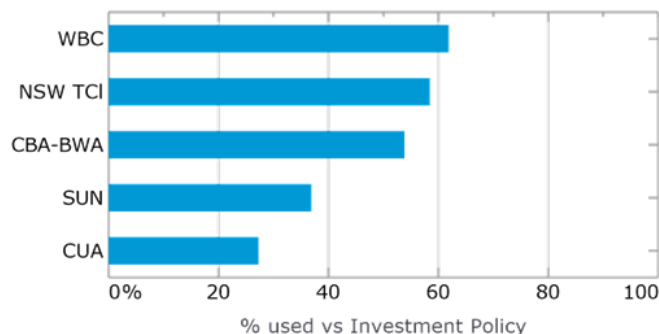
Portfolio Rolling 12 month return

AusBond BB Index Rolling 12 month Return

**Investment Policy Compliance****Total Credit Exposure**

Portfolio Exposure

Investment Policy Limit

**Highest Individual Exposures****Term to Maturities**

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	148,227,726	86% 100%
Between 1 and 3 Years	19,950,000	12% 50%
Between 3 and 10 Years	3,500,000	2% 30%
	<b>171,677,726</b>	

**Waverley Council**

## Investment Holdings Report - September 2020

**Cash Accounts**

Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
14,307,407.48	0.5500%	Commonwealth Bank of Australia	A-1+	14,307,407.48	120789	24hr Call
4,360,491.14	0.0000%	Commonwealth Bank of Australia	A-1+	4,360,491.14	120794	General Funds
29,920.51	0.0000%	Commonwealth Bank of Australia	A-1+	29,920.51	120795	Trust Funds
687,582.23	0.0000%	Commonwealth Bank of Australia	A-1+	687,582.23	120796	Cemetery Funds
521,827.74	0.0000%	Commonwealth Bank of Australia	A-1+	521,827.74	120797	Depositor Funds
203,348.76	0.0000%	Commonwealth Bank of Australia	A-1+	203,348.76	120799	Library CP
482,402.40	0.0000%	Commonwealth Bank of Australia	A-1+	482,402.40	120800	Eastgate CP
329,319.24	0.0000%	Commonwealth Bank of Australia	A-1+	329,319.24	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+	37,574.35	370151	Library Gift
<b>20,959,873.85</b>	<b>0.3754%</b>			<b>20,959,873.85</b>		

**Managed Funds**

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,179,715.66	0.0588%	NSW T-Corp (Cash)	TCC	Short Term Income Fund	2,179,715.66	411310	Builder Deposits
2,207,992.17	0.0351%	NSW T-Corp (Cash)	TCC	Cash Fund	2,207,992.17	505262	
10,030,144.62	-0.5609%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	10,030,144.62	538089	
<b>14,417,852.45</b>					<b>14,417,852.45</b>		

**Term Deposits**

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
27-Oct-20	3,000,000.00	3.0000%	Rural Bank	A-2	3,000,000.00	22-Oct-18	3,085,068.49	537252	85,068.49	Annually	
3-Nov-20	2,000,000.00	1.5500%	Auswide Bank	P-2	2,000,000.00	19-May-20	2,011,465.75	539805	11,465.75	At Maturity	
10-Nov-20	4,000,000.00	1.5200%	Westpac Group	A-1+	4,000,000.00	14-Nov-19	4,007,995.62	538671	7,995.62	Quarterly	Green
17-Nov-20	3,000,000.00	1.6300%	Credit Union Australia	A-2	3,000,000.00	19-Nov-19	3,042,469.32	538736	42,469.32	At Maturity	
24-Nov-20	2,000,000.00	1.6300%	Credit Union Australia	A-2	2,000,000.00	26-Nov-19	2,027,687.67	538819	27,687.67	At Maturity	
1-Dec-20	3,000,000.00	1.6000%	Suncorp Bank	A-1	3,000,000.00	25-Mar-20	3,024,986.30	539595	24,986.30	At Maturity	

**Waverley Council****Investment Holdings Report - September 2020****Term Deposits**

<b>Maturity Date</b>	<b>Face Value (\$)</b>	<b>Rate (%pa)</b>	<b>Institution</b>	<b>Credit Rating</b>	<b>Purchase Price (\$)</b>	<b>Purchase Date</b>	<b>Current Value (\$)</b>	<b>Deal No.</b>	<b>Accrued Interest (\$)</b>	<b>Coupon Frequency</b>	<b>Reference</b>
8-Dec-20	1,000,000.00	1.3000%	Auswide Bank	P-2	1,000,000.00	26-May-20	1,004,558.90	539835	4,558.90	At Maturity	
15-Dec-20	2,000,000.00	2.9500%	Credit Union Australia	A-2	2,000,000.00	18-Dec-18	2,046,553.42	537426	46,553.42	Annually	
5-Jan-21	1,500,000.00	0.6500%	Rural Bank	A-2	1,500,000.00	29-Sep-20	1,500,053.42	540340	53.42	At Maturity	
12-Jan-21	2,000,000.00	1.2500%	Auswide Bank	P-2	2,000,000.00	2-Jun-20	2,008,287.67	539868	8,287.67	Annually	
19-Jan-21	1,500,000.00	0.6500%	Rural Bank	A-2	1,500,000.00	29-Sep-20	1,500,053.42	540341	53.42	At Maturity	
25-Jan-21	3,000,000.00	1.6500%	Auswide Bank	P-2	3,000,000.00	13-Feb-20	3,031,327.40	539456	31,327.40	At Maturity	
2-Feb-21	3,000,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	3,000,000.00	31-Jul-20	3,003,720.00	540073	3,720.00	At Maturity	Green
9-Feb-21	2,500,000.00	2.9500%	Newcastle Permanent Building Society	A-2	2,500,000.00	11-Feb-19	2,547,078.77	537536	47,078.77	Annually	
23-Feb-21	2,000,000.00	2.9000%	Credit Union Australia	A-2	2,000,000.00	26-Feb-19	2,034,641.10	537565	34,641.10	Annually	
9-Mar-21	3,000,000.00	1.5500%	MyState Bank	P-2	3,000,000.00	13-Mar-20	3,025,734.25	539571	25,734.25	At Maturity	
16-Mar-21	3,000,000.00	1.7200%	Suncorp Bank	A-1	3,000,000.00	17-Mar-20	3,027,991.23	539581	27,991.23	At Maturity	
23-Mar-21	6,000,000.00	1.6000%	Suncorp Bank	A-1	6,000,000.00	19-Mar-20	6,051,550.68	539589	51,550.68	At Maturity	
8-Jun-21	6,000,000.00	3.1500%	Westpac Group	A-1+	6,000,000.00	6-Jun-18	6,012,427.40	536715	12,427.40	Quarterly	
22-Jun-21	3,000,000.00	0.8700%	Westpac Group	A-1+	3,000,000.00	24-Jun-20	3,000,500.55	539953	500.55	Quarterly	Green
13-Jul-21	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	19-Aug-20	3,002,650.68	540129	2,650.68	Quarterly	Green
20-Jul-21	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	18-Aug-20	3,002,712.33	540126	2,712.33	Quarterly	Green
27-Jul-21	5,000,000.00	0.7900%	Westpac Group	A-1+	5,000,000.00	28-Jul-20	5,007,034.25	540066	7,034.25	Quarterly	Green
3-Aug-21	2,000,000.00	1.9000%	Bank of Queensland	A-2	2,000,000.00	6-Aug-19	2,005,830.14	538366	5,830.14	Annually	
10-Aug-21	3,000,000.00	0.7800%	Westpac Group	A-1+	3,000,000.00	6-Aug-20	3,003,590.14	540105	3,590.14	Quarterly	Green
18-Aug-21	5,000,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	5,000,000.00	2-Sep-20	5,002,900.00	540183	2,900.00	At Maturity	Green
24-Aug-21	4,000,000.00	0.7300%	Westpac Group	A-1+	4,000,000.00	31-Aug-20	4,002,480.00	540170	2,480.00	Quarterly	Green
24-Aug-21	2,500,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	2,500,000.00	2-Sep-20	2,501,450.00	540184	1,450.00	At Maturity	Green
31-Aug-21	2,000,000.00	0.7300%	Westpac Group	A-1+	2,000,000.00	31-Aug-20	2,001,240.00	540171	1,240.00	Quarterly	Green
31-Aug-21	2,500,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	2,500,000.00	2-Sep-20	2,501,450.00	540185	1,450.00	At Maturity	Green
7-Sep-21	4,000,000.00	0.7300%	Westpac Group	A-1+	4,000,000.00	31-Aug-20	4,002,480.00	540172	2,480.00	Quarterly	Green

**Waverley Council**

## Investment Holdings Report - September 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
21-Sep-21	2,500,000.00	2.8000%	Newcastle Permanent Building Society	A-2	2,500,000.00	25-Mar-19	2,536,438.36	537651	36,438.36	Annually	
8-Feb-22	3,000,000.00	3.0500%	Newcastle Permanent Building Society	BBB	3,000,000.00	19-Feb-19	3,056,404.11	537553	56,404.11	Annually	
8-Mar-22	2,000,000.00	1.7000%	Auswide Bank	Baa2	2,000,000.00	5-Mar-20	2,019,561.64	539531	19,561.64	Annually	
<b>100,000,000.00</b>		<b>1.5275%</b>			<b>100,000,000.00</b>		<b>100,640,373.01</b>		<b>640,373.01</b>		

**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	1.1711%	Commonwealth Bank of Australia ¾yr@4% then BBSW+1.08%	A-1+	3,000,000.00	10-Jun-16	3,002,021.35	535380	2,021.35	10-Dec-20	
16-Nov-21	3,000,000.00	.9100%	Westpac Group 3moBBSW+0.82%	AA-	3,000,000.00	28-Nov-18	3,002,543.01	537360	2,543.01	30-Nov-20	Green
16-May-22	2,500,000.00	1.2000%	Westpac Group 3moBBSW+1.10%	AA-	2,500,000.00	16-May-17	2,503,698.63	535241	3,698.63	16-Nov-20	
<b>8,500,000.00</b>		<b>1.0874%</b>			<b>8,500,000.00</b>		<b>8,508,262.99</b>		<b>8,262.99</b>		

**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
9-Nov-20	2,250,000.00	1.3521%	ME Bank Snr FRN (Nov20) BBSW+1.25%	A-2	2,250,000.00	9-Nov-17	2,256,240.87	535919	4,334.13	9-Nov-20	
12-Apr-21	1,500,000.00	1.4856%	SUN Snr FRN (Apr21) BBSW+1.38%	A-1	1,500,000.00	12-Apr-16	1,513,779.16	533415	4,884.16	12-Oct-20	
16-Apr-21	2,500,000.00	1.3700%	ME Bank Snr FRN (Apr21) BBSW+1.27%	A-2	2,500,000.00	17-Apr-18	2,516,875.34	536513	7,225.34	16-Oct-20	
18-May-21	2,000,000.00	1.5813%	BoQ Snr FRN (May21) BBSW+1.48%	A-2	2,000,000.00	18-May-16	2,018,432.45	533605	3,812.45	18-Nov-20	
2-Jul-21	2,100,000.00	1.4700%	TMB Snr FRN (Jul21) BBSW+1.37%	A-2	2,100,000.00	2-Jul-18	2,122,795.36	536787	7,696.36	2-Oct-20	
30-Aug-21	1,500,000.00	1.3900%	BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	A-2	1,500,000.00	30-Aug-18	1,509,780.82	536983	1,770.82	30-Nov-20	
28-Oct-22	2,400,000.00	1.0000%	TMB Snr FRN (Oct22) BBSW+0.90%	BBB	2,400,000.00	28-Oct-19	2,405,761.97	538616	4,273.97	28-Oct-20	
2-Dec-22	3,000,000.00	0.9900%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	BBB	3,000,000.00	2-Dec-19	2,990,179.73	538825	2,359.73	2-Dec-20	



**Waverley Council**

## Investment Holdings Report - September 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
25-Jan-23	1,250,000.00	1.1521%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,268,129.06	536145	2,604.06	26-Oct-20
6-Feb-23	1,100,000.00	1.5000%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,118,635.51	536174	2,531.51	6-Nov-20
21-Feb-23	1,700,000.00	0.9985%	CUA Snr FRN (Feb23) BBSW+0.90%	BBB	1,700,000.00	21-Feb-20	1,709,989.95	539454	1,906.72	23-Nov-20
30-Jul-24	2,500,000.00	0.8800%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,518,922.26	538331	3,797.26	30-Oct-20
24-Oct-24	1,000,000.00	1.2208%	CUA Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,008,667.81	538604	2,307.81	26-Oct-20
<b>24,800,000.00</b>		<b>1.2342%</b>			<b>24,800,000.00</b>		<b>24,958,190.29</b>		<b>49,504.32</b>	

**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	3,051,756.15	536638	47,049.18	3.0000%	
<b>3,000,000.00</b>					<b>3,042,780.00</b>		<b>3,051,756.15</b>		<b>47,049.18</b>	<b>3.0000%</b>	

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

<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
<b><u>Bonds</u></b>									
SUN Snr Bond (Oct20) 3.50%	536638		3,000,000.00	18-May-18	20-Oct-20		30	8,606.56	3.49%
<b>Bonds Total</b>								<b>8,606.56</b>	<b>3.49%</b>
<b><u>Floating Rate Note</u></b>									
ME Bank Snr FRN (Nov20) BBSW+1.25%	535919		2,250,000.00	09-Nov-17	09-Nov-20		30	2,500.46	1.35%
SUN Snr FRN (Apr21) BBSW+1.38%	533415		1,500,000.00	12-Apr-16	12-Apr-21		30	1,831.56	1.49%
ME Bank Snr FRN (Apr21) BBSW+1.27%	536513		2,500,000.00	17-Apr-18	16-Apr-21		30	2,815.07	1.37%
BoQ Snr FRN (May21) BBSW+1.48%	533605		2,000,000.00	18-May-16	18-May-21		30	2,599.40	1.58%
TMB Snr FRN (Jul21) BBSW+1.37%	536787		2,100,000.00	02-Jul-18	02-Jul-21		30	2,537.26	1.47%
BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	536983		1,500,000.00	30-Aug-18	30-Aug-21		30	1,713.70	1.39%
TMB Snr FRN (Oct22) BBSW+0.90%	538616		2,400,000.00	28-Oct-19	28-Oct-22		30	1,972.60	1.00%
BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	538825		3,000,000.00	02-Dec-19	02-Dec-22	7,540.47	30	2,441.69	.99%
BEN Snr FRN (Jan23) BBSW+1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23		30	1,183.66	1.15%
NPBS Snr FRN (Feb23) BBSW+1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23		30	1,356.17	1.50%
CUA Snr FRN (Feb23) BBSW+0.90%	539454		1,700,000.00	21-Feb-20	21-Feb-23		30	1,395.16	1.00%
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24		30	1,808.22	.88%
CUA Snr FRN (Oct24) BBSW+1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24		30	1,003.39	1.22%
<b>Floating Rate Note Total</b>						<b>7,540.47</b>		<b>25,158.34</b>	<b>1.23%</b>
<b><u>Floating Rate Term Deposits</u></b>									
Commonwealth Bank of Australia	535380		3,000,000.00	10-Jun-16	10-Jun-21	8,922.74	30	2,894.23	1.17%
Westpac Group	535380	Green	3,000,000.00	10-Jun-16	10-Jun-21		30	2,243.83	.91%
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22		30	2,465.75	1.20%
<b>Floating Rate Term Deposits Total</b>						<b>8,922.74</b>		<b>7,603.81</b>	<b>1.09%</b>

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

<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
<b>Managed Funds</b>									
Short Term Income Fund	411310	Builder Deposits	2,179,715.66	01-Dec-15			30	1,280.08	.72%
Cash Fund	505262		2,207,992.17	30-Jul-15			30	774.45	.43%
<b>Managed Funds Total</b>								<b>2,054.53</b>	<b>.57%</b>
<b>Term Deposits</b>									
Westpac Group	538521	Green	3,000,000.00	11-Sep-19	08-Sep-20	12,216.16	7	960.82	1.67%
ME Bank	539480		1,500,000.00	21-Feb-20	15-Sep-20	13,610.96	14	920.55	1.60%
Rural Bank	539946		3,000,000.00	23-Jun-20	15-Sep-20	5,868.49	14	978.08	.85%
Westpac Group	538526	Green	5,000,000.00	12-Sep-19	22-Sep-20	23,473.98	21	4,832.88	1.68%
Rural Bank	539947		3,000,000.00	23-Jun-20	29-Sep-20	6,846.58	28	1,956.17	.85%
ME Bank	538533		3,000,000.00	17-Sep-19	30-Sep-20	59,186.30	29	4,528.77	1.90%
Rural Bank	537252		3,000,000.00	22-Oct-18	27-Oct-20		30	7,397.26	3.00%
Auswide Bank	539805		2,000,000.00	19-May-20	03-Nov-20		30	2,547.94	1.55%
Westpac Group	538671	Green	4,000,000.00	14-Nov-19	10-Nov-20		30	4,997.26	1.52%
Credit Union Australia	538736		3,000,000.00	19-Nov-19	17-Nov-20		30	4,019.18	1.63%
Credit Union Australia	538819		2,000,000.00	26-Nov-19	24-Nov-20		30	2,679.45	1.63%
Suncorp Bank	539595		3,000,000.00	25-Mar-20	01-Dec-20		30	3,945.20	1.60%
Auswide Bank	539835		1,000,000.00	26-May-20	08-Dec-20		30	1,068.49	1.30%
Credit Union Australia	537426		2,000,000.00	18-Dec-18	15-Dec-20		30	4,849.31	2.95%
Rural Bank	540340		1,500,000.00	29-Sep-20	05-Jan-21		2	53.42	.65%
Auswide Bank	539868		2,000,000.00	02-Jun-20	12-Jan-21		30	2,054.79	1.25%
Rural Bank	540341		1,500,000.00	29-Sep-20	19-Jan-21		2	53.42	.65%
Auswide Bank	539456		3,000,000.00	13-Feb-20	25-Jan-21		30	4,068.50	1.65%



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

<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
Commonwealth Bank of Australia	540073	Green	3,000,000.00	31-Jul-20	02-Feb-21		30	1,800.00	.73%
Newcastle Permanent Building Society	537536		2,500,000.00	11-Feb-19	09-Feb-21		30	6,061.65	2.95%
Credit Union Australia	537565		2,000,000.00	26-Feb-19	23-Feb-21		30	4,767.13	2.90%
MyState Bank	539571		3,000,000.00	13-Mar-20	09-Mar-21		30	3,821.92	1.55%
Suncorp Bank	539581		3,000,000.00	17-Mar-20	16-Mar-21		30	4,241.09	1.72%
Suncorp Bank	539589		6,000,000.00	19-Mar-20	23-Mar-21		30	7,890.41	1.60%
Westpac Group	536715		6,000,000.00	06-Jun-18	08-Jun-21	46,602.74	30	15,534.25	3.15%
Westpac Group	539953	Green	3,000,000.00	24-Jun-20	22-Jun-21	6,578.63	30	2,145.21	.87%
Westpac Group	540129	Green	3,000,000.00	19-Aug-20	13-Jul-21		30	1,849.31	.75%
Westpac Group	540126	Green	3,000,000.00	18-Aug-20	20-Jul-21		30	1,849.32	.75%
Westpac Group	540066	Green	5,000,000.00	28-Jul-20	27-Jul-21		30	3,246.58	.79%
Bank of Queensland	538366		2,000,000.00	06-Aug-19	03-Aug-21		30	3,123.29	1.90%
Westpac Group	540105	Green	3,000,000.00	06-Aug-20	10-Aug-21		30	1,923.29	.78%
Commonwealth Bank of Australia	540183	Green	5,000,000.00	02-Sep-20	18-Aug-21		29	2,900.00	.73%
Westpac Group	540170	Green	4,000,000.00	31-Aug-20	24-Aug-21		30	2,400.00	.73%
Commonwealth Bank of Australia	540184	Green	2,500,000.00	02-Sep-20	24-Aug-21		29	1,450.00	.73%
Westpac Group	540171	Green	2,000,000.00	31-Aug-20	31-Aug-21		30	1,200.00	.73%
Commonwealth Bank of Australia	540185	Green	2,500,000.00	02-Sep-20	31-Aug-21		29	1,450.00	.73%
Westpac Group	540172	Green	4,000,000.00	31-Aug-20	07-Sep-21		30	2,400.00	.73%
Newcastle Permanent Building Society	537651		2,500,000.00	25-Mar-19	21-Sep-21		30	5,753.43	2.80%
Newcastle Permanent Building Society	537553		3,000,000.00	19-Feb-19	08-Feb-22		30	7,520.55	3.05%
Auswide Bank	539531		2,000,000.00	05-Mar-20	08-Mar-22		30	2,794.52	1.70%
<b>Term Deposits Total</b>						<b>174,383.84</b>		<b>138,033.44</b>	<b>1.54%</b>

**Waverley Council**

## Accrued Interest Report - September 2020



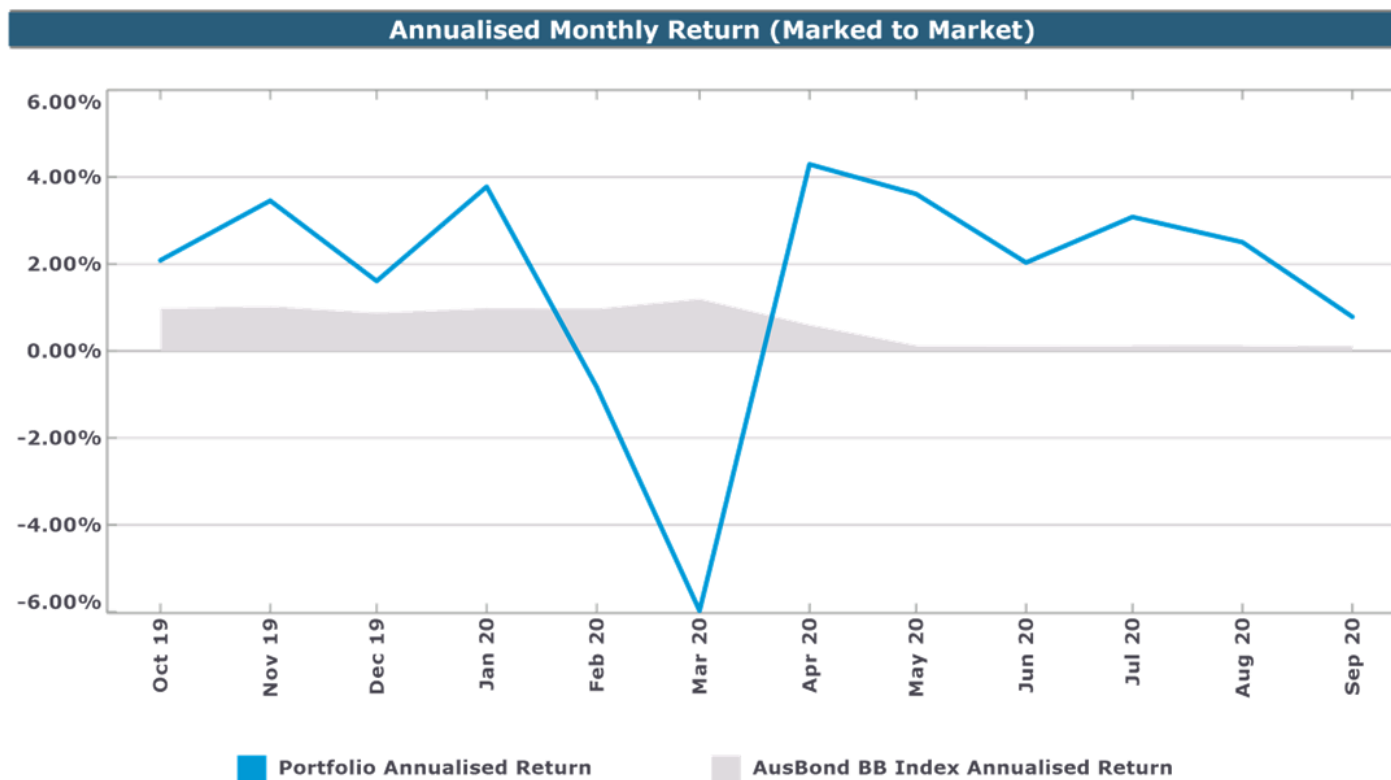
WAVERLEY COUNCIL

**Accrued Interest Report**

Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
						190,847.05		181,456.68	1.48%

**Waverley Council**

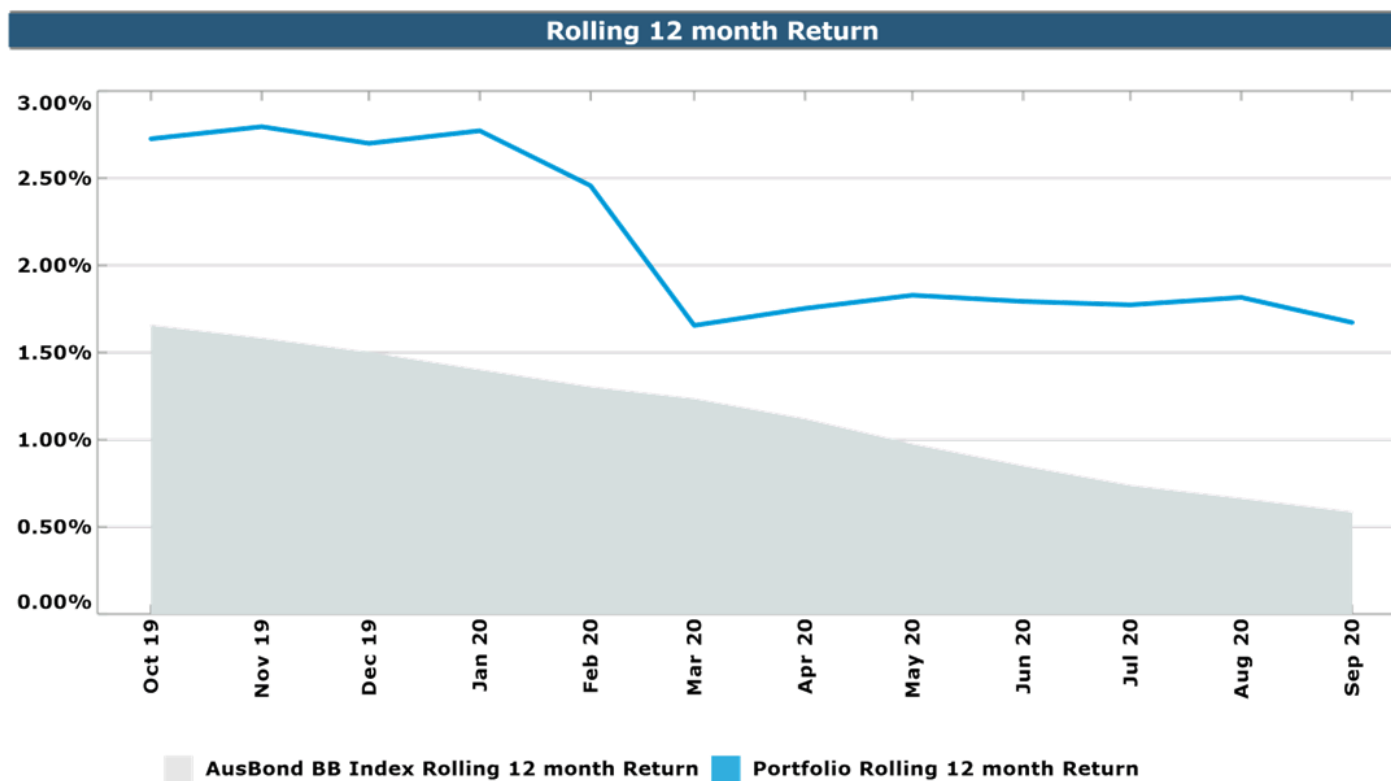
## Investment Performance Report - September

**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Sep 2020	0.78%	0.09%	0.69%
Last 3 Months	2.13%	0.10%	2.03%
Last 6 Months	2.72%	0.18%	2.54%
Financial Year to Date	2.13%	0.10%	2.03%
Last 12 months	1.67%	0.58%	1.09%

**Waverley Council**

## Investment Performance Report - September 2020

**Historical Performance Summary (actual)**

	Portfolio	AusBond BB Index	Outperformance
Sep 2020	0.06%	0.01%	0.05%
Last 3 Months	0.53%	0.03%	0.50%
Last 6 Months	1.35%	0.09%	1.26%
Financial Year to Date	0.53%	0.03%	0.50%
Last 12 months	1.67%	0.58%	1.09%

# Waverley Council

## Environmental Commitments Report - September 2020

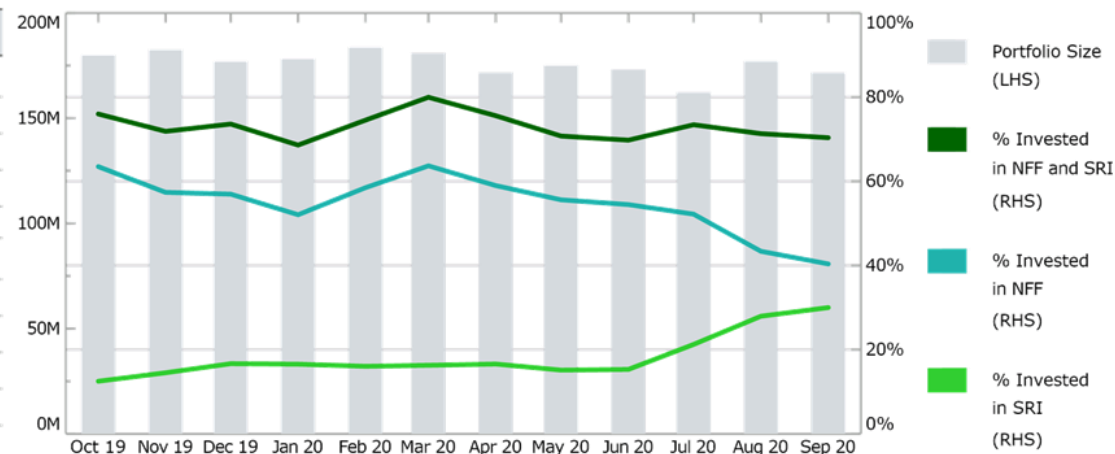


### Current Breakdown

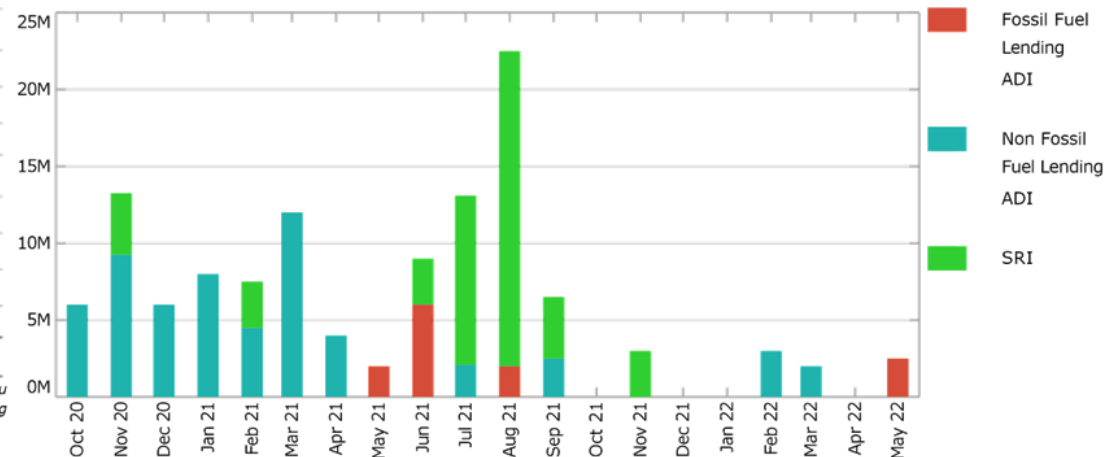
ADI Lending Status *	Current Month (\$)	Previous Month (\$)
<b>Fossil Fuel Lending ADIs</b>		
Bank of Queensland	4,000,000	4,000,000
Commonwealth Bank of Australia	23,959,874	23,827,986
Westpac Group	8,500,000	8,500,000
	<b>36,459,874 21.2%</b>	<b>36,327,986 20.5%</b>
<b>Non Fossil Fuel Lending ADIs</b>		
Auswide Bank	10,000,000	10,000,000
Bendigo and Adelaide Bank	7,250,000	10,250,000
Credit Union Australia	11,700,000	11,700,000
Members Equity Bank	4,750,000	9,250,000
MyState Bank	3,000,000	3,000,000
Newcastle Permanent Building Society	9,100,000	9,100,000
Suncorp Bank	19,000,000	19,000,000
Teachers Mutual Bank	4,500,000	4,500,000
	<b>69,300,000 40.4%</b>	<b>76,800,000 43.4%</b>
<b>Other</b>		
NSW T-Corp (Cash)	4,387,708	4,385,653
NSW T-Corp (LT)	10,030,145	10,086,724
	<b>14,417,852 8.4%</b>	<b>14,472,378 8.2%</b>
<b>Socially Responsible Investments</b>		
Bank Australia (Sustainability)	4,500,000	4,500,000
CBA (Green TD)	13,000,000	3,000,000
Westpac Group (Green TD)	34,000,000	42,000,000
	<b>51,500,000 30.0%</b>	<b>49,500,000 28.0%</b>
	<b>171,677,726</b>	<b>177,100,364</b>

\* 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

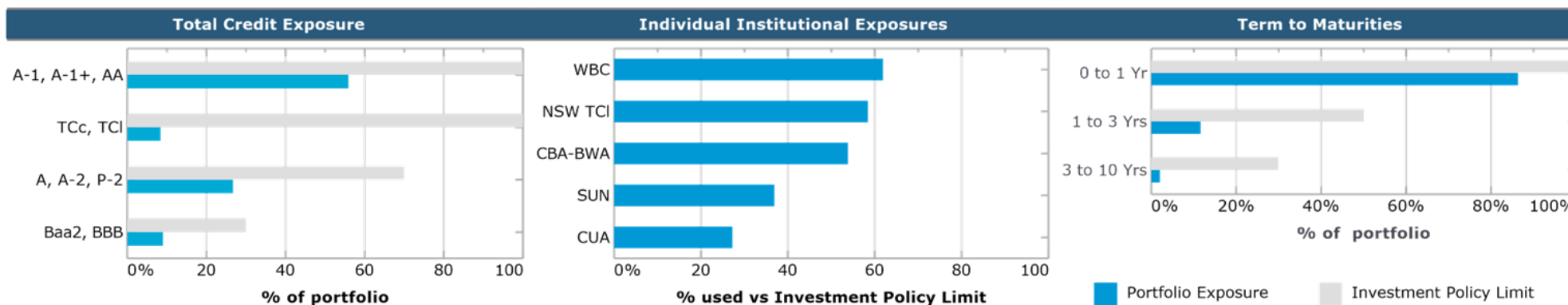


### Upcoming maturities



## Waverley Council

## Investment Policy Report - September 2020



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	16,500,000	
Short Term	A-1+	73,959,874	
Long Term	AA	5,500,000	
		<b>95,959,874</b>	<b>56%</b> <b>100%</b> ✓
Short Term	TCc	4,387,708	
Short Term	TCI	10,030,145	
		<b>14,417,852</b>	<b>8%</b> <b>100%</b> ✓
Short Term	A-2	32,350,000	
Short Term	P-2	11,000,000	
Long Term	A	2,500,000	
		<b>45,850,000</b>	<b>27%</b> <b>70%</b> ✓
Long Term	Baa2	2,000,000	
Long Term	BBB	13,450,000	
		<b>15,450,000</b>	<b>9%</b> <b>30%</b> ✓
		<b>171,677,726</b>	<b>100%</b>

✓ = compliant  
X = non-compliant

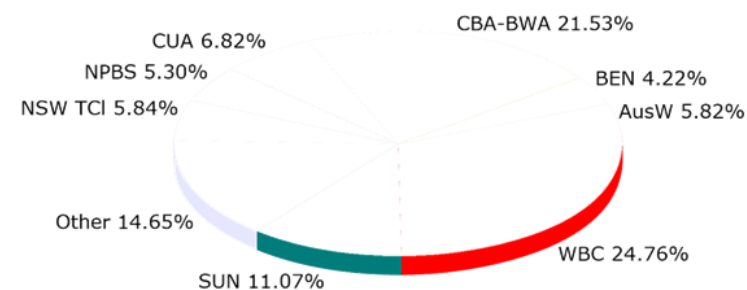
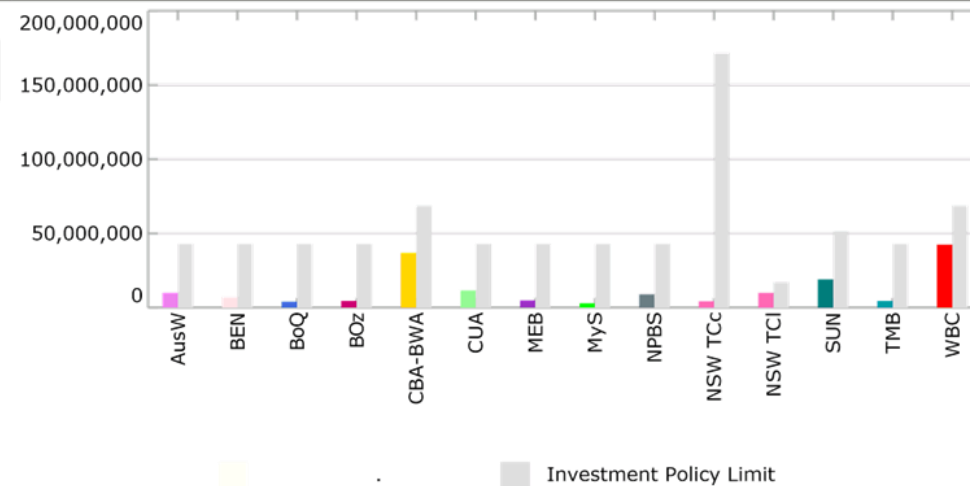
	% used vs Investment Policy Limit
Westpac Group (A-1+, AA-)	62% ✓
NSW T-Corp (LT) (TCI)	58% ✓
Commonwealth Bank of Australia (A-1+, AA-)	54% ✓
Suncorp Bank (A-1, A+)	37% ✓
Credit Union Australia (A-2, BBB)	27% ✓
Auswide Bank (P-2, Baa2)	23% ✓
Newcastle Permanent Building Society (A-2, BBB)	21% ✓
Bendigo and Adelaide Bank (A-2, BBB+)	17% ✓
Members Equity Bank (A-2, BBB)	11% ✓
Teachers Mutual Bank (A-2, BBB)	10% ✓
Bank Australia (A-2, BBB)	10% ✓
Bank of Queensland (A-2, BBB+)	9% ✓
MyState Bank (P-2, Baa2)	7% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	148,227,726	86% 100% ✓
Between 1 and 3 Years	19,950,000	12% 50% ✓
Between 3 and 10 Years	3,500,000	2% 30% ✓
	<b>171,677,726</b>	

Detailed Maturity Profile	Face Value (\$)
00. Cash + Managed Funds	35,377,726 21%
01. Less Than 30 Days	6,000,000 3%
02. Between 30 Days and 60 Days	13,250,000 8%
03. Between 60 Days and 90 Days	6,000,000 3%
04. Between 90 Days and 180 Days	27,500,000 16%
05. Between 180 Days and 365 Days	60,100,000 35%
06. Between 365 Days and 3 Years	19,950,000 12%
07. Between 3 Years and 5 Years	3,500,000 2%
	<b>171,677,726</b>

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

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
Auswide Bank	P-2, Baa2	10,000,000	42,919,432
Bank Australia	A-2, BBB	4,500,000	42,919,432
Bank of Queensland	A-2, BBB+	4,000,000	42,919,432
Bendigo and Adelaide Bank	A-2, BBB+	7,250,000	42,919,432
Commonwealth Bank of Australia	A-1+, AA-	36,959,874	68,671,091
Credit Union Australia	A-2, BBB	11,700,000	42,919,432
Members Equity Bank	A-2, BBB	4,750,000	42,919,432
MyState Bank	P-2, Baa2	3,000,000	42,919,432
Newcastle Permanent Building Society	A-2, BBB	9,100,000	42,919,432
NSW T-Corp (Cash)	TCc	4,387,708	171,677,726
NSW T-Corp (LT)	TCI	10,030,145	17,167,773
Suncorp Bank	A-1, A+	19,000,000	51,503,318
Teachers Mutual Bank	A-2, BBB	4,500,000	42,919,432
Westpac Group	A-1+, AA-	42,500,000	68,671,091
		<b>171,677,726</b>	

**Individual Institutional Exposure Charts**



**Waverley Council**

## Cashflows Report - September 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>
<b>2-Sep-20</b>	538825	Bank Australia	Floating Rate Note	Coupon - Received	7,540.47
				<u>Deal Total</u>	<u>7,540.47</u>
	540183	Commonwealth Bank of Australia	Term Deposits	Settlement Face Value - Paid	-5,000,000.00
				<u>Deal Total</u>	<u>-5,000,000.00</u>
	540184	Commonwealth Bank of Australia	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
	540185	Commonwealth Bank of Australia	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
				<b>Day Total</b>	<b>-9,992,459.53</b>
<b>7-Sep-20</b>	536715	Westpac Group	Term Deposits	Interest - Received	46,602.74
				<u>Deal Total</u>	<u>46,602.74</u>
				<b>Day Total</b>	<b>46,602.74</b>
<b>8-Sep-20</b>	538521	Westpac Group	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Westpac Group	Term Deposits	Interest - Received	12,216.16
				<u>Deal Total</u>	<u>3,012,216.16</u>
				<b>Day Total</b>	<b>3,012,216.16</b>
<b>10-Sep-20</b>	535380	Commonwealth Bank of Australia	Floating Rate Term Deposits	Interest - Received	8,922.74
				<u>Deal Total</u>	<u>8,922.74</u>
				<b>Day Total</b>	<b>8,922.74</b>
<b>14-Sep-20</b>	538526	Westpac Group	Term Deposits	Interest - Received	21,632.88
				<u>Deal Total</u>	<u>21,632.88</u>
				<b>Day Total</b>	<b>21,632.88</b>
<b>15-Sep-20</b>	539480	ME Bank	Term Deposits	Maturity Face Value - Received	1,500,000.00
		ME Bank	Term Deposits	Interest - Received	13,610.96
				<u>Deal Total</u>	<u>1,513,610.96</u>



**Waverley Council****Cashflows Report - September 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>
	539946	Rural Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Rural Bank	Term Deposits	Interest - Received	5,868.49
				<u>Deal Total</u>	<u>3,005,868.49</u>
				<b>Day Total</b>	<b>4,519,479.45</b>
<b>22-Sep-20</b>	538526	Westpac Group	Term Deposits	Maturity Face Value - Received	5,000,000.00
		Westpac Group	Term Deposits	Interest - Received	1,841.10
				<u>Deal Total</u>	<u>5,001,841.10</u>
				<b>Day Total</b>	<b>5,001,841.10</b>
<b>24-Sep-20</b>	539953	Westpac Group	Term Deposits	Interest - Received	6,578.63
				<u>Deal Total</u>	<u>6,578.63</u>
				<b>Day Total</b>	<b>6,578.63</b>
<b>29-Sep-20</b>	539947	Rural Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Rural Bank	Term Deposits	Interest - Received	6,846.58
				<u>Deal Total</u>	<u>3,006,846.58</u>
	540340	Rural Bank	Term Deposits	Settlement Face Value - Paid	-1,500,000.00
				<u>Deal Total</u>	<u>-1,500,000.00</u>
	540341	Rural Bank	Term Deposits	Settlement Face Value - Paid	-1,500,000.00
				<u>Deal Total</u>	<u>-1,500,000.00</u>
				<b>Day Total</b>	<b>6,846.58</b>
<b>30-Sep-20</b>	538533	ME Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		ME Bank	Term Deposits	Interest - Received	59,186.30
				<u>Deal Total</u>	<u>3,059,186.30</u>
				<b>Day Total</b>	<b>3,059,186.30</b>
				<b>Net Cash Movement for Period</b>	<b>5,690,847.05</b>

**Waverley Council**

## Cashflows Report - September 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>
<b>2-Oct-20</b>	536787	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	7,780.93
				<u>Deal Total</u>	<u>7,780.93</u>
				<b>Day Total</b>	<b>7,780.93</b>
<b>12-Oct-20</b>	533415	Suncorp Bank	Floating Rate Note	Coupon - Received	5,555.74
				<u>Deal Total</u>	<u>5,555.74</u>
				<b>Day Total</b>	<b>5,555.74</b>
<b>16-Oct-20</b>	536513	ME Bank	Floating Rate Note	Coupon - Received	8,632.88
				<u>Deal Total</u>	<u>8,632.88</u>
				<b>Day Total</b>	<b>8,632.88</b>
<b>20-Oct-20</b>	536638	Suncorp Bank	Bonds	Coupon - Received	52,500.00
		Suncorp Bank	Bonds	Maturity Face Value - Received	3,000,000.00
				<u>Deal Total</u>	<u>3,052,500.00</u>
				<b>Day Total</b>	<b>3,052,500.00</b>
<b>22-Oct-20</b>	537252	Rural Bank	Term Deposit	Interest - Received	90,246.58
				<u>Deal Total</u>	<u>90,246.58</u>
				<b>Day Total</b>	<b>90,246.58</b>
<b>26-Oct-20</b>	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	3,590.45
				<u>Deal Total</u>	<u>3,590.45</u>
	538604	Credit Union Australia	Floating Rate Note	Coupon - Received	3,143.98
				<u>Deal Total</u>	<u>3,143.98</u>
				<b>Day Total</b>	<b>6,734.43</b>
<b>27-Oct-20</b>	537252	Rural Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Rural Bank	Term Deposit	Interest - Received	1,232.88
				<u>Deal Total</u>	<u>3,001,232.88</u>
				<b>Day Total</b>	<b>3,001,232.88</b>
<b>28-Oct-20</b>	538616	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	6,049.32
				<u>Deal Total</u>	<u>6,049.32</u>
	540066	Westpac Group	Term Deposit	Interest - Received	9,956.16
				<u>Deal Total</u>	<u>9,956.16</u>
				<b>Day Total</b>	<b>16,005.48</b>
<b>30-Oct-20</b>	538331	Suncorp Bank	Floating Rate Note	Coupon - Received	5,545.21
				<u>Deal Total</u>	<u>5,545.21</u>
				<b>Day Total</b>	<b>5,545.21</b>
<b>Net Cash Movement for Period</b>					<b>6,194,234.11</b>

**REPORT  
CM/7.5/20.10**

**Subject:** Draft Community Engagement Policy and Strategy and  
Community Participation Plan - Exhibition

**TRIM No:** A20/0140

**Author:** Julie Peters, Manager, Communications and Engagement  
Libby Mackenzie, Community Engagement Co-ordinator

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

---

**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Community Engagement Policy and Community Engagement Strategy attached to the report for a minimum of 42 days.
2. Notes the amendments to the Community Participation Plan set out in the report.
3. Publicly exhibits the draft Community Participation Plan attached to the report for a minimum of 42 days alongside the Community Engagement Policy and Community Engagement Strategy.

**1. Executive Summary**

The purpose of this report is to seek Council's approval to place the draft Community Engagement Policy (CEP) and Strategy (CES) on community consultation for feedback.

As part of the development of these documents, the Community Participation Plan (CPP) has had minor amendments to ensure Council's engagement documents are aligned. As such, this report also seeks endorsement to exhibit the amended CPP with the CEP and CES.

**2. Introduction/Background**

Council has a long history of engaging with the community in decision-making processes. Council acknowledges the importance of local government in building strong and trusting relationships with the community by operating in a transparent and accountable way.

For the purposes of these engagement documents, community engagement is defined as a planned process with the specific aim of working with the community to shape the decisions or actions of Council in relation to a problem, opportunity or outcome.

Council has a responsibility to work with our community to determine services and service levels, infrastructure, programs and improvements. By working together, we can help ensure we have agreed Council priorities that balance competing interests within Council's budgetary and other constraints.

These documents were developed in accordance with Council's Integrated Planning and Reporting framework.



Figure 1. Integrated Planning and Reporting framework.



Figure 2. Hierarchy of Council's community engagement documents.

The CEP sits underneath the Waverley Community Strategic Plan and sets the guiding framework for Council to deliver on Goal 10.1 of the *Waverley Community Strategic Plan 2018–2019*, to 'engage the local community in shaping the future of Waverley.' It provides clarity on what Council defines as engagement, outlines how we will conduct engagement, and our related roles and responsibilities.

The CES and CPP sit underneath the Policy. The CES provides more in-depth information about when and how the community will be informed and can be involved in projects. The CPP has a similar purpose, specific to local planning matters.


Under these strategic documents sits the Community Engagement Guidelines, an internal document which functions as a worksheet to assist staff in developing appropriate communications and engagement plans for projects.

Council's work is informed by the International Association of Public Participation (IAP2) Public Participation Spectrum when determining appropriate community engagement that is aligned with best practice, as outlined below.

## IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Figure 3. IAP2's public participation spectrum.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee 7 November 2017	OC/5.1/17.11	<p>That:</p> <ol style="list-style-type: none"> <li>Council adopts the Waverley Council Community Engagement Strategy attached to this report (Attachment 1).</li> <li>Council adopts the Waverley Community Plan: Community Engagement Strategy for implementation attached to this report (Attachment 2).</li> <li>Council names the plan the Waverley Community Strategic Plan.</li> <li>Council adopts the draft themes for community consultation, as set out in this report, subject to:</li> </ol>

		<p>(a) Consideration being given to renaming the themes 'Community Assets' and 'Transport Modes and Parking'.</p> <p>(b) The addition of the theme 'Knowledge and Innovation'.</p> <p>5. Council appoints four councillors, comprising the Mayor, Cr Masselos, Cr Wy Kanak and Cr Betts, to form a Waverley Community Strategic Plan Councillor Reference Group to advise Council during the implementation phase of community engagement for the Waverley Community Strategic Plan, in accordance with Attachment 3 to this report.</p> <p>6. The Reference Group considers engagement activities with hard-to-reach groups, children and youth</p>
Finance, Ethics and Strategic Planning Committee 4 October 2005	F-0510.8	<p>That:</p> <p>1. Council adopt the revised Consultation Policy, the Short Guide to Consultation and the Consultation Template.</p> <p>2. Where appropriate, insert reference to consultation with the Bondi and Districts Chamber of Commerce.</p>

#### 4. Discussion

##### Previous versions

The previously adopted Consultation Policy (2005) and Waverley Council Community Engagement Strategy (2017) as outlined above, will be superseded by the CEP and CES.

##### Consultation to date

The preparation of the draft CEP and CES involved several engagement techniques, as well as reviewing relevant community feedback received for several projects, such as the Waverley Community Strategic Plan. This is summarised below:

##### ***Waverley Community Strategic Plan 2018-2029***

Over 2017 and 2018, extensive community consultation was undertaken to inform the review of the Community Strategic Plan 2018—2029. One of the outcomes of this consultations was that the community told us they want more opportunities to engage with Council and to be able to access the information they need to contribute meaningfully. As a result, the Strategic Plan details several commitments across 11 thematic areas that the community identified Council should focus on, including: *Corporate leadership and engagement*: By 2029 Waverley will be an engaged community, confident of the integrity of Council decision making. *Goal 10.1*: Engage the local community in shaping the future of Waverley.

Council has also committed to improving community satisfaction with opportunities to participate in Council decision making from 73% (2018) to 80%, and satisfaction with Council decision making from 77% (2018) to 80% by 2029.

### ***Talk to Us campaign and Phase 1 community consultation***

In 2019, the first phase of community consultation was undertaken. This was promoted to the community in a campaign called 'Talk to Us' where we encouraged people to register to the Have Your Say Waverley website to receive the engagement e-news, and to fill in an online survey. Precinct workshop and intercept surveys were conducted as well as a community summit and youth workshops.

Feedback received on the Statement of Commitment was highly positive, with 81% of respondents indicating that it met their expectations of Council.

In June 2020, Council officers ran a dedicated two-week staff engagement period with staff who undertake engagement as part of their roles. The feedback received during this period has also been incorporated into the draft CEP and CES.

On 25 August 2020, a Councillor workshop was undertaken. Feedback from that workshop was also incorporated into the draft CEP and CES.

### **Key aspects of the documents**

The following are key to the CEP, CES and CPP.

The statement of commitment is our vision for engagement, the values and principles then provide more detail, and cover the ways in which we will endeavour to fulfill this statement of commitment.

- Statement of commitment to community engagement:

Council will engage with the community in an inclusive, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the community.

- Community engagement values and principles:

The following values underpin Council's commitment to community engagement:

<b>Values</b>	
<b>1.</b>	<b>We are committed to ensuring those who are impacted by, or have an interest in, a decision or initiative of Council will have fair and equitable access to participating in the decision-making process.</b>
<b>2.</b>	<b>We will carefully consider the needs and interests of all stakeholders, including Council.</b>
<b>3.</b>	<b>We will make every effort to notify and enable the involvement of all stakeholders affected by or interested in a decision.</b>
<b>4.</b>	<b>The level of influence of stakeholders will be appropriate for the nature, complexity and level of impact of the decision being made.</b>
<b>5.</b>	<b>We will provide all relevant information to ensure the community can participate in engagement activities in a meaningful way.</b>
<b>6.</b>	<b>We will report back to participants on how their input affected the final decision or outcome being considered.</b>

The following principles guide and shape our approach to community engagement activities:

<b>Principle</b>	<b>Commitment</b>
<b>1. Build relationships</b>	We will engage in an honest, open and respectful way to build strong relationships and trust within our community.

<b>2. Right to be involved</b>	We believe that our community members have a right to be involved in decisions that affect them.
<b>3. Build capacity</b>	We will work to build the capacity and opportunity for each stakeholder to genuinely participate in decisions that affect them.
<b>4. Clarity of purpose</b>	We will engage with our community with clarity around what the project/initiative/decision is and what the purpose of the engagement process is.
<b>5. Accessible and inclusive</b>	Information and engagement activities will be offered in a range of accessible formats to enable fair and equal access to participation.
<b>6. Timely</b>	We will engage early enough for participation to be meaningful. We will provide enough time for the community to provide input. Engagement timelines will be considered from inception of the project and built into the project timeline and project plan.
<b>7. Tailored</b>	We will use a range of engagement and communication methods that suit the purpose of the project and reach the key stakeholders.
<b>8. Strategic</b>	We will collaborate across Council to ensure our engagement activities are approached in a strategic way to avoid duplication and inefficiencies. We will be conscious of the time of year and other consultation projects when planning our engagement.
<b>9. Transparent and accountable</b>	We will be open with information the community needs to be able to participate meaningfully and communicate how community input influenced the outcome.
<b>10. Representative</b>	We will aim to reach out to all relevant stakeholder groups, including those who face barriers to participation, to ensure a representative sample of the community being impacted by a decision or initiative are able to participate.

### Linkages with CPP

The adopted CPP used a version of the principles outlined above. Since the CPP's adoption, these have been updated and thus the CPP has also been amended to include the Statement of Commitment, values and updated principles to ensure alignment between the documents.

## 5. Financial impact statement/Time frame/Consultation

### Financial impact statement

The financial impact of undertaking this consultation will be limited to the staff resources involved in facilitating the consultation, and printing and distribution of materials as already allocated in the Communications and Engagement budget.

Resourcing of the CES is intended to be predominantly resourced from existing staff and budget. During the process of scoping feasibility of each action, additional resourcing may be highlighted as necessary, for which a business case will be drafted and submitted to the internal Executive Leadership Team for consideration.

### Time frame

Consultation on the draft documents is planned to take place over a minimum of six weeks to ensure the community is given adequate opportunity to engage in the process. This would commence as soon as practicable following a decision of Council to proceed.



After community consultation has concluded, feedback will be analysed and the final documents presented to Council for consideration and adoption.

### **Consultation**

The engagement plan for the exhibition of the CEP and CES will uphold the values and principles as outlined above, and follow the commitments as set out in the CES, as follows:

- Create a dedicated Have Your Say Waverley project page and enable online submissions.
- Send direct email and/or hard copy mail or flyer to identified stakeholders.
- Hold meetings and workshops with identified stakeholders, including Precincts (1 x minimum)
- Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library and Mill Hill.
- Ensure a method of receiving hard copy submissions is made available.
- Translate information as relevant.
- Provide a summary of information in Fact Sheets for an accessible approach to the documents.
- Promote engagement opportunities in general Council communication channels including social media, e-news, website, Council page in local media.
- Run at least 1 x external and 1x internal Have Your Say information stall or equivalent online method for Q&A opportunities.
- Email/alert stakeholders on final decision and results of the consultation.

### **6. Conclusion**

In order to progress the consideration of the draft Community Engagement Policy and Strategy, it is recommended that Council undertake the exhibition and consultation program outlined in this report, including the amendments to the Community Participation Plan.

It is proposed a minimum of six weeks consultation period is undertaken, with the feedback analysed and final versions of the documents to return to Council for adoption at a later date.

### **7. Attachments**

1. Draft Community Engagement Policy [↓](#)
2. Draft Community Engagement Strategy [↓](#)
3. Draft Community Participation Plan (Amendment 2) [↓](#)



WAVERLEY  
COUNCIL

# Community Engagement Policy

## Community Engagement Policy

Policy owner	Communications, Culture and Events Department
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	This policy will be reviewed every four years as part of the review of the Community Strategic Plan, or as required in the event of legislative changes or requirements.
Relevant legislation/codes	Local Government Act 1993 Environmental Planning and Assessment Act 1979 (EPA) State Records Act 1998 Government Information (Public Access) Act 2009 Privacy and Personal Information Protection Act 1998
Related policies/procedures/guidelines	<u>Waverley Community Strategic Plan 2018-2029</u> <u>Waverley Community Engagement Strategy 2020</u> <u>Waverley Innovate Reconciliation Action Plan 2019-2021</u> <u>Waverley Disability Inclusion Action Plan 2017-2021</u> <u>Waverley Community Participation Plan 2019</u> <u>Records Management Policy 2010</u> Community Engagement Guidelines (internal)
Related forms	

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## 1. Background

For the purpose of this Policy, community engagement is defined as a planned process with the specific aim of working with the community to shape the decisions or actions of Council in relation to a problem, opportunity or outcome. An engaged community is a community that is and feels part of the process.

Council has a responsibility to work with our community to determine services, infrastructure, programs and improvements. By working together, we can ensure we have agreed Council priorities that balance competing interests within Council's budgetary and other constraints.

The Policy was developed in accordance with Council's Integrated Planning and Reporting framework.



The Policy will set the framework for Council to deliver on Goal 10.1 of the *Waverley Community Strategic Plan 2018-2029*, to 'engage the local community in shaping the future of Waverley'.

Following on from this, the below sets out a hierarchy of Council's Community Engagement suite of documents and tools:



*Engagement document hierarchy explained:*

The Community Engagement Policy sits underneath the Waverley Community Strategic Plan and sets the guiding framework for engagement, provides clarity on what Council defines engagement, outlines how we will conduct engagement, and what our roles and responsibilities are.

The Community Engagement Strategy and Community Participation Plan then sit underneath the Policy. The Community Engagement Strategy provides more in-depth information about when and how the community will be informed and can be involved in projects. The Community Participation Plan has a similar purpose, specific to local planning matters.

Under these sits the Community Engagement Guidelines, an internal-facing document. It acts as a worksheet to assist staff in developing appropriate communications and engagement plans for projects.

## 1.1 Definitions

Community Engagement:	Refers to a planned process with the specific purpose of working with the community to shape the decisions or actions of Council in relation to a problem, opportunity or outcome.
Engagement:	Refers to all activities undertaken to ascertain community feedback on Council projects, initiatives, and services for decision-making purposes.
Community:	Refers to all stakeholders, audiences, community groups, businesses, outside of Councillors and Council staff.
Stakeholder:	Is often used interchangeably to mean the above definition of community within Council engagement documentation

## 2. Purpose

The purpose of this Policy is to provide a guiding framework for Council's external community engagement activities relating to ascertaining community feedback.

The Policy affirms Council's commitment to community engagement that is open, accountable, inclusive and representative of our community.

The objectives of this policy are to:

- set a values and principles-based framework for external community engagement across Council
- position Council as a trusted organisation in touch with community needs.

## 3. Scope

The Policy sets out values and principles to guide external community engagement planning, delivery, and evaluation.

This Policy applies to:

- Council employees and contracted third parties undertaking community engagement on behalf of Council
- Council-led and Council-partnered initiatives (including Public-Private Partnerships) that will effect change to any public place, asset, or service and/or impact members of the Waverley community
- coordinated community engagement with neighbouring councils and SSROC on regional issues.

The Policy acknowledges the role of Councillors as representatives of their local communities and the issues that are important to them.

For processes and procedures relating specifically to community participation in local planning matters, please refer to the Waverley Community Participation Plan (CPP). The CPP outlines how and when Council will involve the community and receive input across various planning processes and decisions.

## 4. Policy Content

### 4.1 Council's Statement of Commitment to Community Engagement

Council will engage with the community in an inclusive, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the community.

4.2 Council’s Community Engagement Values and Principles

The following **values** underpin Council’s commitment to community engagement:

Values
1. We are committed to ensuring those who are impacted by, or have an interest in, a decision or initiative of Council will have fair and equitable access to participating in the decision-making process.
2. We will carefully consider the needs and interests of all stakeholders, including Council.
3. We will make every effort to notify and enable the involvement of all stakeholders affected by or interested in a decision.
4. The level of influence of stakeholders will be appropriate for the nature, complexity and level of impact of the decision being made.
5. We will provide all relevant information to ensure the community can participate in engagement activities in a meaningful way.
6. We will report back to participants on how their input affected the final decision or outcome being considered.



The following **principles** guide and shape our approach to community engagement activities:

Principle	Commitment
<b>1. Build relationships</b>	We will engage in an honest, open and respectful way to build strong relationships and trust within our community.
<b>2. Right to be involved</b>	We believe that our community members have a right to be involved in decisions that affect them.
<b>3. Build capacity</b>	We will work to build the capacity and opportunity for each stakeholder to genuinely participate in decisions that affect them.
<b>4. Clarity of purpose</b>	We will engage with our community with clarity around what the project/initiative/decision is and what the purpose of the engagement process is.
<b>5. Accessible and inclusive</b>	Information and engagement activities will be offered in a range of accessible formats to enable fair and equal access to participation.
<b>6. Timely</b>	We will engage early enough for participation to be meaningful. We will provide enough time for the community to provide input. Engagement timelines will be considered from inception of the project and built into the project timeline and project plan.
<b>7. Tailored</b>	We will use a range of engagement and communication methods that suit the purpose of the project and reach the key stakeholders.
<b>8. Strategic</b>	We will collaborate across Council to ensure our engagement activities are approached in a strategic way to avoid duplication and inefficiencies. We will be conscious of the time of year and other consultation projects when planning our engagement.
<b>9. Transparent and accountable</b>	We will be open with information the community needs to be able to participate meaningfully and communicate how community input influenced the outcome.
<b>10. Representative</b>	We will aim to reach out to all relevant stakeholder groups, including those who face barriers to participation, to ensure a representative sample of the community being impacted by a decision or initiative are able to participate.

### 4.3 Our community

The Waverley community is taken to include any individual, group or organisation that is impacted by, or has an interest in, the decisions or initiatives of Council, including but not limited to:

- ratepayers
- residents
- business owners
- visitors
- government agencies
- community/non-profit agencies.

They may also be referred to as stakeholders.

Within these groups, we have a diverse range of interests including, but not limited to, arts, culture, environment, sport, recreation, community services and schools.

Our community is diverse, with people from culturally and linguistically diverse backgrounds, people with disability, younger people, older people, and Aboriginal and Torres Strait Islander people, as well as people experiencing homelessness. Council is committed to ensuring all groups within the community have fair and equal access to participate and have a say.

More information relating to our community is outlined in Council's Community Engagement Strategy.

#### 4.4 Why we engage with the community

Community engagement is a collaborative process that connects Council with the community in the sharing of ideas, skills, knowledge, expertise, and experience. There are a broad range of benefits to effective and authentic community engagement. Engaging with the community:

- ensures the community can exercise their democratic right to have a say in decisions that affect them
- increases the effectiveness of Council's decision-making processes
- ensures we are providing the services and infrastructure the community needs
- builds the capacity of the community to be active in shaping the future of Waverley
- develops strong relationships and partnerships with our community, leading to a shared understanding of our community's needs, aspirations, and priorities
- builds the reputation of Council as a trusted organisation within the community
- mitigates and reduces risks associated with not understanding community sentiment
- helps direct Council's advocacy efforts
- meets Council's legislative requirements.

#### 4.5 When we will engage with the community

The scale, extent, and methods of engagement will be determined by the number of people who will be affected, the nature, complexity, and impact of the matter being considered, and the resources required.

Council will hold community engagement when:

- the decision is anticipated to have an impact on the social landscape, economy, or natural or built environment
- an interest in or expectation for consultation has been expressed by the community
- information is needed by Council on community needs, priorities and values to ensure planning is appropriate and responsive
- Council identifies there is a need or has a statutory obligation to do so.

The determination of whether it is an open, LGA-wide engagement process, or specific to identified community stakeholders, will be dependent on the following:

- the type and scope of the project
- expectations expressed from the community
- identifying who is impacted by the project
- discretion of Council staff and/or Councillors
- the extent to which the project needs to adhere to safety or certain types of regulations.

In addition to seeking community input where Council is required to do so by law, Council may seek community input when:

- changing an existing or introducing a new policy, plan or strategy
- assessing or reviewing community needs

- changing or setting new priorities in the allocation of the budget
- developing or reviewing programs and services
- proposing to upgrade existing or introducing new public infrastructure such as facilities, parks, and playgrounds.

There will be circumstances where Council may not consult with the community, or only consult with a sector of the community as relevant to the project, including when:

- immediate action is required to rectify or remediate an issue
- technical or other expertise is the primary input to guide the decision
- Council is responding in an emergency where public health and safety are at risk
- decisions relate to the Council's day-to-day business operations
- legal, commercial or confidential restrictions are involved
- the community has already had input through prior engagement.

In such instances where Council does not consult with the community, we are committed to informing the community of the decision and the rationale behind it.

In addition to community input, Council decisions are also influenced by factors, such as:

- the feasibility of the ideas or feedback presented to Council
- budgetary and other constraints technical elements of the options being considered and expert advice
- other authorities and Government departments
- regional and peak bodies with which Council is affiliated.

#### 4.6 How we will engage with the community

There is no one-size-fits-all approach to community engagement. The level of influence the community will have and the range of engagement methods Council uses will depend on the nature of the matter being considered and the diversity of stakeholders involved. This is outlined in greater detail in Council's Community Engagement Strategy.

The International Association of Public Participation (IAP2) is an international federation of member affiliates, which seeks to promote and improve the practice of public participation by incorporating individuals, governments, institutions and other entities that affect the public interest throughout the world.


IAP2 has developed a Public Participation Spectrum which depicts five increasing levels of community influence, ranging from 'inform' through to 'empower' (see the diagram below). The Spectrum sets goals and a suggested promise to the public for each level of engagement.

Council adopts this model when determining appropriate community engagement that is aligned with best practice.

## IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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## 4.7 How Council makes decisions

Community participation does not replace decision-making functions of Council, rather it informs and guides it.

The *Local Government Act* sets out the following principles that apply to decision-making by Council (subject to any other applicable law):

- councils should recognise diverse local community needs and interests
- councils should consider social justice principles
- councils should consider the long term and cumulative effects of actions on future generations
- councils should consider of the principles of ecologically sustainable development
- council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

Council's decision-making functions are subject to various statutory requirements and common law principles. Council must give appropriate consideration to matters required by statute and not act under the dictation or instructions of others. In exercising all decision-making powers, whether discretionary or otherwise, Council must act in good faith and in accordance with the proper purpose for which the power was granted.

In some instances, such as local planning matters, Council is legislatively and/or legally required to engage with the community. In these cases, Council will treat the legally required level of community engagement as the minimum standard. This is outlined in more detail in Council's Community Participation Plan (CPP).

Delivery of community engagement beyond legally required levels will depend on the decision to be made (or project/service to be delivered), the community's interest to participate, the need to understand the community's view, and the opportunity for the community to influence the decision.

Community engagement can become subject to lobbying through organised mass responses.

Council staff will mitigate this by ensuring all stakeholder groups are provided with the opportunity to participate and provide feedback. Community feedback, as well as all relevant information (such as technical feasibility, budget, environmental factors), will be provided to Council to ensure the most appropriate decision for a project is able to be reached.

Council invites the community to engage on specified topics when conducting formal community engagement, rather than generally inviting the community to open their own topics. However, all community members are welcome to contact Customer Service, Councillors directly, submit a Petition (as outlined in Council's Petition Policy), speak at a Council meeting, or attend their local Precinct group to ask questions and make suggestions at any time. Council staff will also offer to present to Precinct groups on all relevant engagement projects.

## 4.8 Roles and responsibilities

Role	Responsibly
<b>Councillors</b>	Councillors are the elected body charged with responsibility for making decisions on behalf of the community. Under specific circumstances Councillors may delegate decision-making to Council officers; or Councillors may override a delegation and call a matter to come before Councillors as and when it sees fit.
<b>Director, Customer Service and Organisation Improvement</b>  <b>Executive Manager, Communications, Culture and Culture</b>	Responsible for overseeing implementation and review of this Policy.
<b>General Manager, Directors and Executive Managers</b>	Responsible for ensuring staff comply with this Policy and make use of the support mechanisms and tools provided to guide implementation.
<b>Communications and Engagement team</b>	Responsible for providing advice and assistance to staff in implementing this Policy, including ensuring relevant resources and tools are up-to-date and readily accessible.
<b>Council staff</b>	Responsible for adhering to this Policy and making use of the support mechanisms in place to guide implementation.

### 4.8.1 Approval to engage

All open, LGA-wide community engagement activities that are not targeted at closed groups will be approved by Council, or the Executive Leadership Team, the General Manager or an individual Director, as well as the Communications and Engagement team prior to being undertaken.

### 4.8.2 Risk management

The financial, legal, social and reputational risks of engagement activities and their outputs must be identified and mitigated in the planning stages. A risk assessment will be completed as part of the community engagement planning process.

### 4.8.3 Reporting

Results of all open, LGA-wide community engagement activities are to be reported to Council, the Executive Leadership Team or an Executive Manager preferably as a Community Engagement/Consultation Summary Report. This will be published on Council's website ([waverley.nsw.gov.au](http://waverley.nsw.gov.au) or [haveyoursay.waverley.nsw.gov.au](http://haveyoursay.waverley.nsw.gov.au)), and distributed to relevant stakeholders (internal and external) in a timely manner, to ensure the community is informed of how their input has shaped the final decision or outcome.

Council staff will inform the community on the relevant Have Your Say project page that the information they provide as a submission may be public as part of an attachment to the Community Engagement/Consultation Summary Report. Council staff will give the community the opportunity to withhold or redact identifying details from a submission so their identity is not public by requesting this in their correspondence/submission.

This process will also be followed, where possible, for non-LGA wide, targeted, and specific community engagement activities.

#### 4.8.4 Council staff participating in consultations

It is understood that Council staff can also be members of the Waverley community, and often identify as stakeholders impacted by decisions of Council. In the spirit of maintaining an impartial approach to public service, it is important that any recommendations presented to Council for consideration are based on community sentiment. Staff who live in Waverley can provide public feedback in a personal capacity. In such cases, staff are required to comply with the provisions of the Code of Conduct in relation to Conflicts of Interest. Staff who make submissions should not be involved in the evaluation of those submissions.

To ensure internal stakeholders are involved in the engagement process, their professional feedback and expert advice in their role in Council will be built into the internal engagement and assessment processes, and not through the community consultation function, ie. not through the Have Your Say Waverley community-facing project pages.

#### 4.8.5 Records management

Council staff must maintain all records relevant to administering this Policy in Council's record-keeping system.

#### 4.8.6 Consultation exclusion periods

We will endeavour to not engage the community between 20 December and 10 January due to the summer holiday period, and the reduced capacity of the community to be involved. Council Officers will also be mindful of engaging over other significant days, such as religious days and school holiday periods throughout the year.

When Council is unable to avoid consulting during this period, the consultation period will be extended where possible (eg. commences in November or closes at end of January) to give people sufficient time to be involved and provide comment.<sup>1</sup>

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<sup>1</sup> In line with what Council has adopted for planning processes and decisions in the Waverley Community Participation Plan (CPP)2019.



## **5. Review of Policy**

- 5.1 This policy will be reviewed every four years as part of the review of the Community Strategic Plan, or as required in the event of legislative changes or requirements.

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# Community Engagement Strategy

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Updated October 2020

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WAVERLEY  
COUNCIL



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## Acknowledgement of Country

Waverley Council acknowledges the Bidjigal and Gadigal people, who traditionally occupied the Sydney Coast and we also acknowledge Aboriginal Elders both past and present.





# Introduction

Waverley Council has a long history of engaging with the community in decision-making processes that affect the community. We acknowledge the importance of local government in building strong and trusting relationships with the community by operating in a transparent and accountable way.

Section 402(4) of the Local Government Act 1993 states:

*The council must establish and implement a strategy (its “community engagement strategy”), based on social justice principles, for engagement with the local community when developing the community strategic plan.*

The strategy sits within Council’s suite of engagement documents, as follows:



## Engagement document hierarchy explained:

The Community Engagement Policy sits underneath the Waverley Community Strategic Plan and sets the guiding framework for engagement, provides clarity on what Council defines engagement, outlines how we will conduct engagement, and what our roles and responsibilities are.

The Community Engagement Strategy and Community Participation Plan then sit underneath the Policy. The Community Engagement Strategy provides more in-depth information about when and how the community will be informed and can be involved in projects. The Community Participation Plan has a similar purpose, specific to local planning matters.

Under these sits the Community Engagement Guidelines, an internal-facing document. It acts as a worksheet to assist staff in developing appropriate communications and engagement plans for projects.

## Purpose

This strategy outlines how Council will involve the community in Council decision-making and ensure the community can have their say.

The strategy also outlines strategic actions for Council to investigate to further improve processes and instil a culture of best practice engagement.



# Definitions

### Community Engagement:

Refers to a planned process with the specific purpose of working with the community to shape the decisions or actions of Council in relation to a problem, opportunity or outcome.

### Engagement:

Refers to all activities undertaken to ascertain community feedback on Council projects, initiatives, and services for decision-making purposes.

### Community:

Refers to all stakeholders, audiences, community groups, businesses, outside of Councillors and Council staff.

### Stakeholder:

Is often used interchangeably to mean the above definition of community within Council engagement documentation.



# Our Statement of Commitment to Community Engagement

Council will engage with the community in an inclusive, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the community.

# Our Community Engagement Values and Principles

The following **values** underpin Council’s commitment to community engagement:

Values	
1.	We are committed to ensuring those who are impacted by, or have an interest in, a decision or initiative of Council will have fair and equitable access to participating in the decision-making process.
2.	We will carefully consider the needs and interests of all stakeholders, including Council.
3.	We will make every effort to notify and enable the involvement of all stakeholders affected by or interested in a decision.
4.	The level of influence of stakeholders will be appropriate for the nature, complexity and level of impact of the decision being made.
5.	We will provide all relevant information to ensure the community can participate in engagement activities in a meaningful way.
6.	We will report back to participants on how their input affected the final decision or outcome being considered.



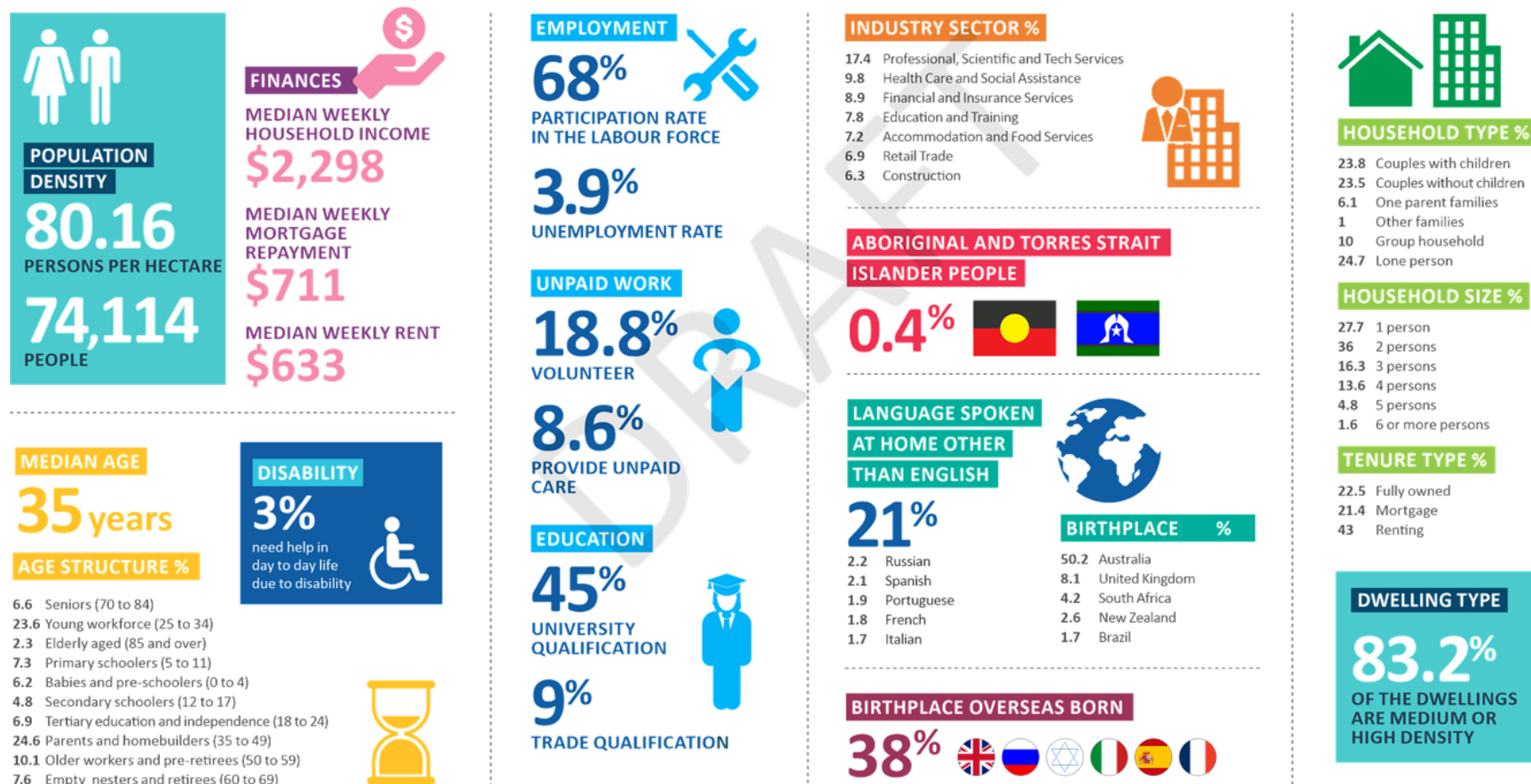


The following **principles** guide and shape our approach to community engagement activities:

Principle	Commitment
1. Build relationships	We will engage in an honest, open and respectful way to build strong relationships and trust within our community.
2. Right to be involved	We believe that our community members have a right to be involved in decisions that affect them.
3. Build capacity	We will work to build the capacity and opportunity for each stakeholder to genuinely participate in decisions that affect them.
4. Clarity of purpose	We will engage with our community with clarity around what the project/initiative/decision is and what the purpose of the engagement process is.
5. Accessible and inclusive	Information and engagement activities will be offered in a range of accessible formats to enable fair and equal access to participation.
6. Timely	We will engage early enough for participation to be meaningful. We will provide enough time for the community to provide input. Engagement timelines will be considered from inception of the project and built into the project timeline and project plan.
7. Tailored	We will use a range of engagement and communication methods that suit the purpose of the project and reach the key stakeholders.
8. Strategic	We will collaborate across Council to ensure our engagement activities are approached in a strategic way to avoid duplication and inefficiencies. We will be conscious of the time of year and other consultation projects when planning our engagement.
9. Transparent and accountable	We will be open with information the community needs to be able to participate meaningfully and communicate how community input influenced the outcome.
10. Representative	We will aim to reach out to all relevant stakeholder groups, including those who face barriers to participation, to ensure a representative sample of the community being impacted by a decision or initiative are able to participate.

## Our Community

Waverley is home to over 74,114 residents and attracts millions of visitors every year. The Gadigal and Bidjigal peoples of the Eora Nation are the traditional custodians of the land. The Waverley community is made up of everyone who lives, works, studies and visits the area. The following statics are sourced from the Australian Bureau of Statistics, 2016 Census.







Our community is diverse, with people from culturally and linguistically diverse backgrounds, people with disability, younger people, older people, and Aboriginal and Torres Strait Islander people, as well as people experiencing homelessness. Council is committed to ensuring all groups within the community have fair and equal access to participate and have a say.

Broadly, our community can be categorised as:

- ratepayers
- residents
- business owners
- visitors
- government agencies
- community/non-profit agencies.

Within these groups, we have a diverse range of interests including, but not limited to, arts, culture, environment, sport, recreation, community services and schools.

For all Council consultations, we aim to target those in the community relevant to the project as well as the broader community where relevant. One of the important ways that Council engages with the community is through the Precincts and Combined Precincts Committee.

We will also ensure engagement activities are planned with consideration given to our community demographics as well as age, accessibility, people from culturally and linguistically diverse backgrounds, and Aboriginal and Torres Strait Islanders.

## Barriers to participation

Everyone has a right to have a say in civic decision-making processes, and we recognise that some may face barriers to participating. It is Council's responsibility to identify any barriers and take steps to address them to make engagement processes as accessible and inclusive as possible.

Communities are diverse and we need to ensure that the less powerful voices and groups are engaged and not marginalised. Some examples of barriers that can impact people's ability to have a say include:

- attitudinal
- apathy towards Council or a particular issue
- understanding of different cultures
- lack of confidence
- lack of money/financial means
- lack of knowledge of rights
- lack of literacy or numeracy skills
- mental or physical health issues
- physical or intellectual disability
- language barriers
- age barriers
- lack of social support
- lack of transport
- time constraints
- homelessness or without a stable physical location
- caring responsibilities and/or work commitments

This strategy provides actions Council will undertake to address and reduce some of the barriers mentioned above to make Council's engagement practices more accessible and inclusive.

## Council's Engagement Framework

Waverley Council follows the IAP2 model for community engagement. The different levels of engagement under the IAP2 model as we apply it at Waverley Council are summarised below:

	Inform	Consult	Involve	Collaborate	Empower
<b>Goal of engagement</b>	Relevant community members are well-informed	Relevant community members are well-informed and give feedback that Council considers	Relevant community members are well-informed and have scope to make substantial input.	Relevant community members are well-informed and have substantial and significant involvement in the development of the project	Relevant community members are well-informed and have total say and control over decision making
<b>Decision-making level of community members</b>	Relevant community members are informed of the final decision.  The final decision is made by Council.	Relevant community members' feedback will be considered in making the final recommendations to Council.  The final decision is made by Council.	Relevant community members will provide substantial input into the project which will be able to affect the final recommendations to Council.  The final decision is made by Council.	Relevant community members are significantly involved in the final recommendations to Council.  The final decision is made by Council.	Relevant community members have total say and control over decision making
<b>Example tools and methods</b>	Posters, flyers, noticeboards, walking around talking with people, use interpreters, newsletters, local radio, presentations, social media, site signage.	Surveys, interviews, small group discussions, focus groups, workshops, online engagement via Council's engagement website.	Stakeholder groups, committees, on-site meetings/tours, project reference groups.	Charette, deliberative processes, community reference groups.	Elections, referendums.

*Table appropriated with permission from the Department of Housing and Community Development's Remote Engagement and Coordination Strategy 2016 based on the International Association for Public Participation IAP2 Spectrum*

## Our Engagement Framework in Practice

The following is a guide for staff to follow for LGA-wide consultations as identified below. This list is non-exhaustive of the types of engagement projects Council runs and will be continually updated as needed. For engagement projects that are not LGA-wide, staff will identify stakeholders and determine the minimum commitments as suited to each.

**Note 1:** For public exhibition, notification and advertising requirements as they apply to Council's key and use planning instruments such as DAs and Planning Proposals, please refer to the Waverley Community Participation Plan, available on Council's website.

**Note 2:** The below is Council's intentions for engagement. In the event a planned communications avenue isn't available (ie. restrictions due to COVID-19) staff will endeavour to find alternative ways to reach out to relevant stakeholders.

Project Type	Engagement Level	What we will do (minimum commitments)	How we will do it (minimum commitments)	Engagement Period
<b>General asset infrastructure and capital works eg. Kerb and gutters</b>	Inform	Let affected residents know of upcoming works	<ul style="list-style-type: none"> <li>Send or email a notification letter to affected residents.</li> <li>Ensure notification information is on relevant Council webpage.</li> </ul>	At least 14 days before work commences
<b>Council Plans and Strategies, eg:</b> <ul style="list-style-type: none"> <li>Open Space and Recreation Strategy</li> <li>Village Centres Strategy</li> <li>Cultural Plan</li> <li>Inclusive Play Study</li> </ul> <b>Development of a new iteration of the Community Strategic Plan.</b>	Involve + Consult	<p>Provide at least two stages of feedback during the development of the project – one near inception for information gathering and scoping, and the second a public exhibition of the draft design/document before finalising.</p> <p>Keep community informed for the life of the project and show how feedback informed the final result of the project.</p>	<ul style="list-style-type: none"> <li>Create a dedicated Have Your Say Waverley project page and enable online submissions</li> <li>Send direct email/hard copy mail or flyer to identified stakeholders.</li> <li>Hold meetings and workshops with identified stakeholders, including Precincts (1 x minimum)</li> <li>Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library, Mill Hill, Bondi Pavilion</li> <li>Ensure a method of receiving hard copy submissions is made available.</li> <li>Translate information as relevant.</li> <li>Provide a summary of information in fact sheets for an accessible approach to the documents.</li> <li>Promote engagement opportunities in general Council communication channels including social media, enews, website, Council page in local media.</li> <li>Run at least 1 x external and 1 x internal Have Your Say information stall or equivalent online method for Q&amp;A opportunities.</li> <li>Email/alert stakeholders on final decision and results of the consultation.</li> </ul>	Each engagement period will run for a minimum of four weeks





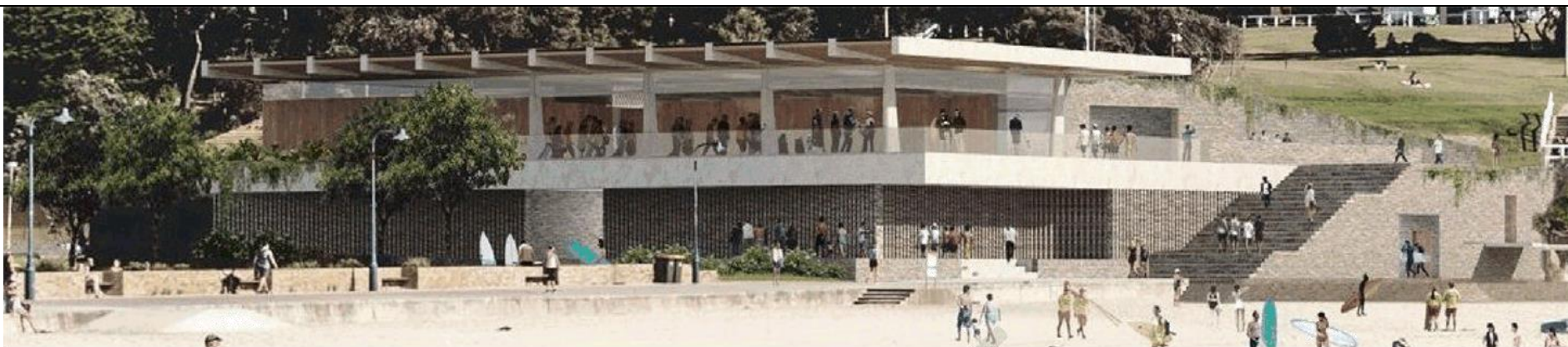
Project Type	Engagement Level	What we will do (minimum commitments)	How we will do it (minimum commitments)	Engagement Period
<b>New capital works and placemaking projects, eg:</b> <ul style="list-style-type: none"> <li>• Bondi Pavilion Restoration and Conservation Project</li> <li>• Bondi Junction: After Dark in the Junction</li> </ul>	Involve	<p>Provide an opportunity for the community to have their say at each stage of the project.</p> <p>Keep the community informed and updated before commencing the next stage of the project, including when work commences.</p>	<ul style="list-style-type: none"> <li>• Create a dedicated Have Your Say Waverley project page and enable online submissions</li> <li>• Send direct email to identified stakeholders.</li> <li>• Hold meetings and workshops with identified stakeholders, including Precincts (1 x minimum)</li> <li>• Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library, Mill Hill, Bondi Pavilion</li> <li>• Ensure a method of receiving hard copy submissions is made available.</li> <li>• Translate information as relevant.</li> <li>• Provide a summary of information in fact sheets for an accessible approach to the documents.</li> <li>• Promote engagement opportunities in general Council communication channels including social media, enews, website, Council page in local media.</li> <li>• Run at least 1 x external and 1x internal Have Your Say information stall or equivalent online method for Q&amp;A opportunities.</li> <li>• Email/alert stakeholders on final decision and results of the consultation.</li> </ul>	A minimum four weeks of each engagement period, and then 14 days notification before work commences.

Project Type	Engagement Level	What we will do (minimum commitments)	How we will do it (minimum commitments)	Engagement Period
<b>Council's key long-term plans:</b> <ul style="list-style-type: none"> <li>• <b>Delivery Program</b></li> <li>• <b>Resourcing Strategies including Long Term Financial Plan, Strategic Asset Management Plan, Environmental Action Plan, and Workforce Management Plan)</b></li> <li>• <b>Operational Plan (includes Budget and Fees and Charges)</b></li> <li>• <b>Revisions to the Community Strategic Plan</b></li> <li>• <b>Significant changes to Delivery Program and changes to/new fees and charges</b></li> </ul>	Involve and/or Consult	Provide context information and give the community an opportunity to have their say.	<ul style="list-style-type: none"> <li>• Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library, Mill Hill, Bondi Pavilion</li> <li>• Ensure a method of receiving hard copy submissions is made available.</li> <li>• Provide a summary of information in fact sheets for an accessible approach to the documents.</li> <li>• Create a dedicated Have Your Say Waverley project page and enable online submissions</li> <li>• Promote engagement opportunities in general Council communication channels including social media, enews, website, Council page in local media.</li> </ul>	A minimum 28 days exhibition period.
<b>Feedback on Council programs eg.</b> <ul style="list-style-type: none"> <li>• <b>School Holiday Program feedback</b></li> <li>• <b>Venue hirers feedback</b></li> <li>• <b>Community Satisfaction review</b></li> </ul>	Consult	Create a survey on Survey Monkey or Have Your Say Waverley to ascertain feedback.	<ul style="list-style-type: none"> <li>• Send direct email to identified stakeholders</li> <li>• Email/alert respondent with confirmation of receipt of their feedback, and a summary of how their feedback was used to inform changes etc.</li> </ul>	As appropriate depending on the program, two weeks usual minimum.





Project Type	Engagement Level	What we will do (minimum commitments)	How we will do it (minimum commitments)	Engagement Period
<b>Council policies, eg:</b> <ul style="list-style-type: none"> <li>• <b>Public Art Policy</b></li> <li>• <b>Events Policy</b></li> </ul>	Consult	Make available all relevant information and provide the opportunity for the community to submit comments.	<ul style="list-style-type: none"> <li>• Create a dedicated Have Your Say Waverley project page and enable online submissions</li> <li>• Send direct email to identified stakeholders.</li> <li>• Hold meetings and workshops with identified stakeholders, including Precincts (1 x minimum)</li> <li>• Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library, Mill Hill, Bondi Pavilion</li> <li>• Ensure a method of receiving hard copy submissions is made available.</li> <li>• Translate information as relevant.</li> <li>• Provide a summary of information in fact sheets for an accessible approach to the documents.</li> <li>• Promote engagement opportunities in general Council communication channels including social media, enews, website.</li> <li>• Run at least 1 x external and 1x internal Have Your Say information stall or equivalent online method for Q&amp;A opportunities.</li> <li>• Email/alert stakeholders on final decision and results of the consultation.</li> </ul>	A minimum four weeks consultation period.



Project Type	Engagement Level	What we will do (minimum commitments)	How we will do it (minimum commitments)	Engagement Period
<b>Public-Private Partnership Projects (PPPs), eg:</b> <ul style="list-style-type: none"> <li>• Bronte Surf Club</li> </ul> <b>Please see Appendix 1 for more information on PPPs</b>	Consult + Inform	Provide an opportunity for the community to have their say at each stage of the project.  Keep the community informed and updated before commencing the next stage of the project, including when work commences.	<ul style="list-style-type: none"> <li>• Create a dedicated Have Your Say Waverley project page and enable online submissions</li> <li>• Send direct email to identified stakeholders.</li> <li>• Hold meetings and workshops with identified stakeholders, including Precincts (1 x minimum)</li> <li>• Ensure hard copy information is available on request and/or to view, at minimum one of the following customer touchpoints: Customer Service Centre, Library, Mill Hill, Bondi Pavilion</li> <li>• Ensure a method of receiving hard copy submissions is made available.</li> <li>• Translate information as relevant.</li> <li>• Provide a summary of information in fact sheets for an accessible approach to the documents.</li> <li>• Promote engagement opportunities in general Council communication channels including social media, enews, website, Council page in local media.</li> <li>• Run at least 1 x external and 1x internal Have Your Say information stall or equivalent online method for Q&amp;A opportunities.</li> <li>• Email/alert stakeholders on final decision and results of the consultation.</li> </ul>	A minimum four weeks of each engagement period, and then 14 days notification before work commences.





## Strategic Engagement Action Plan

The below outlines an action plan for Council's commitment to continuous improvement in community engagement.

### Strategy 1

#### Continual development of an organisational culture focused on best practice community engagement

Action	Timeframe (short, medium, long term )	Responsible	Value & Principle focused on
<b>1.1</b> Improve organisational understanding of engagement techniques from top-down, via the development of a training and development program for key staff across the organisation	Short-term to ongoing	Lead: Communications and Engagement Partner: Learning and Culture	Value: All Principle: 1, 2, 6, 7, 8
<b>1.2</b> Build on and promote the internal Community Engagement Guidelines and suite of tools and resources available	Short-term	Communications and Engagement	Value: All Principle: 2, 7, 8
<b>1.3</b> Investigate the establishment of an internal engagement committee to share experiences, key learnings, and better involve staff in projects that they have useful knowledge on or are affected by	Short-term to ongoing	Communications and Engagement	Value: All Principle: 2, 6, 7, 8
<b>1.4</b> Develop checklist for staff to better plan engagement events and standardised tasks	Short-term	Communications and Engagement	Value: All Principle: 6, 7, 8,



## Strategy 2

### Enhance systems and processes to enable best practice community engagement

Action	Timeframe	Responsible	Value & Principle focused on
<b>2.1</b> Review and improve our community engagement website – Have Your Say Waverley – to ensure it continues to meet the needs of Council and the community eg. improve functionality, stability, and overall user experience	Short to medium-term	Communications and Engagement Partner: Bang the Table service provider	Value: 1 Principle: 1, 2, 5, 7
<b>2.2</b> Create templates for consistent evaluation and consultation findings to be shared amongst departments	Short-term	Communications and Engagement	Value: 6 Principle: 7, 8, 9
<b>2.3</b> Investigate feasibility of integration of useful engagement findings and database with existing/future CRM	Medium-term	Lead/Partner: Communications and Engagement Lead/Partner: Customer Service, and other departments with engagement databases	Value: 1, 2, 3 Principle: 2, 3, 5, 7, 8, 9, 10
<b>2.4</b> Establish major projects and engagement register to identify clashes and opportunities	Short-term	Communications and Engagement	Principle 2, 7, 8
<b>2.5</b> Regularly review engagement methods with the community on engagement methods to measure satisfaction	Medium-term to ongoing	Communications and Engagement Partner: Integrated Planning and Reporting	Value: 1 Principle: 1, 2, 3, 5, 7, 8, 10
<b>2.6</b> Develop and implement an organisation-wide system to plan and monitor key project milestones, such as internal stakeholder involvement, closing the loop, prescriptive necessary engagement actions for each type of project, and examples of risk assessments and engagement plans, to ensure consistent delivery on our promises to the public.	Long-term	Communications and Engagement	Value: All Principle: All



### Strategy 3

Ensure those who are impacted by, or have an interest in, a decision or initiate of Council are provided with the opportunity to do so

Action	Timeframe	Responsible	Value & Principle focused on
<b>3.1</b> Develop a schedule of regular engagement sessions in each ward, in accessible and visible locations, including online and precinct meetings, to enable broad feedback on LGA-wide relevant projects and initiatives	Short-term to ongoing	Lead: Communications and Engagement Partner: Project managers	Value: 1, 2, 3, 5 Principle: 1, 2, 3, 5, 7, 8, 9, 10
<b>3.2</b> Explore different ways of engaging people online, including workshops and focus groups	Short-term	Lead: Communications and Engagement Partner: Information Management and Technology	Value: 1, 3 Principle: 1, 2, 3, 5, 7, 10

## Strategy 4

### Ensure our engagement practices are accessible and inclusive

Action	Timeframe	Responsible	Value & Principle focused on
<b>4.1</b> Build on existing relationships and strategies to engage our diverse community in all Council engagement, including older people, children and young people, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander people ie. Reconciliation Action Plan, Disability Inclusion Action Plan, Child Safe Policy	Medium to long-term and ongoing	Lead: Community Programs Partner: Communications and Engagement	Value: 1, 2, 3 Principle: 1, 2, 3, 5, 7, 8, 10
<b>4.2</b> Build capacity and a better understanding in the organisation of ways to be more accessible and inclusive in engagement practices. Ensure these best practices are implemented across engagement projects	Short to medium-term	Lead: Communications and Engagement Partner: Community Programs	Value: 1, 2, 3 Principle: 1, 2, 3, 5, 7, 8, 10
<b>4.2</b> Support and enhance a targeted children and young people engagement plan to ensure policy decisions, programs and services are appropriate, relevant, supported, and responsive to the needs of young people	Medium to long-term and ongoing	Lead: Community Programs Partner: Communications and Engagement	Value: 1, 2, 3 Principle: 1, 2, 3, 5, 7, 8, 10

<sup>1</sup> Short term = 6 months

Medium term = 18 months

Long term = 3–4 yearsw



## Resourcing the Strategy

This strategy is intended to be predominantly resourced from existing staff and budget. During scoping feasibility of each action, additional resourcing may be highlighted as necessary, of which a business case will be drafted and submitted to the Executive Leadership Team for consideration.

## Evaluating Council's community engagement activities

The primary outcome of the Community Engagement Strategy is as outlined in the Delivery Program 2018–2021:

- increased community satisfaction with engagement with Council

Council will use a variety of methods to evaluate Council's engagement activities. These include:

- assessment of relevancy of engagement methods appropriate to the target group
- verbal and written feedback from the community on the effectiveness of the engagement activities
- participation levels in engagement activities (number of participants)
- achievement of the identified engagement objectives within this strategy
- inclusive community representation
- level of qualitative and quantitative information collected
- periodic surveys to determine how we are tracking on reaching our vision, and community engagement techniques.

These evaluation results will be used to improve future engagement strategies and methods.

## Review

This strategy will be reviewed and updated every four years, as part of the review of the Waverley Community Strategic Plan, or as required in the event of legislative changes or requirements.

A review will be reported to Council at the end of each financial year, including the progress of each action outlined in the Strategic Action Plan, and an overview of engagement outcomes for the preceding 12 months.



# Appendix 1: Public-Private Partnerships process

(also known as PPPs or Council and Surf Club Partnerships)

## COUNCIL AND SURF CLUB PARTNERSHIPS

Council has entered into Public-Private-Partnerships (PPPs) with Bronte, North Bondi, Bondi and Tamarama Surf Clubs.

### WHAT IS A PPP?

A PPP is a cooperative arrangement between a public entity (Council) and a private organisation (Surf Club). The partnership is usually long-term and both groups work together to complete a project and/or to provide services to the population.

### WHY WAS THIS NEEDED?

Each of the Surf Clubs is on Crown Land. Council manages Crown Land as if it were public land under the Local Government Act 1993 (LG Act).

Each of the Surf Club buildings are therefore owned by Crown Lands, managed by Council and the Clubs are the tenants.

Just like a landlord of a house, Council has the right to renovate, however, as the Clubs are the long term tenants, we are working together to make sure each development is fit-for-purpose and a beneficial result for the community.



## Appendix 2: Councillor engagement process for Capital Works Projects

### → Step 1

A Councillor workshop to be held on the draft Capital Works Program prior to formal endorsement. All significant projects deemed to have a high level of community interest to be discussed in terms of a Project Brief, including project objectives, scope (included and excluded), project assumptions, consultation overview, estimated timeframe and cost. A complete draft Capital Works list is to be distributed, with significant projects to identified.

### → Step 2

Formally approving all projects via signing off the CAPEX program each year.

### → Step 3

Notifying councillors of the upcoming Stage 1 consultation. ('Have your Say' days) and distributing an invitation to attend. NOTE: For SAMP projects with only like for like replacements, community liaison will be limited to project notification only. For any upgrade, renewal, or new project when the design is of a technical nature (eg. North Bondi

Civil Infrastructure), the consultation process will commence at Step 4.

### → Step 4

Participating in a Councillor workshop on the initial concept design after any Stage 1 community consultation has informed draft concept design changes, and identifying community suggestions that have been excluded.

### → Step 5

For significant projects, Council will formally approve the concept design to go to Stage 2 consultation.

### → Step 6

Councillors are notified of the Stage 2 community consultation outcomes via a consultation outcomes report sent via email. The report is to identify the main issues and what amendments will be made to the concept design. It will also indicate whether changes are considered a significant variation to the concept design endorsed by Council.

### → Step 7

When a significant design variation is proposed to the concepts endorsed by Council, an additional Councillor workshop will be undertaken with a follow up formal report submitted to Council for endorsement of the amended design and consideration of further community consultation.

### → Step 8

Where no significant changes are proposed to be made to the concept design, councillors will be notified via email that the project is to proceed

to detailed design. The email will include the revised concept design with the non-significant amendments shown and annotated or annotated on the concept design as numbered comments with the numbers referenced in the design and/or with arrowed lines pointing to the changes made. If a councillor believes that there is a problem with the revised concept design, and that the detailed design and tender process should not yet proceed, they must contact the Director (within 5 business days) to determine next steps, if any. These next steps may be a further revised design, community consultation, and/or councillor workshop, and would be determined by the Director following consultation or notification, as appropriate, with councillors.

### → Step 9

Exhibition during DA / Review of Environmental Factors stage if required

### → Step 10

Council awards tender if estimated project value is above the tender threshold, or the project is implemented administratively (RFQ or internal).

### → Step 11

Councillors are provided copies of construction notification letters by email when distributed to residents / businesses.





# COMMUNITY PARTICIPATION PLAN 2019

The Waverley Community Development Participation and Consultation Plan



# ACKNOWLEDGEMENT

We acknowledge the Bidjigal and Gadigal people who  
traditionally occupied the Sydney coast.

We also acknowledge Aboriginal Elders both past, present  
and emerging.



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### Table of Amendments

Amendment No	Date Adopted	Date Effective
Amendment 1	7 July 2020	1 August 2020

# 1 ABOUT THE PLAN

This Community Participation Plan (CPP) seeks to make community participation in local planning matters clearer for the Waverley community. It does this by outlining in one place how and when Council will involve the community and receive input across various planning processes and decisions.

Community participation refers to how Council engages with the community to shape the decisions and actions of Council, Council Officers and the Waverley Local Planning Panel (WLPP) in accordance with the legislative requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The level of community participation will vary depending on the community and the nature, scale and likely impact of the proposal being considered.

'The community' is any individual, group or organisation that is impacted by, or has an interest in, the decisions or initiatives of Council. It includes, but is not limited to, residents, landowners, business owners, community organisations, visitors and people working in the area, associations and peak bodies representing a range of issues and other levels of government, government agencies and statutory bodies.

Recent reforms to the EP&A Act require all Councils to prepare a Community Participation Plan (CPP).

This CPP, known as the Waverley Community Development Participation and Consultation Plan, has been prepared to meet Council's legislative requirements under Division 2.6 and Schedule 1 of the EP&A Act.

This CPP identifies when and how the community can participate in various Council-led statutory planning processes and decisions, including planning related strategy or policy development, plan making and development assessment. As well as outlining opportunities for participation in matters and processes external to Council.

It establishes Council's community participation principles which we use to guide our approach to community engagement. It does not outline how Council will engage on specific projects.

This CPP applies to the Waverley local government area (LGA) and the carrying out of planning processes and decisions by Council, Council staff and the WLPP only.









## 2 OUR APPROACH TO COMMUNITY PARTICIPATION

Waverley Council's approach to all community engagement is guided by our Community Engagement Policy. Please refer to this document for a complete overview of Council's engagement approach.

it is underpinned by a Statement of Commitment to Community Engagement, as well as a set of values and principles. These are summarised below:

### Statement of Commitment

Council will engage with the community in an inclusive, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the community.

### Values

1. Those who are impacted by, or have an interest in, a decision or initiative of Council will have fair and equitable access to participating in the decision-making process.
2. We will carefully consider the needs and interests of all stakeholders, including Council.
3. We will make every effort to notify and enable the involvement of all stakeholders affected by or interested in a decision.
4. The level of influence of stakeholders will be appropriate for the nature, complexity and level of impact of the decision being made.
5. We will provide all relevant information to ensure the community can participate in engagement activities in a meaningful way.
6. We will report back to participants on how their input affected the final decision or outcome being considered.

### Principles

1. We will engage in an honest, open and respectful way to build strong relationships and trust within our community.
2. We believe that our community members have a right to be involved in decisions that affect them.
3. We will work to build the capacity and opportunity for each stakeholder to genuinely participate in decisions that affect them.
4. We will engage with our community with clarity around what the project/initiative/decision is and what the purpose of the engagement process is.
5. Information and engagement activities will be offered in a range of accessible formats to enable fair and equal access to participation.
6. We will engage early enough for participation to be meaningful. We will provide enough time for the community to provide input. Engagement timelines will be considered from inception of the project and built into the project timeline and project plan.
7. We will use a range of engagement and communication methods that suit the purpose of the project and reach the key stakeholders.
8. We will collaborate across Council to ensure our engagement activities are approached in a strategic way to avoid duplication and inefficiencies. We will be conscious of the time of year and other consultation projects when planning our engagement.
9. We will be open with information the community needs to be able to participate meaningfully and communicate how community input influenced the outcome.
10. We will aim to reach out to all relevant stakeholder groups, including those who face barriers to participation, to ensure a representative sample of the community being impacted by a decision or initiative are able to participate.

## Why is community participation important?

- it builds community confidence in the planning system and ensures the community can have a say in decisions that affect them
- it creates a shared sense of purpose, direction and understanding of the need to deliver infrastructure and services to meet the community needs, while managing change
- it develops strong relationships and partnerships between Council and the community, leading to shared understanding of our community needs, aspirations and priorities.

## How we undertake community participation

Community participation (or engagement) is the act of informing, consulting, involving, collaborating and empowering individuals on relevant matters or decisions that affect their everyday lives.

There is no one-size fits all approach to community participation. The level of involvement and influence the community will have and the range of engagement methods we use will depend on the nature of the proposal being considered. This document does not outline how Council will engage on specific projects, but more broadly how Council will foster community participation in planning processes and decision making.

### Council planning processes and decisions

Council has adopted the International Association of Public Participation (IAP2) 'Public Participation Spectrum' model to inform the appropriate level of community participation for various planning processes and decisions. The IAP2 model comprises five levels of engagement. Refer to Figure 1.

Council typically utilises the first three levels of the IAP2 model to guide the preparation of tailored

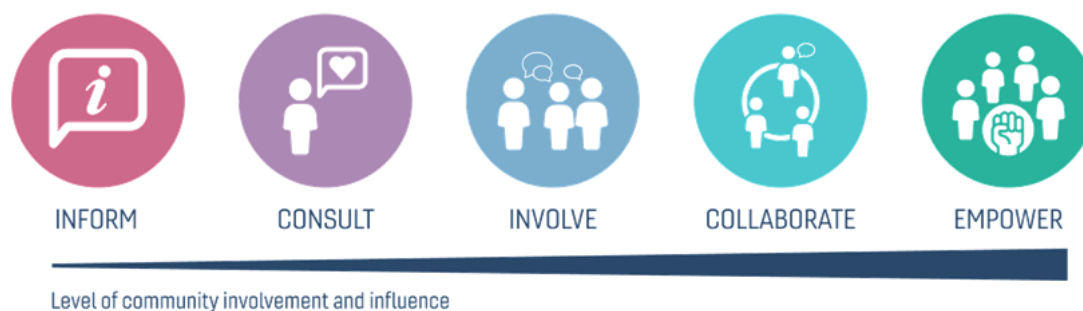
engagement strategies, which identify the methods and level of engagement used to engage with the community on specific planning-related projects.

It is noted that the fifth level of the IAP2 model 'Empower' is difficult to achieve within a planning system that has a multi-layered policy framework and multiple stakeholders.

Methods of community participation Council may utilise include (but are not limited to):

- Print - newspaper advertisements, flyers, notices,
- Online - Have Your Say webpage, social media, emails,
- Interactive - surveys, information sessions,
- Face-to-face - Council and Precinct meetings, workshops.

A common way for the communities to participate in planning is during 'public exhibition' or 'public notification' of planning related documents and development applications. The minimum mandatory statutory exhibition timeframes and the associated notification processes are outlined in Part 5 and Part 6 of this CPP. During the exhibition or notification period Council may utilise one or more of the above community participation methods.



**Figure 1** - The IAP2 'Public Participation Spectrum' model

There will be circumstances where Council may not consult with the community, including when:

- the proposal does not require public exhibition / notification in accordance with the legislation,
- the community has already had input through prior engagement,
- Council is responding to an emergency and immediate action is required to rectify an issue,
- technical or other expertise is the primary input to guide the decision.

### External planning processes and decisions

The State Government (e.g. the Department of Planning, Industry and Environment (DPIE)) and other government agencies also develop planning related policies and assess development applications that may affect the Waverley community. These may include:

- new or amendments to existing State Environmental Planning Policies (SEPPs),
- assessment of State Significant Development (SSD), including new or alterations to existing educational institutions.

For these external planning processes and decisions there is no requirement that Council undertake community participation. However, Council may choose to keep the community informed. This can take the form of directing the community to relevant agencies webpage on Council's webpage, newsletter or social media accounts. The external agency is responsible for undertaking sufficient community engagement in accordance with their CPP.

Further, Council may choose to advocate on certain external matters to represent community interests and provide feedback to the relevant agency.

## How we report on community participation

An important component of community participation is responding to and demonstrating how feedback has informed decision making.

Consideration is given to all community participation, and Council reports on how feedback has been used to inform the project. This reporting may be undertaken in multiple ways, for example:

- Council may notify those people who have been actively involved and are directly affected by the proposal of the outcomes and decisions,
- Council may publicise a submissions report which outlines the scope, community input and how this input has been considered,
- Council will publicise Council and WLPP meeting minutes.

Depending on the nature and timing of a decision, these reports may be published prior, at the time or following the making of a decision or finalisation of a project.





Further, the community can stay up to date on Council processes and decisions by:

- registering on the Waverley Council Have Your Say webpage - [haveyoursay.waverley.nsw.gov.au](https://haveyoursay.waverley.nsw.gov.au),
- tracking the progress of Development Applications through Councils Development Application tracking tool - [waverley.nsw.gov.au/building/development\\_applications/track\\_a\\_da](https://waverley.nsw.gov.au/building/development_applications/track_a_da),
- subscribing to planning and Development Application alerts which provides a list of planning applications in the Waverley LGA - [planningalerts.org.au/alerts/signup](https://planningalerts.org.au/alerts/signup).



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**Table 2 - Our approach to community participation for planning processes and decisions**

Level of engagement / community involvement	Process for engagement	Example methods of engagement	
<b>INFORM</b> 	<p>We will notify the community (one-way communication) of proposals and provide accurate and relevant information, to assist in understanding a particular matter.</p> <p>We will clearly outline how the community can get in touch and provide feedback.</p> <p>We will update the community of the proposals progress and outcome.</p>	<p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Media releases</p> <p>Social media announcements</p> <p>Council page in the Wentworth Courier</p> <p>Letterbox drops</p>	
<b>CONSULT</b> 	<p>We will consult with the community (two-way communication) and invite feedback on proposals to inform decision making.</p> <p>We will listen and consider all feedback received, and provide feedback on how input shaped the final decision or outcome through the relevant Council or Committee Meeting Reports or Assessment Reports.</p>	<p>Public exhibition</p> <p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Surveys</p> <p>Information sessions</p> <p>One-on-one engagement with Council planners via email or letter</p>	
<b>INVOLVE</b> 	<p>We engage directly with the community (participatory process) and seek specific feedback and input on proposals to inform decision making.</p> <p>We will demonstrate how the community's involvement was used.</p> <p>We will update the community of the proposals progress and outcome.</p>	<p>Precinct Committee Meetings</p> <p>Public workshops and feedback sessions</p> <p>Site visits</p> <p>Pop-ups</p> <p>Intercept surveys</p> <p>Citizen juries</p>	
<b>RESPONSE AND DETERMINATION</b>	<p>We notify the community of the outcomes of community participation and detail how their views were considered in the relevant Council or Committee meeting, submissions or assessment reports.</p> <p>We notify the community of the reasons for a decision.</p> <p>The ability to review or appeal a decision depends on the type of planning process and project.</p>	<p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Publication of community engagement reports</p> <p>Exhibition reports</p> <p>Notice of determination reports</p> <p>Council and Committee Meeting reports</p>	





# 3 COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

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Waverley Council recognises the importance of community participation throughout the planning process. Council is committed to engaging with the community in an open, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the Waverley community. No matter how big or small, it's important the community know when and how they can have their say on what is happening in Waverley.

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The economic, social and environmental needs of the community are constantly changing. These needs include access to employment, housing, transport, education and health services and open space.

'Planning' is the act of researching, analysing, anticipating and influencing change in an area in response to these needs. Planning is important because it affects everyone in the community and the built and natural environments in which we live.

The 'planning system' is a framework of legislation, policy and practice, which enables and guides development to ensure we deliver these economic, social and environmental needs.

## The NSW planning system

### **The Environmental Planning and Assessment Act 1979**

*The Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal legislation governing land use planning and development in NSW – from the overarching objectives through to how controls affecting development are made and how a development is assessed against those controls.

The Act is administered by the NSW DPIE.

The EP&A Act is supported by the Environmental Planning and Assessment Regulation 2000 (EP&A Regulations), which sets out how certain functions under the EP&A Act should be carried out, fees, procedures etc.

### **State, regional and local plans**

The planning system has a hierarchical structure with the EP&A Act providing for three levels of planning – State, regional and local. Council's role and influence across these three levels of planning varies.

Councils in NSW exercise their local planning functions within the broader legislative and policy context set by the State government. Specifically, councils have the primary responsibility for preparing and implementing local plans, however they are required to reflect State and regional planning priorities and actions.

The hierarchy of key State and local plans applying to the Waverley LGA is shown at Figure 2 and described in Table 3. These plans are prepared in accordance with Part 3 of the EP&A Act.

**Table 3 -** Key State and local plans applying to the Waverley LGA

Plan	Description
<b>Strategic plans</b>	
Greater Sydney Region Plan	A 40-year vision and 20-year strategic plan for the Sydney metropolitan area, prepared by the NSW Government (Greater Sydney Commission (GSC)). The plan outlines objectives to provide for the community's economic, social and environmental needs. Visit <a href="https://greater.sydney/metropolis-of-three-cities/about-plan">greater.sydney/metropolis-of-three-cities/about-plan</a> for more information.
Eastern City District Plan	A 20-year vision plan for the Eastern City District of metropolitan Sydney, prepared by the NSW Government (DPIE). The plan guides the implementation of the Greater Sydney Region Plan at a district level. Visit <a href="https://greater.sydney/district-plans">greater.sydney/district-plans</a> for more information.
The Waverley Local Strategic Planning Statement (LSPS)	A 20-year strategic plan, prepared by Council and endorsed by the NSW Government (GSC and DPIE). The plan guides the implementation of State planning priorities at a local level to deliver place-based outcomes.
<b>Environmental planning instruments</b>	
State Environmental Planning Policies (SEPPs)*	SEPPs are state-wide legislated plans prepared by the NSW Government (DPIE). They specify planning controls for certain areas and / or types of development. For example the provision of affordable housing or educational establishments. SEPPs have greater weight than Council's plans and policies.
Waverley Local Environmental Plan 2012	<p>A legislated plan prepared by Council and approved by the NSW Government (DPIE). An LEP:</p> <ul style="list-style-type: none"> <li>• zones land to specify what development is permitted in a certain area</li> <li>• identifies special matters for consideration eg, whether an item has heritage significance or land is prone to flooding or bushfire</li> <li>• identifies the principal development standards eg, maximum building height and floor space ratio (FSR).</li> </ul> <p>A Planning Proposal is required to make or amend an LEP.</p>
<b>Local guides</b>	
Waverley Development Control Plan	Guiding documents, prepared by Council. DCPs provide more detailed design and planning requirements for certain areas and / or types of development.

\* *Regional Environmental Plans (REPs) are deemed SEPPs in accordance with the EP&A Act.*

### Development approval

The type of approval a development requires, if any, depends upon the scale and potential impacts of the proposal. There are nine approval pathways in NSW:

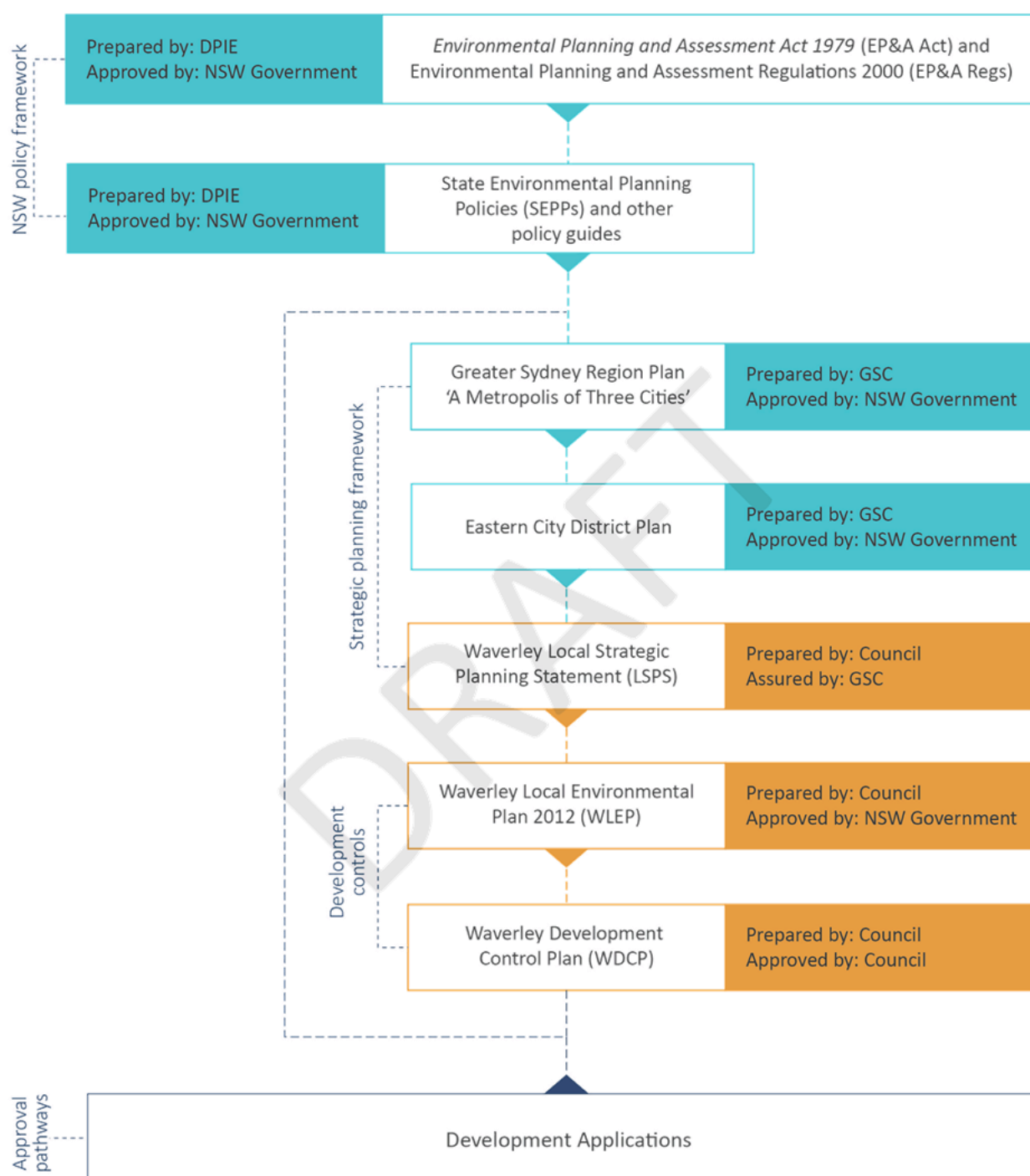
- Exempt development,
- Complying development,
- Local development,
- Regional development,
- State significant development,
- State significant infrastructure,

- Development without consent,
- Part 3A development,
- Designated fishing activities.

When preparing and assessing a development application, consideration is required to be given to the EP&A Act and the relevant strategic and statutory plans. These applications are prepared in accordance with Part 4 and 5 of the EP&A Act.

Visit [planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways](https://planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways) for more information.

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'NSW Government' refers to the Premier of New South Wales and / or the Minister for Planning and Public Spaces. 'GSC' refers to the Greater Sydney Commission. 'DPIE' refers to the Department of Planning, Industry and Environment. 'Council' refers to Waverley Council Officers, Councillors and / or the Waverley Local Planning Panel.

**Figure 2** - The planning framework applying to planning processes and decisions in the Waverley LGA

## What is a Community Participation Plan?

In March 2018, amendments to the EP&A Act introduced new requirements to make it easier for the community to participate in planning decisions.

Specifically, Council has a responsibility to deliver the objects of the EP&A Act including to “provide increased opportunity for community participation in environmental planning and assessment” (see section 1.3(j) of the EP&A Act). A tool to deliver this object is a CPP.

This CPP, known as the Waverley Community Development Participation and Consultation Plan, has been prepared to meet Council’s legislative requirements under Division 2.6 and Schedule 1 of the EP&A Act.

It seeks to make community participation in various Council-led strategic and statutory planning processes and decisions clearer for the Waverley community by outlining when and how the community can be involved.

It also outlines opportunities for participation in matters and processes external to Council, led by other government agencies e.g. the DPIE.

Further, this CPP establishes Council’s community participation principles which we use to guide our approach to community engagement.

This CPP applies to planning processes and decisions (refer to Table 4) by Council, Council staff and the WLPP only. It does not apply to other NSW planning authorities including the GSC, DPIE, Independent Planning Commission (IPC) or other councils.

It also forms Council’s approved ‘Submissions Policy’ as referenced under Council’s Local Planning Panel delegations.

This CPP has been informed by the Waverley Community Engagement Strategy (CES) and Waverley Community Engagement Policy (CEP) which are being prepared concurrently. These documents are a requirement of the *Local Government Act 1993* (LG Act) and provides the framework for Council-wide community participation.

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## Who is involved in the planning system?



**Figure 3 - Who is involved in the planning system?**



**Table 4 -** What planning matters does the Waverley Community Participation Plan apply to?

Matter	Description
<b>Planning related strategy or policy development</b>	<p>We develop strategies and policy documents for particular matters or areas of the LGA which reflect the future needs of the community. These documents, underpinned by detailed research and analysis, establish the vision, context and strategic direction to guide planning and development decisions.</p> <p>We consult and involve the community to ensure these strategies and policies reflect their future economic, social and environmental needs.</p> <p>Example documents include: the Bondi Junction Evening, Culture and Entertainment Strategy and Waverley's People, Movement and Places.</p>
<b>Plan making</b>	<p>We prepare local plans for the LGA per requirements of the EP&amp;A Act. These plans are informed by our local strategies and policies as well as State and regional strategic and statutory plans, and provide the legislative framework for planning and development decisions.</p> <p>We inform and consult with the community during the preparation of these plans to ensure they will deliver the future needs of the community.</p> <p>Plans include: Local Strategic Planning Statement (LSPS), Waverley Local Environmental Plan 2012 (WLEP 2012), Waverley Development Control Plan (WDCP) and Contributions Plans.</p>
<b>Planning proposals</b>	<p>A Planning Proposal is a proposed amendment to the WLEP 2012. Planning Proposals can be prepared by Council, or they can be proponent-led, usually for a specific site (also known as spot-rezonings).</p> <p>We inform and consult with the community during the preparation and assessment of these proposals.</p> <p>Council Officers, the Waverley Local Planning Panel (WLPP), Council and the DPIE are all involved in the decision making process for Planning Proposals. Sometimes the Sydney Eastern City Planning Panel and the Independent Planning Commission (IPC) can also be involved in the process, if there is a dispute about a decision that has been made.</p> <p>When making decisions on these matters consideration is given to the proposals consistency with the requirements and objects of the EP&amp;A Act, relevant State and local strategic priorities, plans and guidelines, community input and other technical advice.</p>
<b>Development approvals</b>	<p>Council Officers, the WLPP, the Sydney Eastern City Planning Panel, and the Land and Environment Court make decisions on a range of proposals, including local and regional development applications (DA), development without consent and some complying development certificates (CDC).</p> <p>We inform and consult the community during the assessment of development proposals.</p> <p>When making decisions on these matters consideration is given to the proposals consistency with the requirements and objects of the EP&amp;A Act, relevant State and local strategic priorities, plans and guidelines, community input and other technical advice.</p>

## Public exhibition and public notification of planning matters

Opportunities for community participation and the level of influence the community has in decision making will depend on the nature, scale and likely impact of the proposal being considered. A regular and valuable way for the communities to participate in the planning system is by making a submission on a proposal during the 'public exhibition' or 'public notification' period.

Public exhibition / notification can be described as:

- giving notice to individual land owners / occupiers in the vicinity of a proposal,
- giving notice to the local Precinct Committees of all proposals within their area,
- determining an appropriate exhibition timeframe,
- advertising the exhibition notice, including how submissions can be made,
- making documents, including a draft strategy, draft plan or proposed development, publicly available.

In conducting an exhibition, we receive public comments in accordance with our **Terms of Use**, **Privacy Policy** and **Moderation Policy**.

There are mandatory statutory timeframes for the public exhibition and notification of planning related documents and proposals. These are set out in the EP&A Act. These timeframes are outlined in Part 5.

An exhibition timeframe may be discretionally extended based on the scale and nature of the proposal. Re-exhibition of any amended application or matter may occur.

The period of re-exhibition, if required, will be determined by Council and based on the nature, scale and likely impact of the amended proposal.

There will be circumstances where Council may not exhibit or consult with the community, including when:

- the proposal does not require public exhibition / notification in accordance with the legislation,
- the community has already had input through prior engagement,
- technical or other expertise is the primary input to guide the decision,
- Council is responding to an emergency and immediate action is required to rectify or remediate an issue,
- decisions relate to Council's day-to-day business operations,
- legal, commercial or confidential restrictions are involved.

It is noted that the following applications will not be exhibited:

- Exempt development,
- Complying development,
- Section 4.55(1) application for modification of a consent to correct a minor error, misdescription or miscalculation,
- DAs to strata title new buildings, which have not been occupied.

Exhibition of the above applications is not a requirement of the EP&A Act or other legislation.

## Your privacy is important

We take your privacy very seriously. When participating in community participation you may be asked to provide personal information. The supply of your personal information is voluntary. However, if you do not provide your contact details, Council may be unable to give proper consideration to your comments, or to contact you to respond or update you on a proposal. You are entitled to access and correct the information you provide.

Personal information, including formal submissions will not be published on Council's website. However, please note that your submission, including your personal information, may be viewed and copied by, or provided electronically to, members of the public under the Government Information (Public Access) Act 2009. Questions concerning privacy or the use of your personal information should be referred to [governance@waverley.nsw.gov.au](mailto:governance@waverley.nsw.gov.au).



# Have your say!



How the community can participate in planning processes and decisions.

- **Make a formal submission** on Council-led proposals or local development applications by:
  - going online to the Waverley Have Your Say webpage or Development Application Tracker, or
  - by writing to The General Manager of Waverley Council, or
  - by emailing [info@waverley.com.au](mailto:info@waverley.com.au) or [dasubmissions@waverley.nsw.gov.au](mailto:dasubmissions@waverley.nsw.gov.au).
- **Visit the Customer Service Centre** located at 55 Spring Street Bondi Junction, between 8.30am – 4.30pm, Monday to Friday, to access public exhibition documents.
- **Connect directly with Council staff** working on a proposal, policy, plan or project. Contact details are typically available on the Waverley Have Your Say and Development Application Tracker webpages.
- **Advocate for local issues** on State-led proposals or development applications by:
  - going online to the DPIE Have Your Say webpage or Major Projects webpage; or
  - by writing to the Minister for Planning, the Planning Secretary or DPIE staff.

## What to include in a formal submission

Should you wish to make a formal submission please consider the following requirements:

- it must be in writing,
- it should indicate who is making the submission, or on whose behalf it is being made, the relevant address, contact phone number and email address,
- it should be succinct – there is no need for a submission to repeat or undertake a detailed assessment of the proposal against the development standards and controls,
- it should identify the reasons for support or objection and any impacts, positive or negative, that may arise from the proposal. If there is a satisfactory solution the submission should outline this,
- it should only relate to 'planning issues' that are capable of being considered under the EP&A Act.

## What is a relevant 'planning issue'?

Some examples of what is and what isn't considered a relevant planning issue that is capable of being considered under the EP&A Act are provided below:

- ✓ Relevant plans and policies, Overshadowing / loss of light, Overlooking / loss of privacy, Scale / size / local character, Safety issues, hours of operation and outdoor dining, Traffic generation, Removal of and works to vegetation and trees.
- ✗ Impact on private property values, Personal values or religion, Matters covered by other legislation such as the provision of a liquor licence under the *Liquor Act 2007*, The perceived morals / future intentions of developers.

## Decision-making and determination

Community participation does not replace decision making functions of Council or other planning authorities, rather it informs and guides it.

In reaching a decision on proposals, a range of factors must be balanced to ensure that decisions are in the public interest. In addition to community input, decisions are also informed by factors such as:

- consistency of the proposal with the requirements and objects of the EP&A Act,
- consistency of the proposal with the relevant State and local planning controls,
- technical elements of the proposal and expert advice,
- other authorities and Government departments advice and approval,
- regional and peak bodies with which Council is affiliated.

In most cases, the determining authority (decision-maker) will be Council Officers (under delegation), the WLPP or Council. However, the EP&A Act, the EP&A Regulations or an EPI (LEP or SEPP) can specify a different consent authority for some planning matters, such as:

- the Greater Sydney Commission (GSC),
- the Minister for Planning and Public Spaces (the Minister can delegate this function to DPIE),
- the Independent Planning Commission (IPC),
- the Sydney Eastern City Planning Panel,
- a public authority (other than Council).

The determining authority for the planning matters covered by this CPP are outlined in Table 5.

Council reports on the outcomes of planning matters, including the outcomes of community participation. This may occur by:

- Council notifying people who have been involved and are directly affected by the proposal,
- reporting via Council and Strategic Planning and Development Committee Meetings. Reports are made available online through the Agenda and Minutes of these meetings,

- reporting via Development Assessment Reports which can be viewed on Council's Development Application Tracker webpage,
- online via Have Your Say and social media.

Planning panels and other consent authorities will publish public decisions and associated assessment reports on their webpages.

Schedule 1 of the EP&A Act requires that Council provides reasons for the determination of a development application (DA). These typically form part of the Notice of Determination and development assessment report which are made available online through the Waverley DA Tracking Tool.

Part 3 Division 3 of the EP&A Regulations requires Council to give public notice of its decision on a DCP including Council's reasons for the decision.

Depending on the nature and timing of a decision, these reports may be published prior, at the time or following the making of a decision.

### Role of Councillors in decision making

Per Division 4.2, Clause 4.8 of the EP&A Act, the functions of a Council as a consent authority for development applications are not exercisable by the Councillors. They are exercisable on behalf of the Council by the local planning panel or delegation. This allows Councillors more time to focus on strategic planning issues.

In 2013, Waverley Council implemented the Waverley Development Assessment Panel (now referred to as the WLPP) to determine certain types of development applications. Per Division 2.5, Clause 2.18 of the EP&A Act Councillors are ineligible to be panel members. Further requirements for the WLPP panel members are outlined within the 'Code of Conduct for Local Planning Members' and the 'Local Planning Panels Direction Operational Procedures'.

**Table 5 - Who makes decisions on planning matters?**

Matter	Determining authority	
Planning related strategy or policy development	Planning related strategy and policies are prepared by Council Officers and adopted by Council.	
Plan making	Council Officers, the WLPP, Council and the DPIE can be involved in local plan making.	
Planning proposals	Council Officers, the WLPP, Council and the DPIE are all involved in the decision making process for Planning Proposals. Sometimes the Sydney Eastern City Planning Panel and the IPC can also be involved in the process, if there is a dispute about a decision that has been made. This is known as a Rezoning Review process.	
Development approvals	Exempt development	No development approval is required.
	Complying development	Complying development can be determined through a fast-track assessment by Council or an accredited Certifier. A Complying Development Certificate (CDC) is issued.
	Local development	<p>Local development applications are submitted to Council for assessment can be determined in the following ways:</p> <ul style="list-style-type: none"> <li>determined by Delegated authority ie, the Assessment Officer allocated the application, or Manager. Delegation is restricted to applications where no objections have been received and / or where applications do not depart (other than a minor degree) from the statutory controls and Council policies, or</li> <li>determined by the WLPP* where there is a conflict of interest, contentious development, departure from development standards or sensitive development as defined by the Local Planning Panels Direction - <a href="http://planning.nsw.gov.au/-/media/Files/DPE/Other/local-planning-panels-direction-development">planning.nsw.gov.au/-/media/Files/DPE/Other/local-planning-panels-direction-development</a>. The WLPP is provided an assessment report and recommendation (instrument of approval / refusal) about the application to assist in making a determination.</li> </ul> <p>If a local DA is refused it may be appealed in the Land and Environment Court.</p>
	Regional development	Regional DAs are submitted to Council for assessment and are determined by the Sydney Eastern City Planning Panel. Continued on next page.

*\* This CPP also forms Council's approved 'Submissions Policy' as referenced under Council's Local Planning Panel delegations. This allows Council (as the delegated authority) to direct certain DAs to the Local Planning Panel based on the number of submissions. Referrals to the Local Planning Panel remain as per Council's delegations unless otherwise specified in this document.*



Matter	Determining authority
	<p>The panel is provided an assessment report and recommendation (instrument of approval / refusal) from the Assessment Officer to assist in making a determination. These applications are of a greater scale or value than local development (generally over \$30 million).</p> <p>If a regional DA is refused it may be appealed in the Land and Environment Court.</p>
State significant development (SDD)	<p>SSDAs are submitted to DPIE for assessment and are can be determined in the following ways:</p> <ul style="list-style-type: none"> <li>determined by the Minister (or DPIE as delegate), or</li> <li>determined by the IPC if the application has received more than 25 submissions, the local council has objected or a political donation has been disclosed. The IPC may meet with the proponent, DPIE, Council or hold a public meeting.</li> </ul> <p>These applications relate to high cost and high impact developments that are not public infrastructure projects. An assessment report and recommendation (instrument of approval / refusal) is prepared by the Assessment Officer to assist in making a determination.</p>
State significant infrastructure (SSI)	<p>SSI applications are submitted to the DPIE for assessment and can be determined in the following ways:</p> <ul style="list-style-type: none"> <li>determined by the DPIE under delegation, or</li> <li>determined by the Minister, where 25 or more submissions have been received.</li> </ul> <p>These applications relate to large, mainly infrastructure projects (eg, rail, roads). An assessment report and recommendation (instrument of approval / refusal) is prepared by the Secretary to assist in making a determination.</p>
Development without consent	<p>Applications for 'development without consent' are prepared on behalf of a public authority (ie, Council) for self-authorisation ('determination') by the authority. These applications relate to low impact works carried out by the authority eg, upgrades to public open space.</p>







# 4 KEY PLANNING AND APPROVAL PROCESSES

There are many pathways for planning approval. In an attempt to make it clearer for the Waverley community this Part details how and when the community can participate in the following key State and local planning and approval processes:

- A- Complying development (*no formal consultation requirements*)
- B- Local development
- C- Regional / designated development
- D- State significant development (*Consultation undertaken by the State government*)
- E- Planning proposal (*Consultation may also be undertaken by the State government*)
- F- Council strategy and policy development

*Note: the following flowcharts provide a generic overview of key stages of the assessment and decision-making process for the various planning matters common to the Waverley LGA. They are intended as a guide only. Processes may vary for specific development proposals, including the level of community participation undertaken. In some instances an applicant may undertake additional non-mandatory community consultation prior to or during the assessment of a DA. Council's role and influence varies across these matters.*



## A - COMPLYING DEVELOPMENT APPLICATION

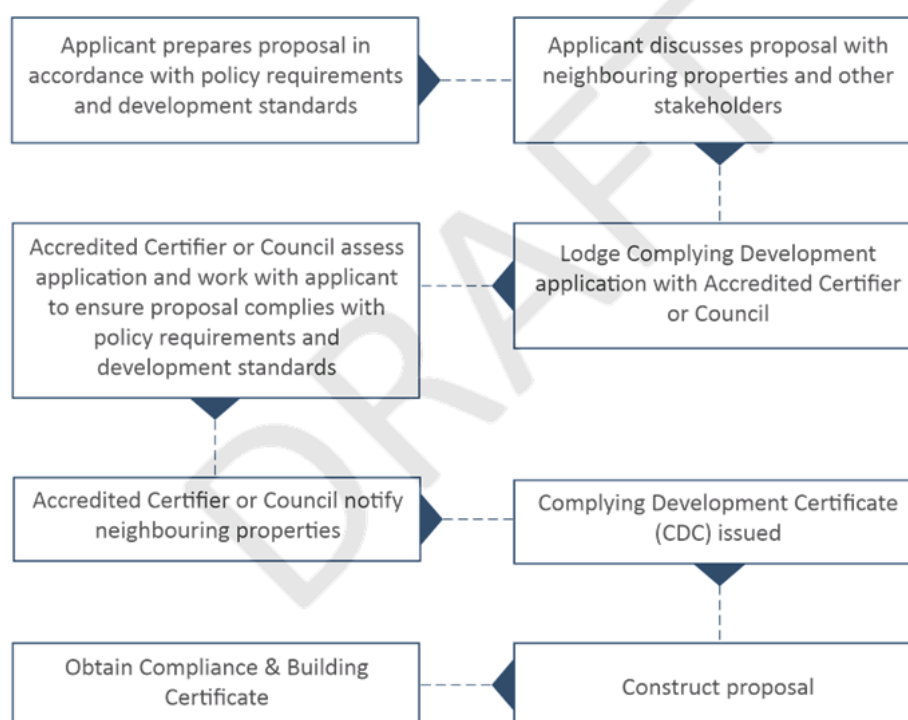
### What is a complying development application?

Complying development is development that meets specific standards in the State government State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) or other SEPPs such as the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Complying development can be determined through a fast-track assessment by Council or an accredited Certifier.

Some categories of works that are complying development:

- construction of a new building (eg, secondary dwelling, school, hospital)
- alterations and additions to an existing building
- demolition of a building
- internal alterations (fit-outs) of commercial / retail premises.

### Complying development approval process



### Have your say!

Council encourages communication between complying development applicants and their neighbours. Applicants should consult with their neighbours at the earliest opportunity to help them understand the proposal. All neighbouring properties within a 20m radius of the site must be notified by an accredited certifier (Council or private) when they are processing an application. A CDC cannot be approved for at least 14 days after neighbouring properties are notified.

Neighbours have no objection rights to a complying development proposal because it meets minimum impact criteria on surrounding properties. These requirements are set out by the State government.

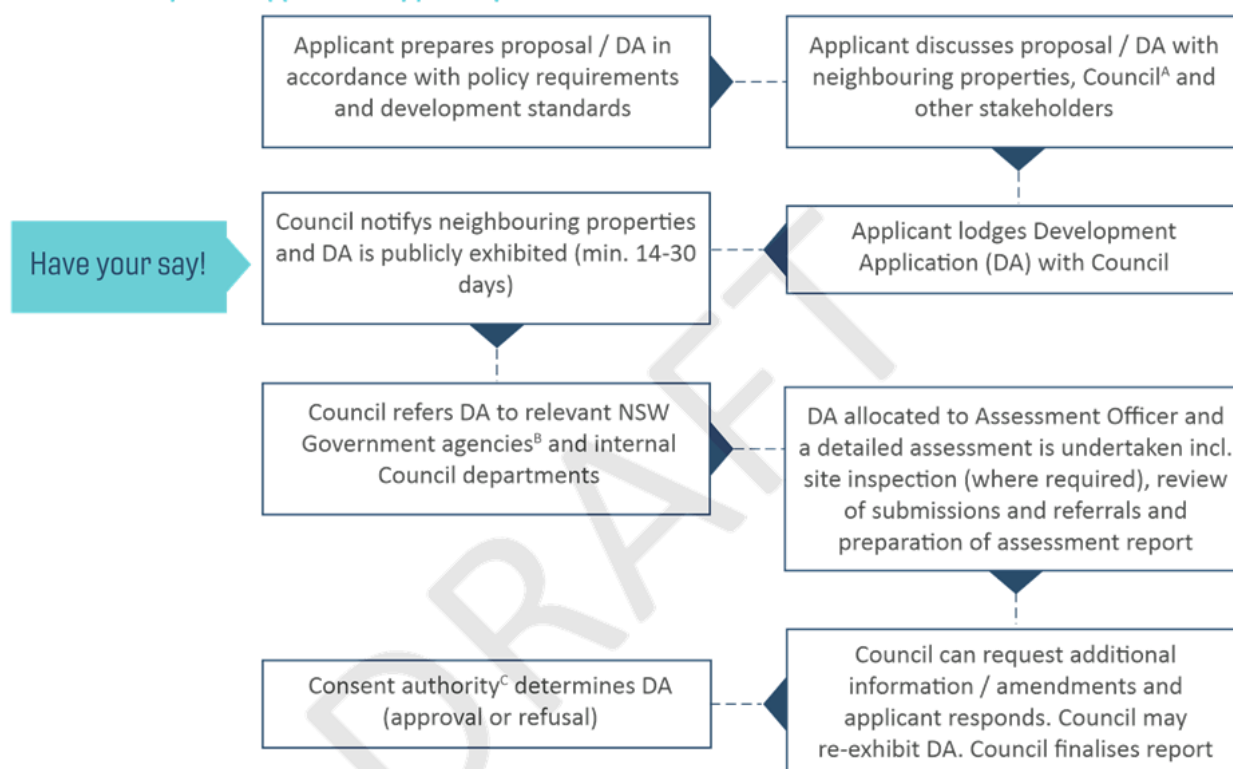
## B - LOCAL DEVELOPMENT APPLICATION

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### What is a local development application?

A Development Application (DA) is an application made to Council seeking consent to carry out a proposed development. This is the most common type of development in NSW and includes home renovations and extensions, new residential buildings and medium-sized commercial and retail developments. Applicants must consider the requirements and objects of the EP&A Act, relevant State and local strategic priorities, plans and guidelines. Refer to the Waverley Development Application Guide for more information.

### Local Development Application approval process



### Notes

<sup>A</sup> Prior to the lodgement of a DA Council Officers may meet with an applicant to: discuss the application or proposal in terms of the type of information that will be required; to alert the applicant to relevant Council policies and strategies; or to raise potential impacts of the proposal. These meetings do not involve assessment advice or professional planning advice for the proposal.

<sup>B</sup> Some developments require referral to a government agency for a separate approval (i.e. 'Integrated Development'), concurrence or comment.

<sup>C</sup> The Consent Authority may be either a Council Officer (by delegation) or WLPP. Refer to Table 5 for more information.

### Have your say!

- Make a formal submission on a DA whilst on exhibition / notification by visiting the Development Application Tracker, writing to The General Manager of Waverley Council, or emailing [dasubmissions@waverley.nsw.gov.au](mailto:dasubmissions@waverley.nsw.gov.au).
- Visit the Waverley Customer Service Centre to access all plans and related documents for current applications.

Refer to Part 3 for more information.



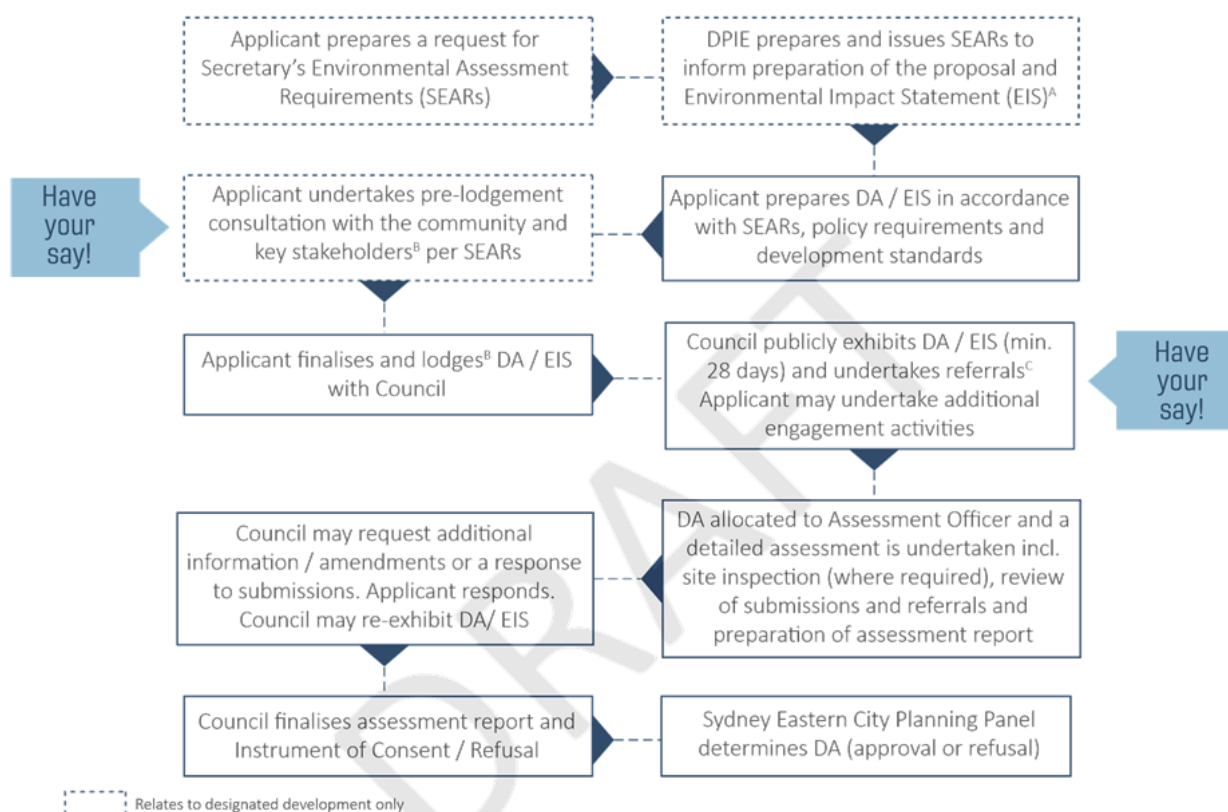


## C - REGIONAL DEVELOPMENT APPLICATION

### What is a regional development application?

Regional development is of a greater scale and / or value than local development (generally greater than \$30m) or of a greater impact (eg, 'designated development'). Regional development is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. Schedule 3 of the EP&A Regulations defines types of designated development.

### Regional and designated development application approval process



### Notes

<sup>A</sup> The DPIE has 28 days to issue SEARs and must seek input from relevant agencies.

<sup>B</sup> Prior to the lodgement of the DA an applicant will meet with DPIE and Council to discuss the proposal, relevant policies and strategies and potential impacts. These meetings do not involve assessment advice or professional planning advice for the proposal.

<sup>C</sup> Some developments require referral to a government agency for a separate approval (ie, 'Integrated Development'), concurrence or comment.

### Have your say!

- Make a formal submission on a DA whilst on exhibition / notification by visiting the Development Application Tracker, writing to The General Manager of Waverley Council, or emailing [dasubmissions@waverley.nsw.gov.au](mailto:dasubmissions@waverley.nsw.gov.au). Refer to Part 3 for more information.
- Visit the Waverley Customer Service Centre to access all plans and related documents for current applications.
- Participate in Applicant initiated and led community and stakeholder engagement activities.

## D - STATE SIGNIFICANT DEVELOPMENT APPLICATION

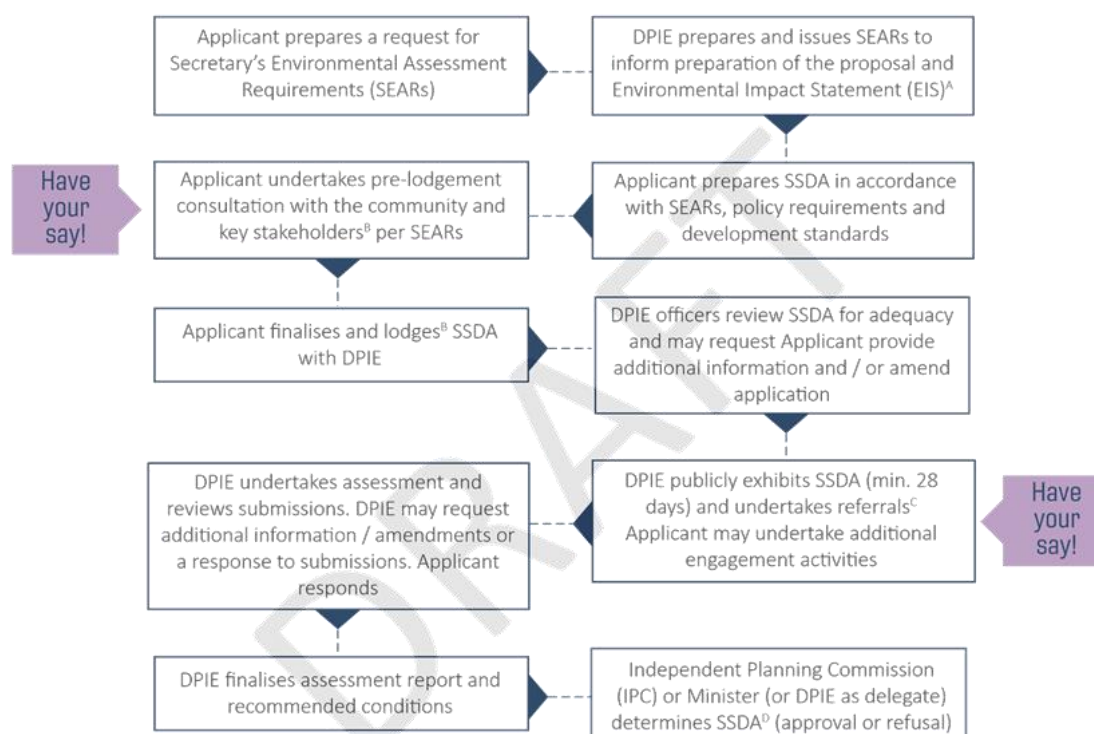
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### What is a state significant development application?

Some types of development are deemed to have State significance due to the location, size, economic value or potential impacts that a development may have. State significant development (SSD) is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. The Minister for Planning and Public Spaces may also 'call in' a development proposal if it is deemed to be of State significance. All SSD applications are listed on the DPIE's major projects website, [planningportal.nsw.gov.au/major-projects](https://planningportal.nsw.gov.au/major-projects).

Refer to [planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/State-Significant-Development](https://planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/State-Significant-Development) for more information.

### State significant development application approval process



### Notes

<sup>A</sup> The DPIE has 28 days to issue SEARs and must seek input from relevant agencies.

<sup>B</sup> Prior to the lodgement of the DA an applicant will meet with DPIE and Council to discuss the proposal, relevant policies and strategies and potential impacts. These meetings do not involve assessment advice or professional planning advice for the proposal.

<sup>C</sup> Some developments require referral to a government agency for a separate approval (ie, 'Integrated Development'), concurrence or comment.

<sup>D</sup> Refer to Table 5 for further information.

### Have your say!

- **Consultation is undertaken by the State government.** Make a formal submission on an SSD during public exhibition by visiting the major projects website and making a submission to the relevant project or by writing to the DPIE. Refer to [planning.nsw.gov.au/Contact-Us](https://planning.nsw.gov.au/Contact-Us).
- Participate in Applicant initiated and led community and stakeholder engagement activities.

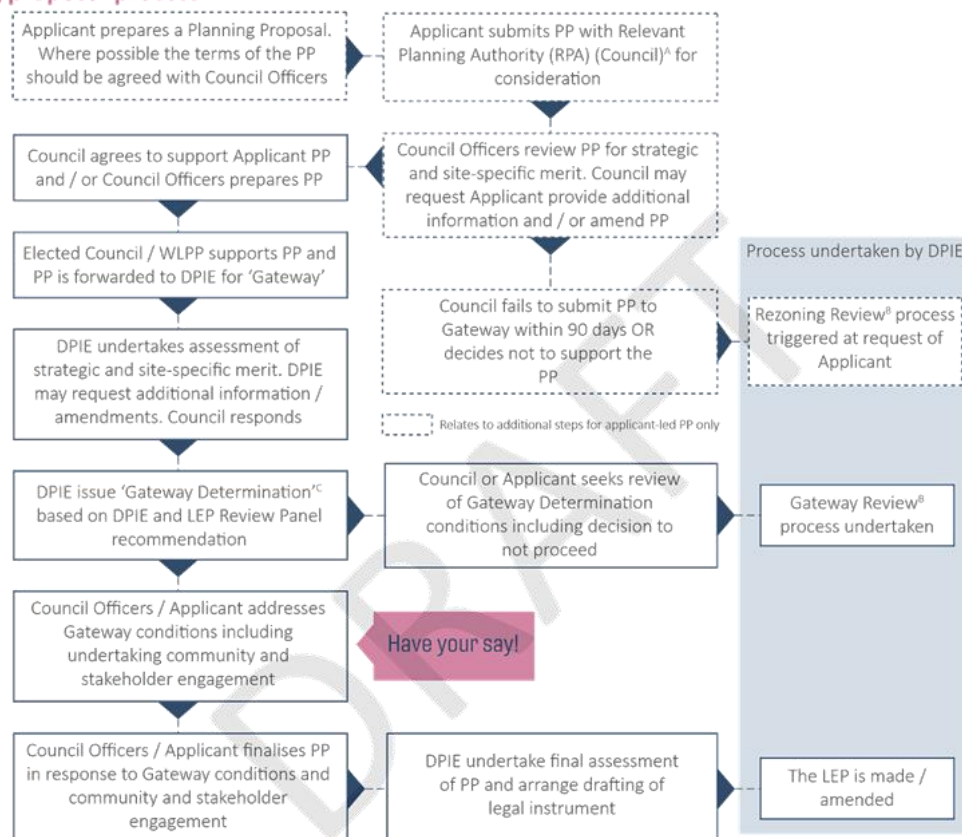


## E - PLANNING PROPOSAL

### What is a planning proposal?

A Planning Proposal is a proposed amendment to or creation of a Local Environmental Plan (LEP). An amendment may constitute a change to the land use zoning, maximum height of building or floor space ratio (FSR) or a site. Planning Proposals can be prepared by Council, or they can be proponent / applicant-led, usually for a specific site (also known as spot-rezonings). A Planning Proposal should demonstrate strategic and site-specific merit and consistency with State and local strategies and policies.

### Planning proposal process



### Notes

<sup>A</sup> The planning proposal authority is usually the local council, however the Minister can appoint the Secretary of the DPIE, a regional planning panel or a Sydney planning panel to be the RPA.

<sup>B</sup> Refer to [planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process](https://planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process) for more information.

<sup>C</sup> A 'Gateway Determination' will determine whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames.

### Have your say!

- Make a formal submission by visiting the Waverley Have Your Say webpage, or by writing to The General Manager of Waverley Council, or by emailing [info@waverley.com.au](mailto:info@waverley.com.au)
- Participate in Applicant initiated and led community and stakeholder engagement activities.
- Follow an PP / LEPs progress on [leptracking.planning.nsw.gov.au](https://leptracking.planning.nsw.gov.au).

## F – STRATEGY AND POLICY DEVELOPMENT

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### What is a strategy? What is a policy?

Council develops strategies and policy documents for particular matters or areas of the LGA. These documents, underpinned by detailed research and analysis, establish the vision, context and strategic direction to guide planning and development decisions.

### Strategy and policy development process



### Have your say!

- Make a formal submission by visiting the Waverley Have Your Say webpage, or by writing to The General Manager of Waverley Council, or by emailing [info@waverley.com.au](mailto:info@waverley.com.au). Refer to Part 3 for more information.
- Participate in Council engagement activities including workshops and surveys.







# 5 PUBLIC EXHIBITION REQUIREMENTS

As outlined in Part 3, public exhibition procedures vary for different planning processes and decisions. The LG Act, EP&A Act, and the EP&A Regulations detail the types of proposals and the associated mandatory minimum exhibition timeframes that must be considered in a CPP.

In line with our commitment to timely participation, we will ensure that our community has equal and adequate time to provide feedback by exhibiting proposals for the minimum statutory timeframes.

An exhibition timeframe may be discretionally extended based on the scale and nature of the proposal.

Re-exhibition of any amended application or matter may occur. The period of re-exhibition, if required, will be determined by Council and based on the nature, scale and likely impact of the amended proposal. It is noted that if an individual has provided a submission on an application which is re-exhibited, they will be notified of this.

The minimum mandatory timeframes for various planning functions are outlined in Table 6 and Table 7.

**Table 6 - Plan making mandatory minimum exhibition timeframes**

Type of plan	Minimum mandatory exhibition requirements
Draft Regional or District Strategic Plans	45 days <i>Note: exhibition undertaken by the NSW State Government not Council. Council will keep the community informed.</i>
Waverley Community Participation and Consultation Plan	28 days (see Schedule 1 of the EP&A Act)
Waverley Local Strategic Planning Statement	28 days (see Schedule 1 of the EP&A Act)
Planning Proposals to amend the Waverley Local Environmental Plan 2012 subject to a Gateway Determination	28 days unless (as specified in the EP&A Regulation): <ul style="list-style-type: none"> <li>• (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or</li> <li>• (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.</li> </ul> (see Schedule 1 of the EP&A Act)
Reclassification of Land	A Public Hearing is required under the <i>Local Government Act 1993</i> and as well as public notice of a period of not less than 28 days during which submissions may be made to the Council.
Draft Development Control Plans	28 days (see Schedule 1 of the EP&A Act and Part 3 Division 2 of the EP&A Regulations)

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Type of plan	Minimum mandatory exhibition requirements
Draft Contribution Plans	28 days (see Schedule 1 of the EP&A Act and Part 4 Division 2 of the EP&A Regulations)
Voluntary Planning Agreements	28 days (see Part 4 Division 1A of the EP&A Regulations)

**Table 7 -** Development assessment mandatory minimum exhibition timeframes

Type of plan	Minimum mandatory exhibition requirements
Application for development consent (other than for complying development certificate, for designated development or for State Significant Development)	14 days*
Application for modification to development consent (other than for Section 4.55(1) modification applications)	14 days*
Application for designated development (specified under Schedule 3 of the EP&A Regulation)	28 days (see Schedule 1 of the EP&A Act)
Application for integrated development (specified under Clause 4.6 of the EP&A Act)	28 days
Application for State Significant Development	28 days  <i>Note: exhibition undertaken by the NSW State Government. Council will keep the community informed.</i>
Application for other advertised development	30 days
Environmental impact statement obtained under Division 5.1	30 days
Environmental impact statement for State significant infrastructure under Division 5.2	28 days
Re-exhibition, if required, of any amended application or matter referred to above	To be determined by Council at time of re-exhibition, subject to nature, scale and likely impact of the amended proposal.

*\* It is noted Council has three (3) types of public exhibition procedures for various applications for development consent depending on the proposed use / development. Refer to Part 6 for further discussion.*

**Note**

- Timeframes are in calendar days and include weekends
- If the exhibition period is due to close on a weekend or public holiday we may extend the exhibition to finish on the first available work day
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition
- If a particular matter has different exhibition or notification periods the longer period will apply
- Council is not required to make available any part of an environmental impact statement whose publication, would be contrary to the public interest because of its confidential nature or for any other reason
- Decisions on publicly exhibited plans and applications are not to be made until after an exhibition period.





# 6 ADVERTISING AND NOTIFICATION REQUIREMENTS

As outlined in Part 3 and 5, public exhibition procedures vary for different DAs depending on the proposed use / development.

This part sets out the advertising and notification requirements, including the extent and type of notification required, for each type of DA and any subsequent requests for amendments, modification and review of development. It is noted that this part reflects Part A2 of the Waverley DCP.

The term 'notification' generally refers to the process of notifying affected property owners and/ or occupants of an application by way of letter and, in some circumstances, a notice on the site.

'Advertising' refers to the process of notifying the wider community by placing a notice in the local or other newspaper (this form also includes the Notification process).

## Objectives

- (a) To encourage community participation in the development application process.
- (b) To set out matters for consideration on whether or not the enjoyment of neighbouring land may be detrimentally affected by a proposal.
- (c) To outline procedures for notifying owners and/ or occupiers of land affected by a Development Application.
- (d) To outline the length and type of advertising requirement for each type of proposal.

## Development to which advertising and notification applies

Advertising and notification provisions apply to the following applications:

- development applications - refer to Table 8
- modifications of a development consent – Section 4.55(1A), Section 4.55 (2), Section 4.55 (AA), Section 4.55 (AB) of the EP&A Act
- requests to review a determination (eg, refusal) of a development application – Section 8.2-8.5 of the EP&A Act
- footpath seating for restaurants and cafes where, in the opinion of the Council officer, amenity impacts may arise. Examples include applications for greater than 30 seats, sites within or adjoining residential zones, and premises with a liquor license.

The following applications will not be notified by Council:

- Exempt development
- Complying development
- Section 4.55(1) application for modification of a consent to correct a minor error, misdescription or miscalculation
- applications to strata title new buildings, which have not been occupied.

## Process to determine the extent of notification

Council will notify persons in accordance with Table 8 where in the authorised Council officer's opinion, the enjoyment of the adjoining or neighbouring land may be detrimentally affected. Types of issues that may be considered include the following.

- the likely impacts of the development including, but not limited to: loss of views; loss of privacy; overshadowing; noise generation; visual bulk; hours and type of use; traffic and parking impacts

- any instance that the council officer deems notification of a given DA is appropriate and required.
- the minimum extent of notification is outlined in Table 8 and may be varied where in the authorised council officer's opinion additional (or lesser) properties should be notified.

## Persons to be notified

Notification will be provided to the following:

- all persons who, according to Council's property records, own or occupy land immediately adjoining the application site and any others that may (in the opinion of the Council officer) be affected by the proposal
- where the notified property comprises a strata titled building, the Owners Corporation will be notified and any units that are considered to be directly affected (in the opinion of the Council officer) by the proposal
- the owner/occupant of any other property that (in the opinion of the Council officer) may be affected by the proposal
- the elected Councillors and the relevant local precinct committee will be notified of all Advertised and Notified Development as per Table 8 in this Part.

If the land to be notified is in an adjoining LGA, names and addresses of owners shall be obtained by Council from that adjoining Council.

## Method of notification

Development applications where required to be notified or advertised will be notified through all or part of the following ways:

- written notice
- email notification
- site notice
- advertisement in the local or other newspaper and/ or
- documents available on Council's website.

Designated and Advertised development will be notified in accordance with the EP&A Act.

## Renotification procedures

### 1. Amendments prior to determination

Amendments to an application will be re-notified unless in the opinion of the Council officer the change(s) result in lesser impact.

The notification period may be reduced if in the opinion of the Council officer all persons affected by the change(s) have been given an opportunity to make a submission.

The extent of the notification may be limited to those persons who in the opinion of the Council officer may be affected.

### 2. Modifications and reviews

Modifications of a development consent (other than minor modifications) – Council will notify those persons who were notified of the original development application and any other person who, in the opinion of the Council Officer, may be affected by the modification.

Reviews of determinations (eg, refusal) – Council will notify any person who made a submission in respect to the original application.

### 3. Post-determination notification

All those that made a written submission in respect of a development application will be notified of Council's decision once that application has been determined. A list of development applications approved will be published in one of the local newspapers.

## Advertising and notification requirements

Table 8 provides guidelines of the type and length of notification. The notification period may be altered at the discretion of the assessing officer following consideration of the nature and likely impact of the proposal or the circumstances of the case.

The Council, any committee of the Council, the General Manager or the responsible Council officer may direct that a development application or an application to modify a development consent be advertised and/or notified to any additional persons or the like.

Where an application does not fall into one of the categories, Council will determine the most appropriate notification period using Table 8 as a guide.

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There are 3 types of public exhibition procedures with associated minimum mandatory notification and advertising requirements:

- **Type A** – 14 days notification
- **Type B** – 21 days notification and a site notice.
- **Type C** – 28 days notification and advertising in the local paper.

**Table 8 - Advertising and notification requirements**

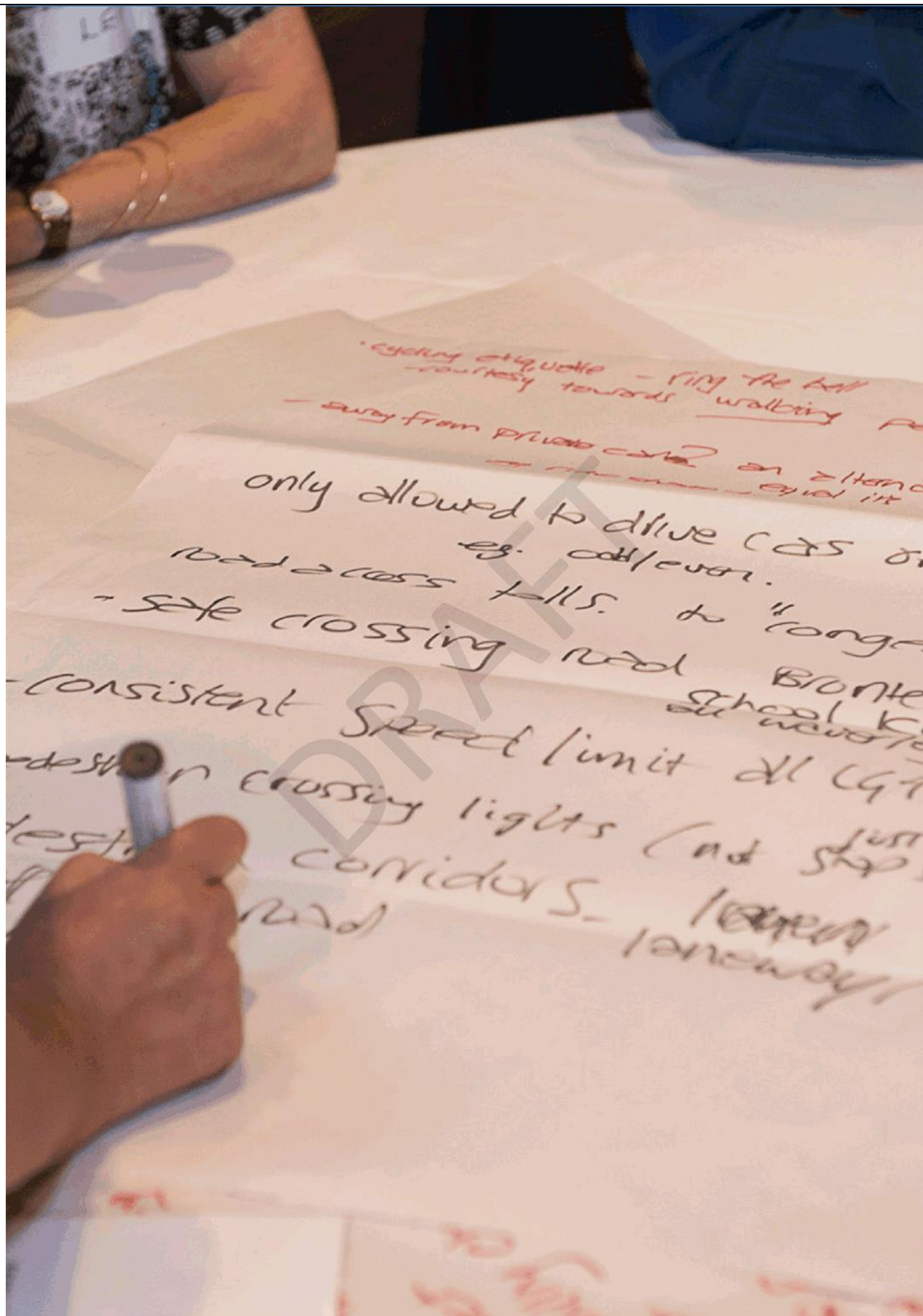
Proposed use / development	Minimum notification / advertising requirement
<b>Single / small-scale residential</b>	
Dwelling Houses and Dual Occupancies – alterations, additions and new buildings, whether attached, semi-detached or detached	A
<b>Multi-residential</b>	
Alterations and additions to multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing or housing for people with a disability	A
New multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing or housing for people with a disability	B
<b>Commercial - accommodation</b>	
Bed & breakfast establishment	A
Alterations and additions to boarding house/group home	A
New Boarding house/group home	B
Alterations and additions to backpacker's accommodation/Hostel	A
New backpacker's accommodation/Hostel	B
Alterations and additions to hotel/motel/serviced apartment	A
New Hotel/motel/serviced apartment	B
<b>Commercial - retail (selling products)</b>	
Footpath seating for restaurants/cafes and/or occupation of footpaths	A
Change of use	A
Alterations and additions to bulky goods premises	A
New bulky goods premises	B
<b>Commercial - business (selling services)</b>	
Child care centre	A
Community facility	A
Educational establishment	A
Health consulting rooms	A

Proposed use / development	Minimum notification / advertising requirement
Home-based child care	A
Home business/industry	A
Medical centre	A
Alterations and additions to function centre	A
New function centre	B
Alterations and additions to restricted premises	A
New restricted premises	B
Alterations and additions to sex services premises	A
New sex services premises	B
<b>Heritage</b>	
Heritage conservation areas or minor work to heritage listed sites – all categories of development except change of use and footpath seating	A
Heritage listed sites (excluding minor works) – all categories of development except change of use and footpath seating	B
<b>Other</b>	
Amended plans	A
Any building/activity which in opinion of Council would detrimentally affect owners/occupiers nearby land	A
Signage	A
Subdivision (Torrens Title) and strata subdivision (except new buildings not yet occupied)	A
Alterations and additions to place of public worship	A
New place of public worship	B
Road reservation/widening	B
Designated development	C
Planning Agreement	C
Integrated development	C

#### Note

- Schedule 1, Clause 16 of the Environmental Planning and Assessment Act 1979 notes “The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.”
- “Minor works” are works that in the opinion of the consent authority are of a minor nature or consists of maintenance.
- “Immediately adjoining properties” are those which share a common boundary with the subject property.
- Notification periods for advertised development commences on the date of notice in the newspaper.
- Site notice and newspaper provisions may not apply to modifications or amendments.
- Notification of a development application or modification will be provided to only the relevant Precinct Committee.
- Notification for Councillors and Precincts will remain for all applications in a weekly listing.







# GLOSSARY

**Table 9 -** Glossary of terms

Planning term	Definition
Complying development	<p>Complying development is a development that meets specific standards in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) or other SEPPs such as the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).</p> <p>Some categories of works that are complying development:</p> <ul style="list-style-type: none"> <li>• construction of a new dwelling or secondary dwelling</li> <li>• alterations and additions to an existing dwelling</li> <li>• demolition of a building</li> <li>• internal alterations (fit-outs) of commercial / retail premises.</li> </ul> <p>Applications can be determined by a council or private certifier without the need for a full development application. This provides a faster approval process, whilst ensuring stringent planning and environmental requirements are met through a set of prescribed approval conditions.</p>
Contribution plans	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high impact developments (eg, likely to generate pollution) or are located in or near an environmentally sensitive area (eg, a coastal wetland). Designated Developments are listed in Schedule 3 of the EP&A Reg.
Development and Building Unit (DBU)	A staff committee who has delegated authority to make a decision about development application where objections are received and/or applications depart from statutory provisions and Council codes and policies. The General Manager may request that an application be referred to the Waverley Local Planning Panel (WLPP).
Development control plans	Designated Development refers to developments that are high impact developments (eg, likely to generate pollution) or are located in or near an environmentally sensitive area (eg, a coastal wetland). Designated Developments are listed in Schedule 3 of the EP&A Reg.
District strategic plan	A staff committee who has delegated authority to make a decision about development application where objections are received and/or applications depart from statutory provisions and Council codes and policies. The General Manager may request that an application be referred to the Waverley Local Planning Panel (WLPP).

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Planning term	Definition
Delegated authority	The Assessment Officer who has been allocated a development application and has authority (delegation) to make a decision about the application. Delegation is restricted to applications where no objections have been received and/or where applications do not depart (other than in a minor degree) from statutory provisions and Council codes and policies.
Exempt development	Some development is prescribed as exempt development under the Codes SEPP and / or the WLEP. Provided the development is in accordance with any provisions set out in the Codes SEPP or WLEP, an applicant does not need approval to undertake works.
Gateway Determination	A Gateway Determination is issued by the DPIE following an assessment of the strategic and site-specific merit of a Planning Proposal to amend or create an LEP. A Gateway Determination may set out specific requirements including additional studies or assessment, public exhibition period.
Local environmental plan (LEP)	An environmental planning instrument (EPI) developed by a local planning authority, generally a council. An LEP sets the statutory planning framework for a Local Government Area.
Regional strategic plan	20-year plans prepared by the State Government (Greater Sydney Commission) that address the community's needs for housing, jobs, infrastructure and a healthy environment for metropolitan Sydney.
State Environmental Planning Policy (SEPP)	An environmental planning instrument (EPI) developed by the DPIE, that relates to planning matters that are state significant or are applicable across the state.
State significant development (SSD)	Some types of development are deemed to have State significance due to the location, size, economic value or potential impacts that a development may have. Examples of possible SSD include: new or development of existing educational establishments and hospitals.
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants.
Sydney City East Planning Panel	This is a panel of expert professionals and community representatives who have delegation to determine significant Das in the Waverley area.
Waverley Local Planning Panel (WLPP)	This is a panel of expert planning professionals, industry specialists and community representatives who have delegation to determine some DAs in the Waverley area.

DRAFT

## REPORT CM/7.6/20.10



**Subject:** Crown Land Plans of Management and Initial Categorisation

**TRIM No:** A14/0201

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

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

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### RECOMMENDATION:

That Council:

1. Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, gives notice to the Minister administering the *Crown Lands Management Act 2016* of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.
2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands.
3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new *Crown Lands Management Act 2016*.
4. Updates the plans of management as prioritised in the report.
5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change.
6. Writes to the Crown Lands Area Manager requesting them to appoint Council as Crown Land Manager for Gaerloch Reserve (which is devolved land).

### 1. Executive Summary

This report considers the initial categorisation of Crown land managed by Council following the commencement of the *Crown Lands Management Act 2016* (CLM Act) which came into effect in 2018. The next steps of preparing Plans of Management to comply with the requirement of the CLM Act are also presented. To allow for licence agreements on devolved land of Gaerloch Reserve, Council is required to seek approval from Crown Lands to appoint the land to Waverley Council as Crown Land Manager.

### 2. Introduction/Background

Crown land is governed by the *Crown Land Management Act 2016* (CLM Act). The CLM Act provides a framework for the NSW Government, local councils and community members to work together to care for, control and manage Crown reserves. It ensures that Crown reserves are responsibly managed and that natural resources such as water, flora and fauna and scenic qualities are conserved, while still encouraging public use and enjoyment of the land. The CLM Act authorises local councils appointed to manage dedicated or reserved Crown land as if it were public land under the *Local Government Act 1993* (LG Act).

The CLM Act requires Councils in their capacity as Crown Land Managers to assign an initial category to all Crown land under their management and give notice to the Minister administering the CLM Act of the categories. Initial categorisation of land is a process where the land is mapped out according to how it is currently used i.e. a sports field would be mapped as 'sports ground', landscaped park areas used for more informal recreation would be categorised as 'park' and vegetated areas which have biodiversity value are categorised as 'natural area – bushland'. The various categories of land are set out in the LG Act and further described in the *Local Government Regulation 2005*. For ease of reference the relevant sections of the LG Act and regulation have been provided in Attachment 2.

As the giving of a Notice to a Minister is not a function that can be delegated by Council under Section 377 of the LG Act, this initial categorisation is one that needs to be considered by Council. This report seeks Councils authorisation for the initial categorisation of Crown Lands which Council are Crown Land Managers for. All other initial categorisation of Crown Reserves which Council are Crown Land Managers for will be reported to Council at a further date.

Under the LG Act, a plan of management (PoM) must be adopted by Council for all community land. To progress updating our PoMs this report informs Council of the next priority PoMs being Bondi (update), Bronte (update), Tamarama (new) and Waverley Parks (new).

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Strategic Planning and Development Committee 3 March 2020	PD/5.2/20.03	That Council: <ol style="list-style-type: none"> <li>Publicly exhibits the draft Open Space and Recreation Strategy attached to this report from March to April 2020.</li> <li>Notes that amendments have been made to the draft Open Space and Recreation Strategy that was presented to Council in December 2019, taking into consideration Councillor comments made during, and subsequent to, the Council meeting.</li> <li>Notes that, following the public exhibition period, officers will prepare a further report to Council detailing recommendations for changes based on community feedback and requesting Council to adopt the strategy.</li> </ol>
Council 17 April 2018	CM/7.15/18.04	That Council: <ol style="list-style-type: none"> <li>Commences the preparation of a Plan of Management for Hugh Bamford Reserve and Williams Park, and that the heritage artillery emplacements under the reserve be included in the Plan.</li> <li>Funds the preparation of the Plan of Management from the SAMP Reserve.</li> <li>Notes that the Open Space Strategy scheduled for completion in 2018–19 will include a priority program of additional Plans of Managements that</li> </ol>



		require review or drafting in order to comply with the new <i>Crown Lands Act 2016</i> .
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#### 4. Discussion

The *Crown Lands Management Act 2016* (CLM Act) came into effect on 1 July 2018. Whilst the CLM Act does not impose on Councils additional Crown lands to be managed, the CLM Act amends the way in which Councils manage Crown lands.

##### Land classification and categorisation

There are several administrative actions required in order to comply with the terms of the CLM Act arising from the altered management regime. Initially, Council Crown Land Managers must assign to all Crown land under their control, one or more categories of community land referred to in Section 36 of the *Local Government Act 1993* (LG Act) and give notice to the Minister administering the CLM Act of the selected categories. The Minister will then review the categories and either agree or disagree to them or require further information from Council. Initially Crown Lands required only one category of land to be used per reserve, this requirement was updated in late 2019 to allow multiple categories to be assigned. This is favourable to Council as it will streamline the future approval process for our updated plans of management.

The required categorisation of the Crown lands arises from the CLM Act authorising Councils to manage the Crown land as if it were public land under the LG Act. Section 25 of the LG Act stipulates that all public land must be classified. There are two classifications as set out at Section 26 of the LG Act; community and operational.

Classification as community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. This gives rise to the restrictions in the LG Act, intended to preserve the qualities of the land. Community land cannot be sold, cannot be leased, licenced or have any other estate granted over the land for more than 21 years and must have a plan of management prepared for it.

Operational land has no special restrictions other than those that may apply to any piece of land. For example, a Council depot would typically be classified as operational land. The default position of the CLM Act is that Crown land shall be managed as community land with the category assigned being the category that most closely aligns with the purpose(s) for which the Crown land was reserved. Parks are typically reserved for the purpose of 'public recreation' and therefore classified as community land. While some operational uses can take place in parks, such as the small parks works yard in Bondi Park, they are not considered operational overall so not classified as operational.

Notwithstanding the default position of the legislation that Crown lands shall be managed as community land under the LG Act, there are instances whereby the core objectives for the management of community land cannot readily be met. In these instances, Council may apply to the Minister administering the CLM Act to have these lands classified as operational.

Having regard to the principles of the management of these reserves set forth in the CLM Act and LG Act, Attachment 1 illustrates the proposed land classification for our priority reserves, this should be read in conjunction with Attachment 2 detailing the objectives of each categorisation. The proposed initial classifications should reflect the current use of the land. It is recommended that Council considers these classifications and approves for these to be submitted to Crown Lands. Further information on the initial categorisation process can be found in Attachment 3.

The categories of community land prescribed at section 36 of the LG Act are:

- Natural area.
- Sportsground.
- Park.
- Area of cultural significance.
- General community use.

Land assigned the category of Natural area must be assigned a further sub-category of:

- Bushland.
- Wetland.
- Escarpment.
- Watercourse.
- Foreshore.

### **Update to plans of management**

Following agreement on the land classifications, the next administrative step can commence: the preparation of plans of management. Councils have until 30 June 2021 to update plans of management to comply with the new CLM Act. Refer to Attachment 4 for a detailed fact sheet on the requirements of PoMs in complying with the new CLM Act.

Waverley currently has several plans of management in effect. Only one of these plans has been prepared since the CLM Act came into effect in July 2018 which was the Hugh Bamford and Williams Park PoM. All other plans will require an update or renewal.

Council manages 79 parks and reserves most of which are categorised as community land (many others are road closures) which are required to have a plan of management under either the LG Act, for Council owned parks and/or CLM Act for Crown Land. Of our 79 parks and cemeteries 20 reserves are owned or partly owned by Crown Lands. Details of Crown lands can be seen online on the Crown Land Managers Reserve portal. It is not practical or advisable to prepare a single plan of management for all individual parks and reserves. Generic plans of management enable one plan to be written which encompasses several parks and reserves. Council currently have two generic plans of management:

- Parks Plan of Management, which applies to 25 parks.
- Coastal Reserves Plan of Management, which applies to 11 parks.

In addition, Council has site specific plans of management for our larger parks and reserves as these reserves require a more considered management approach. Our site-specific plans include:

- Bondi Park and Beach.
- Bronte Park and Beach.
- Tamarama Park and Beach.
- Waverley Park.
- Hugh Bamford Reserve and Williams Park.
- Thomas Hogan Reserve.
- Waverley Cemetery.

In preparing the draft Open Space and Recreation Strategy and undertaking a detailed review of CLM Act requirements, the future management of our parks and reserves was considered. The recommendation is the generic plans be expanded to cover more parks and site-specific plans be maintained for our larger parks and Cemeteries. The suggest list of PoMs to be updated in order of priority includes:

1. Bondi Park, Beach and Pavilion Plan of Management (an update of the 2014 POM to align with new Crown Lands template).
2. Bronte Beach and Park Plan of Management (an update of the 2017 POM to align with new Crown Lands template).
3. Waverley Park Plan of Management (a new POM).
4. Tamarama Park Plan of Management (a new POM).
5. Plan of Management for Parks (generic for all other parks to now include Thomas Hogan Reserve and Barracluff Park) (new).
6. Coastal and Cliff Top Parks (generic plan to include Rodney Reserve, Raleigh Reserve, Weonga Reserve, Diamond Bay Reserve, Clarke Reserve and Eastern Reserve (new)).
7. Waverley Cemetery and South Head Cemetery Plan of Management (new).

it is a requirement under the CLM Act that Council is required to have adopted plans by 30 June 2021 and in order to comply with this timeframe, it is suggested that initial priority be given to the parks which are of interest to Crown Lands such as parks where there are long term (more than one year) leasing and licencing agreements and new building developments which are not otherwise included in a Plan of Management. It is therefore suggested that Bondi, Bronte, Tamarama and Waverley Parks should be considered a priority as they are subject to long term leasing and licencing arrangements which are due for renewal or have major projects taking place within a short-term timeframe. It is recommended that these plans be prepared concurrently with the remaining plans updated thereafter.

Crown Lands from time to time do update their requirements and processes. It is suggested that the priority list of PoMs (as noted above) remains flexible and that the General Manager be able to re-prioritise accordingly or as major projects or leasing and licencing becomes a priority. It is expected that Council would set the priority of major projects or leasing updates.

Many Councils are finding the deadlines set by Crown Lands challenging. In response, some Councils are preparing one generic PoM for all parks and reserves under their control. There are several considerations in identifying if a park should be included in a generic plan or have a site-specific plan. Some key points for consideration include:

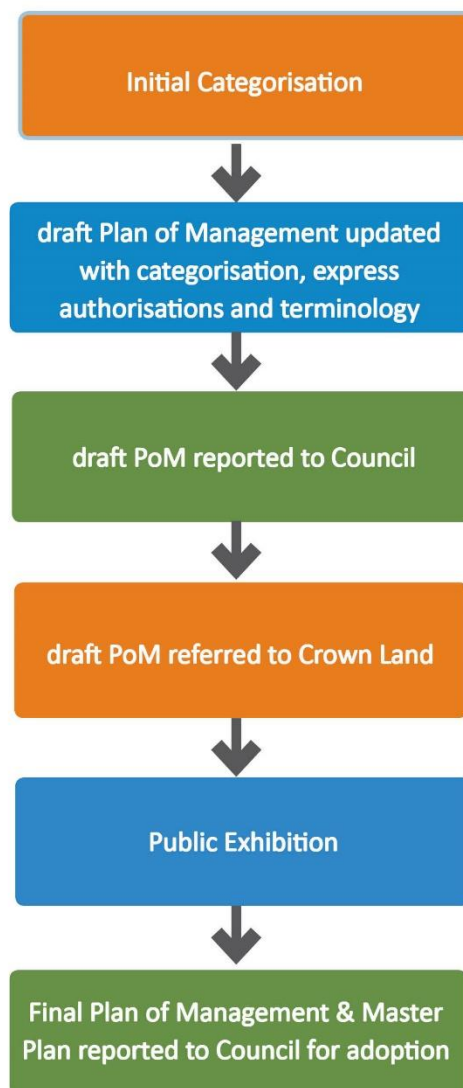
- Generic plans should include areas with similar uses and natural features.
- Leasing and licencing, express authorisations for leasing and licencing must be included in PoMs. In many instances this will be site specific.
- Heritage significance, heritage information and how heritage items or areas are managed should be considered in a PoM. In most instances this is site specific.
- Major building projects. A PoM should guide future development which is site specific.

The expectation from Council and the community has historically been that our premier parks are carefully considered within individual plans of management.

The number of PoMs required also needs to be balanced due to the impact on staff resourcing and consultation fatigue which can be evident in the community. The preparation of a new plan of management is a resource intensive and lengthy process. The typical timeframe in preparing a new plan takes approximately 18 months. Figure 1 below illustrates the typical process in preparing a new PoM. Waverley Park and Tamarama Parks are dated and are expected to undergo a similar process to that identified in Figure 1 below.



*Figure 1. Plan of Management Process to rewrite actions plans such as Waverley and Tamarama Park PoMs*



*Figure 2. Plan of Management Process – streamlined update for Bondi and Bronte PoMs.*

Many of Councils PoMs have recently been drafted such as Bondi and Bronte Plan of Management (2014 and 2017 respectively), not all the actions identified in these plans have been realised and the vision and action plans remain relevant today. Significant consultation was undertaken as part of their development. These plans comply with many of the requirements of the LG and CLM Acts and only require an update to include the categorisation and express authorisations of leasing and licencing. It is recommended that these plans are updated to comply with the new legislation in line with the process identified in Figure 2 above. A comprehensive review should be undertaken when these PoMs are fully realised at a later date.

### **Devolved land**

It is not unusual for a Crown Land reserve to be under devolved management. Land under devolved management is not required to be classified or categorised under the LG Act or a PoM developed, and Council is not able to issue any tenure of the land as Crown land manager. Within the Waverley LGA, the

following parcels of land are under devolved management:

- Gaerloch Reserve, reserve number 6558.
- Eastern Reserve, reserve number 63286.
- Raleigh Reserve, reserve number 63002.
- Clarke Street Reserve, reserve number 93650.

As Gaerloch Reserve is subject to licence agreements, it is recommended that Council writes to the NSW Department of Planning, Industry and Environment requesting that this reserve be appointed to Council as Crown Land Manager.

## **5. Financial impact statement/Time frame/Consultation**

The Council work program is being modified to enable the revised program of PoMs to be undertaken. This will involve Council staff focusing on PoMs with open space design work being carried out using external resource. Any additional resourcing required will be addressed at the Q1 review although some funding is able to be sourced from the existing operational budget. Costs will involve consultation expenses and expert studies.

To streamline the project process, it is recommended that a user survey be conducted for Tamarama and Waverley Parks upfront in order to understand current use of these spaces and community aspirations and expectation of the upgrade and management of these spaces in future. This work will help in prepare plans which meet the community's needs and are more likely to be supported during public exhibition. All draft PoMs are required to be placed on public exhibition prior to their adoption.

As Bondi Park is the priority, the PoM will be updated to include land categorisation, express authorisations for leasing and licencing, updates to legislation and terminology required by the LG Act. The draft Plan will be reported to Council prior to being placed on public exhibition late in 2020/early 2021. If supported by the community, Council and Crown Lands it is expected that this plan will be updated and adopted in early 2021. This update is largely considered administrative.

To expedite the process, multiple plans will be worked on concurrently. Council will receive the draft plans prior to public exhibition and email updates as works progress.

## **6. Conclusion**

Pursuant to section 3.23 of the *Crown Lands Management Act 2016*, Council is required to give notice to the Minister administering the *Crown Lands Management Act 2016* of the initial categorisation of Crown Reserves in line with the details in Attachment 1.

After approval is given by the Minister, Council must proceed to update PoMs to comply with the CLM Act. It is recommended that parks which have leasing and licencing to be renewed or larger building projects underway be prioritised. These PoMs will include Bondi, Bronte, Tamarama and Waverley Parks.

As Gaerloch Reserve is 'devolved land' and subject to licence agreements it is recommended that Council write to the Area Manager at Crown Lands requesting that Council be appointed as Crown Land Manager.

## **7. Attachments**

1. Initial categorisation - Written notice of assigned categories [↗](#)
2. Community land management land categorisations - Info sheet [↗](#)
3. Guideline - Initial categorisation of Crown land managed by local council Crown land managers [↗](#)
4. Council Crown Land Managers - Plans of Management Guidelines [↗](#)





## Crown land managed by council Crown land managers Form

### Written notice of assigned categorisation

Council Crown land managers should use this form to notify the minister administering the *Crown Land Management Act 2016* of the initial categorisation assigned to Crown land, as referred to in section 36 of the *Local Government Act 1993*.

### Important information

Please refer to the accompanying *Guideline—initial categorisation of Crown land managed by council Crown land managers* for further information.

### Contact us

For more information, please contact us at:

NSW Department of Industry—Lands & Water  
PO Box 2155  
DANGAR NSW 2309

Phone: 1300 886 235

Fax: 02 4925 3517

Email: [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au)

Web: [industry.nsw.gov.au/lands](http://industry.nsw.gov.au/lands)

Web: [olg.nsw.gov.au/crownland](http://olg.nsw.gov.au/crownland)

### Lodgement

Email the completed form to: [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au)

or

Mail to:

NSW Department of Industry  
Attn: Council Crown land management  
PO Box 2155  
DANGAR NSW 2309



# Crown land managed by council Crown land managers Form

## Applicant details

Table 1. Applicant details

Council Crown land manager	Waverley Council
Postal address	55 Spring Street, Bondi Junction
Contact	Bianca Simpson
Email	Bianca.simpson@waverley.nsw.gov.au

## Declaration

- I [Name] [Position] , in accordance with section 3.23 of the Crown Land Management Act 2016, hereby provide written notice of initial categorisation applied to Crown land under the management of the above Crown land manager as listed in the below schedule.
- I declare and affirm that the information provided on this form is accurate to the best of my knowledge and belief.
- I declare that I am authorised by the Council to make this application.

Name:	Ross McLeod		
Position:	General Manager		
Signature:		Date:	

## Schedule

### Particulars of reserves

If council has assigned a categorisation that differs from departmental guidance as to categories that might most closely relate to reserve or dedication purposes, it must justify why it considers the assigned category to be most closely related to the purpose.

Table 2. Categorisation

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
e.g. R14935	e.g. Public Recreation and Environmental Protection	e.g. Park and Natural Area Bushland	



# Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
Ben Buckler Park/Ray O'Keefe Reserve R500049	Public Recreation	General Community Use, Park, Natural Area – foreshore	<p><b>General Community Use</b> – This area includes:</p> <ul style="list-style-type: none"> <li>The car park</li> <li>The Ben Buckler Amateur Fisherman's Club building which includes a club house and boat storage and is currently leased to the club.</li> </ul> <p><b>Park</b> - The area categorised as Park is used primarily for passive recreation including:</p> <ul style="list-style-type: none"> <li>Ray O'keefe Park takes up most of the western portion of the headland and is characterised by a sloped headland park predominately made up of a series of turfed zones skirting the carpark.</li> <li>Part of Sam Fiszman Park which includes paving, turf, concrete terracing, natural sandstone outcrops and seating and is primarily used for sitting and relaxing and is a vantage point for scenic views towards Bondi and significant views across the bay and towards Maroubra.</li> </ul> <p><b>Natural Area 'Foreshore'</b> – This area is characterised by a rock shelf located on the water's edge of the bay north of the fishing club. The rock self sits in the intertidal zone and can only be accessed at low tide.</p>
Ben Buckler Park/Ray O'Keefe Reserve R94356	Public Recreation	General Community Use, Park	<p><b>General Community Use</b> - The area is part of Ramsgate Avenue (residential road).</p> <p><b>Park</b> - The area categorised as Park is used primarily for passive recreation including:</p> <ul style="list-style-type: none"> <li>Part of Sam Fiszman Park which includes paving, turf, concrete terracing, natural sandstone outcrops and seating and is primarily used for sitting and relaxing and is a vantage point for scenic views towards Bondi and significant views across the bay and towards Maroubra.</li> </ul>



# Crown land managed by council Crown land managers Form

Bondi Park 500048	Public Recreation	General Community Use, Park, Natural Area – Foreshore.	<p><b>General Community Use</b> – These areas include:</p> <ul style="list-style-type: none"> <li>The upper part of Bondi Beach is categorised as General Community Use to enable use for fitness training and events including annual festivals and one off events.</li> <li>The Bondi Pavilion is located in the central section of Bondi Park. The building was built in the late 1920s and is heritage listed. It comprises an art gallery, theatre, bar, outdoor amphitheatre, multi-purpose community function spaces, Council offices, visitor information centre, music studios, pottery workshop, public toilets and showers. Spaces are leased to community groups and some commercial tenants including 6 cafes and restaurants.</li> <li>Bondi Surf Bather's Life Saving Club. The building includes club room, storage and function room.</li> <li>North Bondi Surf Life Saving Club building</li> <li>North Bondi Children's Pool.</li> </ul> <p><b>Park</b> – These areas are primarily used for passive and active recreation and cultural pursuits and includes:</p> <ul style="list-style-type: none"> <li>Bondi Park, characterised by open lawns, grassy knolls and concrete promenade along the back of Bondi Beach.</li> <li>Bondi Playground, a district size playground.</li> <li>Bondi Skate Park</li> <li>Scarborough Crescent Sandhill, located on the Northern corner of Bondi Park and is a large grassy knoll.</li> <li>Biddigal Reserve including Biddigal playground and small open grassy area.</li> <li>Public toilets buildings, picnic shelters and public BBQs.</li> </ul> <p>These park areas are used for both passive and active recreation and attracts local and international visitors. Large annual and one-off events are held within the park, such as skate events, Bondi Carols and Festival of the Winds are held in the park.</p>
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# Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
			<p><b>Natural Area 'Foreshore'</b> – This area includes the intertidal area of Bondi beach, including the shoreline, sandy beach and rock shelves on either end of the beach. The beach is managed under Council's LEP, DCP and Coastal Risk Management Policy. These policies regulate land use and planning, provide guidelines for management, development assessment and operations of the beach. Bondi Beach is also managed as a Landscape Conservation Area and is recognised as an area of State Significance and is listed on the National Heritage List.</p> <p>The beach is used for passive and active recreation including mostly sand and water based activities. The average number of visitors per annum is nearly 2.2million. Bondi and North Bondi Surf Life Saving Clubs use the beach for nippers, training and competitions. Surf schools also have permits to conduct surf classes on the beach.</p>





# Crown land managed by council Crown land managers Form

Bronte Park 500024	Public Recreation	Park and General Community Use	<p><b>Park</b> – This area is used for active and passive recreation and is listed as a Landscape Conservation Area, the areas include:</p> <ul style="list-style-type: none"> <li>• Part of the lower gully area including grassy and vegetated slopes with path systems to the broader valley floor and central park area.</li> <li>• The central park area is mainly used by walkers, picnickers and people relaxing, it includes sub-areas including a central lawn and main picnic area with shelters.</li> <li>• Informal ball games and fitness training also take place within this area. Fitness trainers require a permit from Council to conduct classes in the park.</li> </ul> <p><b>General Community Use</b> – These areas include:</p> <ul style="list-style-type: none"> <li>• The Northern Amenities and Bronte Beach Surf Lifesaving Club. The building accommodates BBSLSC facilities, public toilets, change rooms, kiosk, room for park staff and lifeguard facilities. A licence agreement is in place with The Bronte Park Trust and the Bronte SLSC for the main SLSC and the kiosk.</li> <li>• A brick building adjacent to the Northern Amenities Building housing sewage pumping equipment operated by Sydney Water.</li> <li>• Car Park located below the bus terminal along the Southern boundary of the park.</li> <li>• The Community Centre building is a single-storey brick and concrete building located at the southern end of the promenade. The building sits below the sandstone headland and contains public toilets, change facilities, showers, and a clubroom with storage facilities. The flat roof area is an observation deck and sunbaking area that was dedicated to the public in 1985.</li> </ul> <p><b>Natural Area 'Foresore'</b> – A small area of Crown Land at the back of Bronte Beach in front of the Surf Life Saving Club. Bronte Beach is listed as a Landscape Conservation</p>
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# Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
			Area. This area is used primarily for sand based recreation activities.
Bronte Park 500025	Public Recreation	Natural Area – Bushland	<b>Natural Area 'Bushland'</b> - This area is located on the South facing slopes of the upper section of Bronte Gully and includes a mix of native and exotic vegetation. Waverley Council has adopted and is implementing an Ecological Restoration Action Plan (ERAP) to re-establish native species within the bushland dominated by invasive exotic weeds. Works are carried out by volunteer Bush care groups, Bronte Gully Bush care and Bronte Waterfall Bush care, as well as commissioned to professional contractors by Waverley Council.
Bronte Park 500508	Public Recreation	Park, General Community Use and Natural Area – Escarpment.	<p><b>Natural Area 'Escarpment'</b> – This area includes the south headland, which features sandstone cliffs, outcrops and patches of remnant vegetation. Bush regeneration is active in this area. This area is fenced from above and access is not promoted for safety reasons and to protect remnant vegetation.</p> <p><b>Park</b> - The area categorised as Park includes:</p> <ul style="list-style-type: none"> <li>• A section of promenade outside the Bronte Community Centre.</li> <li>• The vegetated area above Calga Place.</li> </ul>



# Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
Bronte Park 58879	Public Recreation	Park and Natural Area – Bushland	<p><b>Natural Area ‘Bushland’</b> - These areas are located on the South and North facing slopes of Bronte Gully and include a mix of native and exotic vegetation. Waverley Council has adopted and is implementing an Ecological Restoration Action Plan (ERAP) to re-establish native species within the bushland dominated by invasive exotic weeds. Works are carried out by the Bush care groups, Bronte Gully Bush care and Bronte Waterfall Bush care, as well as commissioned to professional contractors by Waverley Council.</p> <p><b>Park</b> – These areas are used for active and passive recreation and include:</p> <ul style="list-style-type: none"> <li>• Bronte Playground, located in lower Bronte Gully at the bottom of the Northern facing slopes, it is a District size playground catering to users within a 1km catchment area.</li> <li>• Hewlett Street Park and Playground located on Hewlett St at the top of the North facing slopes of the gully. The playground is a pocket sized playground catering to residents within a 250m catchment. The park is characterised by an open grassy area, seating and small shade trees.</li> </ul>
Bronte Park 84785	Public Recreation	General Community Use	<p><b>General Community Use</b> - This area includes:</p> <ul style="list-style-type: none"> <li>• Part of Calga Place, a residential street.</li> </ul>



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<p>Tamarama Beach 41603</p>	<p>Public Recreation</p>	<p>General Community Use</p>	<p><b>General Community Use</b> – These areas include:</p> <ul style="list-style-type: none"> <li>The lifeguard tower built in 2000 is located on the northern corner of the beach. It includes an elevated observation room and deck on stilts with stair access.</li> <li>Tamarama Surf Lifesaving Club is located on the Northern headland. The building includes the clubhouse, storage rooms, and kitchen and community hall available for event hire. A licence agreement is in place with the Tamarama SLSC and Reserve Trust.</li> </ul> <p><b>Natural Area – Escarpment</b> includes:</p> <ul style="list-style-type: none"> <li>The headland to the south of Tamarama beach features sandstone cliffs, outcrops and patches of remnant vegetation. This area is fence from above and access is not promoted.</li> <li>The headland to the North of the beach features sandstone rock-shelf, cliffs and patches of remnant vegetation. A path at the top of the Northern escarpment and a set of concrete stairs provides safe access along and down the escarpment to the beach.</li> </ul> <p><b>Natural Area – Foreshore</b> includes:</p> <ul style="list-style-type: none"> <li>Tamarama Beach, a deep sandy beach behind the intertidal zone. The beach is managed by Council's LEP, DCP and Coastal Risk Management Policy. These policies regulate land use and planning, provide guidelines for management, development assessment and operations of the beach.</li> <li>The beach is also used for passive and active recreation. The area is used primarily for water and sand based recreation activities. Council lifeguards estimate that about 160,000 people used the beach in the 2003-04 summer season. The beach is used for events including the annual sculptures by the sea event.</li> </ul>
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## Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
			The rock shelf located on the water's edge of the northern headland. The area can only be accessed at low tide.





## Crown land managed by council Crown land managers Form

<p>Tamarama Park 500481</p>	<p>Public Recreation</p>	<p>General Community Use, Park and Natural Areas – Escarpment and</p>	<p><b>General Community Use</b> – These areas include:</p> <ul style="list-style-type: none"> <li>• Tamarama Kiosk and amenity building is located along the Southern cliff face. The building includes a kiosk and public bathrooms. A 5 year licence agreement for the kiosk and outdoor seating area is in place.</li> <li>• A storage building is located along the Northern cliff face and provides storage for the SLSC and lifeguards. A licence agreement is in place with Tamarama SLSC for the use of the storage building.</li> </ul> <p><b>Park</b> - The area categorised as <b>Park</b> is primarily used for passive recreation including:</p> <ul style="list-style-type: none"> <li>• A neighbourhood size playground primarily catering to residents within a 400m catchment area.</li> <li>• 3 picnic shelters with BBQ facilities</li> <li>• The remaining area includes paths, gardens and open grassy space.</li> <li>• A stormwater recycling system is located underneath the open grassy area in the lower Tamarama Gully Park.</li> <li>• The park is part of the Bondi to Bronte coastal walk.</li> </ul> <p><b>Natural Area – Escarpment</b> includes:</p> <ul style="list-style-type: none"> <li>• The headland to the south of Tamarama beach features sandstone cliffs and outcrops and patches of remnant vegetation. This area is fence from above and access is not promoted.</li> <li>• The headland to the North of the beach features sandstone rock-shelf and cliffs and patches of remnant vegetation.</li> </ul> <p><b>Natural Area – Bushland</b> includes:</p> <ul style="list-style-type: none"> <li>• The steeper gully edges are vegetated with a mixture of indigenous, remnant and exotic planting.</li> <li>• A pocket of remnant indigenous vegetation exists on the south eastern slope between Wolaroi Crest and Tamarama Marine Drive.</li> </ul>
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## Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
			<ul style="list-style-type: none"><li>Bush regeneration work is currently being undertaken by The Tamarama Bush care Group. This is an active volunteer group with a paid team leader who is assisted by three or four volunteers. Twice a month the group works on revegetating and rehabilitating the gully</li></ul> <p>This area is also located in the Biodiversity Corridor as identified by <i>Waverley Local Environmental Plan 2012</i>.</p>



# Crown land managed by council Crown land managers Form

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
Waverley Park 500494	Public Park, Public Recreation	Park, Sportsground, General Community Use, Area of Cultural Significance	<p>The area categorised as <b>Park</b> is used for active and passive recreation including:</p> <ul style="list-style-type: none"> <li>• A district size playground primarily catering to residents within a 1km catchment area.</li> <li>• A public fitness station for casual use</li> <li>• Memorial gardens</li> <li>• Open grassy areas</li> <li>• Path systems and stairs to safely traverse level changes within the park</li> <li>• Community Gardens</li> <li>• Groves of mature trees</li> </ul> <p>The areas categorised as <b>Sportsground</b> are used primarily for active recreation involving organised sports and playing outdoor games and includes:</p> <ul style="list-style-type: none"> <li>• Waverley Oval</li> <li>• Waverley Synthetic Field</li> <li>• 3 Netball courts</li> <li>• 3 Multi-purpose Courts</li> <li>• Cricket Nets</li> <li>• Training field</li> </ul> <p>These areas are primarily used for active recreation and are regularly booked by sports clubs for competition and training purposes.</p> <p>The areas categorised as <b>General Community Use</b> are</p> <ul style="list-style-type: none"> <li>• Margaret Whitlam Recreation Centre</li> <li>• Carpark South of the netball courts facilitating the park and sport fields.</li> <li>• Carpark behind Council chambers facilitating Council chambers, the park and sports field.</li> <li>• Part of Waverley Elevated Reservoirs owned by Sydney Water.</li> <li>• Community room and amenity building.</li> </ul>

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Project:  
**Crown Land Categorisation**

Drawing Name: Bondi Park & Biddigal Reserve  
Drawing No: Figure 1  
Issue: A

Date: 24.09.20  
Drawing By: BS/ BP  
Scale: NTS







Project:  
**Crown Land Categorisation**

Drawing Name: Ben Buckler Park & Ray O'Keefe Reserve  
Drawing No: Figure 2  
Issue: A

Date: 24.09.20  
Drawing By: BS/ BP  
Scale: NTS







Project:  
**Crown Land Categorisation**

Drawing Name: Waverley Park  
Drawing No: Figure 3  
Issue: A

Date: 24.09.20  
Drawing By: BS/ BP  
Scale: NTS







Project:  
**Crown Land Categorisation**

Drawing Name: Bronte Park  
Drawing No: Figure 4  
Issue: A

Date: 24.09.20  
Drawing By: BS/ BP  
Scale: NTS







Project:  
**Crown Land Categorisation**

Drawing Name: Tamarama Beach & Park  
Drawing No: Figure 5  
Issue: A

Date: 24.09.20  
Drawing By: BS/ BP  
Scale: NTS





## Annexure B

To *Guidelines—classification of Crown land managed by council Crown land managers*

Categorisation core objectives & guidelines for assigning categories to community land under local government legislation

**Table 1. Categories and objectives**

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Natural area	<p>The core objectives for management of community land categorised as a natural area are to:</p> <ul style="list-style-type: none"> <li>a) conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and</li> <li>b) maintain the land, or that feature or habitat, in its natural state and setting, and</li> <li>c) provide for the restoration and regeneration of the land, and</li> <li>d) provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</li> <li>e) assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>	<p>The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.</p>
Sportsground	<p>The core objectives for management of community land categorised as a sportsground are to:</p> <ul style="list-style-type: none"> <li>a) encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and</li> <li>b) ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>	<p>The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p>

## Annexure B to Guidelines—classification of Crown land managed by council Crown land managers

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Park	<p>The core objectives for management of community land categorised as a park are to:</p> <ul style="list-style-type: none"> <li>a) encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>b) provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>c) improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>	<p>The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.</p>
Area of cultural significance	<ul style="list-style-type: none"> <li>1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</li> <li>2) Those conservation methods may include any or all of the following methods: <ul style="list-style-type: none"> <li>a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,</li> <li>b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,</li> <li>c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,</li> <li>d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),</li> <li>e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.</li> </ul> </li> <li>3) A reference in subsection (2) to land includes a reference to any</li> </ul>	<p>The land is:</p> <ul style="list-style-type: none"> <li>a) an area of Aboriginal significance, because the land: <ul style="list-style-type: none"> <li>i. has been declared an Aboriginal place under section 84 of the <i>National Parks and Wildlife Act 1974</i>, or</li> <li>ii. whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or</li> <li>iii. is of significance or interest because of Aboriginal associations, or</li> <li>iv. displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or</li> <li>v. is associated with Aboriginal stories, or</li> <li>vi. contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or</li> </ul> </li> <li>b) an area of aesthetic significance, by virtue of: <ul style="list-style-type: none"> <li>i. having strong visual or sensory appeal or cohesion, or</li> <li>ii. including a significant landmark, or</li> <li>iii. having creative or technical qualities, such as architectural excellence, or</li> </ul> </li> <li>c) an area of archaeological significance, because the</li> </ul>

## Annexure B to Guidelines—classification of Crown land managed by council Crown land managers

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	buildings erected on the land.	<p>area contains:</p> <ul style="list-style-type: none"> <li>i. evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or</li> <li>ii. any other deposit, object or material that relates to the settlement of the land, or</li> </ul> <ul style="list-style-type: none"> <li>d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</li> <li>e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or</li> <li>f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.</li> </ul>
General community use	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:</p> <ul style="list-style-type: none"> <li>a) public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>b) purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>	<p>The land:</p> <ul style="list-style-type: none"> <li>a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and</li> <li>b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.</li> </ul>



## \*Further categories for land categorised as natural area

Table 2. Further categories for natural areas

Category	Objectives	Guidelines for categorisation (LG Regulation)
Bushland	<p>The core objectives for management of community land categorised as bushland are to:</p> <ul style="list-style-type: none"> <li>a) ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</li> <li>b) protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</li> <li>c) promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</li> <li>d) restore degraded bushland, and</li> <li>e) protect existing landforms such as natural drainage lines, watercourses and foreshores, and</li> <li>f) retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</li> <li>g) protect bushland as a natural stabiliser of the soil surface.</li> </ul>	<p>The land contains primarily native vegetation and that vegetation:</p> <ul style="list-style-type: none"> <li>a) is the natural vegetation or a remainder of the natural vegetation of the land, or</li> <li>b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</li> </ul> <p>1) Such land includes:</p> <ul style="list-style-type: none"> <li>a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</li> <li>b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</li> <li>c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</li> </ul>
Wetland	<p>The core objectives for management of community land categorised as wetland are to:</p> <ul style="list-style-type: none"> <li>a) protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat</li> </ul>	<p>The land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>

## Annexure B to Guidelines—classification of Crown land managed by council Crown land managers

Category	Objectives	Guidelines for categorisation (LG Regulation)
	<ul style="list-style-type: none"> <li>values of the wetlands, and</li> <li>b) restore and regenerate degraded wetlands, and</li> <li>c) facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.</li> </ul>	<p>The land includes such features as a long cliff-like ridge or rock, and</p> <p>The land includes significant or unusual geological, geomorphological or scenic qualities.</p>
Escarpment	<p>The core objectives for management of community land categorised as an escarpment are to:</p> <ul style="list-style-type: none"> <li>a) protect any important geological, geomorphological or scenic features of the escarpment, and</li> <li>b) facilitate safe community use and enjoyment of the escarpment.</li> </ul>	<p>The land includes such features as a long cliff-like ridge or rock, and</p> <p>The land includes significant or unusual geological, geomorphological or scenic qualities.</p>
Watercourse	<p>The core objectives for management of community land categorised as a watercourse are to:</p> <ul style="list-style-type: none"> <li>a) manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and</li> <li>b) manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</li> <li>c) restore degraded watercourses, and</li> <li>d) promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</li> </ul>	<p>The land includes:</p> <ul style="list-style-type: none"> <li>a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</li> <li>b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or state-protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i>.</li> </ul>
Foreshore	<p>The core objectives for management of community land categorised as foreshore are to:</p> <ul style="list-style-type: none"> <li>a) maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and</li> <li>b) facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</li> </ul>	<p>The land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p>



NSW DEPARTMENT OF INDUSTRY—LAND & WATER

# Guideline—initial categorisation of Crown land managed by council Crown land managers

Division 3.4 *Crown Land Management Act 2016*

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**Guideline—initial categorisation of Crown land managed by council Crown land managers**

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Published by NSW Department of Industry

**Guideline—initial categorisation of Crown land managed by local council Crown land managers**

First published May 2018.

**More information**

NSW Department of Industry—Lands & Water

[industry.nsw.gov.au/lands](http://industry.nsw.gov.au/lands)

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## Overview

These guidelines detail the approach to be taken by a local council that is a Crown land manager of any dedicated or reserved Crown land (a council manager) when:

- assigning categories to that land, as referred to in section 3.23 of the *Crown Land Management Act 2016*
- notifying the minister administering the *Crown Land Management Act 2016* in writing of the initial categories assigned.

Council managers must comply with the directions relevant to their activities.

## Classification of Crown land

These guidelines should be read in conjunction with the related *Guideline—Classification of Crown land managed by council Crown land managers*.

## More information

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Email: [council.clm@crownland.nsw.gov.au](mailto:council.clm@crownland.nsw.gov.au)

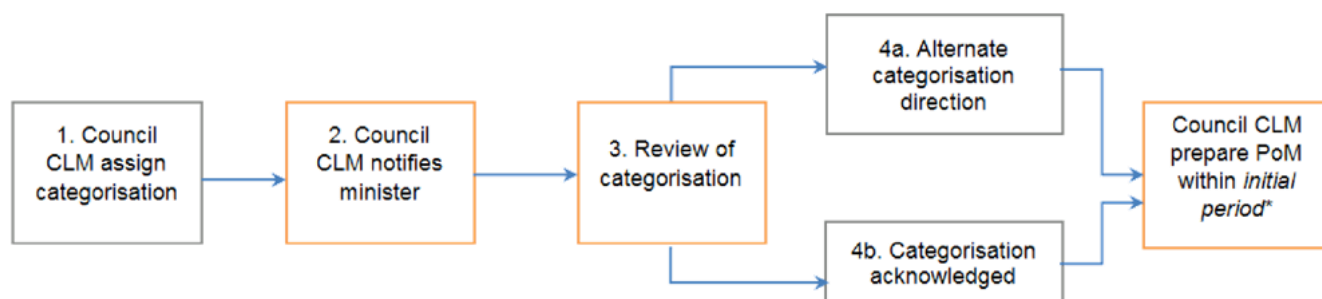
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Web: [olg.nsw.gov.au/crownland](http://olg.nsw.gov.au/crownland)



# Initial assignment of categories

## Procedure



**Figure 1. Process map for the categorisation of council-managed land**

*\*Unless minister consents to council classifying land as operational*

**Table 1. Key to diagram**

Abbreviation	Meaning
CLM	Crown land manager
PoM	plan of management

## Step 1—Council manager assigns a category to Crown land

Under the *Crown Land Management Act 2016* (CLM Act), council managers must assign to all Crown land under their management one or more initial categories of community land referred to in section 36 of the *Local Government Act 1993* (LG Act). The initial category must be assigned as soon as practicable after a council's appointment as a Crown land manager—including because of commencement of the CLM Act.

Council managers must assign a categorisation they consider to be most closely related to the purposes for which the land is **dedicated** or **reserved**. Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes.

In assigning an initial categorisation, council managers should refer to the LG Act provisions that govern the management and use of each community land category. Council managers should consider how these categories would preserve and facilitate the use of the land for the purpose for which the land was originally set aside by its dedication or reservation.

When considering the use and management of community land, council managers should refer to the core objectives for each category prescribed by the LG Act, as well as the guidelines for the categorisation of community land prescribed by the Local Government Regulation 2005. These are provided at Annexure A.

For the department's guidance on the categories that may be most closely related to LG Act categories, please refer to Annexure B. This is provided as general guidance only and council managers should make their own enquiries and rely on their own judgement when categorising the Crown land they manage.

## Categorisation and native title

The degree to which an assigned categorisation relates to the reserve or dedicated purpose is important, as council managers must obtain native title manager advice under Part 8 of the CLM Act prior to dealing with Crown land that they manage, specifically in regards to subdivision J of the *Native Title Act 1993* (Cwth).

Where a categorisation has been assigned that is **not** the most closely related to the reserve or dedication purpose, the council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions affect native title.

Therefore council managers must select a category that closely matches the original reservation or dedication purpose, or their land management activities may infringe upon native title rights and council may lose the legal right to continue those activities.

Further information on the native title requirements for council Crown land managers is available on the department's website.

### Example categorisation of land reserved for *environmental protection purposes*

A council manager of Crown land reserved for *environmental protection purposes*, in considering the most closely related category, should consider how the guidelines and core objectives for each category would preserve and facilitate the declared purpose for which the land is reserved.

For example, the LG Act prescribes that the core objectives for management of land categorised as *natural area* is to:

- a) conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
- b) maintain the land, or that feature or habitat, in its natural state and setting
- c) provide for the restoration and regeneration of the land
- d) provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
- e) assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

A council manager might consider that these objectives are very closely related to the reserve purpose and would facilitate the use and management of the land for environmental protection, whilst limiting uses that are not consistent with environmental protection. Accordingly, the council manager would then assign an initial category of natural area to this land.

The LG Act provides that the categorisation *natural area* must be further categorised as *bushland*, *wetland*, *foreshore*, *watercourse* or *escarpment*.

Should a council consider that the categorisation *natural area* most closely relates to a reservation or dedication purpose, the department encourages the council to assign *natural area* as the primary categorisation in considering the reserve purpose, with the 'further categorisation' to be assigned based on the LG (General) Regulation 2005, Part 4, Division 1—Guidelines for the categorisation of community land.

In this instance, the council manager would then consider the natural features of the land and assign a further categorisation. For example, if the reserve was over land containing remnant bushland, the category of *natural area—bushland* could be most appropriate. Should the land also contain a creek, the category *natural area—watercourse* could also be assigned.

The Local Government Regulation 2005 guidelines further prescribes how land should be assigned a 'further categorisation' based on the features of the land.

Alternatively, in assigning a categorisation against Crown land reserved for environmental protection, council might consider that the category *general community use* most closely relates to the land. The LG Act prescribes the core objectives for management of land categorised as *general community use* is 'to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).'



In certain cases, it could be contested that the assigned categorisation of *general community use* to land reserved for *environmental protection purposes* is not the most closely related category. This could be argued due to the scope of the core objectives for land categorised as *general community use*. For example, the core objective 'to promote, encourage and provide for the use of the land and supporting facilities for purposes for which a lease, licence of other estate may be granted' could be considered largely incompatible with environmental protection due to the intensity and nature of developments for purposes this category promotes and encourages, such as child care centres, restaurants and kiosks (referred to explicitly in s.46 of the LG Act).

## Step 2—Council manager notifies the minister in writing of the assigned category

After council has assigned an initial categorisation to Crown land under their management, council must provide written notice to the minister as soon as is practicable.

Advice to the minister must be provided in the approved form set out at Annexure C and clearly set out the applicable Crown land, the dedication or reserve purpose, the assigned categorisation and (if required) justification.

### Authority to notify the minister

The CLM Act does not prescribe an explicit level of authority required to assign and notify the minister of an initial categorisation. This can be considered by a council manager to suit its own structure and governance arrangements.

## Step 3—the department considers the category initially assigned

The minister or the department may direct a council manager to alter an assigned categorisation if they consider that:

- the category is not the most closely related to the purposes for which the land is **dedicated** or **reserved**, or
- the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is **dedicated** or **reserved**.

Upon receipt of the council manager's notice, the department will consider the assigned categorisation in relation to the above criteria. This will result in one of the outcomes discussed below.

### Acknowledgement of the category assigned

If the department determines that the assigned categorisation does not require alteration, it will issue a notification to council acknowledging this.

### Direction to alter the category assigned

If the department determines that the assigned categorisation meets the above criteria, it will issue a direction to council requiring the council to alter the assigned categorisation in accordance with section 3.23 (5) of the CLM Act.

A direction to alter the assigned categorisation **must** be adhered to by a council Crown land manager.

Once council managers are notified that the department acknowledges an assigned categorisation, or that the department directs them to assign a specific categorisation, they may proceed to develop and adopt an LG Act plan of management (PoM) for the land. Council managers should refer to guidance material for the preparation of LG Act PoMs for Crown land.

## Council records

Council should keep a record of assigned categorisation for Crown land—including any departmental acknowledgement or direction—and use this to inform the development of its PoMs for Crown land managed as community land.

Council must also ensure that the details of any Crown land under its control are accounted for in its land register, as required by section 53 of the LG Act.

Should council consider that particular Crown land does not fall into any category of community land, or that a valid, current use of the land would not be able to continue should the land be managed as community land, it may request ministerial consent to manage the land as if it were operational land under the LG Act. Before considering this option, council should refer to the *Guideline—Classification of Crown land managed by council Crown land managers*.

## Related documents

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Crown Land Management Act 2016](#)
- *Guideline—classification of Crown land managed by council Crown land managers*

## Annexures

Table 2. Guide to annexures

Letter	Title	Details
A	LG Act guidance for categorisation	Core objectives for each community land category prescribed by the LG Act and guidance for the application of categorisation of community land prescribed by the Local Government Regulation 2005.
B	Categories versus reserves	Departmental guidance for categorisation that <b>may</b> be considered to most closely relate to a reserve purpose
C	Written notice of assigned categorisation	Approved form for notifying the department in writing of the initial categorisation



## Developing plans of management for community land Crown reserves

### **GUIDELINES FOR COUNCIL CROWN LAND MANAGERS**

DECEMBER 2018



NSW Department of Industry  
NSW Office of Local Government

#### GUIDELINES

#### **Developing plans of management for community land Crown reserves**

First published December 2018

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## Overview

This guideline is designed to assist NSW councils to understand the requirements of the *Crown Lands Management Act 2016* and *Local Government Act 1993* with regard to the development and adoption of plans of management for Crown reserves classified as community land. The guideline also describes the processes which councils should follow in developing and adopting such plans.

The guideline and attachments are not intended to be an exhaustive or complete guide to plan of management development.

**Note:** This document is not issued under the *Local Government Act 1993* and is not a guideline under that legislation. While it provides general guidance for councils relating to the development of plans of management for Community Land, the information contained in this document only relates to those Crown reserves managed by councils as Crown Land Managers under the *Crown Land Management Act 2016*.

Councils should continue to refer to *Practice Note No 1—Public land management* for broader guidance on plans of management for general community land under the *Local Government Act 1993*.

## Assistance

**Note:** Council Crown land managers should read these guidelines before seeking assistance.

**Phone:** 1300 117 784

**Email:** [councilcrownland@olg.nsw.gov.au](mailto:councilcrownland@olg.nsw.gov.au)

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**Developing plans of management for community land Crown reserves— guidelines**

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## 1. Why plans of management are required

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Generally council managers will manage land as if it were community land.

Under the LG Act, a plan of management (POM) must be adopted by council for all community land.

### 1.1. Benefits of having a plan of management

A POM is a useful tool to provide strategic planning and governance for the management and use of land. POMs set out objectives and performance targets for community land and promote active land management and use, including issuing tenures over the land.

The LG Act requires undertaking community engagement activities when preparing POMs, including publicly exhibiting the plan and providing opportunities for the community to comment. This allows the community to be involved and represented in the contents of a plan.

Letting councils manage Crown land as if it were council-owned public land under the LG Act, and to implement POMs, allows councils to manage their entire land portfolios under one streamlined regime, reducing duplication, red tape, administrative complexity and confusion.

In the context of the CLM Act, POMs are also a critical tool to ensure that any authorisation or restriction on the use of a Crown reserve is consistent with the Commonwealth *Native Title Act 1993*. We discuss the important review role of native title managers in the POM adoption process in section 4 of this guideline.

### 1.2. Deadline for plans of management under new legislation

Council managers must ensure there is a compliant POM for all Crown land that they manage as community land within three years of the commencement of Part 3 of the CLM Act (that is, by 30 June 2021). This is to ensure that Crown land is lawfully used and occupied, which is an essential part of councils' role as the manager of Crown land.

### 1.3. Assigning multiple categories to Crown reserves

Under the CLM Act, council managers must assign to all Crown land under their management one or more initial categories of community land referred to in section 36 of the LG Act. The initial category must be assigned as soon as practicable after a council's appointment as a Crown land manager.

It is important that the initial category aligns closely with the original reserve purpose, and should be the overarching consideration of a council manager when notifying the initial category. This issue is discussed in further detail in section 5 of this guideline.

NSW Department of Industry has also issued *Guideline - Initial categorisation of Crown land managed by local council Crown land managers*. This document includes in its Annexure B guidance on which categories under section 36 of the LG Act might be considered to most closely relate to purposes for which Crown land is reserved or dedicated.

The document and its annexures can be downloaded from available from [olg.nsw.gov.au/content/council-crown-land-managers-resources](http://olg.nsw.gov.au/content/council-crown-land-managers-resources)

It is ultimately a matter for each council to nominate the initial category for each reserve. However, in accepting the guidance categories in *Guideline - Initial categorisation – Annexure B*



– *Categories guidance for reserve purpose(s)*, councils can ensure a more straightforward transition to the new framework.

The notification of additional categories should occur during the process of preparing a POM for the reserve. This will enable the minister responsible for the CLM Act to approve new categories as if another purpose had been applied, and enable planning and management through the POM, including public consultation and exhibition, that considers both categories and purposes.

Further information about the importance of initial categorisation to the POM process is contained in section 5 of this guideline.

## 1.4. Terminology

Unless otherwise specified, any reference in this guideline to the ‘the minister’ should be taken to mean the minister responsible for the CLM Act. At the time of writing the responsible minister is the Minister for Lands and Forestry.

## 1.5. Differences in requirements for initial and further/subsequent plans of management

The CLM Act contains specific requirements for **initial** POMs for Crown reserves, and some different requirements for further/subsequent POMs. This guideline highlights the differing requirements, where appropriate.

## 2. CLM Act requirements

### 2.1. Overview

Section 3.23(6) of the CLM Act requires council managers to adopt a POM for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'community land' under the LG Act.

These POMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act (further information about LG Act requirements for POMs is contained in section 3 of this guideline).

### 2.2. The 'initial period'

Section 3.23(7) of the CLM Act specifies an 'initial period' of three years from the commencement of Part 3 of the CLM Act (ending 30 June 2021), during which a council manager must ensure that the first POM applicable to the land is adopted as soon as practicable before 30 June 2021.

### 2.3. Amending an existing plan of management

Section 3.23(7) also states that council managers may amend existing POMs so that they apply to Crown reserves, and where appropriate, to the reserve's use. All applicable provisions of the CLM Act and the LG Act must be addressed for amended POMs (including the requirement to obtain written advice from a Native Title Manager).

### 2.4. Public hearings

While all POMs must be developed in accordance with the public exhibition requirements of the LG Act (see section 3.8 of this guideline), section 3.23(7)(c) states that, if the draft **first** POM does not add, change or alter the initial assigned categories, the council manager will not be required to hold public hearings under section 40A of the LG Act, but must give public notice of it as required by section 38 of that Act.

Further details about the public exhibition and public hearing requirements of the LG Act are set out in sections 3.8 and 3.9 of this guideline.

### 2.5. Ministerial consent

Section 3.23(7)(d) of the CLM Act states that, if the draft **first** POM alters the categories assigned as provided by this section, the council manager must:

- (i) obtain the written consent of the minister to adopt the plan if the re-categorisation would require an addition to the purposes for which the land is dedicated or reserved
- (ii) hold public hearings under section 40A of the LG Act.

In practice this means that, after notifying the Minister for Lands and Forestry of the proposed initial categorisation of the land, a council manager must obtain the minister's consent for council adoption of any POM that would alter the categorisation of the land only if it would require an additional purpose.

The minister can require a council manager to alter the initial category assigned under section 3.23(3) and cannot give consent to a subsequent alteration of the categorisation of land through a POM under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

**Note:** Section 3.23(9) of the CLM Act states that ministerial consent is required for any further/subsequent POM that changes (or adds) a category **in any way**.

The Ministerial consent process is described in section 6.1 of this guideline.

#### **What constitutes material harm?**

Material harm considerations are set out in section 2.19(3) of the CLM Act, and include:

- (a) the proportion of the area of the land that may be affected by [any proposed lease, licence or other estate allowance provision]
- (b) if the activities to be conducted under [any proposed lease, licence or other estate allowance] will be intermittent, the frequency and duration of the impacts of those activities
- (c) the degree of permanence of likely harm and in particular whether that harm is irreversible
- (d) the current condition of the land
- (e) the geographical, environmental and social context of the land
- (f) any other considerations that may be prescribed by the regulations.

The CLM Act goes on to specify that, to avoid doubt:

- (a) the purposes for which a [lease, licence or other estate] can be granted are not limited to public purposes or purposes that are ancillary or incidental to a purpose for which the land is dedicated or reserved
- (b) a [lease, licence or other estate] does not materially harm the use of the land for the purposes for which it is dedicated or reserved just because:
  - (i) the use of the land under the interest may be inconsistent or incompatible with a purpose for which it is dedicated or reserved, or
  - (ii) the land may be used for grazing under the interest.

## 2.6. Existing use of a Crown reserve continues pending adoption of a plan of management

Section 3.23(7)(f) of the CLM Act states that section 44 of the LG Act applies, meaning the nature and use of the land must not be changed while the adoption of a POM for community land is pending.

However, this subsection does not apply to any further POM (or amendments to POMs) made during the initial period.

## 2.7. Crown reserve plans of management made after the initial period

Any POM adopted for a Crown reserve after 30 June 2021 must meet all of the requirements of the LG Act, as described in section 3 of this guideline.

**Transitional arrangements**

Schedule 7 (Cl. 5) of the CLM Act provides that any existing tenure for council-managed Crown land continues in force for the term of its original grant.

Additionally, the [Crown Land Management Regulation 2018](#) provides certain exemptions to the operation of the CLM Act and LG Act during the 'initial period' (from 1 July 2018 to 30 June 2021).

The regulation introduces transitional arrangements that will enable councils to continue current authorised uses and short-term uses of Crown land while developing plans of management.

During the initial period, and until council adopts a first POM for council-managed Crown land, the regulation allows councils to:

- issue short-term licences over council-managed Crown land for a range prescribed purposes, such as holding sports and recreational activities, camping and events
- renew existing leases (for a term not exceeding 21 years, including any option for the grant of a further term) over council-managed Crown land if the renewal does not authorise any additional use for the land
- grant new leases over council-managed Crown land (for a term not exceeding 21 years, including any option for the grant of a further term), if there was a pre-existing lease immediately prior to the repeal of the *Crown Lands Act 1989* (which happened on 1 July 2018) and the new lease does not authorise any additional use of the land.

NSW Department of Industry has issued a Transition Guide and Lease and Licence fact sheet, available from [olg.nsw.gov.au/content/council-crown-land-managers-resources](http://olg.nsw.gov.au/content/council-crown-land-managers-resources). Council managers should take these, and the abovementioned transitional information into consideration when developing POMs for Crown reserves in the initial period.

When exercising powers provided by these transitional arrangements, council managers must also obtain written advice from a qualified native title manager that any leases or licences comply with native title legislation.



### 3.LG Act requirements

**Note:** All references to legislation in this section relates to the LG Act unless otherwise specified.

#### 3.1. Overview

Under section 36(1) of the LG Act, POMs must be prepared for all community land. They are not only required under the LG Act, but are an essential management tool for councils.

Plans of management:

- are written by council in consultation with the community
- identify the important features of the land (e.g. natural significance, sportsground)
- clarify how council will manage the land
- indicate how the land may be used or developed, such as leasing.

**Table 1 Sections of the LG Act that set the framework for POMs**

Requirement	Act section
Use and nature of community land must not change prior to the preparation of a plan of management	44
Prepare plans of management for all community land	35, 36(1)
Process for community land not owned by council	37, 39
What a plan of management for council owned land must include	36(3), (4)
A draft must be exhibited prior to adoption and may be re-exhibited if amended prior to adoption	38, 39, 40

#### 3.2. Minimum requirements

The minimum requirements for a POM are set out under section 36(3) of the LG Act. A POM must identify the:

- category of the land
- objectives and performance targets of the plan with respect to the land
- means by which the council proposes to achieve the plan's objectives and performance targets
- manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.

For plans that are specific to one area of land, section 36(3A) specifies that the plan must also:

- describe the condition of the land as at the adoption of the plan
- describe the buildings on the land as at adoption
- describe the use of the buildings and the land as at adoption
- state the purposes for which the land will be allowed to be used, and the scale and intensity of that use.



### 3.2.1. Assigning categories at the draft stage

Clause 101(2) of the Local Government (General) Regulation 2005 requires councils to have regard to the guidelines for the categorisation of community land set out in clauses 102 to 111 of that regulation, when preparing a draft plan of management.

For Crown Reserves, it is imperative that councils consider this guidance in the context of the reserve purpose, as well as any existing or proposed future use of the reserve, especially with regard to any express authorisations that may be included in the POM (see section 3.3 of this guideline).

Councils should note that the Minister for Lands and Forestry may direct the council to assign another category (under section 3.23(5)) at any point (including at the draft POM stage) if it is considered that a category assigned to the land is not consistent with the reserve purpose. This is separate to the ministerial consent process set out in sections 3.23(7) and 3.23(9) of the CLM Act discussed in section 2.5 of this guideline.

### 3.2.2. Mapping

Clear and accurate mapping is a key component of a POM, as it allows readers and users to understand where particular categories (and therefore any relevant express authorisations proposed in accordance with the category) apply on the land in question.

Councils must take care to ensure that any map included in a POM includes a sufficient level of detail to allow the easy identification of category boundaries, important natural features, and any existing or proposed infrastructure, such as buildings, roads and parking areas.

Additionally, Clause 113 of the Local Government (General) Regulation 2005 requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

## 3.3. Additional matters that may be included in a plan of management

The LG Act specifies that other matters may be included in a POM, depending on council's intentions for the land, such as:

- an 'express authorisation' for leases, licences or other estates that may be granted over the land. Leases, etc. may not be granted unless there is an express authorisation in a plan (section 46). Council may also specify any other conditions to apply to leases, etc.
- leases, licences or other estates that will only be granted following a tender process (section 46A)
- activities that require the prior approval of the council before being carried out on the land (section 36(3)). These activities are listed in Part D, section 68. Council may have also dealt with these approvals more particularly under a local approvals policy. If so, council should refer in the POM to any local approvals policy in place, or include the relevant material in the POM.

**Note:** The provisions of sections 46, 46A, 47, 47A, 47AA, 47B, 47C, 47D, 47E and 47F of the LG Act must be closely considered when addressing express authorisation for leases and licenses in a POM.

For example: a council must ensure that leases or licenses exceeding 21 years that require ministerial consent under section 47(8AA) of the LG Act are expressly authorised in the POM.

See 'Practice Note No.1 – Public land management' available from [olg.nsw.gov.au/content/practice-note-no1-public-land-management](http://olg.nsw.gov.au/content/practice-note-no1-public-land-management) for further details about leasing, licensing and approvals under LG Act POMs.

For further information about leases and licenses on Crown Reserves in the CLM Act transition period see the 'Leasing and Licence fact sheet' available from [olg.nsw.gov.au/content/council-crown-land-managers-resources](http://olg.nsw.gov.au/content/council-crown-land-managers-resources)

### 3.4. Additional matters where land is not owned by council

The LG Act requires that, where the council controls but does not own land (as is the case with all council managed Crown reserves), a POM must:

- a) identify the owner of the land
- b) state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant
- c) state whether the use or management of the land is subject to any condition or restriction imposed by the owner
- d) not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

**Note:** Under section 3.23(7)(e) of the CLM Act, points b) to d) above are waived in the case of the **first POM during the initial period** for Crown reserves classified as community land.

### 3.5. Specific and generic plans of management

Council has the discretion in most cases to prepare a specific POM for the area or a generic plan that applies to more than one piece of land. However, generic POMs **cannot** be made for land declared:

- as critical habitat or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Generic plans will be entirely appropriate in many cases, for example in dealing with children's playgrounds or other pieces of land that contain similar facilities with similar management issues. Natural areas may not be so appropriate for generic plans, given that there may be issues unique to each piece of land, based on the character of the land, surrounding development, community expectations and so on. This does not prevent council from including common clauses or paragraphs in specific POMs.

Alternatively, council could make a specific plan that incorporated another document that contained common provisions used in other specific plans. For example, council could make a brief site specific plan for each piece of land categorised as natural area.

This plan must contain all the requirements of a POM, but these could be covered by reference to other documents such as 'Management objectives—natural areas', 'Rehabilitation strategies—natural areas', and so on.

Council must make sure that all the requirements of the LG Act are covered and that it is clear what documents apply, and whether there is any qualification to these in the individual POM.

**Note:** The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

Councils should carefully cross reference the requirements of the sections 36A(3) and 36B(4) of the LG Act with the savings and transitional provisions of the *Biodiversity Conservation Act 2016* and its regulations. For example, clause 8 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* states that 'Any area that was, immediately before the commencement of the new Act, declared to be critical habitat under Part 3 of the *Threatened Species Conservation Act 1995* is taken to have been declared under Part 3 of the new Act as an area of outstanding biodiversity value'.

## 3.6. Requirements for specific land types

### 3.6.1. Community land comprising the habitat of endangered species

If the POM deals with land that, all or in part, is the habitat of endangered species, then the following additional requirements apply (section 36A(3)). The POM must:

- subject to any decision of the Chief Executive of the Office of Environment and Heritage under section 146 of the *Threatened Species Conservation Act 1995* or any decision of the Secretary of the Department of Industry, Skills and Regional Development under section 220Y of the *Fisheries Management Act 1994*, state that the land, or the relevant part, is critical habitat
- categorise the land, or the relevant part, as a natural area
- identify objectives, performance targets and other matters that:
  - take account of the existence of the critical habitat
  - are consistent with the objects of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, as the case requires
  - incorporate the core objectives prescribed under section 36 in respect of community land categorised as a natural area.

**Note:** See also additional public exhibition requirements set out in section 3.8 of this guideline

### 3.6.2. Community land comprising the habitat of threatened species

If the POM deals with an area of community land, all or part of which is directly affected by a recovery plan or threat abatement plan, then the following additional requirements apply (section 36B(4)). The POM must:

- state that the land, or the relevant part, is so affected
- categorise the land, or the relevant part, as a natural area
- identify objectives, performance targets and other matters that:
  - take account of the council's obligations under the recovery plan or threat abatement plan in relation to the land
  - are otherwise consistent with the objects of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, as the case requires
  - incorporate the core objectives prescribed under section 36 in respect of community land categorised as a natural area.

**Note:** See also additional public exhibition requirements set out in section 3.8 of this guideline



### 3.6.3. Community land containing significant natural features

If the POM deals with land which council has declared to contain significant natural features under section 36C, then additional requirements apply:

- Section 36C(3)—the plan must state why the land is declared to contain significant natural features
- Section 36C(3)—the land must be categorised as a natural area
- Section 36C(3)—objectives and performance targets for the management of the land must be designed to protect the area and its features.

### 3.6.4. Culturally significant land

If the POM deals with land that council has declared to be of cultural significance under section 36D, then additional requirements apply:

- Section 36D(3)—the plan must state that the land is declared to be of cultural significance.
- Section 36D(3)—the land must be categorised as an area of cultural significance.
- Section 36D(3)—the plan must incorporate any requirements of the Director General of National Parks and Wildlife.

**Note:** Clause 112(5) of the Local Government (General) Regulation 2005 states that 'A council must not prepare a draft plan of management that categorises community land as an area of cultural significance on the ground that the land is an area of Aboriginal significance...unless the council has called for and considered any submissions made under this clause by Aboriginal people traditionally associated with the area in which the community land is situated'.

Clause 112 of the regulation contains additional consultation requirements concerning categorisation of land as an area of cultural significance, which should also be considered by councils.

Additionally, section 36DA of the LG Act allows that a council may resolve (at the request of any Aboriginal person traditionally associated with the land concerned or on the council's own initiative) to keep confidential such parts of a draft or adopted POM to which this section applies as would disclose the nature and location of a place or an item of Aboriginal significance.

## 3.7. Landowner notification requirements

Section 39 of the LG Act requires that any draft POM for a Crown reserve, including the first plan of management prepared, is required to be referred to NSW Department of Industry as the owner of the land, in draft form prior to council placing the POM on public exhibition.

This enables the land owner to ensure any matters properly required are included in the draft POM.

Under the initial POM adoption processes described in section 6 of this guideline, **all POMs** must be referred to NSW Department of Industry, and the attached forms (annexures A and B) accommodate the notification process.

However, in some instances additional ministerial consent is required for a POM (see section 6.1 of this guideline). Form B requires council to provide the necessary additional information to make a ministerial consent application, should it be deemed necessary by the department. The POM adoption process is described in further detail in section 6 of this guideline.

**Note:** For further subsequent POMs, the requirements of section 37 of the LG Act must be adhere to in full.

Councils are reminded that the requirements of section 37 of the LG Act are limited by the CLM Act. In the initial POM, councils must only identify the owner of the land, and are not required to state if the land is trust, estate, interest, dedication, condition, restriction or covenant, or whether the use or management of the land is subject to any condition or restriction imposed by the owner.

### 3.8. Public exhibition requirements

The LG Act requires councils undertake community engagement activities in the preparation of POMs, including public exhibition of the plan and opportunities for the community to comment. This allows the community to be involved and represented in the POM contents.

Specifically, section 38 sets out that:

- a council must give public notice of a draft POM for a period of not less than 28 days
- the public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council
- the council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter that it considers appropriate or necessary to better enable the draft plan and its implications to be understood. All documents referred to in a POM should be displayed at the same time as the draft POM.

Additionally, in the case of community land comprising the habitat of endangered species, or which is affected by a threatened species recovery plan or threat abatement plan, the following requirements also apply:

- when public notice is given of the draft plan under section 38, the draft POM must be sent (or a copy must be sent) by the council to the relevant director
- the POM must incorporate any matter specified by the relevant director in relation to the land, or the relevant part.

**Note:** For the purpose of the abovementioned provisions, relevant director means:

- in relation to the [Threatened Species Conservation Act 1995](#), the Chief Executive of the Office of Environment and Heritage (noting the transitional arrangements regarding the [Biodiversity Conservation Act 2016](#) referred to in section 3.5 of this guideline)
- in the [Fisheries Management Act 1994](#), the Secretary of the Department of Industry.

### 3.9. Public hearing requirements

In addition to the usual community engagement activities prescribed by the LG Act in preparation of a POM, section 40A of the act requires that a council must hold a public hearing in respect of a proposed POM (including for one that amends another POM) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).

A council must hold a further public hearing in respect of the proposed POM if:

- the council decides to amend the proposed plan after a public hearing has been held in accordance with this section
- the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.



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**Note:** A public hearing is **not** required if the draft POM would merely have the effect of altering the categorisation of the land under section 36(5) (i.e.: the further categorisation of land categorised as natural area as bushland, wetland, escarpment, watercourse or foreshore).

A council must also adhere to the requirements of section 47G of the LG Act when conducting public hearings. Specifically:

- the person presiding at a public hearing must not be:
  - a councillor or employee of the council holding the public hearing
  - a person who has been a councillor or employee of that council at any time during the five years before the date of his or her appointment
- not later than four days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

**Note:** There is no prescribed notice period in the LG Act or regulation for public hearings. However, the NSW Department of Planning and Environment's practice note on Classification and reclassification of public land through a local environmental plan (search [planning.nsw.gov.au](https://planning.nsw.gov.au) for 'PN 16–001 Classification and reclassification of public land through a local environmental plan'), which relates to similar land management issues, states that, 'After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised'.

Councils are also reminded that, in accordance with section 3.23(7)(c) of the CLM Act, no public hearing is required for the first POM for Crown land (unless the initial assigned category changes or multiple categories are assigned during the POM process).

## 4. Plans of management and native title

It is imperative that POMs for Crown reserves be compliant with the statutory requirements prescribed by the both CLM Act and LG Act. This includes a requirement for council crown land managers to obtain written advice from a qualified native title manager that any POM covers Crown land that is not 'excluded land'.

Excluded land is defined in the CLM Act to include:

- a) land subject to an approved determination of native title (as defined in the *Native Title Act 1993* of the Commonwealth) that has determined that:
  - i. all native title rights and interests in relation to the land have been extinguished, or
  - ii. there are no native title rights and interests in relation to the land,
- b) land where all native title rights and interests in relation to the land have been surrendered under an indigenous land use agreement (as defined in the *Native Title Act 1993* of the Commonwealth) registered under that Act,
- c) an area of land to which section 24FA protection (as defined in the *Native Title Act 1993* of the Commonwealth) applies,
- d) land where all native title rights and interests in relation to the land have been compulsorily acquired,
- e) land for which a native title certificate is in effect.

Section 8.7 of the CLM Act and the Native Title Manager Workbook (available from [industry.nsw.gov.au/lands/what-we-do/our-work/native-title](http://industry.nsw.gov.au/lands/what-we-do/our-work/native-title)) clearly set out that written native title manager advice is required before a council Crown land manager does any of the following:

- a) grants leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgages the land or allows it to be mortgaged
- c) imposes, requires or agrees to covenants, conditions or other restrictions on use (or removes or releases, or agrees to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land
- d) approves (or submits for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c). Accordingly, native title manager advice must be obtained prior to the approval (or submittal for approval) of a POM that allows a dealings in (a)–(c) and the execution of any lease, licence, permit, etc. that may be authorised under that plan.

**Note:** In cases where a POM does not allow dealings under section 8.7(a)–(c) of the CLM Act, written confirmation of this be provided by a native title manager. This confirmation should accompany any notice made to NSW Department of Industry (using forms A or B).

**Crown reserve POM native title requirements—summary****Assume native title exists and do not seek to determine extinguishment of native title**

A council Crown land manager cannot approve (adopt) a POM until they have obtained written advice from a native title manager that the approval (or submission for approval) of the POM complies with any applicable provision of Commonwealth native title legislation.

As NSW Department of Industry's Native Title Manager Workbook makes clear, unless the council managed Crown land in question is 'excluded land' (as defined by the CLM Act), council must assume that native title exists.

Even if there are no native title claims for the land it does not mean that native title does not exist. A council will still need native title manager advice to comply with the CLM Act.

Approved determinations about whether native title has been extinguished are complex and can only be made by the Federal Court, High Court or a recognised state body.

**Early native title manager advice built into the POM approval process**

Native title manager engagement and native title consideration should start from the beginning of drafting, even though the written advice is not formally required until the POM is ready for adoption.

The adoption processes put in place for initial POMs (see section 6 of this guideline) brings forward the requirement to obtain native title manager advice to the draft POM referral stage to ensure council's seek the advice early.

NSW Department of Industry will not process a draft POM received from a council unless the council attests that it has considered native title manager advice.

A council generally does not need to provide the advice itself to NSW Department of Industry. However, the department may request the advice in certain circumstances.

In practice the native title manager advice generated for the POM could be used as a basis for developing the advice regarding the lease, licence or permit, and any notification procedure could refer to the previous notification or consultation.



## 5. Initial categorisation as the gateway to plan development

### 5.1. Why initial categorisation is required

Under the LG Act, it is at the POM stage where a council is required to categorise 'community' land. However, under section 3.23(2) of the CLM Act, council Crown land managers must assign to all Crown land under their management one or more initial categories of community land referred to in section 36 of the LG Act. The initial category must be assigned as soon as practicable after a council's appointment as a Crown land manager—including appointment due to the commencement of the CLM Act.

Council managers must assign a categorisation they consider to be most closely related to the purposes for which the land is dedicated or reserved. Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes.

The degree to which an assigned categorisation relates to the reserve or dedicated purpose is important, as council managers must obtain native title manager advice under Part 8 of the CLM Act prior to dealing with Crown land that they manage, specifically in regards to subdivision J of the *Native Title Act 1993* (Cwlth).

The *Guideline - Initial categorisation of Crown land managed by local council Crown land managers* (available from [olg.nsw.gov.au/content/council-crown-land-managers-resources](http://olg.nsw.gov.au/content/council-crown-land-managers-resources)) discusses the initial categorisation process in detail and provide the proper form for assignment notifications by councils.

**Note:** where a categorisation has been assigned that is **not** the most closely related to the reserve or dedication purpose, the council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions affect native title.

Therefore council managers must select a category that closely matches the **original** reservation or dedication purpose, or their land management activities may infringe upon native title rights and council may lose the legal right to continue those activities.

### 5.2. Initial categorisation in practice

Councils must only notify of one LG Act category that most closely aligns to the original reserve purpose. However, multiple categories may be assigned to Crown reserves when these reserves are subject to multiple reservation or dedication purposes—if there is no alteration of purpose and there is sufficient justification provided by the councils.

Generally speaking, however, the notification of additional categories should occur during the process of preparing a POM for the reserve.

In assigning categories at both the initial categorisation and POM stages, council managers should refer to LG Act provisions that govern the management and use of each community land category and consider how these would preserve and facilitate use of the land for the purpose for which the land was originally set aside by its dedication or reservation.

The use and management of community land can be considered by council managers through the core objectives for each category prescribed by the LG Act and guidelines for categorisation of community land prescribed by the Local Government Regulation 2005.

Additional guidance as to CLM Act reserve purposes that may be most closely related to LG Act categories is also provided in the *Guideline - Initial categorisation of Crown land managed by local council Crown land managers* (available from [olg.nsw.gov.au/content/council-crown-land-managers-resources](http://olg.nsw.gov.au/content/council-crown-land-managers-resources)). This information is provided as general guidance only and council

managers must make their own enquiries and rely on their own advice when making a decision regarding categorisation of Crown land they manage.

### 5.3. Implications of initial categorisation

The categorisation decisions made by council at the initial categorisation stage will have direct implications with respect to which POM adoption approach a council takes for its initial POM (see section 6 of this guideline).

In some cases a council may determine that no additional category (or categories) need to be assigned to a reserve during the POM process to enable the continued use of the reserve. In this case, POM adoption Approach 1 is triggered (see Figure 1). This is the most straightforward approach a council can take to initial POM adoption.

However, the addition of a further category (or categories) to a reserve at the POM stage may require the council to seek ministerial consent under section 3.23(7)(d) or section 3.23(9) of the CLM Act. This is discussed in further detail in section 6.1 of this guideline.



## 6. Adopting a plan of management for Crown reserves

### 6.1. Overview of the adoption process

**Note:** Councils are reminded that:

- section 3.23(7)(d) of the CLM Act states that, if the draft **first** POM alters the initial categories assigned, the council must obtain the minister's consent if the re-categorisation would require an addition to the purposes for which the land is dedicated or reserved
- section 3.23(9) of the CLM Act states that ministerial consent is required for any further/subsequent POM that changes (or adds) a category **in any way**
- the minister cannot give consent under section 3.23(7)(d) or section 3.23(9) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

There are two specific approaches that a council can take when adopting a POM for a Crown reserve:

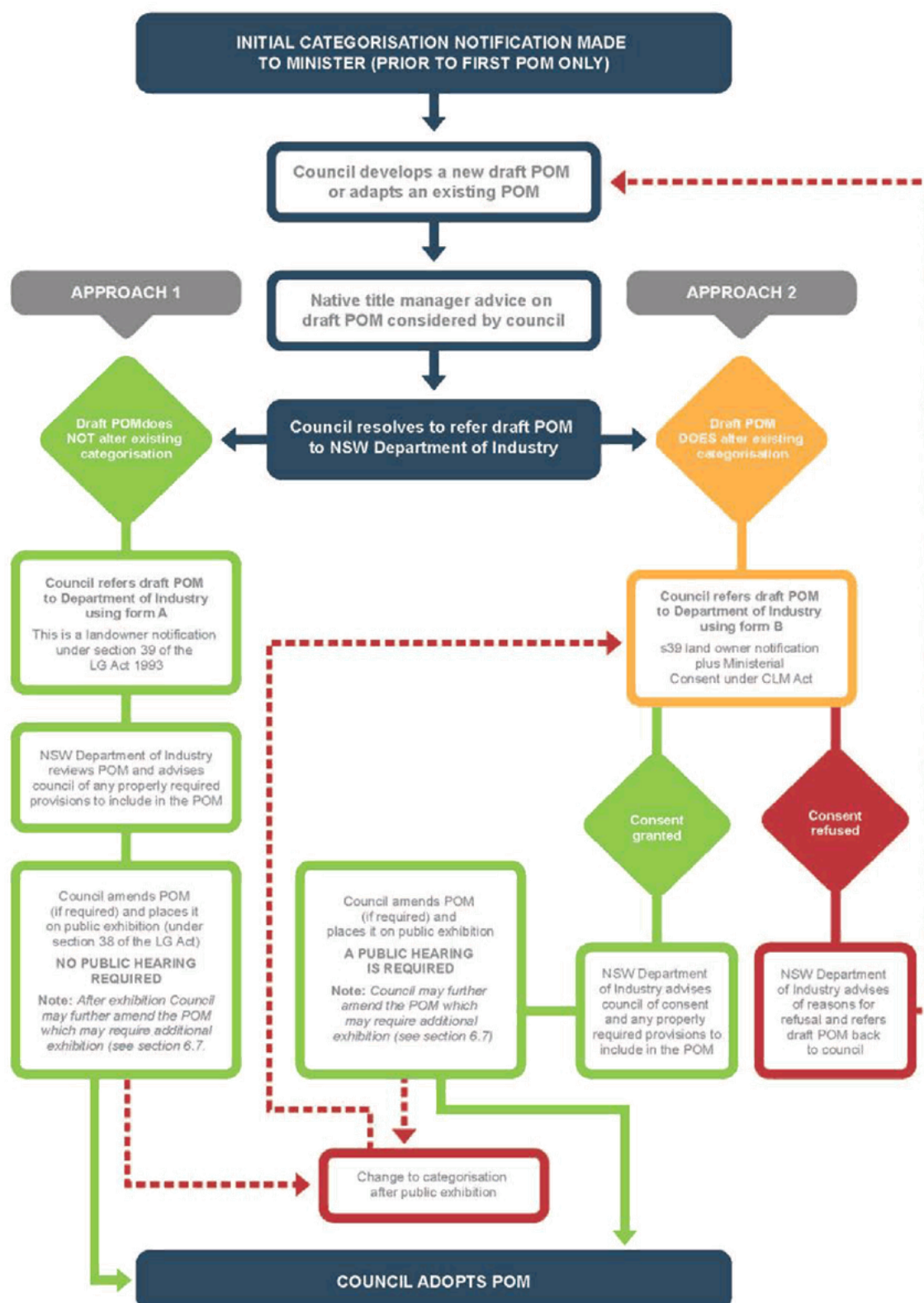
- **Approach 1:** the draft POM **will not** alter categorisation (initial or otherwise) of the reserve
- **Approach 2:** the draft POM **will** alter the initial assigned category or adds a category (or categories) to the reserve.

In both approaches, the council is required to submit the draft POM to NSW Department of Industry (using the appropriate form), as representative of the owner of the land under section 39 of the LG Act. However:

- **under Approach 1**, no additional ministerial consent is required as there is no change to categorisation and therefore no additional purpose needs to be added to the reserve (see section 6.4)
- **under Approach 2**, ministerial consent for an additional purpose is required. NSW Department of Industry will assess the draft POM to determine whether ministerial consent to add an additional purpose to the reserve is given (see section 6.5).

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Figure 1 Overview of the POM adoption process



## 6.2. Preparing a draft

Annexure C to this guideline provides two sample outlines for generic and specific POMs, which councils may wish to consider in preparing a draft POMs for Crown reserves.

Councils should refer to section 3 of this guideline with regard to LG Act requirements for POMs. Further relevant information about the preparation of draft POMs for community land under the LG Act can be found in Practice Note No 1—Public Land Management (available from [olg.nsw.gov.au](http://olg.nsw.gov.au)).

## 6.3. Native title manager advice

As noted in section 4 of this guideline, councils must obtain written advice from a qualified native title manager that any POM for Crown land adopted, or submitted for approval, complies with any applicable provision of Commonwealth native title legislation. This must be obtained prior to referring the draft POM to NSW Department of Industry.

## 6.4. Adopting a plan of management that does not alter categorisation (Approach 1)

### Process

Council must complete *Form A—Notice of plan of management for Crown reserve—no alteration of initial categorisation or additional purpose* (see Annexure A) and send the form to NSW Department of Industry as owner of the land in accordance with the requirements of section 39 of the LG Act, providing the following information:

- a description of the land ( reserve number, purpose, lot/DP(s), initial category, etc.)
- a statement of attestation that the initial assigned category has not been altered under the POM
- notice of confirmation that the council has received and considered written advice from a native title manager.

### Outcome

NSW Department of Industry will assess the form, and notify council that it may proceed to adopting the POM, or if there are any matters that are properly required by the land owner to be included in the POM.

**Note:** In Approach 1, the council must publicly exhibit the POM before adopting it. However, the public hearing requirement of the LG Act is waived as the POM is not altering the initial categorisation or requiring an additional purpose for the reserve.



## 6.5. Adopting a plan of management that alters the categorisation or adds a category (Approach 2)

### Process

Council must complete *Form B—Notification of Plan of Management—alteration of categorisation or additional/new categorisation* (see Annexure B) to NSW Department of Industry as the land owner, providing the following information:

- a description of the land (reserve number, gazetted purpose, lot/DP(s), assigned category, proposed category(s), etc.)
- a statement indicating that the initial category **has** been altered under the POM, and details of any new/additional category
- notice of confirmation that the council has received and considered written advice from a native title manager.

As referred to in section 6.1 of this guideline, the department will then assess the draft POM to determine whether ministerial consent to add an additional purpose to the reserve should be granted.

Therefore, Form B also acts as a ministerial consent application form, requiring councils to agree to the use of the form for that purpose.

To support the ministerial consent application, Form B also requires the council to provide additional information about why the draft POM will not materially harm the use of the land (see section 2.5 of this guideline for further information regarding material harm considerations). NSW Department of Industry will use the information in the form as part of a review process to assess whether it is likely or not that the use of the land under the proposed category would cause material harm to the use of the land for any of its reserve purposes.

Council should provide as much information as possible in the application to assist NSW Department of Industry to assess the likelihood of material harm. This may be beyond what is required in the approved form if this is considered to be necessary.

**Note:** Ministerial consent is required for an **initial** draft POM that alters the initial categorisation and requires an additional purpose to be added to the reserve.

There may be situations where adding/altering a category at the draft initial POM stage will **not** require an additional purpose to be added, and therefore ministerial consent is not required. However, these are expected to be in rare circumstances and will be determined by NSW Department of Industry on a case-by-case basis.

Councils are also reminded that section 3.23(9) of the CLM Act requires that a council must obtain ministerial consent for **any further/subsequent** draft POM that alters the categorisation of the land in **any way**.

There are two possible outcomes of a request for ministerial consent application.

1. **Minister's consent is granted**—Where it is identified that the proposed additional category or categories does not materially harm the land for which it was reserved or dedicated, council will be given notice by the department that they may proceed to adopting the POM (and of any necessary changes to be made to the draft POM).

Council may go on to adopt the POM (after making any necessary changes to the draft POM).

**Note:** A public hearing must also be undertaken by council with respect to the POM, as the POM is altering the initial categorisation for the reserve.

2. **Minister's consent is refused**—Where a proposed additional category(s) does materially harm the land for which it was reserved or dedicated, the POM will be referred back to the council. NSW Department of Industry will provide council with information about why consent has been refused. It is then a matter for council to determine whether it pursues the consent or chooses to take another approach to the POM.

## 6.6. Public exhibition

The public exhibition (and if necessary, public hearing) requirements of the section 38 of the LG Act, described in sections 3.8 and 3.9 of these guidelines, are required to be undertaken by council after the draft POM has been submitted to NSW Department of Industry, but prior to adoption.

If the council is required to make any changes to the draft POM under direction of the department, these changes must be reflected in the version of the draft POM on which public consultation is undertaken.

If the public exhibition (and if necessary, public hearing) process results in substantive changes to the draft POM, it will need to be resubmitted to the department, prior to final adoption.

**Note:** Generally, a draft POM does not need to be referred back to NSW Department of Industry **after** the public exhibition process. However, if the public exhibition process results in the alteration or addition of a category in the draft POM, the council must again refer it to the department using the process outlined under section 6.5 of this guideline.

## 6.7. Plan of management adoption

Section 3.23(6) of the CLM Act requires that POMs for council-managed Crown reserves be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act.

In that division of the LG Act, section 40 requires that:

- (1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.
- (2) If the council decides to amend the draft plan it must either:
  - (a) publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or
  - (b) if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned.
- (2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.
- (3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.

The council resolution should therefore note that the POM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.

Additionally, clause 114 of the LG (General) Regulation 2005 must also be adhered to in cases where a council receives any submission concerning the draft POM that makes any objection to a categorisation of land under the draft POM, and the council adopts the POM **without** amending the categorisation that gave rise to the objection.



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**Developing plans of management for community land Crown reserves— guidelines**

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In this case, the resolution by which the council adopts the POM must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

**Note:** The resolution should also be carefully worded so as to authorise an appropriate council officer to make the application, using the relevant form, on behalf of the council.

## 7. Related documents

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Crown Land Management Act 2016](#)
- [Crown Land Management Regulation 2018](#)

## 8. Annexures

Number	Title
A	Notice of plan of management for Crown reserve—No alteration of initial categorisation or additional purpose (form A)
B	Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation (form B)
C	Crown reserve plans of management—Sample outlines

## REPORT CM/7.7/20.10



**Subject:** Voluntary Planning Agreement - 82-84 Curlewis Street,  
Bondi Beach - Post-exhibition

**TRIM No:** DA-334/2016/D

**Author:** Patrick Connor, Strategic Planner

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

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### RECOMMENDATION:

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 82–84 Curlewis Street, Bondi Beach. The draft Planning Agreement offers a total monetary contribution of \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

#### 1. Executive Summary

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved development application DA-334/2016/D at 82-84 Curlewis Street, Bondi Beach. The application was approved by the Waverley's Development Assessment Team for modifications to the approved development including reconfigured walkways, screen planting, balcony screening, relocated bike storage and a squaring-off of eastern wall at uppermost level to rooms 3.02 and 3.07. The application was approved with a floor space exceedance of 6 sqm.

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 \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

#### 2. Introduction/Background

The draft Planning Agreement was negotiated in accordance with the valuation and costing methodology outlined in the Waverley Planning Agreement Policy 2014. The draft Planning Agreement offers a total monetary contribution of \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

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

Nil.

### **4. Discussion**

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

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft Planning Agreement offers a total monetary contribution of \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

Within nominated parks and reserves, the contribution could support passive recreation upgrades such as playgrounds, picnic areas and park access and circulation improvements. The additional monetary contribution will greatly assist in either expanding the scope of works (i.e. undertake additional works that are currently unfunded) and/or investing in higher quality equipment or design outcomes.

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

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

The Planning Agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft Planning Agreement and Explanatory Note were exhibited from Wednesday, 26 August 2020 to Wednesday, 23 September 2020 and included:

- Notice in the Wentworth Courier.
- Advertising on Council's Have Your Say website.

#### **Submissions**

One submission was received during the exhibition period. The submission was in objection of the development saying that the development provided no benefit to the community and that Bondi Beach was becoming overdeveloped and losing its sense of community. This submission is noted as the development has already been approved and constructed and as such this will not impact the outcome of the assessment.

### **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 \$6,135 with \$5,521.50 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and North Bondi area and \$613.50 (10%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

### **6. Conclusion**

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

**7. Attachments**

1. Draft Planning Agreement [↓](#)
2. Explanatory note [↓](#)

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**WAVERLEY COUNCIL**

**(Council)**

**AND**

**GLOBAL MEDICAL INSURANCE GROUP PTY. LTD.  
ACN 117 558 808**

**(Developer)**

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# **PLANNING AGREEMENT**

**(Development Contribution)**

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

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

**THIS AGREEMENT** is made on 2020

**PARTIES**

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

**GLOBAL MEDICAL INSURANCE GROUP PTY. LTD.** of 6 Hunter Street, Yarralumla ACT  
2600 ACN 117 558 808 ("**Developer**")

**BACKGROUND/RECITALS**

- 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 5 June 2018 development consent was granted to carry out development on the land (DA-334/2016/A). A Planning Agreement was entered into on 5 September 2018. The developer subsequently sought to modify the development consent.
- D.** On 15 May 2020 the Developer lodged the Development Application with Council to modify the development consent.
- E.** The Development Application was subsequently accompanied by an offer by the Developer to enter into this Agreement to make the Development Contribution towards a public purpose in accordance with Council's Planning Agreement Policy 2014 if the Development Consent was granted. The offer was clarified and confirmed on 18 August 2020.
- F.** The Development Application was granted on 7 July 2020.
- G.** This Agreement is consistent with the Developer's offer referred to in Recital E.
- H.** This Agreement does not in any way impact the Planning Agreement in respect to DA-334/2016/A entered into on 5 September 2018 and the developer's obligation to pay the development contribution under that agreement.

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

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

**2 APPLICATION OF THIS AGREEMENT**

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

**3 OPERATION OF THIS AGREEMENT**

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement prior to any Construction Certificate for the development that relates to works contained in DA-334/2016/D.

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

In this Agreement unless the context otherwise requires:

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

**“Agreement”** means this agreement;

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

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

**“Caveat Form”** means an irrevocable authority to Waverley Council to register and maintain 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 Lot Burdened is located within;

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

**“Development”** means the development the subject of the Development Application which is described in item 4 of the Schedule;

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

**“Development Consent”** means the consent granted 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 Lot 1 in DP 1231789 known as 82 – 84 Curlewis Street, Bondi Beach and is referred to in item 2 of the Schedule;

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

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

**“Public Purpose”** for the purpose of this Agreement means the public purpose 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 it will do everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that it has obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible after entering into this Agreement and in any event prior to the issue of any Occupation Certificate for any development relating to the Land, 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) produce or cause to be produced the title deed with NSW Land Registry Services and advise Council of the production number or provide a copy of the CoRD Holder Consent as may be applicable;
  - (c) provide the Council with a cheque in favour of NSW Land Registry Services,  
NSW for the registration fees for registration of this Agreement, or deliver funds electronically as Council may direct;
  - (d) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
  - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.



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

## **9 BANK GUARANTEE**

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

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

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

- (a) The Council may call on the Bank Guarantee in the event that the Developer:

- (i) fails to make a payment of any part of the Development Contribution in accordance with the Schedule or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement, and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the amount payable. In those circumstances, the Developer will be required to pay to the Council the outstanding balance of the Development Contribution and other amounts payable under this Agreement.

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

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

## **10 REVIEW OF THE AGREEMENT**

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

## **11. DISPUTE RESOLUTION**

### **11.1 Notice of dispute**

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

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

### **11.2 Response to notice**

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

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

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;

- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

#### 11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

#### 11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (a) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this Clause 11.5 must;
  - (i) Have reasonable qualifications and practical experience in the area of disputes; and
  - (ii) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (f) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (g) In relation to costs and expenses
  - (i) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (ii) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the

full cost of the mediation to be borne by that Party.

#### **11.6 Expert Determination**

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
  - (i) Agreed upon and appointed jointly by the Council and the Developer; or
  - (ii) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (d) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (e) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

#### **11.7 Litigation**

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

#### **11.8 Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

### **12. ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the

Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued. The Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement; and
- (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid; and
- (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 and any other monies due to Council under this Agreement are 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 and any other monies due to Council under this Agreement are paid in full to Council are paid in full to Council;
- (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; and
- (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.



**13. NOTICES**

- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in item 8 of the Schedule;
  - (b) faxed to that Party at its fax number set out below in item 8 of the Schedule;
  - (c) emailed to that Party at its email address set out below in item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, 2 business days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**14 APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**15 ASSIGNMENT AND DEALINGS**

Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

**16 COSTS**

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

**17 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

**18 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**19 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

**21 NON FETTER**

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application and Development Consent as

modified by the Modified Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent as modified;

- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent as modified; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

## **22 REPRESENTATIONS AND WARRANTIES**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## **23 SEVERABILITY**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## **24 MODIFICATION**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## **25 WAIVER**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## **26 GOODS & SERVICES TAX**

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.

- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

## **27 EXECUTION IN TRIPLICATE**

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the *Environmental Planning and Assessment Act*. This Agreement will be dated on the day of execution by all Parties.

## SCHEDULE

<u>Item Number</u>	<u>Particulars/Description</u>	
1	Developer	Global Medical Insurance Group Pty. Ltd. ACN 117 558 808
2	Land	82 – 84 Curlewis Street, Bondi Beach (Lot 1 in DP 1231789)
3	Development Application	DA-334/2016/D
4	Development (description)	Modifications including reconfigured walk ways, screen planting, balcony screening, relocated bike storage and a squaring-off of eastern wall at uppermost level to rooms 3.02 and 3.07
5	Development Contribution	\$6,135
6	Public Purpose	Towards the upgrade of parks, reserves and playgrounds in the Bondi Beach and/or North Bondi area and Affordable Housing under Waverley's Affordable Housing Program
7	Development Contribution Date (Payment date for the Development Contribution)	Prior to the issue of any Occupation Certificate for the Development being any portion of the building that relates to works contained in DA-334/2016/D
8	Developer Address	6 Hunter Street, Yarralumla ACT 2600
	Developer Email	<a href="mailto:david@reiner.com.au">david@reiner.com.au</a>
	Council Address	Corner Paul Street And Bondi Road, Bondi Junction NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	<a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a>



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

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**ROSS MCLEOD**

General Manager

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**CLR PAULA MASSELOS**

Mayor

**EXECUTED by GLOBAL MEDICAL INSURANCE  
GROUP PTY. LTD. ACN 117 558 808**

In accordance with section 127 of the  
Corporations Act 2001

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**DAVID REINER**

Sole Director/Secretary

## 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

**GLOBAL MEDICAL INSURANCE GROUP PTY LTD ACN 117 558 808**

(Developer).

#### 2 Description of Subject Land:

The whole of the land being Lot 1 in DP 1231789 and known as 82 – 84 Curlewis Street, Bondi Beach, is the subject Land under the Planning Agreement.

#### 3 Description of Development:

The Developer proposes to develop the subject Land. The proposed development will be comprised of modifications including reconfigured walk ways, screen planting, balcony screening, relocated bike storage and a squaring-off of eastern wall at uppermost level to rooms 3.02 and 3.07.

#### 4 Background:

The Developer is the registered proprietor of the subject Land. The Developer lodged a development application with Council, DA 334/2016/D to modify the development consent. The Developer offered to enter into a Planning Agreement with Council pursuant to section 7.4 of the Act to provide a monetary contribution as the 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.

#### 5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement:

The Planning Agreement will assist Council in achieving its objectives by providing funds which will enable Council to provide a material public benefit to residents of areas close to the Development and the broader community by facilitating the upgrade of parks, reserves and playgrounds in the Bondi Beach and/or North Bondi area under Council's policies and programs directed at improving and upgrading playgrounds, parks / reserves and public areas and provision towards Waverley's Affordable Housing Program.

The Agreement is a contractual relationship between Council and the Developer whereby the Developer is to pay a monetary contribution and is a Planning Agreement under section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

The Agreement requires the Developer to comply with certain requirements including registration of the Agreement prior to the issue of any Occupation Certificate for any development relating to the Land, provision of a Bank Guarantee prior to the ground floor concrete slab being poured for any development relating to Land, caveat and payment of a monetary contribution to Council in the amount of \$6,135 prior to any Occupation Certificate for the Development being any portion of the building that relates to works contained in DA-334/2016/D.

The Agreement does not exclude the application of sections 7.11, 7.12 or 7.24 of the Act to the Development and the Development Contribution is not to be taken into consideration in determining any development contribution under s7.11 of the Act.

The Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

## **6 Assessment of the merits of the Draft Planning Agreement:**

### **The Planning Purposes Served by the Draft Planning Agreement**

In accordance with s 7.4(2) of the *Environmental Planning and Assessment Act 1979*, the Planning Agreement facilitates the following public purposes:

- The provision of (or recoupment of the cost of providing) public amenities or public services;
- The provision of (or the recoupment of the cost of providing) affordable housing;
- The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

The Planning Agreement provides a reasonable means of achieving the public purposes set out above.

### **How the Draft Planning Agreement Promotes the Public Interest**

- The public interest is promoted by the provision to Council of funds which it is able to apply towards upgrading and improving parks, reserves and playgrounds nearby the Development in the Bondi Beach and/or North Bondi area;
- The upgrading and improvement of parks, reserves and playgrounds in the areas nearby the Development will encourage business within and

development of the precinct as an active vibrant community with recreational facilities;

- The contributions made are intended to positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contributions under the Planning Agreement;
- Public Interest is promoted by virtue of the planning agreement because it increases the provision of affordable housing;
- Provides housing for low income and disadvantaged people within the community;
- Facilitates a diverse social mix; and
- Enables diverse social and economic groups to have similar opportunities for accommodation in the area where the Development is situated.

#### How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

The provision of the monetary contribution required under the Planning Agreement will promote the objects of the Act, in particular:

- 1.3(a) “to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources”;
- 1.3(b) “to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment”;
- 1.3(c) “to promote the orderly and economic use and development of land”;
- 1.3(d) “to promote the delivery and maintenance of affordable housing”; and
- 1.3(i) “to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State”.

#### How the Draft Planning Agreement promotes elements of the Council's charter under section 8 of the Local Government Act, 1993

- The Draft Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for recreational facilities as well as affordable housing within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil these needs;
- The Draft Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to

effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

- In addition as the planning agreement is a means by which the Council can implement its Affordable Housing Policy, in doing so Council exercises community leadership in an area of concern to the wider community.

#### Conformity with the Council's Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council's Capital Works Program.

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes, as detailed above in relation to bank guarantee, registration and payment of the monetary contribution.

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



## REPORT

### CM/7.8/20.10



**Subject:** Use of Contractors Supporting Adani

**TRIM No:** A20/0453

**Author:** Vince Tari, Executive Manager, Procurement

**Director:** Darren Smith, Chief Financial Officer

#### RECOMMENDATION:

That Council:

1. Notes that Council has proactively put in place environmental and social sustainability criteria that are specific to the category of goods or services being procured, with these criteria included in requests for tenders, requests for quotes and expressions of interest when released to market.
2. Notes that the evaluation criteria referred to clause 1 and associated weightings directly address environmental responsibility as part of the selection process.
3. Notes that the environmental and social sustainability criteria were approved by Council's Executive Leadership Team in December 2019, and these have been utilised to evaluate suppliers' responses to tenders and quotes since then.

#### 1. Executive Summary

The purpose of this report is to respond to Council's resolution CM/8.1/20.05(1) by identifying which suppliers are on both The Adani List, which is managed by the independent research organisation Market Forces, and also currently have contracts with Council. It also outlines how Council's environmental and social sustainability criteria are utilised to ensure that suppliers with the highest standard of environmental sustainability are considered.

#### 2. Introduction/Background

Council recognises the importance of engaging suppliers that operate in an environmentally responsible manner when providing goods or services. This is consistent with the declaration of a climate emergency, which was passed in 2019.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 5 May 2020	CM/8.1/20.05(1)	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that:               <ol style="list-style-type: none"> <li>(a) In passing a Climate Emergency declaration last year, Council joined over 30 other councils in NSW and over 90 across the country in recognising the potentially devastating impact of continued global</li> </ol> </li> </ol>

		<p>warming, and committed itself to take action to reduce carbon emissions.</p> <p>(b) Climate change is already having a damaging impact on local governments across Australia; that burning coal is the biggest driver of climate change and that Australia needs to stop building proposed coal mines to avoid driving further dangerous global warming.</p> <p>(c) The biggest proposed coal mine in Australia is the Adani Carmichael Coal Mine, and that the rail line which is part of that project will help enable other large proposed coal mines in the Galilee Basin.</p> <p>(d) A list of companies working on the Adani Carmichael Coal Mine and Rail Project is on The Adani List which is managed by the independent research organisation Market Forces, and notes that many companies on the Adani List also work with local governments in Australia.</p> <p>(e) A number of local governments have aligned their procurement policies with their values and with their obligations to minimise risk and costs to local government caused by global warming, which is already having an influence on how companies wishing to secure contracts with local government are conducting themselves across their entire business.</p> <p>2. With regard to current contracts, compiles a list of companies that are both on the Adani List and that also currently have contracts with Council.</p> <p>3. Investigates how Council's procurement selection criteria could be modified to support contractors that are not providing services to Adani and that are within legal requirements and procurement guidelines. As part of the investigation, Council requests information from Inner West, Lismore and Byron Bay Councils regarding their experience with any legal issues.</p>
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#### 4. Discussion

An analysis of Council's contract register and financial systems has been undertaken to determine which of the suppliers that appear on The Adani List also provide goods or services to Council. The findings indicate that there were two suppliers providing goods or services to Council from The Adani List, as follows:

- KPMG – Has been engaged to provide services relating to the development of Council's Information, Communication and Technology (ICT) Strategy. The Adani List indicates that KPMG also provides strategic assistance to Adani.

- Commonwealth Bank (CBA) – Provides banking services to Council. The Adani List indicates that CBA has lent to fossil fuel companies globally since 2016.

Further, Inner West, Byron Shire and Lismore City Councils have been approached regarding their experiences in amending their Procurement Policies, and if they had experienced any legal issues in doing so. One of those three Councils sought external legal advice on this matter, while the other two sourced legal advice from their internal legal resources. All three Councils advised that they had not received any negative feedback with regards to their amended Procurement Policies, from neither their respective community members nor businesses. They also advised that they had not encountered any legal issues to date.

Regarding Council's environmental and social sustainability criteria (see Attachment 1), these enable Council to evaluate the potential suppliers' ability and commitment to provide their goods or services in an environmentally sustainable manner. They have been developed to suit a diverse range of supply categories including construction, waste management, consulting and ICT.

Council's criteria allow it to consider sustainability issues as part of consideration of procurement processes. It is not intended that further modifications be made to our procurement processes.

Under Council's approach, it is not intended that potential suppliers on the Adani List be excluded from participating in Council procurement exercises. Having considered legal advice, staff suggest that when deciding on which companies it will award contracts to, where all other factors are equal, giving preference to contractors who are not on The Adani List. Council will continue to consider environmental sustainability criteria within procurement evaluation processes. This will allow overall environmental performance to be considered as part of decision making.

## **5. Financial impact statement/Time frame/Consultation**

Nil.

## **6. Conclusion**

Council continually aims to generate positive environmental and social outcomes when acquiring goods and services. The environmental and social sustainability criteria require potential suppliers to demonstrate the systems and procedures they have in place to reduce their environmental impacts, if they are to be engaged by Council for the provision of goods or services.

## **7. Attachments**

1. Sustainability text and criteria for RTFs and RFQs and EOIs by theme [↓](#)

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## Text for Policy

based on the principles outlined in [\*ISO 20400 – Sustainable Procurement\*](#).

### Overview

Council will aim to generate positive environmental and social outcomes when acquiring goods, services and works. Council's objectives through sustainable procurement are to:

- eliminate unnecessary inefficiency, waste and expenditure;
- contribute to the combined purchasing power of local government to further stimulate demand for sustainable products;
- advance sustainability by participating in "closing the life-cycle loop";
- increase awareness about the range and quality of sustainable products available;
- play a leadership role in advancing long term social and environmental sustainability.

Environmental considerations:

- **Minimise Unnecessary Purchasing** – only purchase when a product or service is necessary.
- **Minimise Waste** – purchase in accordance with avoid, reduce, reuse and recycle strategies, procure goods that include recycled content where possible and avoid single use plastics.
- **Save Water and Energy** – purchase products that save energy and / or water.
- **Minimise Pollution** – avoid purchasing products that pollute soils, air or waterways.
- **Non-Toxic** – avoid purchasing hazardous products that may be harmful to human health or ecosystems.
- **Greenhouse Benefits** – purchase products that reduce greenhouse gas emissions.
- **Biodiversity and Habitat Protection** – purchase in accordance with biodiversity and conservation objectives.

### Social considerations

Council will aim to generate positive social outcomes when acquiring goods, services and works. Staff should consider:

- **Employment and Training** – Create opportunities for inclusion of people who have been excluded from the workforce, including long-term unemployed, mature age workers, Aboriginal and Torres Strait Islander peoples, migrants and refugees, people with a disability. This can be done through 'traditional' suppliers or through Indigenous businesses, disability enterprises or social enterprises.
- **Diversity and Equality** – Ensuring that all businesses have fair and equal access to procurement opportunities to build a supplier base that reflects the diversity of the community. This includes Indigenous businesses, disability enterprises and social enterprises.
- **Fair trade and human rights** – ensuring that supply chains are adhering to fair trade practices to support equitable local, national and international trade and ensure supply chains are not complicit in human rights abuses, including modern slavery.
- **Accessibility Requirements** – Australian Disability Enterprises should be considered when making procurement decisions for goods and services.
- **Support the local economy and enhance the capabilities of local business and industry**- Council is committed to supporting the local economy and enhancing the capabilities of local business and industry where possible



## Environmental & Social Sustainability Criteria in RFTs/RFQs and EOIs

The questions and recommended weighting scores in these schedules have been designed to help staff implement the minimum social and environmental requirements in Council's Procurement Policy and Procedures and CM 8.5/19.04.

Text and assessment questions have been developed to address targeted social and environmental risks and opportunities as identified throughout the Sustainable Procurement Heatmap Assessment Tool. They have been created and tailored to specific markets in partnership with relevant staff from different teams. The inclusion of this text in RFTs/RFQs and EOIs and of social and environmental sustainability KPIs in contract management will help Council achieve and report on its environmental and social inclusion targets.

### Volume - Specifications section of RFTs/EOIs/RFQs

#### 1. Section - Background Information

Waverley Council has a strong commitment to environmental and social sustainability. As such, Council aims to award a contract that will deliver positive environmental and social sustainability outcomes over its entire life cycle, in line with the principles of ISO 20400:2017 – Sustainable Procurement– Guidance.

#### 2. Section - Objectives/Outcomes

Provide a succinct, but fully encompassing statement of the desired outcome of the Tender *including social and environmental outcomes where relevant*.

#### 3. Section - Scope of Works

The scope is a summary of the extent and limitations of the goods /services/works required. The scope may cover the supply or service requirement including, for examples, whether any installation works are to be undertaken, details of training or documentation, *details of expected environmental and social sustainability outcomes*, anticipated quantities, the period of the contract, and anything the Contractor is NOT required to do or provide which might otherwise be considered normally included.

#### 4. Service Levels & Key Performance Indicators (KPIs).

Detail all proposed KPIs to be implemented in the contract *including environmental and social sustainability KPIs*

#### 5. Reporting requirements

Detail all proposed reporting requirements to be implemented in the contract *including environmental and social sustainability KPIs*

#### 6. Technical Responses section of RFTs/EOIs/RFQs

### Schedule T3 – Schedule of Environmental and Social Sustainability

## Text for Tenders

Waverley Council aims to award a contract that will produce the most positive environmental and social sustainability outcomes possible over its entire life cycle, in line with the principles of *AS ISO 20400:2017 – Sustainable Procurement – Guidance*.

During the EOI and RFT processes, applicants/tenderers will be required to describe their approach and methodology to achieve these objectives. EOI and RFT Responses will be subject to weighted evaluation criteria and will be transformed into contractual KPIs in the final contract. Throughout the duration of the contract, sustainability KPIs will be managed through normal supplier performance reviews and meetings. Waverley Council is willing to adopt a collaborative approach to manage sustainability related issues and drive continuous improvement throughout the duration of the contract. Common criteria to all tenders

### 1.1 Environmental Management Systems

<b>Does the tenderer have a sustainability plan in place and/or an Environmental Management System (EMS)?</b>  (if the answer to this question is 'Yes', please provide details of your EMS and/or sustainability plan in the response area provided below and attach a copy of relevant documents e.g. ISO 14001 accreditation or any other relevant accreditation)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Insert response here (please delete this note prior to submission)</i> <Enter Text>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does the Respondent have a process for environmental hazard identification, assessment and control?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Please provide details on how you will ensure your employees and contractors implement/comply with environmental regulation particularly related to pollution and waste management. Please include how you will report on this to Council.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<i>Insert response here (please delete this note prior to submission)</i> <Enter Text>	

### 1.2 Recent Prosecution and Fines

Please respond to the following questions and provide further detail as required –

<b>In the last five years, has the tenderer in default been prosecuted or had a penalty notice for breaches of any Australian Environmental or Social</b>	<input type="checkbox"/> Yes
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**legislation, regulations or requirements including Environment Operations Act 1997 (POEO Act), Modern Slavery Act and Fair Work Act?**

[ ] No

(if the answer to this question is 'Yes', please provide details of every prosecution and fine imposed on the Respondent in Australia during the last 2 (two) years, together with a description of actions taken by the Respondent in response to each prosecution and fine in the response area provided below)

*Insert response here (please delete this note prior to submission)*

<Enter Text>

**Please provide details on how you will ensure your employees and contractors implement/comply with legislation related to labour laws, slavery and human trafficking. Please also include how you will report on this to Council.**

*Insert response here (please delete this note prior to submission)*

<Enter Text>

## Bin products

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** via the purchase of bins that have low environmental impact and higher efficiencies throughout their entire life cycle and supply chain including highly durable bins made with recycled content that can be recycled at the end of their lifecycle.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.

Sustainability criteria/KPIs	Suggested actions/initiatives (200 words maximum for each criterion)
1. Use of sustainable resources	<i><b>Please provide details of materials used to produce the bins including percentage of recycled and non-recycled materials.</b></i>
2. Product durability	<i><b>Please provide details of your product's long-term durability including maximum weight thresholds, life expectancy and maintenance requirements</b></i>
3. Buy Back	<i><b>Can your bins be recycled at end of their life? If so, please provide details i.e. where and how. Please include how you would report to Council.</b></i>
4. Workforce Inclusion & diversity	<i><b>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</b></i>

## Catering

Sustainability objectives of the contract are the following:

- **Reduction of environmental impact** via the reduction of food waste and packaging, single-use plastic avoidance, use of reusable, recyclable or certified compostable food ware and the use of third party social and/or environmental certified products.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.

Sustainability criteria	Suggested initiatives (200 words maximum for each criterion)
1. Reducing food and packaging waste including single-use plastics	<i>Please describe the variety of solutions that you will apply to achieve this objective.</i>
2 Use seasonal products	<i>Please specify in your response how this will be addressed in the development of your menus.</i>
3 Use third party environmentally and/or socially certified products	<i>Please include in your response types of products and names of third-party certifications that will be used ie Supply Nation, Fair trade or similar</i>
4 Comply with labour regulations	<i>For Councillors diners: please specify in your response how you will ensure regulations are applied in the context of late and flexible working hours.</i>
5 Promote workforce diversity and inclusion	<i>Please specify how you provide opportunities for a diverse range of people and/or communities.</i>
6 Cater for a variety of dietary requirements	<i>Please specify in your response how this will be addressed in the development of your menus, including how this should reflect the local area (ie Kosher food)</i>



## Consultancy Services

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** through the implementation of corporate environmental initiatives aimed at reducing waste, increasing resource recovery and reducing water use and greenhouse gas emissions.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.

Sustainability criteria/KPIs	Suggested actions/initiatives (200 words maximum for each criterion)
1. Reduction of environmental impact	<p><b>Reduction of environmental impacts</b> through the implementation of corporate environmental initiatives aimed at reducing waste, increasing resource recovery and reducing water use and greenhouse gas emissions</p> <p><i>Please provide details of initiatives your organisation has in place to reduce waste, increase resource recovery, reduce water use and reduce greenhouse gas emissions</i></p>
2. Workforce Inclusion & diversity	<p><i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i></p>

## Facilities Cleaning Services

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** through the implementation of an environmental management system, the use of environmentally friendly cleaning products, the appropriate management of waste and recycling and staff training; and
- **Compliance with Australian labour standards** and the responsible management of the workforce associated to this contract

Sustainability criteria/KPIs	Suggested actions/ initiatives (500 words maximum for each criterion)
1. Environmentally friendly cleaning products	<i>Please describe the cleaning products that you will use and relevant third-party product environmental certifications for <u>each</u> of these products.</i>
2. Waste & Recycling	<i>Please describe how you will ensure general waste, recyclables and food waste (where possible) are properly disposed in relevant bins. Please include how you will report on this to Council.</i>
3. Promote Workforce Inclusion & diversity	<i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i>

## Info Tech & Communications hardware

Sustainability objectives of the contract are as follow:

- **Reduction of environmental impacts** via the purchase of IT products and services that have low environmental impact and higher efficiencies throughout their entire life cycle and supply chain.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.

Sustainability criteria/KPIs	Suggested actions/initiatives (200 words maximum for each criterion)
1. Energy efficient and socially responsible products	<i>Please describe the initiatives your organisation has in place to increase the energy efficiency and social sustainability of its products via the entire supply chain. Please provide copies of relevant supporting documentation if available i.e. EPEAT, Energy Star, TCO certified, etc...).</i>
2 Waste reduction and resource recovery throughout product lifecycle	<i>Please specify the initiatives you have in place to reduce waste to landfill. Please provide information relevant to your product i.e. polystyrene packaging avoidance, buy-back programs, product durability, where and how is the product recycled and other relevant information. Please describe how you would report on this to Council.</i>
3. Promote workforce diversity and inclusion	<i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i>
Person managing these actions	



## Major Construction Projects

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** through the implementation of an environmental management system, the construction of a 5 Green Star rated building or an Infrastructure Sustainability Council of Australia (ISCA) rated project (where applicable), waste reduction and resource recovery and the use of sustainable construction practices and products.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.

Sustainability criteria/KPIs	Suggested actions/initiatives (500 words maximum for each criterion)
1. Use of sustainable resources	<p><i>Please describe the main sustainable construction products the tenderer will use in this project.</i></p> <p><i>Will any of these products contain recycling/reused content? If yes, what percentage? If not, why?</i></p>
2. Waste Reduction	<p><i>Please describe the processes you will use to decrease waste to landfill including processes to enable the recovery, re-use and recycling of construction materials on and off-site. How will you report progress back to Council?</i></p>
3. Workforce Inclusion & diversity	<p><i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i></p>

## Minor Construction Projects & Civil Work Maintenance

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** through the implementation of an environmental management system, waste reduction and resource recovery and the use of sustainable construction practices and products.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.

Sustainability criteria	Suggested initiatives (500 words maximum for each criterion)
1. Use of sustainable resources	<i>Please describe the main sustainable construction products the tenderer will use in this project.</i> <i>Will any of these products contain recycling/reused content? If yes, what percentage? If not, why?</i>
2. Waste Reduction	<i>Please describe the processes you will use to decrease waste to landfill including processes to enable the recovery, re-use and recycling of construction materials on and off-site. How will you report progress back to Council?</i>



## Maintenance Outdoor Parks

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** through the implementation of an environmental management system, the protection of flora and fauna and water reduction initiatives.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.

1. Protection of biodiversity	<i>Please describe how you will ensure that works undertaken do not damage flora and fauna i.e. spread of phytophthora and Myrtle Rust diseases; reduce use of herbicides and protection of existing vegetation</i>
2. Reduce potable water use and protect water quality	<i>Please describe the variety of solutions that you will apply to achieve this objective</i>
2. Promote workforce diversity and inclusion	<i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i>

## Office Supplies

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** via the purchase of products that have low environmental impact throughout their entire life cycle and supply chain including (but not limited) products with high recycled content, are compostable & biodegradable, carbon neutral and indigenous/ethically sourced products or products sourced via social enterprises.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.

Sustainability criteria/KPIs	Suggested actions/initiatives (500 words maximum for each criterion)
1. Third party environmentally and/or socially responsible products	<b><i>Please provide details of relevant environmentally and socially responsible products you supply including printing paper, notepads, notebooks, pens, envelopes, toilet paper, kitchen towels, cleaning products, biodegradable/compostable catering products, office furniture, waste bags, tea, sugar and coffee. Please include information on relevant third-party certification for each product (i.e. GECA, FSC, Fair Trade, Forest Alliance, Supply Nation Certified or equivalent)</i></b>
2. Promote workforce diversity and inclusion	<b><i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i></b>
Person managing these actions	

## Public Domain Products

Sustainability objectives of the contract are the following:

- **Reduction of environmental impacts** via the purchase of products that have low environmental impact and higher efficiencies throughout their entire life cycle and supply chain including highly durable bins made with recycled content and that can be recycled at the end of their lifecycle.
- **Workforce inclusion and diversity** via practices that encourage opportunities for people from a diverse range of backgrounds throughout the organisation's entire operations and supply chain including Aboriginal and/or Torres Strait Island peoples, people from a migrant or refugee backgrounds and people with disabilities.
- **Compliance with labour standards** and the responsible management of the workforce associated to this contract.

Sustainability criteria/KPIs	Suggested actions/ initiatives (500 words maximum for each criterion)
1. Closing the Loop	<i>Please describe initiatives your organisation has in place to close the loop and reduce waste to landfill i.e. Are any of the products you will supply made from recycled/reused materials? If yes, which products? If not, why? Can your products be recycled at end of their life? Please provide information on any relevant eco-certification i.e. FSC, PCFC, etc...</i>
2. Workforce Inclusion & diversity	<i>Please specify how do you support diversity and inclusion in the workforce i.e do you partner with disability employment or Aboriginal employment service providers? If so, please provide details. Do you have strategies targeting diversity and inclusion, if so, what are they? How do you actively encourage employment for Aboriginal and/or Torres Strait Island peoples, people from migrant or refugee backgrounds and people with disabilities? Do you provide traineeship/apprenticeship opportunities or other employment pathways for the identified groups? If so, please provide details.</i>

## REPORT CM/7.9/20.10



**Subject:** Bondi Surf Club Conservation and Upgrade Project - Outcomes of Community Consultation

**TRIM No:** A19/0172

**Author:** Matt Henderson, Senior Project Manager

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

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### RECOMMENDATION:

That Council:

1. Receives and notes the Bondi Surf Club Conservation and Upgrade Project Consultation Report attached to the report.
2. Proceeds to detailed design for the Bondi Surf Club Building incorporating consideration of the key findings from the consultation, and authorises the submission of a development application.

#### 1. Executive Summary

The purpose of this report is to present community feedback provided on the Bondi Surf Club Conservation and Upgrade project. The community consultation period commenced on 20 August 2020 and concluded on 17 September 2020.

Key findings from the consultation include:

- Strong overall support for the concept design.
- Prioritise the development of realistic renders (with the opportunity to provide feedback on the DA).
- Carefully consider the use and choice of glass in the new structures.
- Investigate the arches used in new Pavilion Courtyard design and how it could be reflected in the new building at the back.
- Incorporate Safety by Design principles in building surrounds and landscaping.
- Lighting design used to mitigating anti-social behaviour around the surf club, Pavilion and park.
- Community assets should be incorporated either in courtyard, surrounding park or forecourt – seating, surf board racks, bicycle parking, bubblers.
- Encourage interactive play elements for kids (and big kids). This could be incorporated into the museum, forecourt or surrounding park spaces.

These key findings of the consultation period will be addressed through the detailed design phase.

#### 2. Introduction/Background

The Bondi Surf Club Conservation and Upgrade project Concept Design was approved for progression to consultation in August 2020. The concept design is included at Attachment 1.



The concept design was developed in accordance with the following Council strategic and operational plans:

- The BSBLSC Conservation Management Plan 2020 (conditionally approved by Heritage Office).
- Bondi Park, Beach and Pavilion Plan of Management 2014-2024.
- Waverley Community Strategic Plan 2018-2029:
  - 7.1 – Undertake long-term maintenance and renewal of Council assets that meet community expectations and statutory obligations.
  - 7.2 – Construct/upgrade new buildings and infrastructure and work with the community to deliver long-term building and infrastructure plans, including surf clubs, local sporting groups, precincts and community organisations.
- Standard Design Specifications for Waverley Council Buildings 2017 – These specifications aim to achieve efficient Council buildings that enable users to be comfortable, productive and healthy, while minimising negative environmental, social and economic impacts.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 18 August 2020	CM/7.9/20.08	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Undertakes community consultation on the concept design for the Bondi Surf Bathers Life Saving Club (BSBLSC) Conservation and Upgrade Project attached to this report for a period of 28 days from 20 August to 17 September 2020.</li> <li>2. Receives a summary report at the conclusion of the consultation process detailing consultation methodology, consultation outcomes, key feedback, and recommending any necessary revisions to the concept design.</li> </ol>

### 4. Discussion

The Consultation Report, included at Attachment 2, describes the Council-led public participation phase for the Bondi Surf Club Conservation and Upgrade.

The community consultation was open to the public between 20 August 2020 and 17 September 2020. To ensure enough time and opportunities were provided to participate, Council officers invited stakeholders and the community to register their interest in a pre-consultation phase. This promoted the project and gave people a chance to follow the life of the project.

Below is a list of activities completed before and during consultation:

- Stakeholder emails inviting people register for the project, info sessions:
  - Bondi Beach Precinct Convenors (joined the info sessions).
  - Bondi Boardriders (did not respond directly).
  - BSBLSC members (joined the info sessions and had a members meeting).
  - Friends of the Bondi Pavilion (did not respond directly).
  - Bondi Pavilion Stakeholder Committee (did not respond directly).
- Virtual meetings via Zoom:
  - 2 x open community info session.
  - 1 x member meeting.
- Project page on Council's website.



- Recurring posts on all of Council's social media outlets.
- Advertisements in Waverley Weekly e-newsletter.
- 'Have Your Say' page over 2,000 visits on life of page;
  - 1,700 visits between 20 August and 17 September.
  - 151 surveys completed.
  - 17 participants provided ideas.
  - 44 participants commented or supported the ideas.
- Advertisement in The Beast
- Letterbox drop to Bondi Ward (broader than we initially said).
- On-site signage.
- 2 x media releases (stories in Sydney Morning Herald and Architecture AU).

Noting the consultation period fell within COVID-19 restrictions, Council officers held community meetings (normally 'Have Your Say days') via virtual meeting platform Zoom.

The survey results demonstrated 86.2% of participants supported the proposed concept design and more than 90% were happy with the footprint changes removing areas of Bondi Park but improving community areas elsewhere. Over 1,700 people accessed the Have Your Say Page and 682 participants interacted with the page.

Overall, the virtual meetings had 81 attendees and reflected the survey results with the majority of people congratulating the project team, providing positive comments and constructive feedback.

The community most liked the restoration of heritage features, improved facilities and the community/public focus of this project.

From the community consultation it is recommend the project team and architect:

- Prioritise the development of realistic renders (with the opportunity to provide feedback on the DA).
- Carefully consider the use and choice of glass in the new structures.
- Investigate the arches used in new Pavilion Courtyard design and how it could be reflected in the new building at the back.
- Incorporate Safety by Design principles in building surrounds and landscaping.
- Lighting design used to mitigating anti-social behaviour around the surf club, Pavilion and park.
- Community assets should be incorporated either in courtyard, surrounding park or forecourt – seating, surf board racks, bicycle parking, bubblers.
- Encourage interactive play elements for kids (and big kids). This could be incorporated into the museum, forecourt or surrounding park spaces.

The key findings of the consultation period will be addressed through the detailed design phase.

## **5. Financial impact statement/Time frame/Consultation**

### **Financial impact statement**

The table below shows the joint funding contributions for the delivery of the project as per the executed Heads of Agreement.

Table 1. Funding.

Funding source	Funding amount
Waverley Council	\$4,500,000
BSBLSC	\$3,000,000
Federal Government	TBC
State Government	TBC
<b>TOTAL</b>	<b>\$7,500,000</b>
<b>Project Cost Estimate</b>	<b>\$11,400,000</b>
<b>Project Shortfall</b>	<b>\$3,900,000</b>

The total anticipated funding required for the current concept design of the Bondi Surf Club Conservation and Upgrade project is \$11.4 million. Council's budget allocation for the project is currently \$4.5 million. BSBLSC is contributing a further \$3 million to the project. The total approved funding to date is \$7.5 million. BSBLSC will be applying for State and Federal Government funding to cover the projects shortfall of \$3.9 million. As per the executed Heads of Agreement, the project will not progress beyond development approval until the project is fully funded. The project is programmed to commence construction works in early 2022, post completion of the Bondi Pavilion project.

## 6. Conclusion

It is recommended that Council endorses progressing to detail design addressing the key findings of the consultation, and proceeds to lodge a development application.

## 7. Attachments

1. Bondi Surf Club Conservation and Upgrade Project Consultation Report October 2020 [↓](#)
2. Concept design [↓](#)

An architectural rendering of the proposed conservation and upgrade of the Bondi Surf Club. The image shows a modern, multi-level building with a glass upper floor and a lower level with arched windows and a green roof. A yellow surfboard is visible in the foreground. The building is situated on a sandy beach with a person walking in the water in the foreground. The background shows a clear blue sky and some trees.

# BONDI SURF CLUB CONSERVATION AND UPGRADE

## CONSULTATION REPORT, OCTOBER 2020

Waverley Council acknowledges the Bidjigal and Gadigal people, who traditionally occupied the Sydney Coast and we acknowledge all Aboriginal and Torres Strait Islander Elders past, present and emerging.

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## Executive summary

Waverley Council and Bondi Surf Bathing Life Saving Club (Bondi Surf Club) have signed a Public-Private-Partnership to deliver the Bondi Surf Club Conservation and Upgrade. This Consultation Report outlines the results from the public participation phase of the project.

The community consultation phase or public participation was used to gather information from stakeholders, surf club members and the general community.

The survey results demonstrated 86.2% participants support the proposed concept design and more than 90% were happy with the footprint changes removing areas of Bondi Park but improving community areas elsewhere.

This was also supported in the positive responses and feedback provided in each of the virtual meetings.

The community most liked the restoration of heritage features, improved facilities and the community / public focus of this project.

Constructive feedback was collected from the info sessions, members meeting, survey results and ideas board.

From the community consultation it is recommended the project team and architect:

- Prioritise the development of realistic renders (with the opportunity to provide feedback on the DA)
- Carefully consider the use and choice of glass in the new structures
- Investigate the arches used in new Pavilion Courtyard design and how it could be reflected in the new building at the back
- Incorporate Safety by Design principles in building surrounds and landscaping
- Lighting design used to mitigating anti-social behavior around the surf club, Pavilion and park
- Community assets should be incorporated either in courtyard, surrounding park or forecourt – seating, surf board racks, bicycle parking, bubblers
- Encourage interactive play elements for kids (and big kids). This could be incorporated into the museum, forecourt or surrounding park spaces.

## Background

Waverley Council, in partnership with Bondi Surf Club, has embarked on a historic heritage conservation and upgrade of the world's oldest surf lifesaving club.

This draft concept design has been guided by a detailed Conservation Management Plan (CMP) for the site and building, in close collaboration with the NSW Office of Environment and Heritage, which has formally supported the design.

There are limitations with the current building making it increasingly difficult to fulfil the Club's growing water safety and rescue obligations.

The project will address the many functional deficiencies of the current building and aims to:



- provide equality of facilities for females, who now comprise 40% of new membership
- increase space for training and educational programs
- storage for the increasing amount of essential modern-day lifesaving equipment
- provide improved and safer facilities for Nippers
- address workplace health & safety and building code non-compliance issues, poor disabled access, adherence to fire standards, flood damage and general disrepair

Due to the comprehensive plans governing this project Council presented only one high level design to the community. Within this project are four phases included in the engagement strategy.

#### Complete -

**Phase 1:** Pre – engagement | 10 August – 19 August 2020

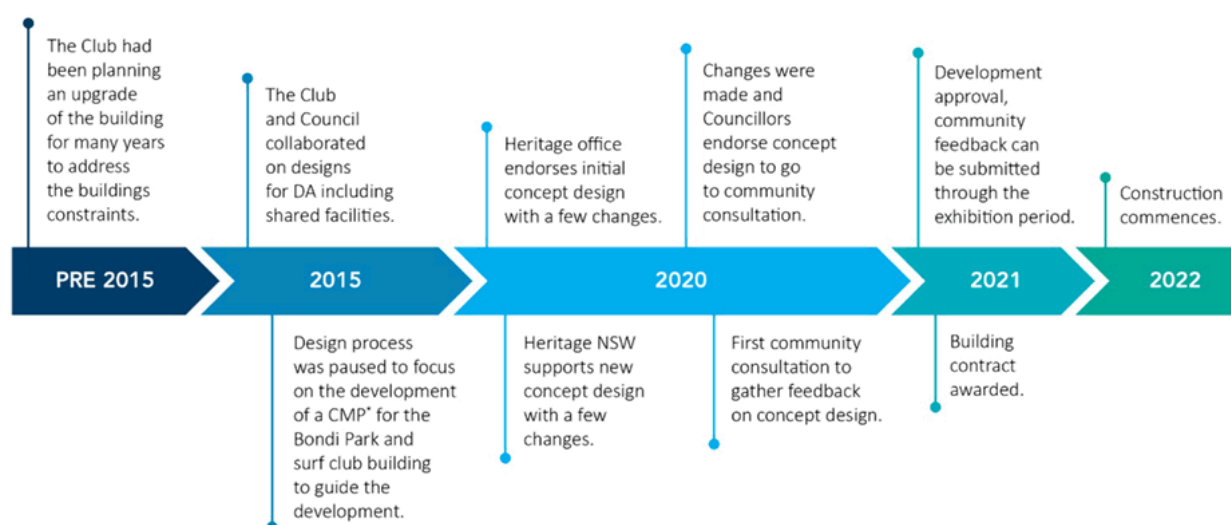
**Phase 2:** Concept design consultation | 20 August – 17 September 2020

#### Upcoming -

**Phase 3:** Concept finalised by Architect

**Phase 4:** DA submission – exhibition period

## INDICATIVE PROJECT TIMELINE AND ENGAGEMENT ACTIVITIES



## Approach

The community were presented with one draft concept design that had been guided by the CMP and in close collaboration with the NSW Office of Environment and Heritage, which had formally supported the design. The draft concept design had been developed by Lockhart - Krause Architects.

Due to COVID-19 restrictions Council undertook all face to face engagement online and tried to provide opportunities for long form responses.

There were two phases to this engagement where the objectives were as follows:

**Pre engagement phase:**

1. Inform community of upcoming project and ask them to sign up to be involved
2. Gather contact details from interested parties
3. Check to make sure the scope is appropriate

**Concept design consultation phase:**

4. Show community concept design
5. Ask for feedback on design and if we are missing anything

On the IAP2 participation spectrum, both phases would be classified as 'consult'.



Figure 1 - The IAP2 'Public Participation Spectrum' model

## Engagement methodology

A range of engagement methods were used to maximise the opportunity for community participation. Of particular note were the successful info sessions via Zoom. A panel of experts were used to present to the attendees and then answer specific questions related to their area of expertise.

Method	Overview	Date	Response
<b>Have Your Say website</b>	Council's 'Have Your Say' website had a dedicated page for the project – <a href="https://haveyoursay.waverley.nsw.gov.au/bondisurfclub">haveyoursay.waverley.nsw.gov.au/bondisurfclub</a>	3 August – now	2.4k total visits 1.7k during consultation 682 informed (interacted with the page) 147 document downloads 164 new registrations to HYS
<b>Registrations on have your say</b>	Invited the community to register before the consultation started.	3 August – 20 August	92 registrations
<b>Online survey</b>	2 survey question 1. Are you supportive of the proposed concept design for the Bondi Surf Club? 2. Are you supportive the proposed reconfiguration of the Club's footprint?	20 August – 17 September	
<b>Flyer drop</b>	Bondi Ward received flyers inviting people to be part of consultation	10 August	Between 8,000-10,000 flyers were delivered
<b>Media releases</b>	<b>Media release 1:</b> Help shape the Bondi Surf Bathers Life Saving Club upgrade – register your interest to be involved	11 August	- Architecture Au - Sydney Morning Herald

	<b>Media release 2:</b> Historic upgrade breathes new life into Bondi Surf Bathing Life Saving Club – provide your feedback via have your say	19 August	
<b>Social media posts (Facebook)</b>	5 x posts throughout the consultation period. 1 x video <ul style="list-style-type: none"> <li>Announcing project</li> <li>Inviting participants to complete the survey</li> <li>Workshop dates</li> <li>Final chance to participate</li> </ul>	11 August 20 August 2 September 3 September 9 September 16 September	6546 reached 510 engagements Video: 253 clicks
<b>Social media posts (Instagram)</b>	1 x Video on IGTV 2 x Instagram posts	29 August 16 September	2539 reached 98 engagements
<b>Info sessions – via zoom</b>	Info session 1 – panel presentation and Q&A	2 September	33 attendees
	Info session 2 – panel presentation and Q&A	9 September	21 attendees
<b>Members meeting</b>	Members meeting – panel presentation and Q&A	14 September	27 attendees
<b>Site signage</b>	6 x A2 coreflute signs placed around Bondi Park	N/A	N/A
<b>Waverley Weekly e-newsletter</b>	2 x enews	13 August	551 opened newsletter 13 clicks
		20 August	497 32 clicks

## Data overview

<b>Registrations 3 – 19 Aug</b>	<ul style="list-style-type: none"> <li>92 registered</li> <li>500 visited the HYS page</li> <li>87.5% were from Waverley LGA</li> <li>60.87% identified as Bondi Surf Club members</li> </ul>
<b>Online HYS Page 20 Aug – 17 Sept</b>	<ul style="list-style-type: none"> <li>151 completed the survey</li> <li>1.7k visited the HYS page</li> <li>17 participants provided ideas and 44 voted on and contributed to these ideas</li> </ul>
<b>Survey</b>	<ul style="list-style-type: none"> <li>86.2% (130 people) were supportive of the overall concept design</li> <li>90.7% were supportive of the reconfigured footprint</li> </ul>
<b>Ideas board</b>	<ul style="list-style-type: none"> <li>21 submissions</li> <li>23 upvotes</li> <li>4 comments</li> <li>The highest rated idea received 5 votes – “Within the public open space allocation of bike racks, water fountains, sufficient waste bins (both recycle &amp; waste)”</li> </ul>
<b>Zoom meetings</b>	<ul style="list-style-type: none"> <li>3 meetings with 81 attendees</li> </ul>
<b>Combined participation number</b>	<ul style="list-style-type: none"> <li>There were 372 interactions with the community consultation (some of these would have been repeated but interacted in different ways)</li> </ul>

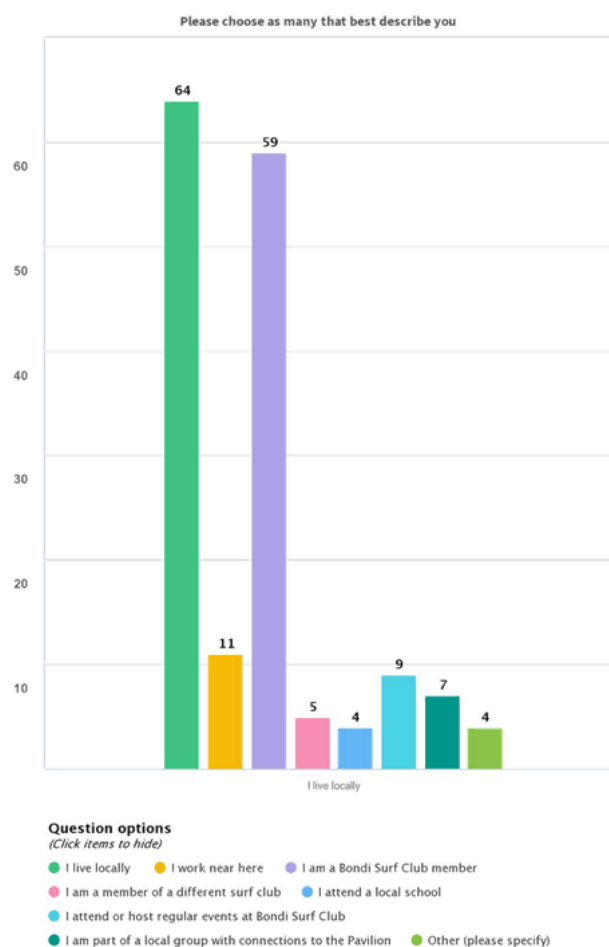
## Detailed results –

### Registrations

Council asked for those interested in participating to register for the upcoming project. The registration was open for two weeks and those who signed up were asked a number of initial questions including;

- Is there anything else we should include in the scope of the project?
- Would you be interested in attending an info session via Zoom when the designs are ready?
- How did you hear about this project?

The first question has been highlighted below to demonstrate how people identified themselves and who may have responded to the survey.



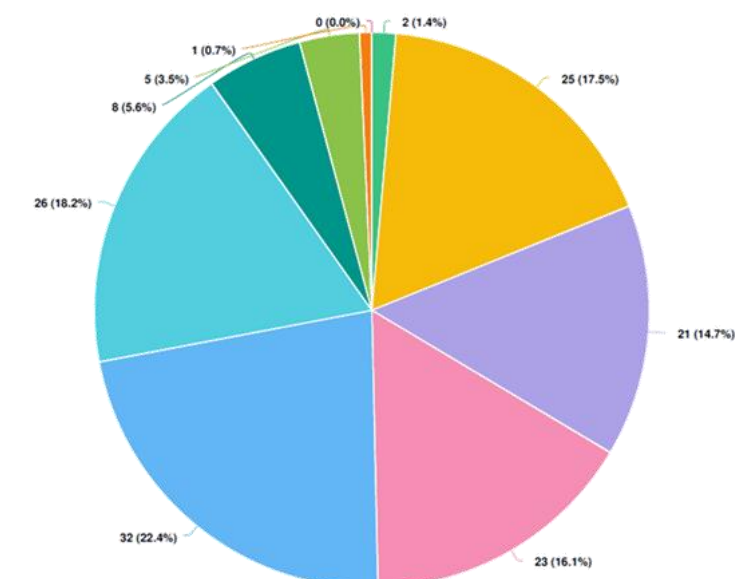
Question 1: please choose as many as best describe you	
Answer	Percentage
I live locally	64 – 39.3%
I work near here	11 – 6.7%
I am a Bondi Surf Club Member	59 – 36.2%
I am a member of a different Surf Club	5 – 3.1%
I attend a local school	4 – 2.5%
I attend or host regular events at Bondi Surf Club	9 – 5.5%
I am part of a local group with connections to the Pavilion	7 – 4.3%
Other please specify	4 – 2.5%

## Detailed results – Survey

Demographic of participants	
Identified as living in the Waverley LGA	- 61.7%
Age range: 1930 - 2010 onwards	<ul style="list-style-type: none"> <li>- Participants were born between 1930 – 2010</li> <li>- One participant was born 2010 onwards (10 or under)</li> <li>- Two participants were aged between 81-90</li> </ul>

The age group with the most participants was 50 – 59

- 22.4%

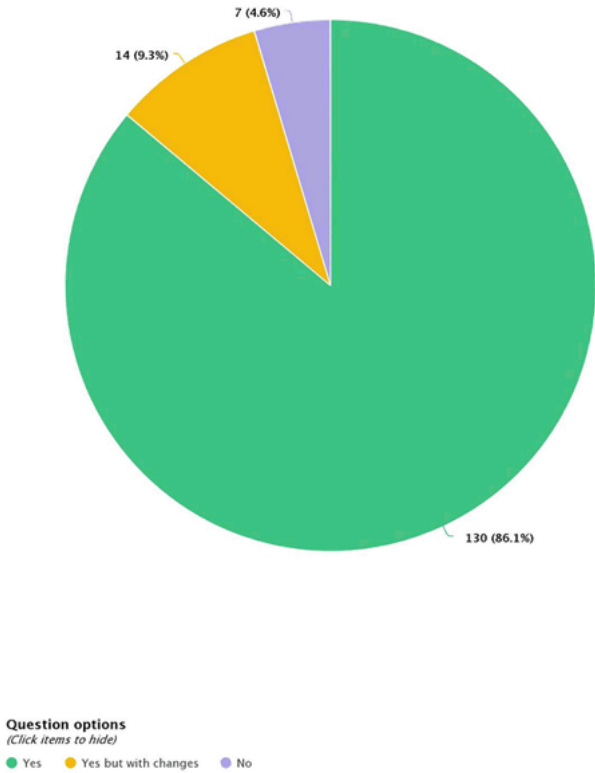


Question options

● 1930-1939 ● 1940-1949 ● 1950-1959 ● 1960-1969 ● 1970-1979 ● 1980-1989 ● 1990-1999  
● 2000-2009 ● 2010 onward ● Prior to 1930

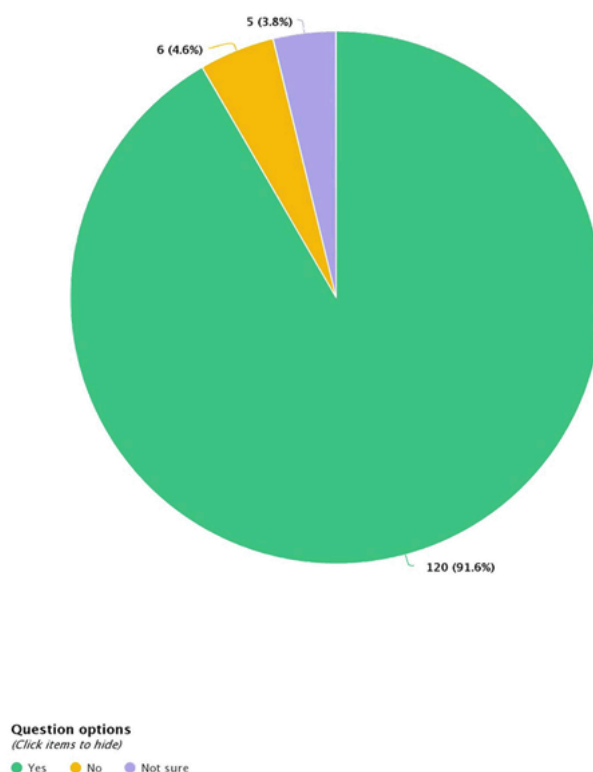
Question 1: Are you supportive of the proposed concept design for the Bondi Surf Club?		
Response	Percentage	Most common reasons
Yes	86.2% - 130 participants	<ul style="list-style-type: none"> <li>Why?</li> <li>Better facilities</li> <li>Highlights important heritage features</li> <li>Improved community/public space</li> </ul>
Yes but with changes	9.3% - 14 participants	<ul style="list-style-type: none"> <li>Why?</li> <li>Use of space was not clear</li> <li>Should not have dividers between showers (open plan)</li> </ul>
No	4.6% - 7 participants	<ul style="list-style-type: none"> <li>Not a great design</li> <li>Should decrease footprint</li> </ul>





**Question 2 introduction:** “Removing the mock-heritage additions and the rear works yard will see a reconfiguration of the Club's footprint. Although the building footprint remains the same size the site re-design it does impacts on a small section of park while also providing an increase in publicly accessible green space.”

Question 2: Are you supportive the proposed reconfiguration of the Club's footprint?		
Yes	- 91.6% - 120 participants	
Yes but with changes	4.6% - 6 participants	Why? - Decrease the footprint - Unsympathetic to original design
No	3.8% - 5 participants	
Skipped	22 participants	



## Detailed results – Ideas board on Have Your Say Waverley

Participants were asked to provide ideas on the community spaces. The following was placed at the top of the ideas board:

*The proposed concept design encourages greater public interaction with club. We want your ideas on the following spaces open to the community:*

- *surrounding public space*
- *courtyard*
- *open terraces*
- *kiosk*
- *publicly accessible surf museum in the Main Hall, honouring the birthplace of the world's surf lifesaving tradition*

*We might not be able to do all of them but let us know your ideas for these spaces and vote on other responses.*

Participants responded with the ideas below:

Title	Description	Comments from other participants	Votes
More open showers		<ul style="list-style-type: none"> <li>• More open showers for the general public is good idea. But these should under council management in safe open spaces close to the beach</li> </ul>	2

		itself, and not within the surf club area.	
Meeting room or area available for booking for other associations, just visiting Bondi			1
Better lighting around the park areas. Make it a safe space for all visitors, members of the public and our iconic lifesavers.			2
Within the public open space allocation of bike racks, water fountains, sufficient waste bins (both recycle & waste)	The design be tested against Safety in Design principles, including lighting, CCTV, landscaping etc. Are there any public toilets/showers included within the building? If so will they be managed 100% by Waverley Council?	<ul style="list-style-type: none"> <li>There are areas needed that are community shared but are also safe for the 400-500 nipper children, youth members and families to congregate and educate. The proposed (almost) enclosed courtyard will also be very close to the current kids playground area so would need to be safe for children and families, clean and free of anti-social, unruly behaviour after peak hours and on weekdays.</li> </ul>	5
Camp space?	Love the public space however concerned about the tent camp setting up there Or taking over the space. Are there plans for securing it or ensuring it doesn't become an encampment?		0
Parking for Patrol Members	Members actually doing patrols should have ample car-parking spaces, particularly on the busiest days of the year.		2
Take opportunity to improve access to/from building, improve safety, add amenity using architectural planting/seating boxes etc	Urge that equal thoughtful consideration be given to landscaping to ensure clearly defined egress/ingress from buildings to Elizabeth Drive/beach for people & equipment using appropriate contemporary architectural seating/planting elements to 'channel' people/equipment; act as a safety barrier to comply with separation of people & car plus counter		0

	terrorism design standards etc while taking the opportunity to incorporate adding ambience to the forecourt of the heritage building (perhaps with some scope for seating, surf racks etc) instead of the current 'desert' of hot, dull paving		
There needs to be an area allocated to a BONDI SURF CLUB merchandising retail store.	The oldest, first and most famous Surf Club in the world needs a merchandise plan to supply online and direct to consumers from this space. Needs a fit out to show the story of club history. Just a money machine to assist with club overheads FOREVER!!	<ul style="list-style-type: none"> <li>Agreed - Thousands of tourists come and many would buy official merchandise if given the opportunity.</li> </ul>	2
Encourage play	Kids and adults love the beach, and love to play. Static museum displays are ok for adults. Kids want to touch, bash, balance, laugh and interact. Introduce playfulness to these spaces that encourages kids to value the healthy surf lifestyle. Introduce spaces that teach about water safety, waves and rips, by letting kids get wet and splash about in water features that explain these (kids love Darling Harbour). Introduce interactive elements that let kids balance on surf boards, row longboats, race a Bondi Lifeguard and get active. Think levers, wheels, buttons, pulleys, chimes, kids just want to play and have fun. That will make them remember Bondi and value being away from the iPad more than great architecture or putting green grass.	<ul style="list-style-type: none"> <li>Great idea and I think implementing it should be seriously considered. Location in publicly accessible courtyard or museum (if small scale) or in an area adjacent to the new building (possibly within an expanded kids play area).</li> </ul>	3
Access to basemet area is at the furthest point from the beach. A minor redesign to make access at the other end would seem to make sense.	Basement Access		0
Functional Spaces	Bicycle Parking for members and community. Outdoor showers to help avoid sand build-up inside the club. Temporary surfboard storage. Water fountain in the gym.		1

Space for a coffee kiosk open to clubbies and the public near the courtyard seating area.			1
Seating near the front of the club to take advantage of the ocean views			0
Tunnel from gear basement to beach	A tunnel would allow easier transport of equipment, surf craft from the basement to the beach without having to cross the road and navigate the pedestrian ramps		1
A shower and drinks station and bike racks	The one shower station currently in front of the club usually has a long line up. There needs to be a bank of showers and drink fountains. A place to store bikes so they don't have to be chained to the fence on the promenade		1
Ensure sufficient space for rinsing craft	Currently this is done in the driveway, which is typically not used by the public - sure they wouldn't appreciate getting soaked!		0
would be great if it's possible to put in a straight ramp from the road to the beach to give us safe and efficient access to the beach			0

## Detailed results – info sessions

The info sessions and members meeting were hosted by Council via Zoom. Each were run in the same format: a short presentation from a council representative, the architect, the Bondi Surf Club President and then a facilitated Q&A.

Below are the highlights of those meetings structured into key themes mentioned.

Meeting	Attendees	Key themes
<b>Info session 1</b>	33 attendees + 1 x Councillor 4 x Council Officers 1 x Bondi PCG member 1 x Architect	<ul style="list-style-type: none"> <li>- Positive comments on the design <ul style="list-style-type: none"> <li>o Congratulating the team</li> <li>o It's a great design</li> </ul> </li> <li>- Need to consider the effect the new design will have on traffic movement</li> <li>- Concern around the renders and what the new structure will look like. Saying it didn't appropriately show the supports needed for a glass</li> </ul>



		structure of that size. <ul style="list-style-type: none"> <li>- The new building render shows arches that aren't clearly defined - should reflect the new arches in the Pavilion Courtyard</li> <li>- Supportive of height</li> <li>- Supportive of new community accessible courtyard</li> <li>- Would like to maintain the steam room</li> <li>- Acknowledge the club needs a revenue stream to continue activities</li> </ul>
<b>Info session 2</b>	21 attendees + 3 x Council officers 1 x Bondi PCG member 1 x Architect	<ul style="list-style-type: none"> <li>- Enquired about             <ul style="list-style-type: none"> <li>o Council's needs of the building</li> <li>o Café opportunities</li> <li>o Funding model</li> <li>o Timeline for building</li> </ul> </li> <li>- Supported the idea of a kiosk. Thought it should be like the heart café, said it was a small investment to create a big community impact.</li> <li>- Positive comments</li> <li>- Want to see the next phase of design (layout)</li> </ul>
<b>Members meeting</b>	26 attendees + 2 x Council officers 1 x Bondi Surf Club PCG member 1 x Architect	<ul style="list-style-type: none"> <li>- Very supportive             <ul style="list-style-type: none"> <li>o "congratulations team"</li> <li>o "Great job"</li> </ul> </li> <li>- Unsure how the courtyard and area between the Pav and the Surf Club would be monitored</li> <li>- Needs bicycle parking (either underground or courtyard)</li> <li>- Important the club has a revenue stream</li> <li>- Accessibility between old and new building</li> </ul>

## Conclusion

Over 1.7k people accessed the Have Your Say Page and 600+ interacted with it, demonstrating there was a wider level of interest than just those who completed the survey. In the initial registration period 60% identified as Bondi Surf Club members and meaning 40% were interested in the project but not associated with the Club.

The community response demonstrated overall support to continue with the proposed design for the restoration and upgrade of the Bondi Surf Club. The participants highlighted the elements they liked including improved facilities, the highlighting of heritage features and the overall improved community and public spaces.

Providing opportunities for qualitative feedback through online meetings, areas to provide comment in the survey and on the ideas board meant participants provided constructive feedback. From this it is recommended the following be considered and incorporated into the design.


**Recommendations:**



- Prioritise the development of realistic renders (with the opportunity to provide feedback on the DA)
- Carefully consider the use and choice of glass in the new structures
- Investigate the arches used in new Pavilion Courtyard design and how it could be reflected in the new building at the back
- Incorporate Safety by Design principles in building surrounds and landscaping
- Lighting design used to mitigating anti-social behavior around the surf club, Pavilion and park
- Community assets should be incorporated either in courtyard, surrounding park or forecourt – seating, surf board racks, bicycle parking, bubblers
- Encourage interactive play elements for kids (and big kids). This could be incorporated into the museum, forecourt or surrounding park spaces.


## Appendix A – Flyer distributed to Bondi Ward

“  
HAVE YOUR SAY ”

**BONDI  
SURF CLUB  
CONSERVATION  
& UPGRADE**







Proposed publicly accessible courtyard

We're working with Bondi Surf Bathers Life Saving Club to conserve and upgrade the historically significant Bondi Surf Club building.  
  
 The concept presented for the conservation project highlights the exceptional heritage features and addresses accessibility, equal female to male facilities, a space for nippers and encourage interaction with the community.

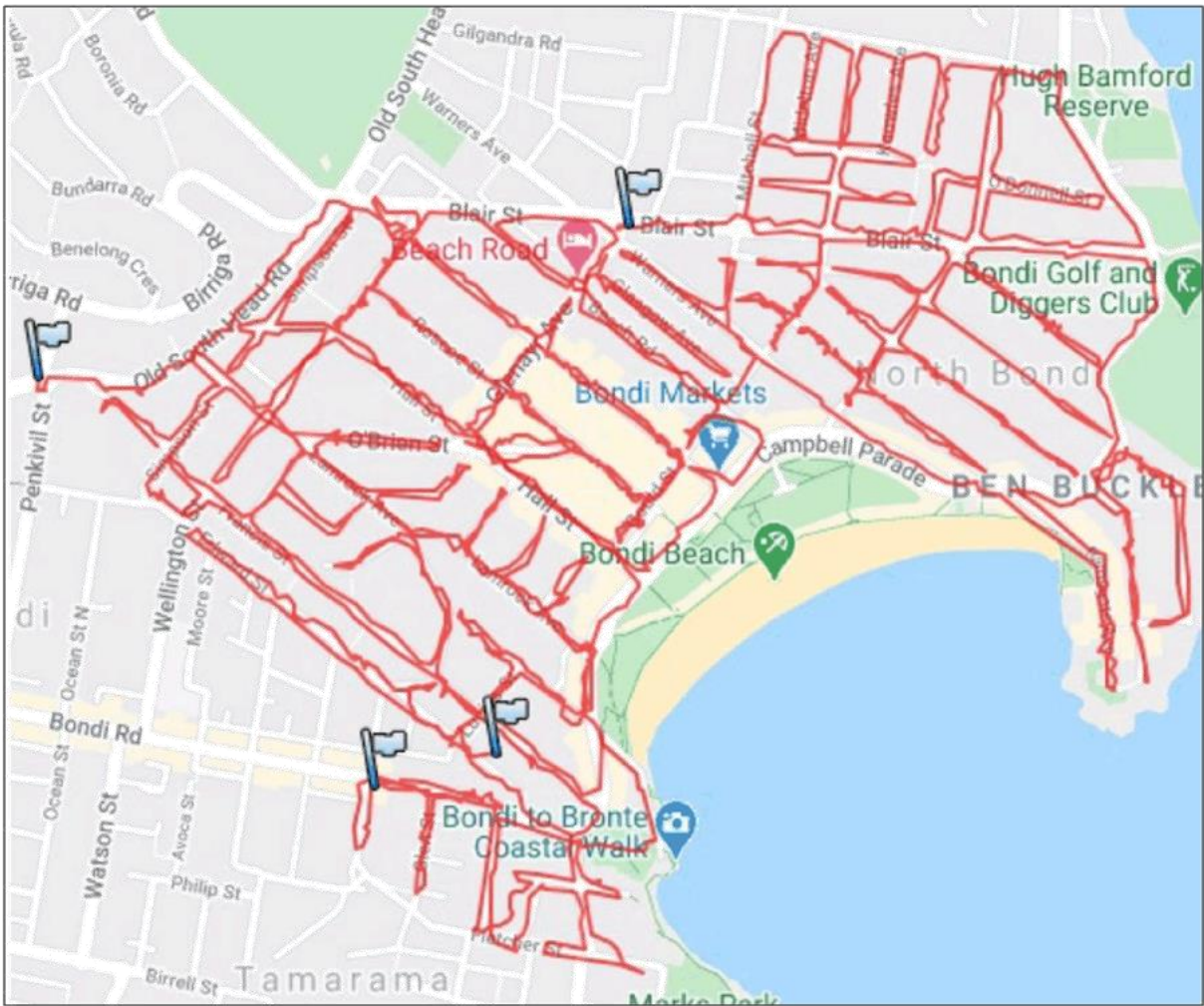
>

**We want your feedback**  
 visit: [haveyoursaywaverley.com.au](https://haveyoursaywaverley.com.au)  
 call: 9083 8000

This project received funding from the Australian Government and NSW Government.

Appendix B – Flyer distribution map





## Appendix C – Media releases

### Help shape the Bondi Surf Bathers Life Saving Club upgrade

11 August

Waverley Council in partnership with Bondi Surf Bathers Life Saving Club (Bondi Surf Club) is embarking on an historic heritage upgrade of Australia's oldest surf club.

This upgrade aims to breathe new life into the historic clubhouse built in 1934 and foster the next generation of surf life savers.

The Council is inviting the community to register to receive updates about this exciting project at <https://haveyoursay.waverley.nsw.gov.au/>

Council and Bondi Surf Club encourage everyone to register and be part of this historical community project.



Mayor of Waverley, Paula Masselos, said steering the design are three Conservation Management Plans (CMPs) with ongoing feedback from the NSW Office of Environment and Heritage.



"We are looking forward to what the community thinks about the design for the upgrade to one of Australia's most iconic surf life saving clubs," Mayor Masselos said.

"This upgrade will provide significantly improved amenities to cater to the needs of modern surf lifesaving and the community and help foster the next generation of surf life savers."

Bondi Surf Club President, Brent Jackson, said the concept design proposes equality of facilities for women who comprise more than 40% of the club's new membership and improved facilities for Nippers.

"We're the oldest surf club in the world, and the original clubhouse is hailed for its exceptional cultural and heritage significance. This historic upgrade aims to enhance this," Mr Jackson said.

"In keeping with requirements of the Conservation Management Plans for the area, the draft concept design preserves the 1934 clubhouse in all its glory, with modern lightweight additions that showcase the original heritage."

"We are all very proud of the work we do within the community - from the Dippers  program with Autism Swim, to the Wayside Chapel  and the bushfire appeals, and so more much. The draft concept is intended to improve interaction between our membership, the public and community groups".

The upgrade aims to:

- remove intrusive non-heritage elements of the existing building
- highlight and restore historic elements
- return space to the local community, improve public amenity, open accessibility, restore views, and increase public parkland and native vegetation
- ensure Bondi Surf Club operations, training functions and vital community safety and rescue services are functional and sustainable
- provide greater community interaction
- improve environmental sustainability
- retain existing trees
- improve training, first aid and storage facilities appropriate to the water safety and rescue needs of the club.
- address significant workplace health & safety and building code non-compliance issues including poor disabled access, adherence to fire standards, flood damage and general disrepair

From 20 August, the Council will invite the public to provide its feedback about the draft concept design for the clubhouse upgrade. This round of consultation will be open until 17 September 2020.

The upgrade is being funded by Waverley Council, NSW state government, Bondi Surf Club and public donations. Construction is anticipated to commence in early 2022 pending outcomes of consultation.

To register your interest in this project, visit: <https://haveyoursay.waverley.nsw.gov.au/>

-ENDS-

Media inquiries: [media@waverley.nsw.gov.au](mailto:media@waverley.nsw.gov.au) or 0416 075 532

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### Historic upgrade breathes new life into Bondi Surf Bathers Life Saving Club

19 August 2020

Waverley Council in partnership with Bondi Surf Bathers Life Saving Club (Bondi Surf Club) is embarking on an historic heritage upgrade of the world's oldest surf club.

The Council is inviting the community to provide its feedback about the draft concept design for the clubhouse conservation and upgrade at <https://haveyoursay.waverley.nsw.gov.au/> from tomorrow until 17 September 2020.



A first look at the draft concept design.

Mayor of Waverley, Paula Masselos, said the draft concept design has been guided by a detailed Conservation Management Plan (CMP) for the site and is formally supported by The Heritage Council of NSW.

"We are looking forward to what the community thinks about the design for the upgrade to one of Australia's most iconic surf life saving clubs," Mayor Masselos said.

"This upgrade will provide significantly improved amenities to cater to the needs of modern surf lifesaving and the community and help foster the next generation of surf life savers."

Bondi Surf Club President, Brent Jackson, said the concept design proposes equality of facilities for women who comprise more than 40% of the club's new membership and improved facilities for Nippers.

"We're the oldest surf club in the world, and the current clubhouse, built in 1934, is hailed for its exceptional cultural and heritage significance. This historic upgrade aims to enhance this," Mr Jackson said.

"The draft concept design preserves the 1934 clubhouse in all its glory, with modern lightweight additions that showcase the original heritage building. The footprint of the overall clubhouse remains the same, and the design will actually increase useable public parkland."



The upgrade aims to:

- improve training, first aid and storage facilities appropriate to the water safety and rescue needs of the club. The club conducts hundreds of rescues and first aids each year.
- address significant workplace health & safety and building code non-compliance issues including lack of universal access, adherence to fire standards, flood damage and general disrepair
- provide greater community interaction via a community accessible museum, sheltered courtyard, open terraces and kiosk.

In keeping with requirements of the CMP the draft concept plans include the removal of the various bulky mock heritage additions and unsightly work sheds that detract from the building's historic value.

Council owns the clubhouse building, which it leases to the Bondi Surf Club. The building is located on Bondi Park which is Crown land and which Council manages as Crown land manager under the Crown Land Management Act 2016. As a statutory body, Council is required to exercise its functions throughout the upgrade process in accordance with all duties and obligations imposed upon it by statute and common law.

The Bondi Surf Club CMP contains conservation policies to provide guidance for any upgrade to the clubhouse building. The upgrade will be subject to approval via an Integrated Development Application process considered by Heritage NSW and the Sydney Eastern City Planning Panel.

The upgrade is being funded by Waverley Council, NSW state government, Bondi Surf Club and public donations. Construction is anticipated to commence in early 2022 pending consultation.

For more, visit: <https://haveyoursay.waverley.nsw.gov.au/>

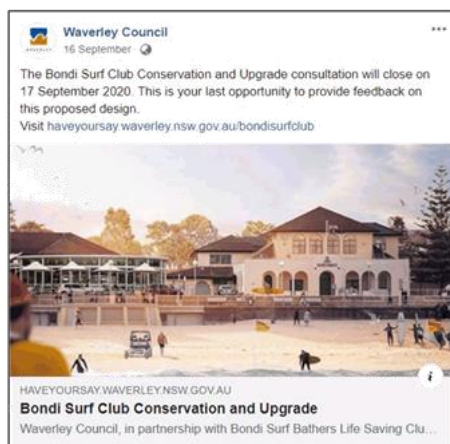
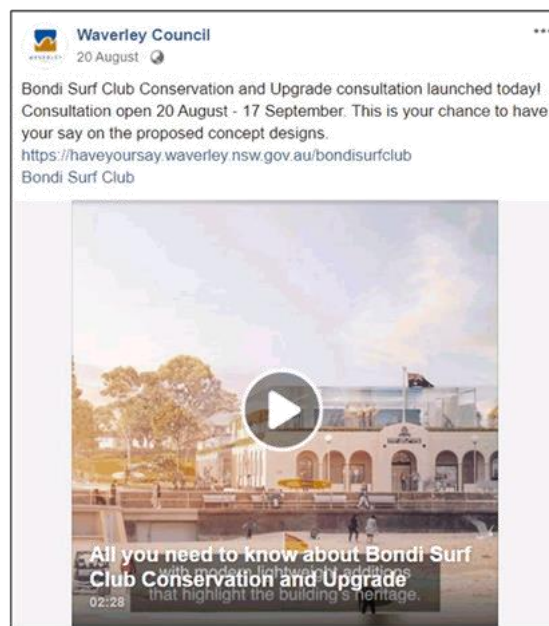
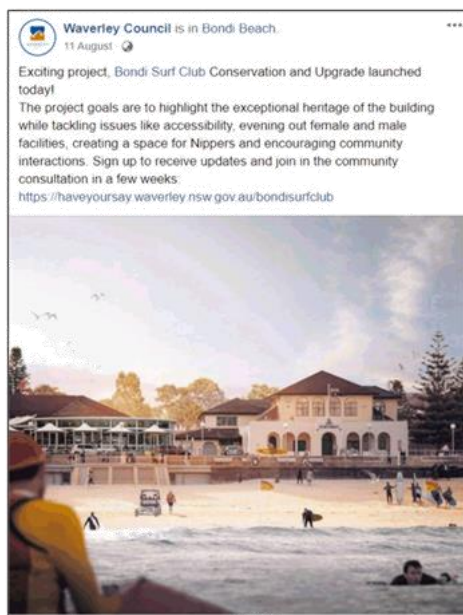
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Media inquiries: Waverley Council: [media@waverley.nsw.gov.au](mailto:media@waverley.nsw.gov.au) or 0416 075 532

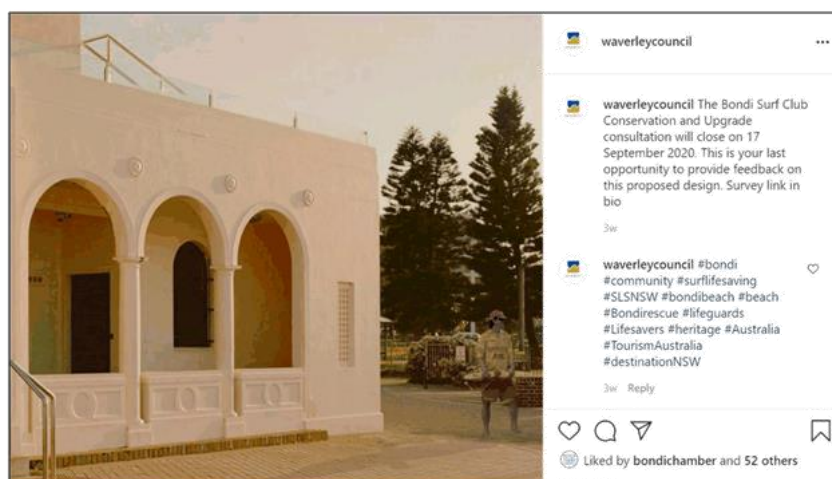
 Back to top



## Appendix D – Facebook posts



## Appendix E – Instagram posts



Bondi Surf Club Conservation and Upgrade – Consultation report



## Appendix - enews



### Bondi Surf Club Conservation and Upgrade

We are working with Bondi Surf Club on a concept design to highlight the building's heritage and address accessibility challenges, equal female to male facilities, space for Nippers and to encourage interaction with the community. [Register to be updated on the project](#) and for the upcoming community consultation.




### Historic upgrade breathes new life into Bondi Surf Bathers Life Saving Club

Waverley Council in partnership with Bondi Surf Bathers Life Saving Club (Bondi Surf Club) is embarking on a historic heritage upgrade of the world's oldest surf club.

Council is inviting the community to provide its feedback about the draft concept design for the clubhouse conservation and upgrade [here](#) until 17 September 2020. [Find out more here.](#)

## Appendix F – On site signage






# BONDI SURF CLUB CONSERVATION & UPGRADE

**“  
HAVE YOUR SAY  
”**

Council, in partnership with Bondi Surf Club has developed a proposed concept design for the Surf Club building and we want your feedback.

The design highlights the building’s exceptional heritage features, while addressing accessibility, functional needs of the surf club, equal female to male facilities, a space for nippers and encourage community interaction.

 Complete a survey or leave an idea:  
[haveyoursay.waverley.nsw.gov.au](https://haveyoursay.waverley.nsw.gov.au)  
For more information visit:  
[waverley.nsw.gov.au/bondisurfclub](https://waverley.nsw.gov.au/bondisurfclub)





Conservation and Upgrade at:  
Bondi Surf Bathers' Life Saving Club

Project Information

Stage: Phase 1 - Concept Design Development  
Issued For: - Concept Design - Rev A - 31/09/2020  
Site Address: Queen Elizabeth Dr, Bondi Beach  
Building Type: Community Service Facility, Surfclub  
Building Classification: Class 9b, Assembly Building  
Client: Bondi Surf Bathers' Lifesaving Club & Waverley Council  
Local Authority: Waverley Council  
Nominated Architect: Jesse Lockhart - Krause (NSW 8950)  
Site Area/Curtilage: 3100 m2  
Total Internal Area: 2150 m2

Drawing Register

01	Cover Sheet	
02	Precinct Plan, Proposed	
03	Site Plan, Existing	1:500
04	Site Plan, Proposed	1:500
05	Ground Plan, Proposed	1:200
06	First Plan, Proposed	1:200
07	Second Plan, Proposed	1:200
08	Roof & Basement Plan	1:200
09	Elevation South, Existing	1:500, 1:200
10	Elevation South, Proposed	1:500, 1:200
11	Elevation North, Existing	1:500, 1:200
12	Elevation North, Proposed	1:500, 1:200
13	Elevation East, Existing	1:500, 1:200
14	Elevation East, Proposed	1:500, 1:200
15	Elevation West, Existing	1:200, 1:500
16	Elevation West, Proposed	1:200, 1:500
17	Section AA & BB, Proposed	1:200
18	Section CC & DD, Proposed	1:200
19	Section EE & FF, Proposed	1:200
20	Backing Sheet	

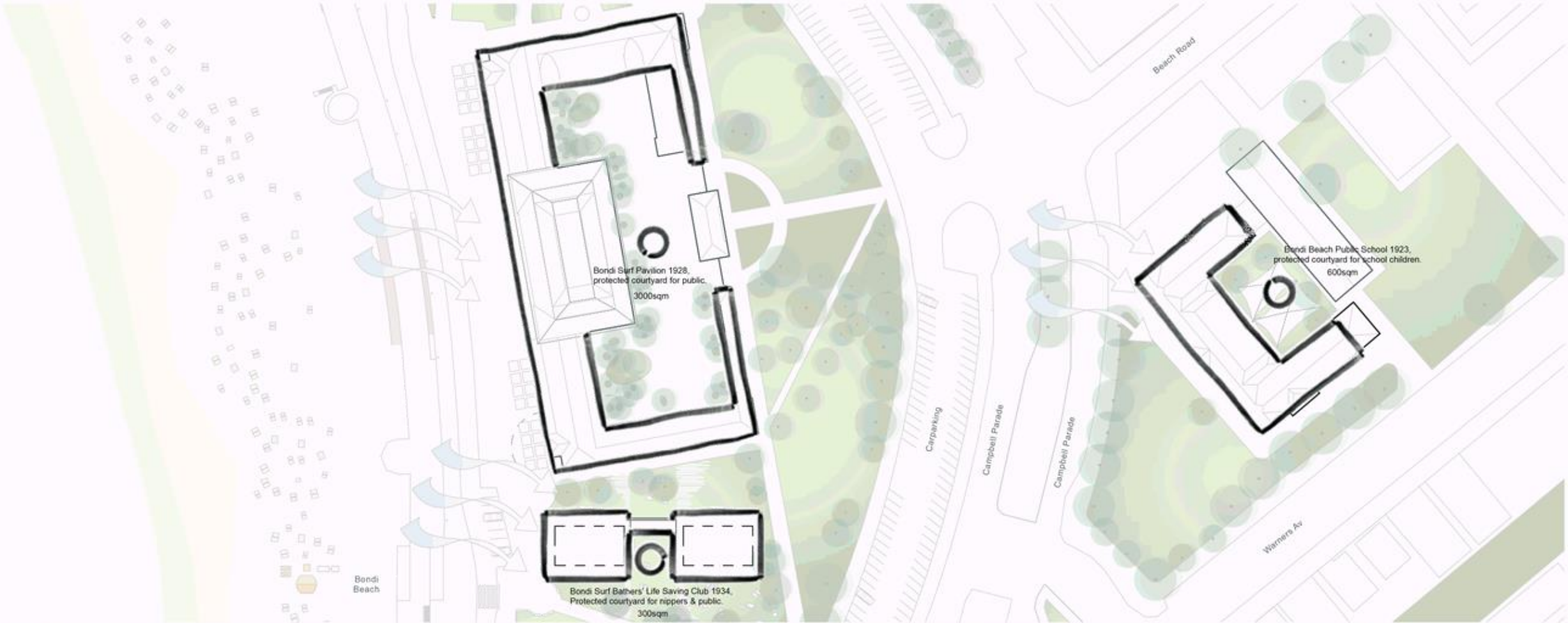
Specialist Team

Aboriginal Council:	La Perouse Local Aboriginal Land Council	Geotechnical Engineer:	Douglas Partners
Acoustic Engineer:	Acoustic Studio	Heritage Architect:	Urbis
Arborist:	Laurence & Co	Landscape Architect:	Jane Irwin Landscape Architecture
Archaeologist:	Dominic Steele Consulting Archaeology	Lighting:	Electrolight
Architect:	Lockhart - Krause Architects	MEP Engineer:	JN Engineers
AV Consultant:	Gilfillan Sound Work	Principal Certifying Authority:	Group DLA
BCA Consultant:	Credwell Consulting	Project Manager:	Waverley Council
BSBLSC:	Andrew Hoggart, Brent Jackson (President)	Quantity Surveyor:	MBM
	John Atkin, Pat Moore,	Security Consultant:	WSP Engineers
	Paul Ure (Convener), Rod Harvey	Signage and Wayfinding:	Blue Sky Design Group
Building Surveyor:	RPS Group	Structural Engineer:	Cantilever Consulting Engineers
Civil Engineer:	WSP	Town Planner:	Urbis
DDA Consultant:	Credwell Consulting	Traffic Engineer:	TTW Engineers
ESD Consultant:	Steenen Varming	Waste Consultant:	MRA Consulting Group
Facade Engineer:	Surface Design	Waverley Council:	Andrew Best, Emily Scott, Fleur Mellor,
Fire Engineer:	Warrington Fire		Matt Henderson, Sharon Cassidy





Precinct Plan - Courtyards



Artist Impression - Proposed



Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

02 - Precinct Plan, Proposed - 1:1300 at A3 - Concept Design - Rev A - 31/09/2020



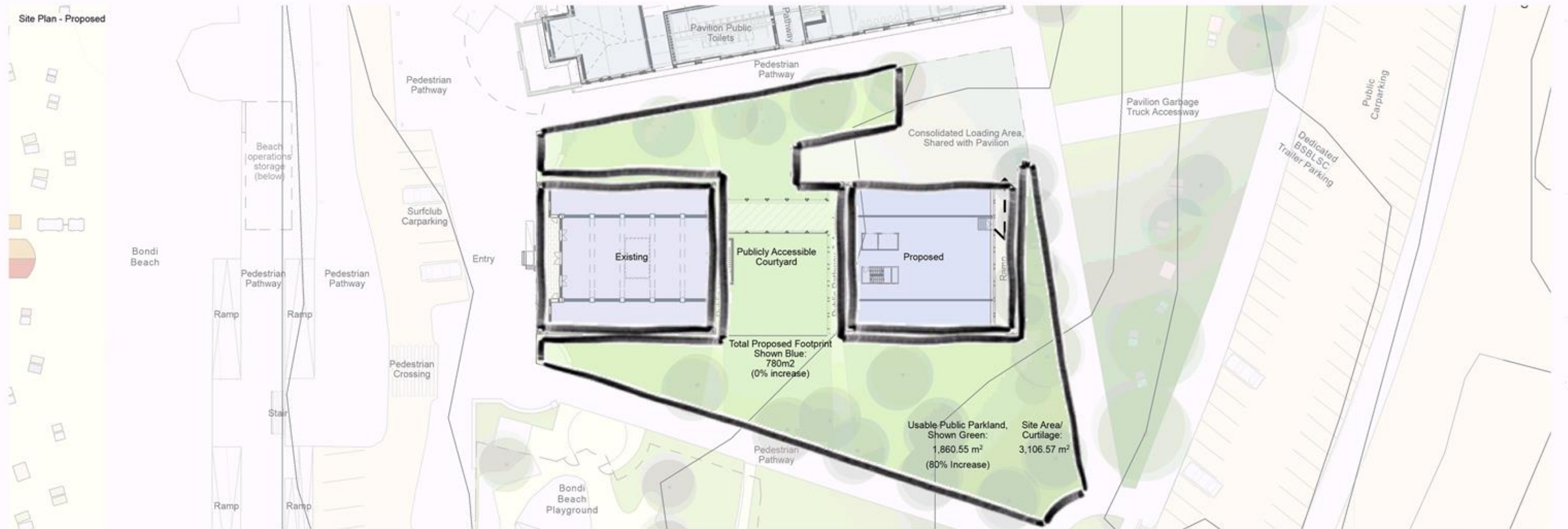


Lockhart - Krause Architects

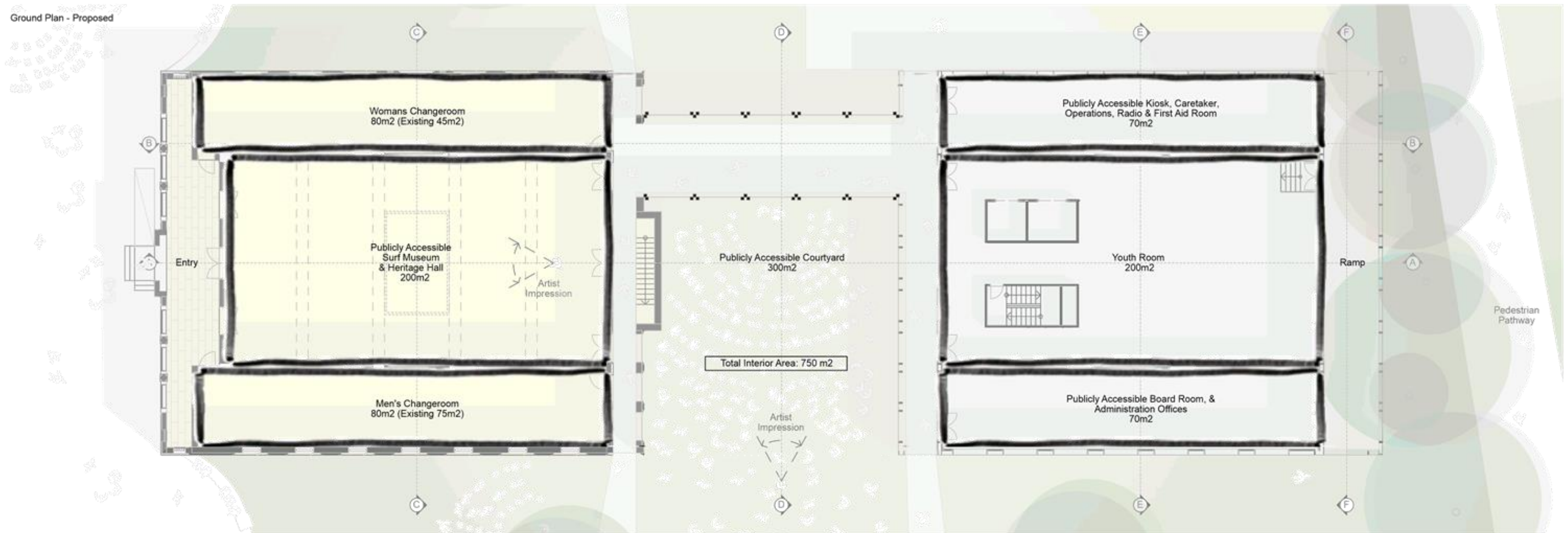
Bondi Surf Bathing Life Saving Club

03 - Site Plan, Existing - 1:500 at A3 - Concept Design - Rev A - 31/09/2020











First Plan - Proposed



Artist Impression - Proposed



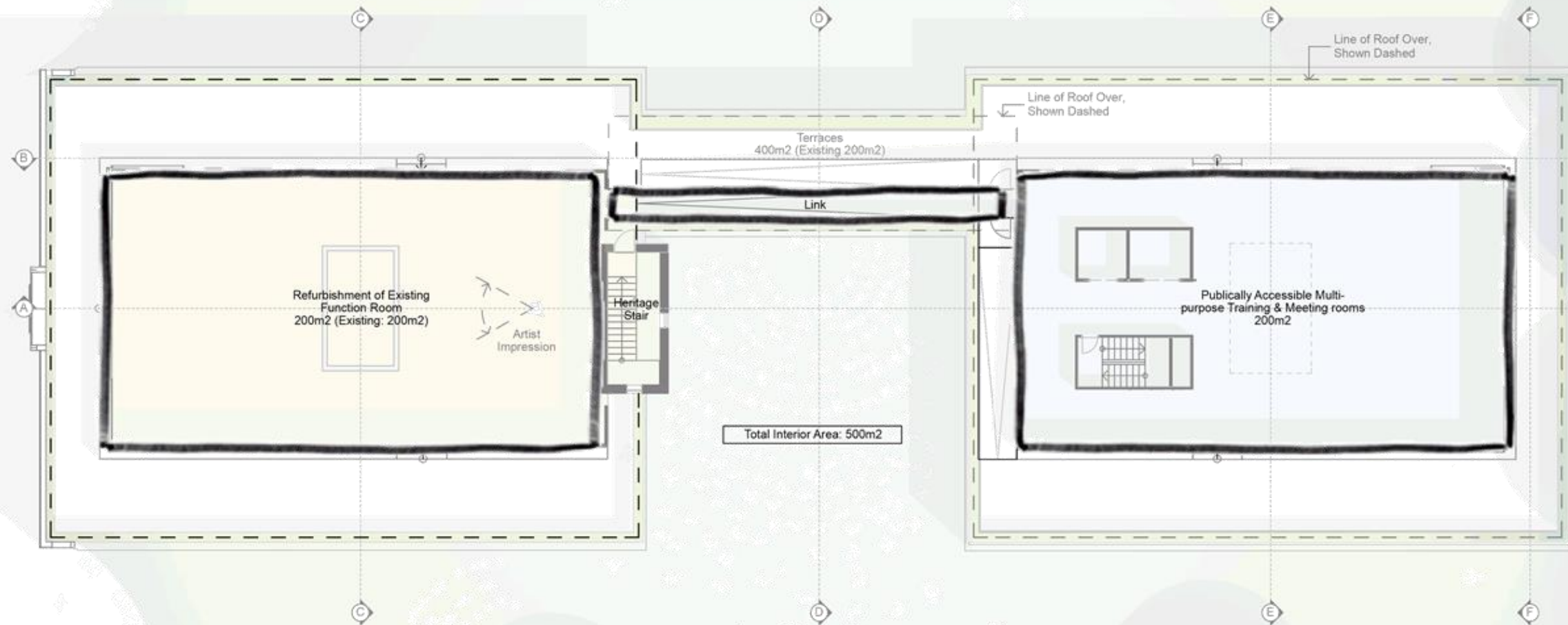
Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

06 - First Plan, Proposed - 1:200 at A3 - Concept Design - Rev A - 31/09/2020

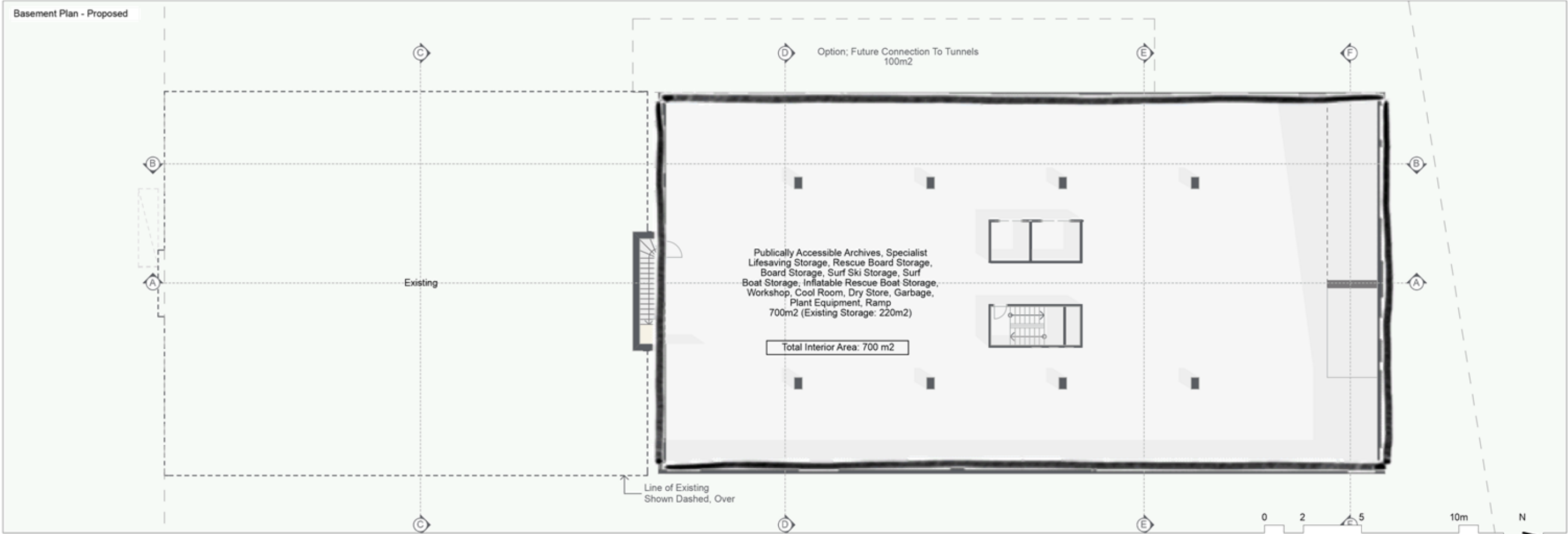
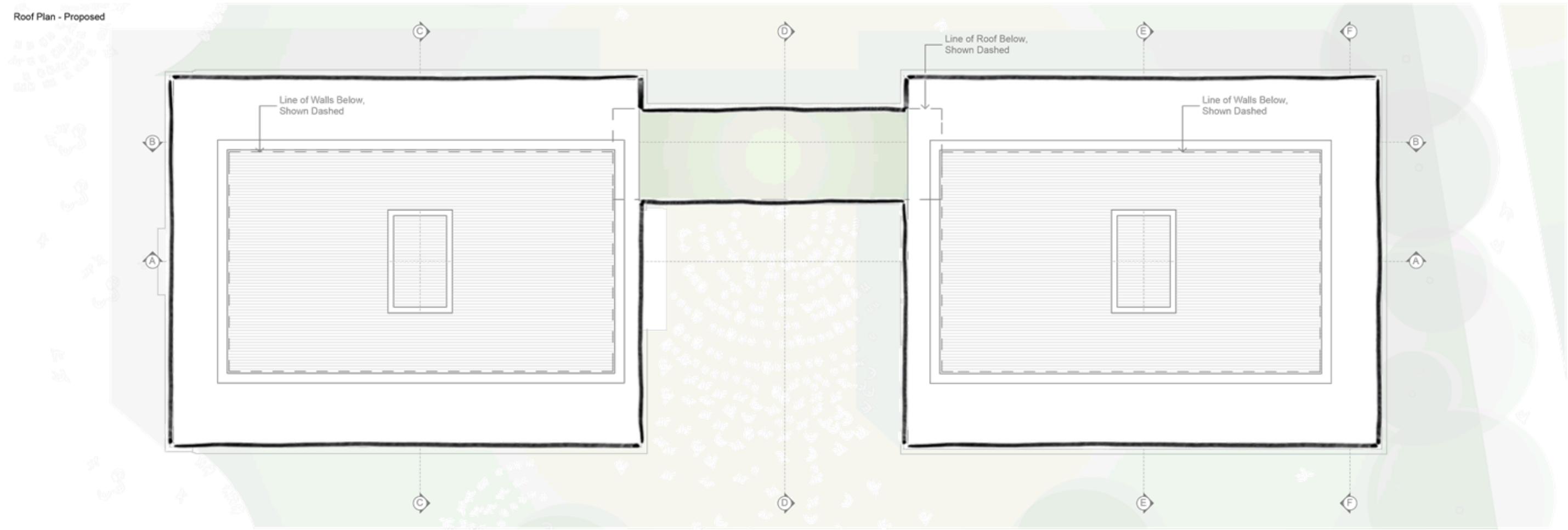


Second Plan - Proposed



Artist Impression - Proposed







Elevation South - Existing



Elevation South - Existing



0 2 5 10m

Elevation South - Proposed



Elevation South - Proposed



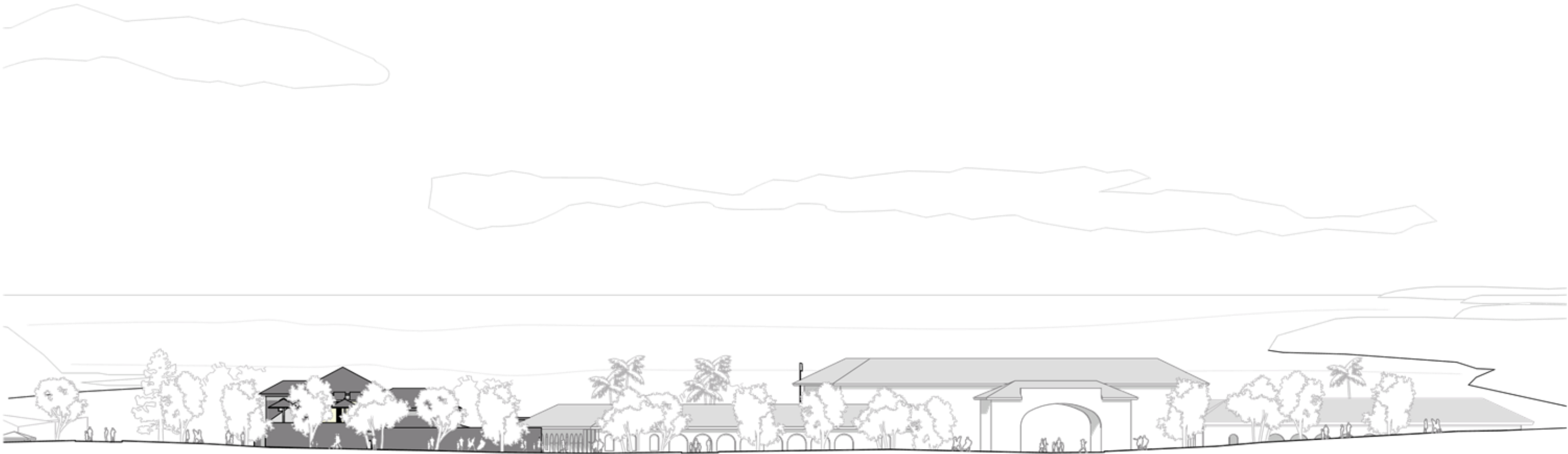
Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

10 - Elevation South, Proposed - 1:200, 1:500 at A3 - Concept Design - Rev A - 31/09/2020



Elevation North - Existing

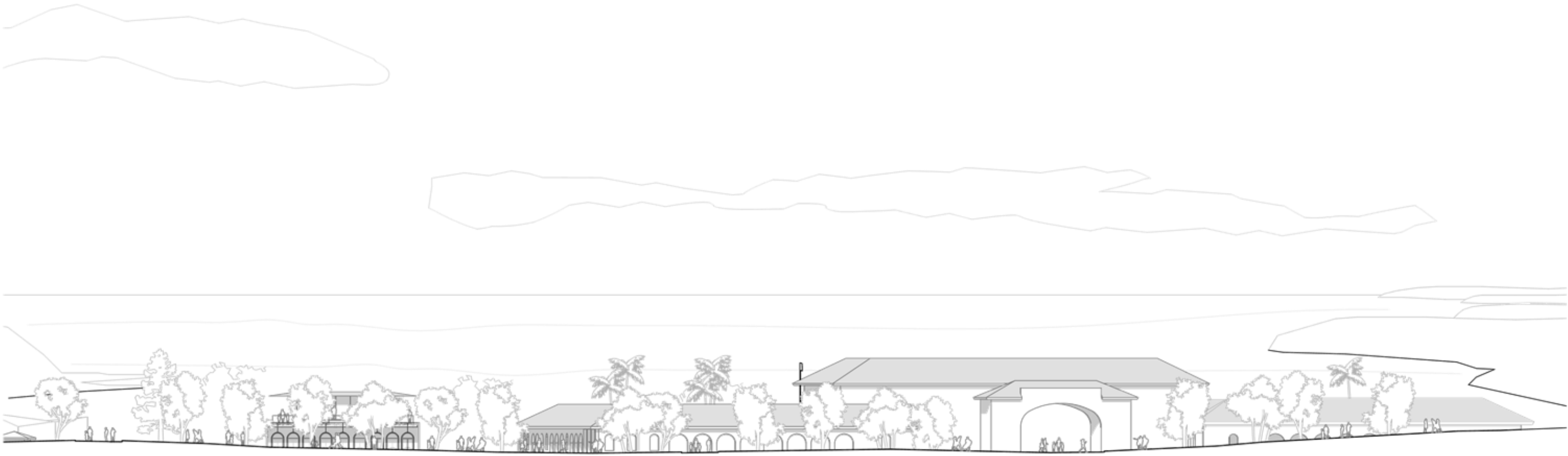


Elevation North - Existing





Elevation North - Proposed



Elevation North - Proposed



Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

12 - Elevation North, Proposed - 1:200, 1:500 at A3 - Concept Design - Rev A - 31/09/2020

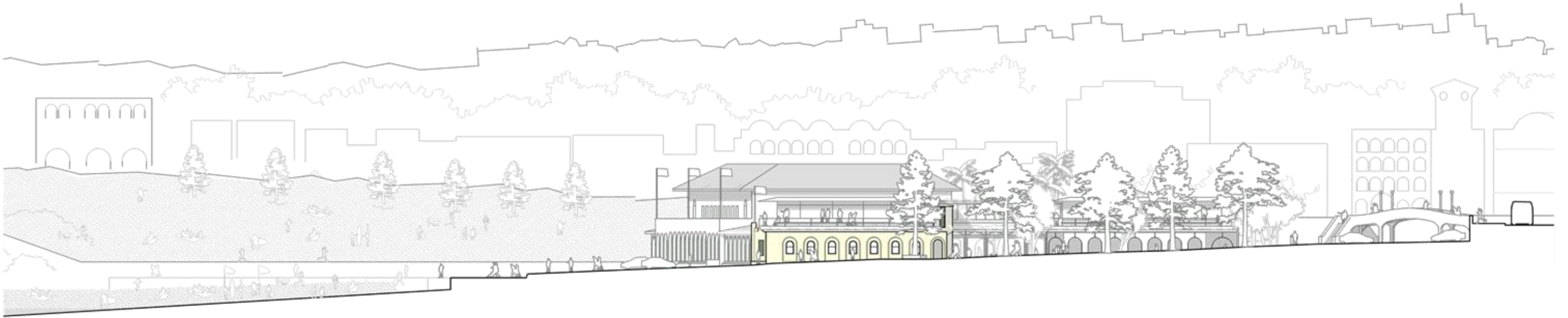
Elevation East - Existing



Elevation East - Existing



Elevation East - Proposed



Elevation East - Proposed



Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

14 - Elevation East, Proposed - 1:200, 1:500 at A3 - Concept Design - Rev A - 31/09/2020



Elevation West - Existing



Elevation West - Existing



Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

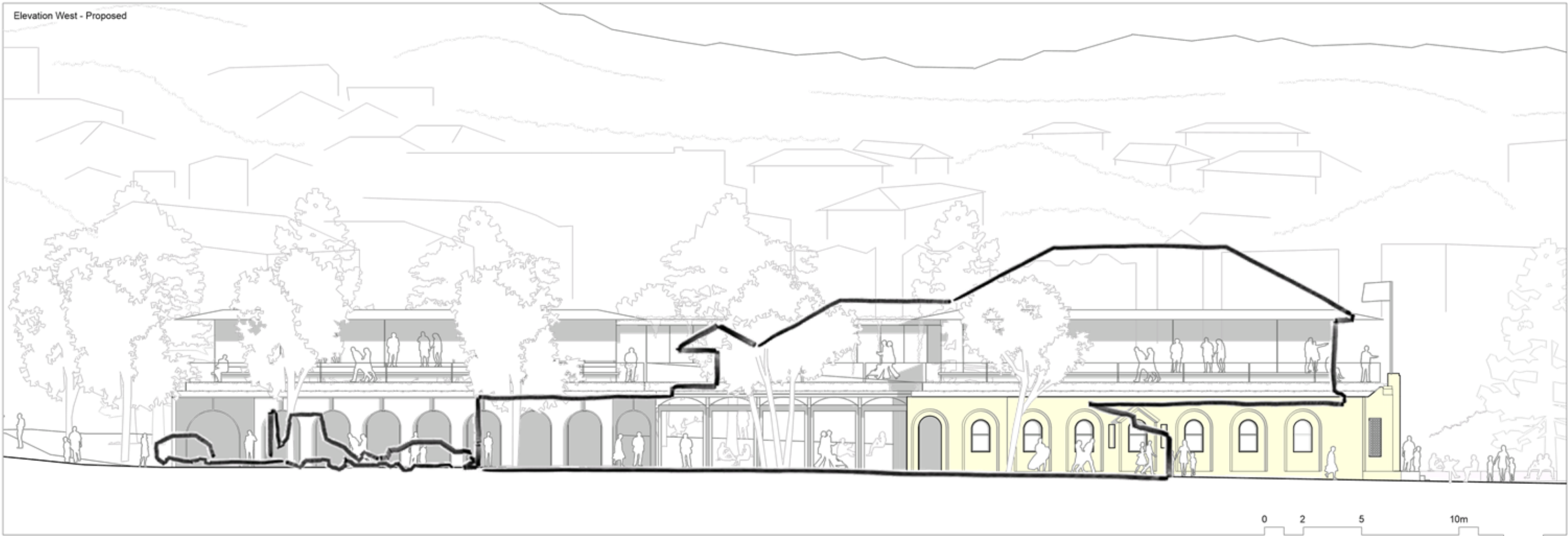
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Elevation West - Proposed



Elevation West - Proposed



Lockhart - Krause Architects

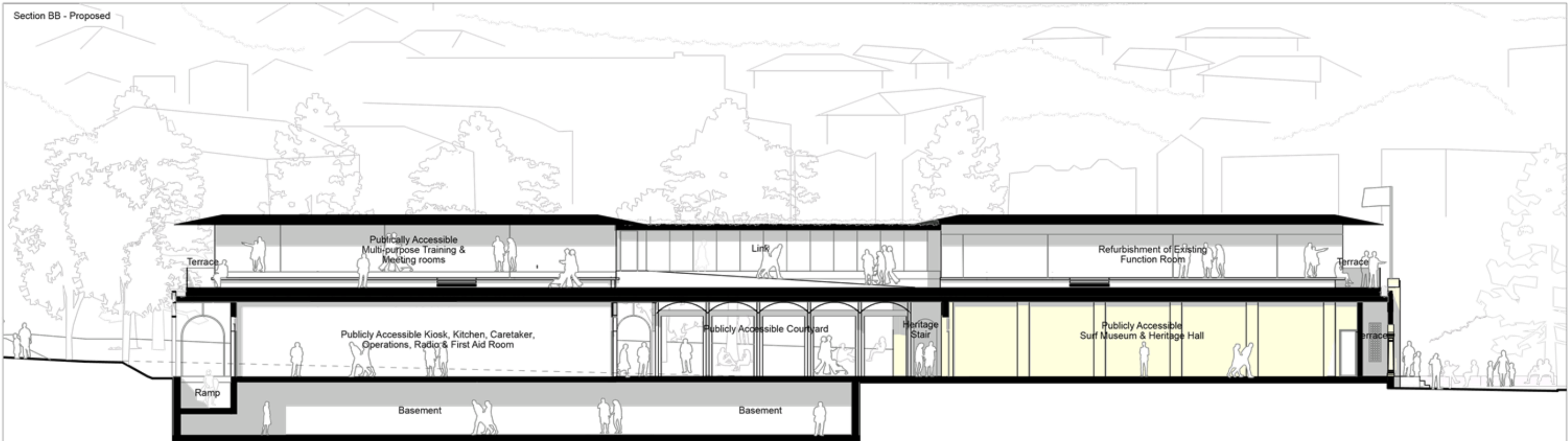
Bondi Surf Bathers' Life Saving Club

16 - Elevation West, Proposed - 1:200, 1:500 at A3 - Concept Design - Rev A - 31/09/2020

Section AA - Proposed



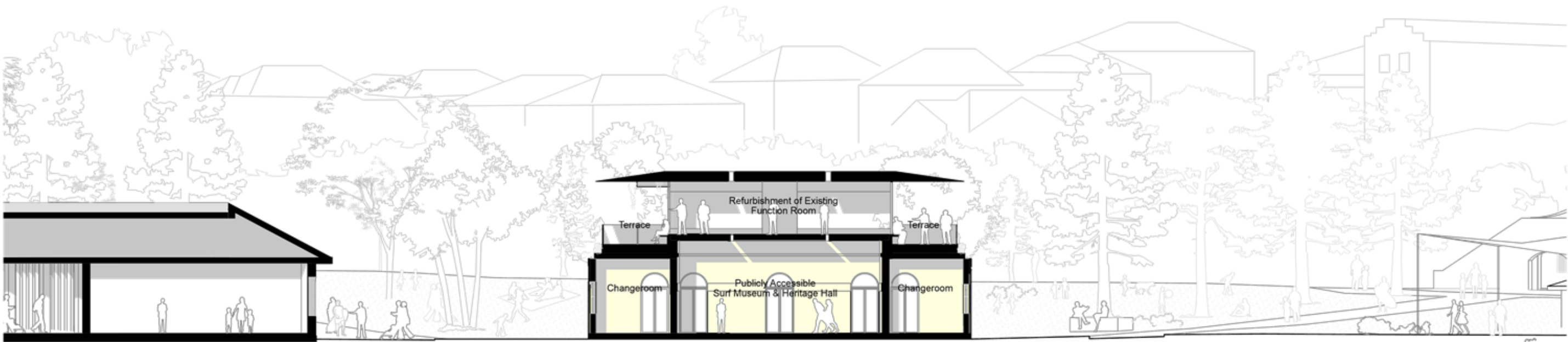
Section BB - Proposed



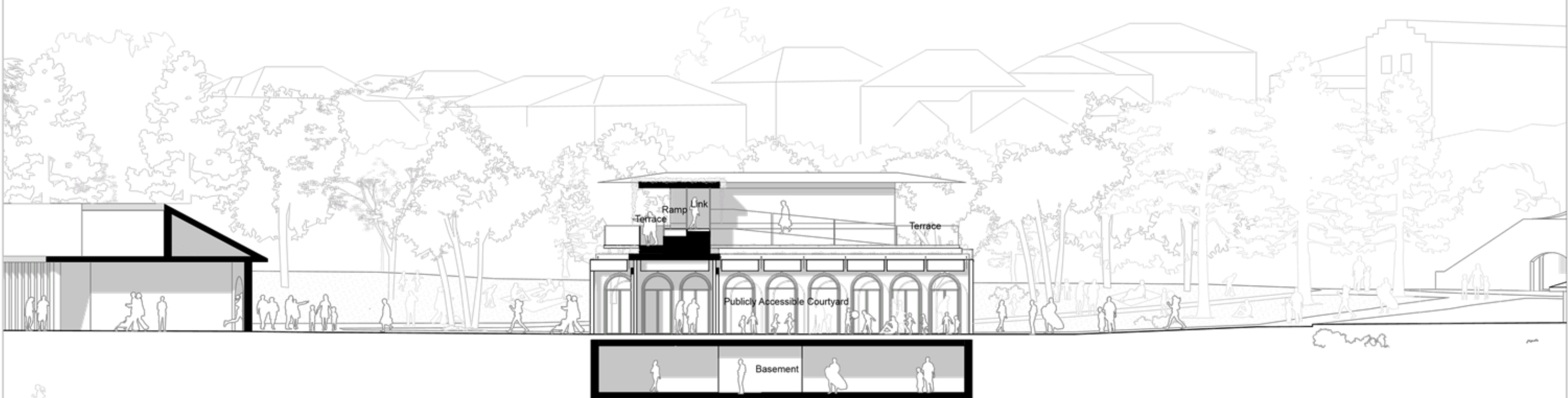
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Section CC - Proposed

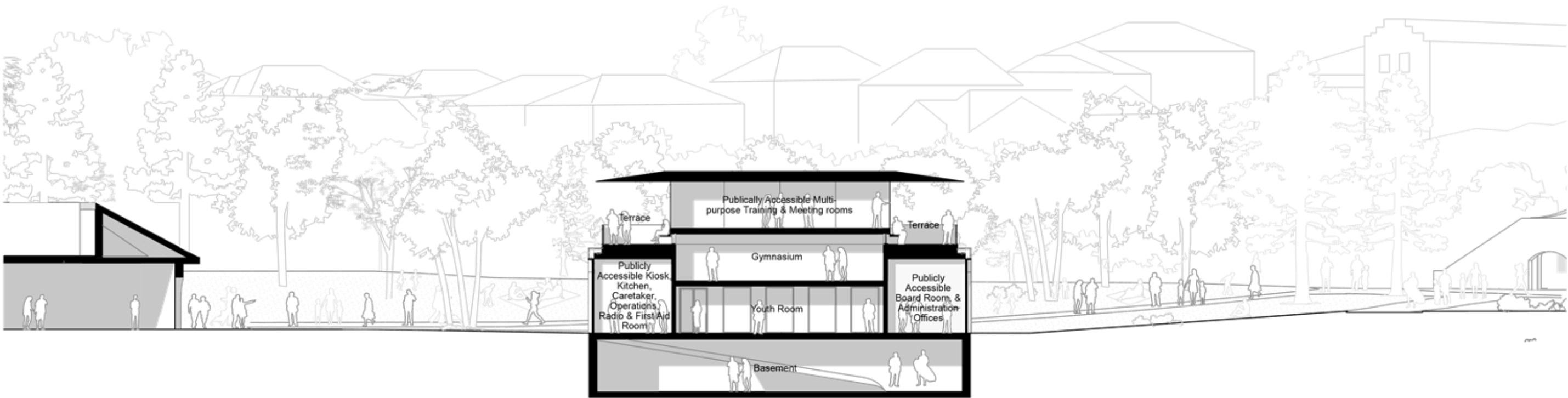


Section DD - Proposed

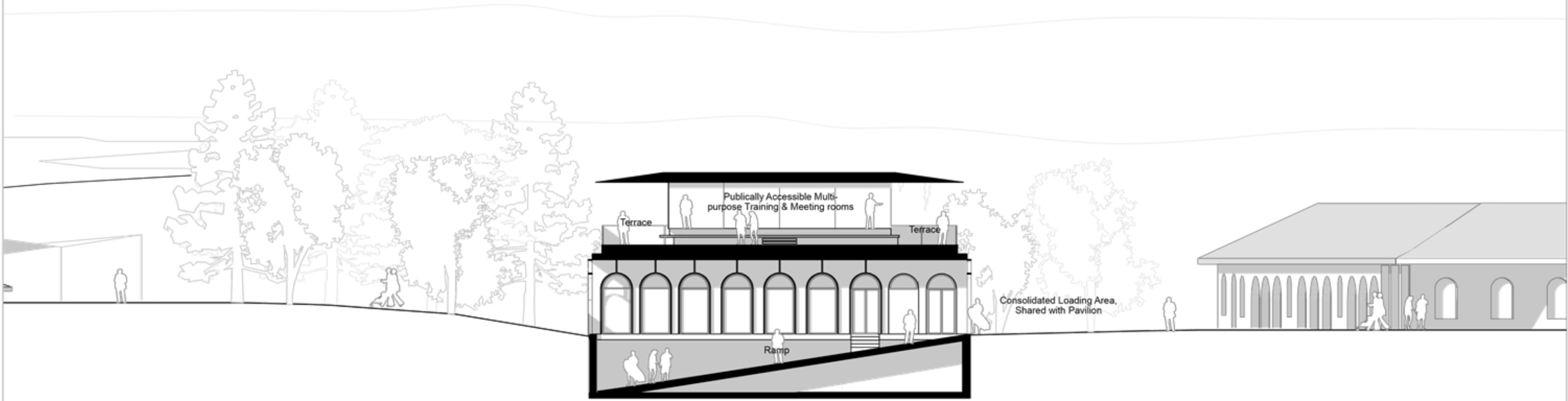


0 2 5 10m

Section EE - Proposed



Section FF - Proposed





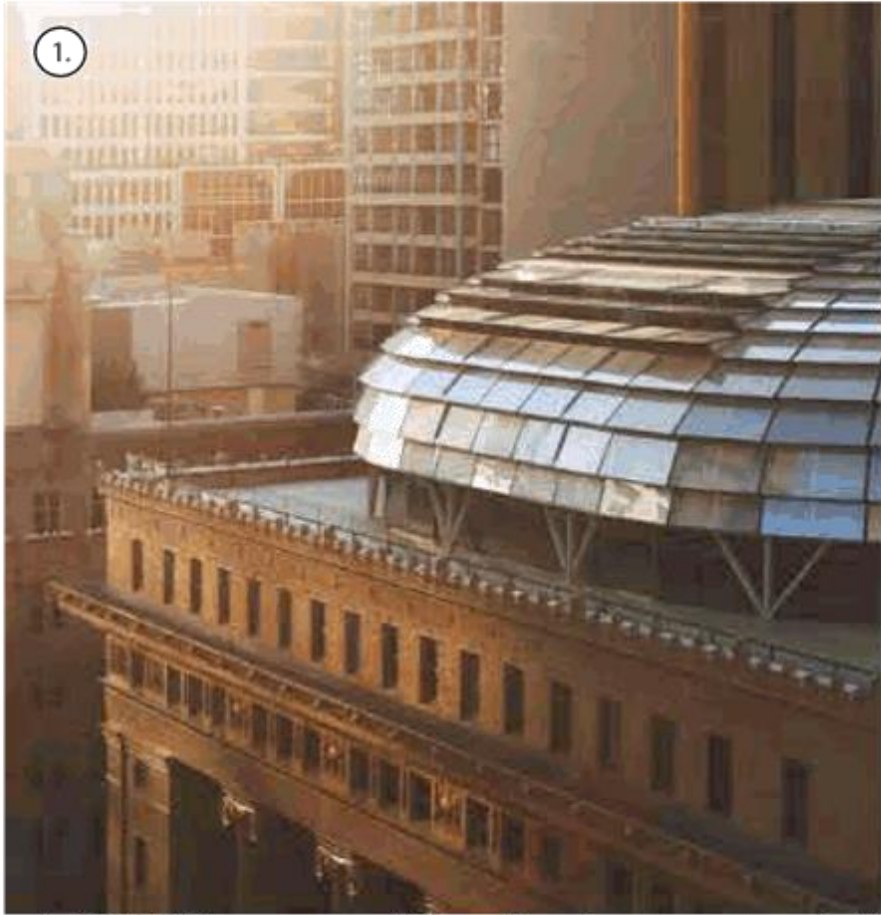


Lockhart - Krause Architects

Bondi Surf Bathers' Life Saving Club

20 - Backing Sheet - at A3 - Concept Design - Rev A - 31/09/2020





Heritage Lightweight Examples

Three Sydney examples above showcase a best practice approach to heritage conservation. Slide 21 of 53

They preserve the heritage buildings in all their glory, with modern lightweight additions that highlight the original.

1 & 4 - Commonwealth Bank, 50 Martin Place (Ross & Rowe, 1924, architects of 1934 BSBLSC)      2 & 5 Customs House      3 & 6 Education Building, Sandstone precinct, Bridge St



**REPORT**  
**CM/7.10/20.10**

**Subject:** Geotechnical Risk Mitigation - Rockfall and Retaining Wall Solutions

**TRIM No:** SF20/5024

**Author:** Nikolaos Zervos, Manager, Asset Systems and Planning

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

---

**RECOMMENDATION:**

That Council:

1. Notes that geotechnical risks along natural rock faces and engineered retaining walls across the Waverley local government area require further investigation.
2. Undertakes remediation works in the following areas:
  - (a) Forrest Knoll Avenue.
  - (b) Liverpool Street.
  - (c) Carlisle Street.
  - (d) Bronte Gully.
3. Approves funding of \$280,000 to be reallocated to these remediation works and assessment work as part of the Capital Works first quarter adjustments.

**1. Executive Summary**

Council officers have engaged geotechnical engineers to assist with evaluating geotechnical and structural failures at four locations in Waverley (Forest Knoll Avenue, Liverpool Street, Carlisle Street and Bronte Gully) after being alerted to safety concerns by the public and operational staff.

The issues experienced include:

- Rock/boulder collapses from natural rock faces.
- Trees falling.
- Rock jacking from tree roots destabilising the rock face.
- Soil erosion.
- Retaining wall structure failures.

The geotechnical engineers have identified that similar issues may be occurring in other locations in Waverley. The local geomorphology is formed in such a way that steep slopes, rock faces and retaining structures are a common feature.

The intent of this report is to seek approval and budget to proceed with work to repair the four locations identified and undertake further investigations in other prevalent areas.

## **2. Introduction/Background**

Council has many kilometres of steep slopes, rock faces, retaining walls in both road reserves and within open spaces. These natural or man-made slopes have not traditionally been a focus area for risk review and routine or programmed maintenance.

These interfaces are longstanding and largely don't require attention or intervention. However, tree growth in recent years and overall vegetation cover have exacerbated the deterioration of rock faces by jacking up rock pieces. Assessment of rock faces and retaining walls in recent times have brought these issues to light.

The recent commissioned geotechnical investigations as a result of rock face/retaining wall failures details a range of site-specific factors and solutions to failing slopes. The solutions vary depending on site specific factors however, consensus is that trees and vegetation pose the biggest problem with destabilising slopes and therefore in many areas would need pruning or removal.

## **3. Relevant Council Resolutions**

Nil.

## **4. Discussion**

Council engaged consultants to assess immediate risk areas that have been reported or discovered as having one or more of the failure modes above. In undertaking the geotechnical review, it was determined that slope stabilisation at the four locations is complex and requires tailored solutions for the sites and surfaces being stabilised.

Council officers commissioned reports for the following locations:

- Forrest Knoll Avenue.
- Liverpool Street.
- Carlisle Street.
- Bronte Gully.

Recommendations varied for each site, with typical solutions including:

- Tree and vegetation removal/pruning.
- Installation of rock anchors.
- Removal of loose rock.
- Installation of reinforcement and shotcreting.
- Adequate drainage and erosion control.
- New planting in suitable locations.
- Ongoing surveying/monitoring of the geology.

Officers recommend the engagement of suitably qualified multidisciplinary contractors to undertake tree removal, slope stabilisation, planting and other civil works.

Forrest Knoll Avenue and Liverpool Street (highest risk locations) are currently secured with fencing to ensure the public is not exposed to the fall risk area. It is recommended that all four locations are addressed within the current financial year.



The areas assessed are typical of what can be found in many areas of Waverley. This highlights the need to expand investigations and progressively review slopes within the local government area (LGA).

Further investigations and the development of an ongoing inspection and remediation program should be developed within the current financial year to assist with future planning over the upcoming four-year delivery program.

## **5. Financial impact statement/Time frame/Consultation**

### **Financial impact – Immediate remediation**

Council staff propose to seek quotations for undertaking the remediation works within the current financial year. It is estimated that the following capital works budget allocations will be required:

• Forrest Knoll Avenue	\$120,000
• Liverpool Street	\$30,000
• Carlisle Street	\$30,000
• Bronte Gully	\$100,000
Total	<b>\$280,000</b>

### **Financial impact – Ingoing investigations**

Council staff propose to undertake further investigations across the LGA based on ongoing inspections by the Public Place Co-ordination team and resident reporting. Allocating an additional \$100,000 within the budget will allow for the development of next year's program and further prioritisation. It is anticipated that an ongoing annual amount is needed to keep the information current. This is approximately \$50,000 per year.

There is currently an allocation of \$100,000 in the capital works budget that can contribute to this project.

An additional \$280,000 for the 2020–21 financial year is required. This will be reallocated from within current program budgets as part of a Q1 budget amendment process.

### **Time frame**

Officers propose to implement immediate remediation within Q2-Q3 of the current 2020–21 financial year.

### **Consultation**

It is proposed that impacted residents are notified of Councils planned works. Unfortunately, the removal of trees and vegetation is not negotiable in order to secure the rock faces / slopes. Officers will plant trees as close to the location of the removed trees as possible to negate negative impacts from the removal of trees.

## **6. Conclusion**

Overall, slope stabilisation in Waverley requires further investigation and potential remediation works. Future planning will allow Council to become proactive in managing these slopes, planting appropriately and routinely inspecting and mitigating rock fall and wall fall risks.

It is recommended that suitable budgets and resources are allocated to undertake immediate remediation works at the four listed locations and to undertake further investigations and future planning.

**7. Attachments**

Nil.

## REPORT CM/7.11/20.10



**Subject:** Rodney Reserve - Coastal Fence

**TRIM No:** A20/0475

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

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

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### RECOMMENDATION:

That Council:

1. Replaces the existing 1.8 m high coastal fence in Rodney Reserve with a 1.8 m high coastal fence, as specified in Council's Public Domain Technical Manual, with post and concrete footings designed by Council's structural engineers.
2. Aligns the fence parallel to the sports field, in a similar location to the existing fence, at the top of the embankment set back a minimum of 2 metres landward from the crest, in line with Council's geotechnical advice.
3. Notes that a further tender report will provide a cost comparison between 316 with 600 grit polish and 2205 stainless steel for further consideration.

#### 1. Executive Summary

Representatives of the Dover Heights Precinct have proposed a design and engineering solution for the coastal fence in Rodney Reserve. The proposed design locates the fence down the embankment towards the cliff so it cannot be seen from the upper level of the park. The fence footing involves a grid pattern of stainless-steel beams to support the fence. The beams would be installed in a trench approximately 1.5/2.0 metres deep and then backfilled. A higher-grade stainless steel is proposed at a higher cost.

This report provides an assessment of the proposal's suitability. The findings of the assessment recommends that the fence remain in a similar location as the existing fence at the top of the embankment to maintain the fences height from the level of the playing field and that the construction of the fence use standard post and footings and be made from 316 stainless steel in 600 grit polish. Geotechnical experts believe that the proposed beam and trench construction would be extremely dangerous and do not support the design.

#### 2. Introduction/Background

In November 2017, the Dover Heights Precinct requested the fence in Rodney Reserve be moved down slope. A Council motion was subsequently passed in February 2018 to investigate and report back on *'the viability of moving the location of the new coastal fence to the east in the area east of the Rodney Reserve playing fields so that the view of the radio telescope replica antennae and the ocean can be unobstructed.'*

The design of the coastal fence was concurrently developed by Council in 2018 and presented in a Councillor Workshop in June 2018. A report to Council in November 2019 provided findings of the fence investigation of Rodney Reserve, recommending the fence remain in its current location in line with

geotechnical advice for safety and stability of the fence. The item was deferred until December 2019 where Council resolved to maintain the coastal fence in its current location until such time as a submission was received from the Dover Heights Precinct and a further report could be presented to Council.

A proposal from the Dover Heights Precinct was received by the Executive Manager of Infrastructure Services in May 2020. See Attachment 1 for details of the submission. An assessment was undertaken of the proposal by a geotechnical engineer and consultation undertaken with relevant stakeholders who have experience with using the sports field at Rodney Reserve.

This report provides an assessment of the submission. The other matters relating to the viewing platform will be addressed after completing a heritage interpretation/financial feasibility study and will be the subject to a further report to Council.



Figure 1. Rodney Reserve looking north, showing location of existing fence.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee December 2019	OC/5.1/19.12	That Council: 1. Notes the advice of the geotechnical report provided by JK Geotechnics attached to this report. 2. Notes that the Dover Heights Precinct is expected to submit a proposal to Council about the fence location at Rodney Reserve in due course. 3. If the submission from Dover Heights Precinct is received, officers refer it to the Executive Manager, Infrastructure Services, for comment. 4. Maintains the coastal fence in its current location at Rodney Reserve until it considers a further report on the matter.
Council February 2018	CM/8.3/18.02	That Council: 1. Agrees in principal to the construction of a viewing platform in Rodney Reserve in the vicinity of the site of the



		<p>Radio Astronomy Memorial subject to appropriate ground testing.</p> <p>2. Investigates the cost of constructing the viewing platform and consults the La Perouse Aboriginal Land Council in regard to the site.</p> <p>3. As part of the investigation, holds discussions with the CSIRO and consults with the relevant Precinct with the view of sharing the cost of the construction of the viewing platform.</p> <p>4. Investigates and reports back on the viability of moving the location of the new coastal fence to the east in the area east of the Rodney Reserve playing fields so that the view of the radio telescope replica antennae and the ocean can be unobstructed.</p>
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#### 4. Discussion

The Dover Heights precincts proposal details a 1 m high fence located down slope from the embankment. The fence is supported by a 6 m long beam laid in a trench into the ground. Planting is specified and the fence is noted to be made from 2205 stainless steel. The fence details an engineered solution with footings and beams being peered back into the slope. Refer to Attachment 1 for details of the submission.

The coastal fence design recommended by Council was developed in consultation with the community. The fence is made of panels of stainless-steel flat bars welded to a stainless-steel frame. The stainless-steel posts are clad with hardwood timber softening the aesthetic of the steel. The fence has been structurally engineered with post and concrete footings. Where bedrock is found it is expected that the footings would be doweled into the rock to further provide support. The fence is vandal resistance, low maintenance and deters people being able to climb over and access the cliff. There are two heights of the coastal fence, a lower 1.2m height for use in cliff top parks and higher 1.8 m for use in cliff top parks adjoining sports fields to stop balls in play being lost over the cliff. In Rodney Reserve the higher 1.8m high fence would be used adjacent to the sports field, this would transition down to the 1.2 m high fence on either side of the field. Refer to Attachment 2 for details of the fence, which are pages extracted from Council's Public Domain Technical Manual. This style of fence has been installed in Hugh Bamford Reserve. The lower 1.2 m high fence will be installed in Clarke Reserve.

The 1.8 m high coastal fence functions by stopping balls in play on the adjoining sports fields and serves as a safety measure by preventing users of the reserve from falling down the slope and cliff, which would have catastrophic consequences. As such, the proposed fence has been assessed against its performance for these functions as well as its structural stability of the proposed beam footings on a steep slope. The structural stability of the fence is also an important safety consideration.

#### Function to prevent ball loss

There are no sports-related guidelines that specify the distance/location of a fence in relation to a community sports field. However, based on discussions with Football NSW, schools and community groups, moving the fence 3 m east down the cliff edge would have an adverse impact on Rodney Reserve sports users. Of those consulted, none supported the relocation of the fence down the cliff edge. At best, they expressed indifference whether it was moved further or slightly closer to the field.

#### Rugby union and soccer guidelines

The two main sports played at Rodney Reserve are soccer and rugby union. According to Football NSW's Field Markings & Equipment guide, 'there must be a Perimeter Fence surrounding the entire Field of Play'. According to the guide, the fence must:

- Be located the required distance from the touch line and goal line ('required distance' not specified)
- Must be at least 1m high (not specified, but it can be implied that this must be from the level of the playing field)
- Must be constructed in substantial material, such as cyclone wire.

Football NSW advised that the fence along the side of a community field (although not mandatory) should have a 'reasonable height', which they specified was at least 2 m to 3 m. The 1 m height requirement mentioned in the guide is mainly for professional fields, fields located in a park, or for fields located side by side with other fields where balls can easily be retrieved. It is worth noting that Football NSW's advice for the construction of new fields is that there should be a 5m-high fence behind the goals and higher than 1m on the sides.

In terms of distance from the field edge, the only requirement is that the fence be located 3m+ away from the perimeter. However, Football NSW stressed that a fence 2m down the cliff edge would defeat the purpose of the fence as balls could more easily be hit above the fence line and be lost over the cliff than if it was on the level of the playing field.

Football NSW stated that a higher fence is particularly important in a location like Rodney Reserve where there is no way of retrieving a stray ball as it will go straight over the cliff. Many community fields do have fencing to prevent balls from flying off and getting lost. Ball loss, over time, can make a community sport, which is meant to be affordable, an expensive activity. Council has previously received feedback from sporting clubs who fear losing balls over the fence and down slope. Rugby teams try mitigating this risk by not kicking for touch on the eastern side of the field.

Football NSW also said that a fence is particularly important in this type of coastal / cliff edge location for safety reasons, specifically children's safety. Children are known for not being fully coordinated, aware of their surroundings or as careful as adults.

Cranbrook, School, Rose Bay Secondary School and Kesser Torah College currently use the field at Rodney Reserve. Children also use the park for casual play. A fence located 2m down the cliff edge would not only defeat the purpose of containing balls, it could also pose a safety risk for children who could tumble down the embankment before hitting the fence.

In summary, Football NSW's advice is to keep the fence in its current location and ideally increase the height or, at the very least, keep it in its current location at the existing height.

### **Function of fence as a safety barrier for park users**

Apart from sport, Rodney Reserve is also a popular destination for walking. People are drawn to the cliff edge of the reserve which offers spectacular panoramic views to the ocean. The fence at the cliff edge therefore serves as a barrier from the cliff for park users walking through the reserve.

The Australian Standard for Walking Tracks (AS2156.2-2001) provides minimum requirements for the provision of barriers (such as a fence) along walking tracks to reduce risk of falling. Note that based on the Australian Standard, the cliff walk is a Class 2 walking track. The risk of fall and requirement for a barrier is calculated based on the effective fall height and the type of surface of the fall. The slope of the ground approaching the cliff varies in Rodney Reserve but is approximately a 1 metre drop for every 2 metres distance giving a ratio of 1:2. If the fence were moved down slope the fall would be onto vegetation (potentially causing minor cuts) and the fence itself. Under these circumstances a barrier is recommended at the top of the slope. The exact type of barrier required might vary depending on the slope, but regardless a barrier is required to protect walkers. If a fence were installed down slope as proposed by the precinct, a second fence would be required at the top of slope which would need to be 1m high to prevent risk of fall.

Centium's *Coastal risk analysis and signage report* was commissioned by Council to assess coastline risks in the LGA and analyse best-practice management to minimise and/or mitigate those risks and their impacts. The report identifies Rodney Reserve as a risk treatment plan high priority area. The description of a high priority area is one where 'the majority of controls require improvement to provide reasonable assurance that the risk is being managed effectively and/or ensure compliance with relevant coastal safety and/or signage standards and guidelines.' Rodney Reserve is identified as a high priority area due to the condition of the existing fence and related unsafe access to the cliff edge.

Based on the existing condition of Rodney Reserve, a key recommendation is to 'install appropriate height 'coast fence' or bollard and wire type fencing to indicate safe set-back in areas with high cliffs, known unsafe access areas as per individual Risk Treatment Plans.'

While the report does not recommend a specific location where the new fence should be located, the omission of this specification implies that the fence should be replaced in its existing location, or very near its existing location. Further, it is questionable whether moving the fence 3m east and down the cliff edge would 'indicate safe set-back' considering the high cliffs at Rodney Reserve.

The report recommends considering 'use of 1800 mm fencing at the sporting field, in areas immediately adjacent to rock platforms and at known access points such as where fencing is repeatedly vandalised.' While the rationale for recommending a higher fence near the sports field is not explained in the report, it is likely that this would minimise and/or mitigate safety risks, which is the purpose of the report.

#### **Fence material - Stainless steel**

The Precincts proposed fence specifies a 2205 grade of stainless-steel, whereas the coastal fence design specifies a lower grade 316 but with a 600-grit polish.

There are many types of materials used for fencing. Selecting the most appropriate depends on properties such as durability, strength and cost. In coastal environments the types of materials which are appropriate are limited as salt winds and water corrodes metals. Stainless steel is the preferred metal in coastal environments as it's resistant to rust and corrosion. There are about 30 different grades of stainless steel available, each with different properties such as corrosion resistance, heat and low temperature resistance and strength. In addition, there are different ways in which stainless steel can be treated to improve its corrosion resistance such as polishing – polished steel prevents fine particles such as salt from sitting on the surface which causes corrosion.

The coastal fence specification is 316 stainless steel with a 600-grit polish to all surfaces. This ensures the fence is resistant to corrosion and will remain structurally sound. The product is affordable relative to others. When specifying the product, the Australian Stainless Steel Development Association was consulted.

All stainless steel will show some surface corrosion; this is referred to as 'tea staining'. This is not rust, as rust effects the structure of the metal whereas 'tea staining' is only on the surface and is aesthetic. Different grades of stainless steel will be more resistant to 'tea staining'. The recommended 316 stainless steel with 600-grit polish will show a moderate amount of 'tea staining' particularly where it's difficult to polish such as where the bars are welded onto the frame.

The material suggested by the Precinct is a higher grade 2205 product which is typically used in manufacturing and plant. This product does not offer further structural stability or rust resistance however it is less likely to tea stain. The drawback is that 2205 stainless steel is more expensive and more difficult to fabricate. Weighing up the chance of tea staining on the 316 grade steel against the additional cost of increasing the grade selection of steel, staff have initially deemed the 316 grade at 600 grit as being most suitable for application as a fence, particularly where a large amount of steel is required. However, in order to assess cost issues further, staff are proposing to tender for fence designs using both grades of steel.

## Geotechnical suitability

Geotechnical engineers have provided comments on the Precincts proposed fencing design, the comments include:

- 'It is reasonable to assume that similar instability to the March 2019 event (landslip) could occur along any other section of the slope, particularly over the steeper sections. Given the potential for future failure to occur, if the fence line is located on the slope, then there is a greater likelihood of damage to the fence compared to if the new fence is situated in its current position.
- The sloping nature of the site (and its proximity to the cliff edge over hangs) represents a hazardous work environment. To install a fence on the slope above the cliff face crest, plant and equipment would need to be located close to the crest of the slope and would impose additional loads (and possible vibrations associated with movement and slewing of tracked equipment) which could also trigger instability.
- To reduce the impact of future instability on the fence line located on the slope, it would need to be socketed into bedrock; piling equipment would need to be used and similar concerns regarding the use of such equipment, as noted above, apply.
- If the fence is located on the slope, then this has the potential to encourage members of the public to access the slope and would therefore increase their exposure to potential slope/cliff face instability events. In addition, there would be the need to maintain the slope (mowing/slashing etc) which would introduce Council workers and equipment to the slope area, as well as surcharge loads etc from maintenance equipment (mowers etc).'

For the above reasons, the Geotechnical engineers do not consider that the proposed fence line location, or footing structure, on the slope above the cliff face crest is suitable. From a geotechnical stand point, the strong preference is for the new fence to be located on the reserve surface at a landward set-back distance of at least 2m from the crest of the slope and founded in loose (or denser) sands below a zone of influence line projected up from the toe of the slope at 1V in 2.5H.

## 5. Financial impact statement/Time frame/Consultation

### Financial impact

The expected cost of replacing the existing chain-link fence with a new 1,800mm high stainless-steel coastal fence at Rodney Reserve ranges from \$850,000 to \$950,000. The exact pricing will be determined by market rates when tendering for the project.

Substituting the 316 with 2205 grade stainless steel is expected cost 20% more equating to an *additional \$150,000* on top of the project budget. To verify the cost, we will seek an option in the tender for the fence for 2205 stainless steel.

If the fence were to be moved down slope using construction methods proposed by the precinct, the construction cost could be considerably higher than the estimate indicated above. It is difficult to estimate the cost of moving the fence down slope at this time. Were Council to go to tender on such a fence alignment, it would also be interesting to see whether construction companies would be willing to take on the risk of their staff working as close as would be required to the cliff edge.

### Time frame

The fence is expected to be built in the 2021–22 financial year. The construction timeframe is likely to be four months to fabricate and install the fence. If the fence were to be constructed using the beam method proposed by the precinct the timeframe is likely to be longer.



## Consultation

Eight of the community groups and schools who currently use or have used use Rodney Reserve in the past were contacted and five replied. Feedback from the five community groups and schools was as follows:

- Two of the five respondents indicated being content with the fence in its current location.
- One respondent was indifferent whether the fence remained in its current location or was moved a couple of metres closer or further from the field.
- Two respondents indicated that they lose balls when playing on the eastern side of Rodney Reserve. Because of this, they recommended that the new fence be higher than the existing one and that it be located closer to the field. One of these respondents expressed concern over an increasing number of lost balls if the fence were to be moved further east and down the cliff edge.

The Dover Heights Precinct have provided the proposal relating to the fence that has been evaluated here. They strongly favour the proposal they have submitted.

## 6. Conclusion

There are no sports-related guidelines that specify the distance / location of a fence in relation to a community sports field. However, based on discussions with Football NSW, schools and community groups, moving the fence 3 m east down the cliff edge would have an adverse impact on Rodney Reserve sports users. Of those consulted, none supported the relocation of the fence down the cliff edge.

From a sporting perspective, the new fence would best be closer to the field and slightly higher.

Advice from Geotechnical engineers supports keeping the fence in its current location or further back from the embankment. Council staff support this view.

The fence designed for Council is likely to be the least costly option.

The recommendation based on the above is, at minimum, to replace the coastal fence with one of a similar height in the same location.

Whichever design and alignment is chosen, the fence will be tendered based on two grades of steel to allow the price difference to be evaluated.

## 7. Attachments

1. Dover Heights Precinct coastal fence proposal [↓](#)
2. Public Domain Technical Manual - Coastal fence [↓](#)

PLEASE UNDERSTAND THESE "PLANS"  
ARE ROUGH, AND ARE TO GIVE A  
GENERAL FEELING OF THE PROPOSAL.

PLAYING FIELD TURF

SOUTHERN ELEVATION.



2205  
STAINLESS STEEL

*FICUS NODOSA*

*BACCHARIS IMBRICATA*

*WESTERLINDIA FRUTICOSA*

2.00 METRE HIGH  
FENCE.

2.00m  
APPROX.

SUPPORT BEAM  
TO ENGINEERS SPECS.

6.00 m

UNDER GROUND

110m  
↓

OCEAN ↓

# G.06

## Coastal Fence

### Function

- The Coastal Fence is used along coastal reserves with an existing coastal fence or along clifftop perimeters where a heightened risk of fall is identified.

### Supplier

- Contractor to nominate based on below specifications.

### Materials and Dimensions

- 1,200mm high post and infill panel fence to be used in cliff top locations within parks and alongside walking tracks.
- 1,800mm high post and infill panel fence in cliff top locations adjoining sports fields.
- Timber rail at top of fence to be used at lookout locations to allow people to comfortably lean against fence.
- Materials 316 stainless steel at 320 grit polish, final finish electropolish.
- Timber cladding, seasoned Australian Hardwood, durability class 1. Timber to be oiled.
- The Coastal Fence is guided by

AS 2156.2 Walking tracks, Part 2: Infrastructure design

AS 1926.1 and AS 1926.2 Swimming pool safety

AS 1170.1 Structural design Actions, Part 1: Permanent, imposed and other actions

### Installation

- Install as per structural engineer's recommendations.
- Sub-surface mount in concrete footings.
- Structural engineer's review and certification required during all stages of design and installation.

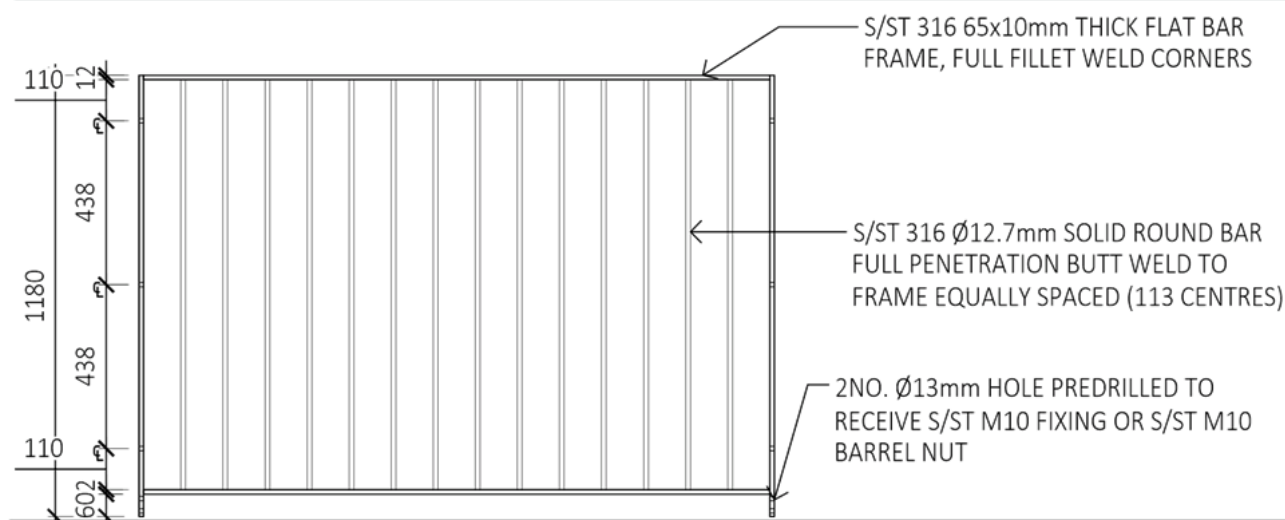
### Inspection and Maintenance

- Check upright and supporting posts for wear and tear. All upright, supporting poles should be at right angles to the ground.
- Replace any broken or damaged sections of fencing.
- Regular cleaning with a mild detergent, clean water rinse and wipe down of stainless steel.
- Timber to be re-oiled annually with Intergrain Natures Oil.

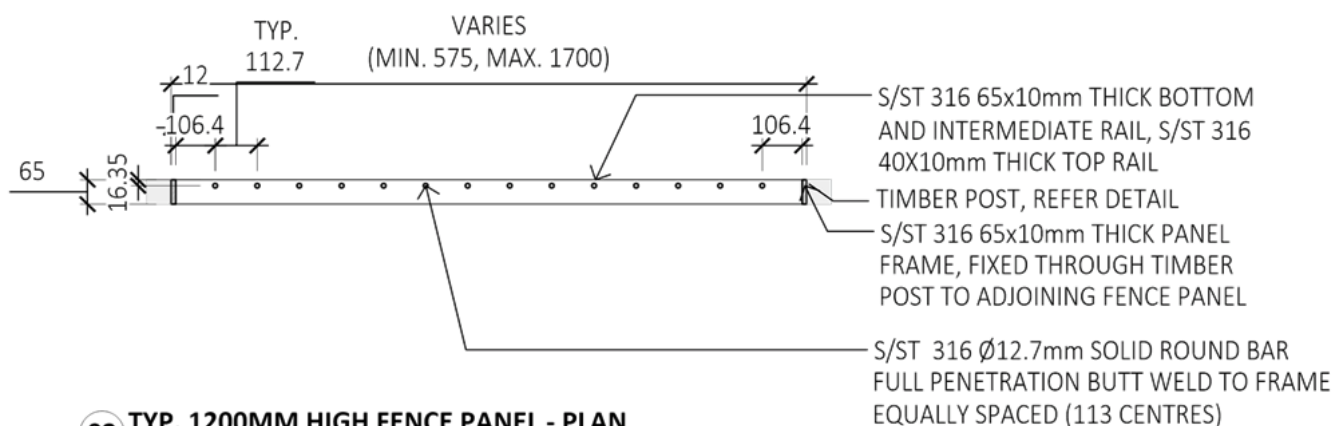


Coastal Fence 1,800mm high

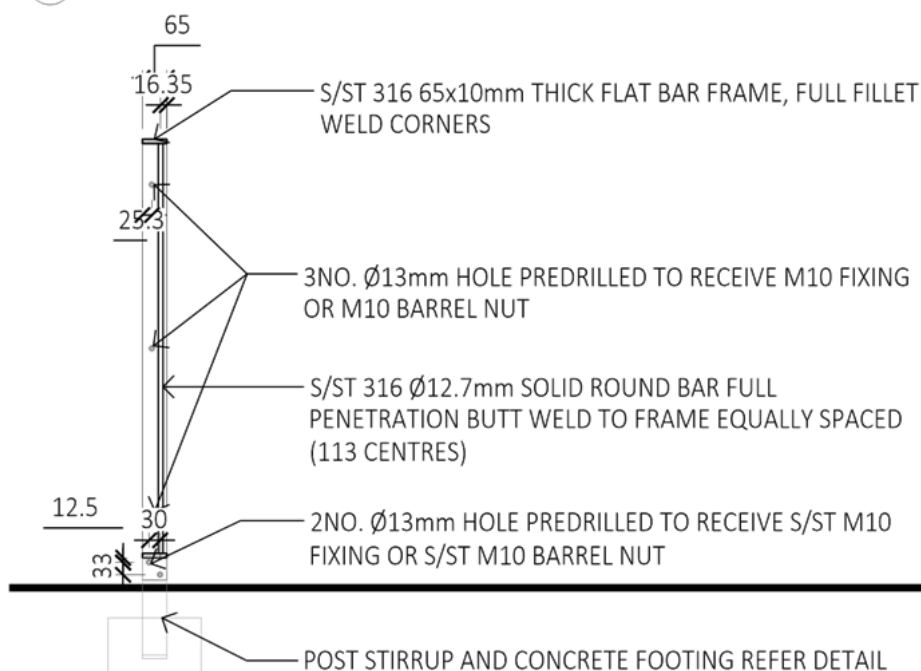
## Fences and Barriers **Coastal Fence**



**01 TYP. 1200MM HIGH FENCE PANEL**  
Scale 1:20 @ A4

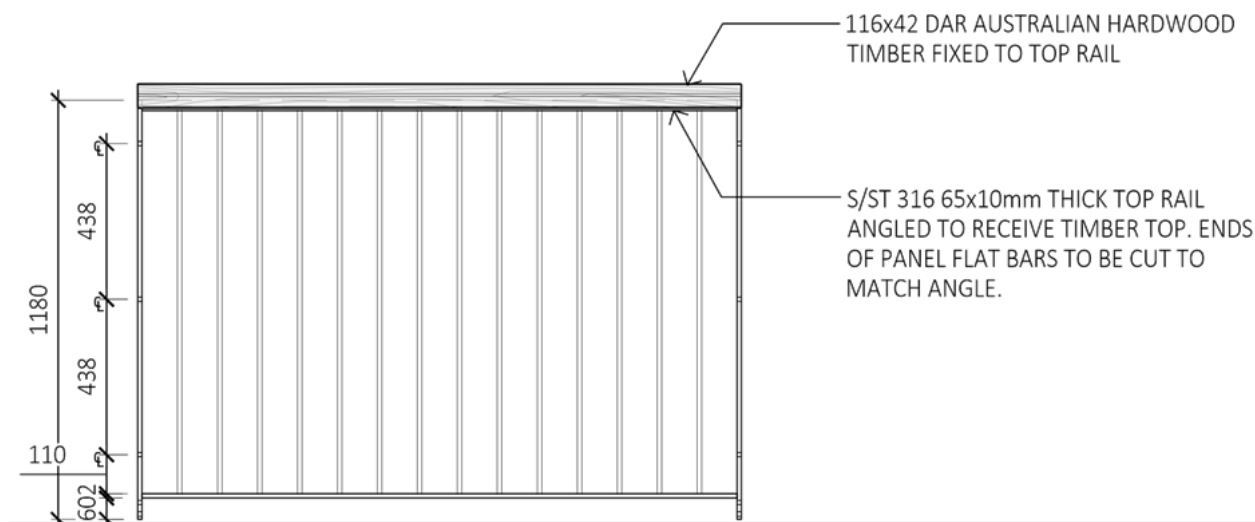


**02 TYP. 1200MM HIGH FENCE PANEL - PLAN**  
Scale 1:20 @ A4



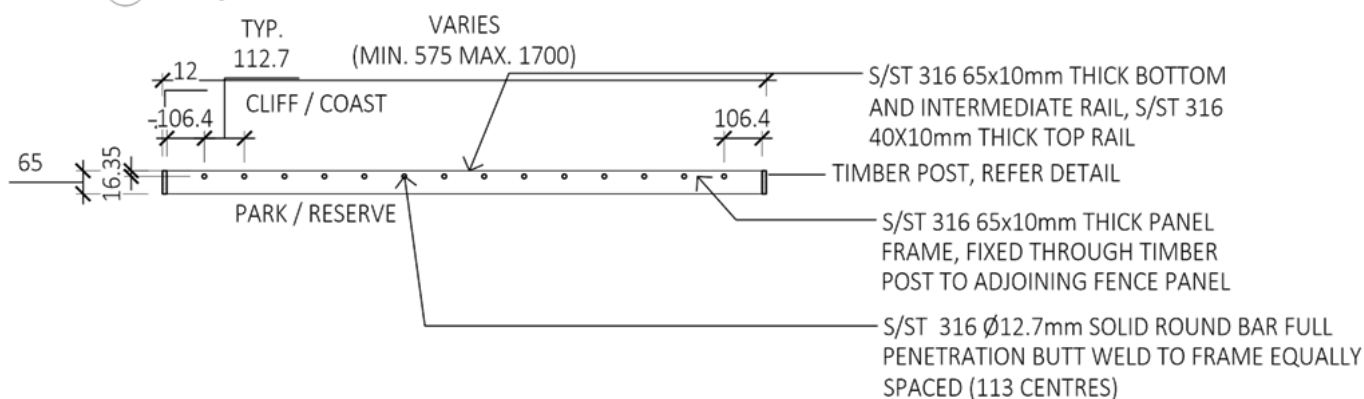
**01 TYPICAL 1200 HIGH FENCE PANEL**  
1:10





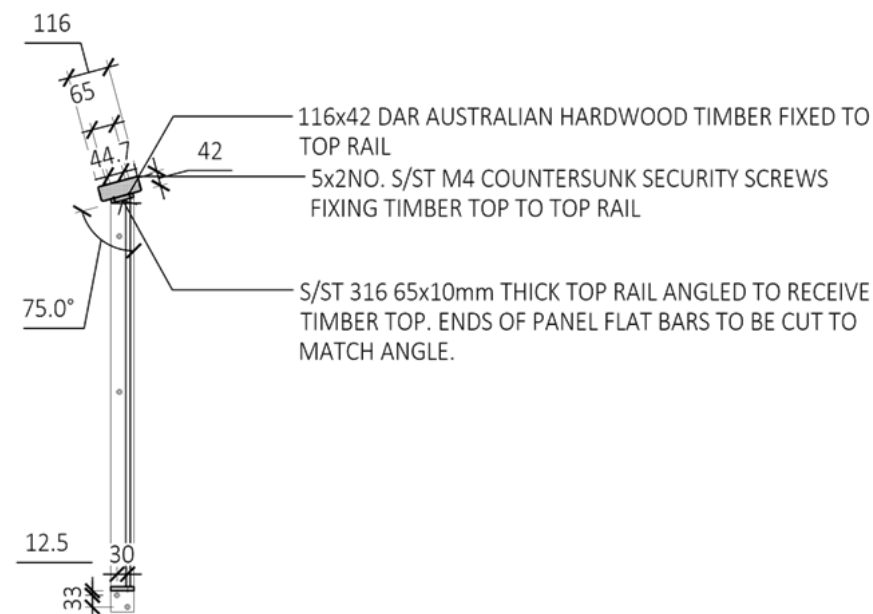
**01 TYP. 1200MM HIGH FENCE PANEL WITH TIMBER TOP**

Scale 1:20 @ A4



**02 TYP. 1200MM HIGH FENCE PANEL WITH TIMBER TOP - PLAN**

Scale 1:20 @ A4



## Fences and Barriers **Coastal Fence**



1:20



1.20

## REPORT CM/7.12/20.10



**Subject:** Ernie Page Memorial

**TRIM No:** A02/0276

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

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

### RECOMMENDATION:

That Council:

1. Posthumously recognises Ernie Page with a 'Best of the Best' award in 2021 to commemorate his contribution to Waverley Council as time served as elected Councillor, Mayor and member for the Waverley and Coogee electorates in the NSW Parliament.
2. Continues to commemorate eminent residents through the 'Best of the Best' awards within the established four-year program.

### 1. Executive Summary

This report explores options for a suitable memorial for the Honourable Ernie Page. The report also recommends that future recognition of eminent residents should continue through Council's established 'Best of the Best' awards.

### 2. Introduction/Background

Ernie Page devoted his life to public service. Elected as a Waverley Councillor in December 1962 at age 27 he served Waverley Council from 1962 until 1987. Ernie Page became Mayor of Waverley Council in 1966 to 1984 then continued variously as a Councillor and Mayor until 1987. In 1981 he succeeded Syd Einfield as the member for Waverley in the NSW Parliament. Following the abolition of the seat of Waverley in 1990, he became the member for Coogee. From 1995 to 1999, he was Minister for Local Government.

Ernie retired as the member for Coogee in 2003. Council held a civic function at the Bondi Pavilion on his retirement to recognise his contribution to public life. In 2018, Ernie Page died following a battle with cancer. On the death of Ernie Page, Council resolved to identify a suitable memorial as well as a methodology for the future recognition of eminent residents.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee 9 October 2018	OC/5.2/18.10	That Council:  1. Maintains its position of declining donations for park benches and trees with associated memorials from individual community members.  2. Maintains its position of assessing offers of sponsorship

		<p>from community organisations and charities for public domain infrastructure based on their merit and a formal agreement.</p> <ol style="list-style-type: none"> <li>Notes the options available for memorials through the Ivy Leaf vine, scatter ash gardens and proposed memorial walk at Waverley Cemetery.</li> <li>Considers extending the Ivy Leaf memorial to South Head Cemetery.</li> <li>Officers identify areas for 'reflective spaces' in the design of Council's parks, reserves and other open spaces, and focus on reinforcing these spaces to allow for seating and reflection in a tranquil, passive space.</li> <li>Accepts donations to fund works within select 'reflective spaces' in the local government area, in accordance with the Sponsorship, Grants and Donations Policy.</li> <li>Updates its website with further information on memorials in Waverley (as outlined above).</li> <li>In accordance with the Sponsorship, Grants and Donations Policy, enters into a sponsorship agreement with Miranda Smidmore to pay tribute to her son Luke Smidmore in the form a timber seat with plaque in Bondi Park (south) in recognition of her donation to the Prince of Wales Hospital.</li> </ol>
Council 17 July 2018	CM/5.3/18.07	<p>That:</p> <ol style="list-style-type: none"> <li>Council identifies a suitable memorial for the Hon. Ernie Page.</li> <li>Council approaches Randwick Council to participate in honouring the memory of Ernie Page.</li> <li>A report come back to Council, which includes a methodology for the future recognition of eminent residents.</li> <li>Council notes that it will be receiving a report on commemorative tributes at a future Council meeting.</li> </ol>

#### 4. Discussion

In selecting a memorial for the late Ernie Page that reflects on his lifetimes work, an account is provided of key milestones and political achievements. Ernie Page was known for consistently standing up for disadvantaged and vulnerable communities in the local government sector, including childcare reforms to support working women and support for social housing.



Key milestones are noted on the following timeline:

- 1935. Born in Parramatta.
- Spent childhood years in Malabar attending the local Catholic school before moving on to St Joseph's at Hunter Hill.
- Graduated from the University of NSW with a B.Eng. and B.Comm degrees.
- 1954 to 1955. Military conscript.
- 1957 to 1981. Employed as a Professional Engineer in the electricity supply industry with the Sydney City Council.
- 1962 to 1987. Started elected public service when he was elected to Waverley Council.
- 1965 to 1967. Served as Mayor of Waverley.
- 1973 to 1974. Served as Mayor of Waverley
- 1978 to 1984. Served as Mayor of Waverley.
- 1981. Commenced service as the NSW member for Waverley, re-elected in 1984 and 1988.
- 1991 to 2003. Served as the NSW member for Coogee, re-elected in 1995.
- 1995 to 1999. Served as the minister for local government.
- 2003. Retired from State politics.
- 2006. Awarded the Medal of the Order of Australia (OAM) for his service to the NSW Parliament and to local government through Waverley Council.
- 2018. Lost his battle with cancer, survived by his wife Barbara, his five children and his 13 grandchildren (NSW Parliament, website, accessed Sept 2020).

With consideration to the many and various contributions of Ernie Page to the community, the following options to commemorate Ernie Page are detailed below:

### **Naming of a place**

The process for naming places is the responsibility of the NSW Governments Geographical Names Board (GNB). There are protocols around the naming of places; see the attached policy. The typical process of assigning a name to a place such as a park, train station or geographical feature, involves community consultation to demonstrate public support alongside a Council motion prior to an application being made to the GNB. The application would also need to demonstrate that an Aboriginal name were considered in naming the place. The GNB would then consider the application for approval. As Ernie Page has made a significant contribution to the local area and has passed away (naming of places to the living is discouraged), an application using his name generally complies with the GNB policy position.

If the naming of a place was preferred by Council, the question remains as to the most appropriate place to name in honour of Ernie Page. The Waverley local government area is well-established, with all reserves and places having existing names. The GNB is generally not in favour of renaming places with an established name. Because of the GNB place name protocols for renaming and because no connection to a specific place such as a park can be made with the achievements of Ernie Page, it is not recommended that a place be named after Ernie Page.

An alternative might be to name infrastructure such as buildings or sports facilities. The naming of these types of infrastructure is left to the discretion of Council as the GNB does not have responsibility for these assets. It might therefore be appropriate to name a building after Ernie Page. Fitting tributes might be places within the Waverley Library, or social housing.

### **Plaque**

Council currently holds a position not to install plaques on seats or within parks to commemorate individual community members. If a plaque were to be installed it might be more appropriate to reference alongside

the life achievements of Ernie Page such as at Waverley Library to commemorate his contribution to establishing Waverley's first library and his efforts in securing the site of our current library.

It should also be noted that Randwick Council has installed a plaque on a seat in Trenerry Reserve, which Ernie Page frequently visited.

### **Local Hero - Best of the Best Award recommendations**

Council currently has a program, the Best of the Best Award, for those who have made a significant and ongoing contribution to the Waverley community. This is Council's highest accolade and is given to important community members who have demonstrated excellence and commitment which exceed what we might consider 'ordinary' civic contribution. If awarded, an unveiling ceremony takes place with a plaque provided in the Bronte or Bondi beach promenade on the 'Recognising Our Community Leaders' walk.

Nominations for this award are given out on a four-year basis with the most recent being completed in 2019. Nominations are made to a panel who have an established judging criteria. The judging panel includes the Mayor and two nominated Councillors with recommendations endorsed by Council. Ernie Page's longstanding service and achievements would make him eligible for an award.

Council could resolve to posthumously recognise the late Ernie Page with a special Best of the Best award before the four-year term comes to pass in 2021, in recognition of Ernie Page's significant contribution to our local area. This award would be a once off allowance with the awards to resume as usual in 2023. As this award is promoted as Council's most eminent, and because it encompasses all of Ernie Page's achievements, it is recommended that a nomination for the 'Best of the Best' award be pursued.

## **5. Financial impact statement/Time frame/Consultation**

Each option for commemorating the late Ernie Page would have a financial impact, time frame or requirement for consultation.

### **Financial impact**

Each option involves the laying of a plaque or sign, the value would depend on the material used and where it was to be laid. A quarterly adjustment would be required to cover the cost, it is expected that if the 'Best of the Best' award was opted for, the cost would be in the order of \$5,000.

### **Time frame**

If Council resolves to nominate Ernie Page for the 'Best of the Best' award, a special award could be accommodated in 2021 with a small ceremony being organised when suitable with close family, Councillors and officers. Likewise, if a plaque were to be installed on a building or if a piece of infrastructure were to be renamed, Council could choose to hold a small ceremony within a similar time frame.

### **Consultation**

If Council resolved to do so, the 'Best of the Best' award or laying of a plaque would not require community consultation.

If Council were to resolve to name a place, the level of community consultation would need to be in line with Council's consultation policy and guidelines and would typically involve an ad in the local paper and on Council's website as well as a local letter box drop surrounding the place to be re-named. Application would need to be made to the GNB.

It should also be noted that Randwick Council were approached to see if they would like to contribute to a memorial of Ernie Page. In response we were informed that Randwick Council has paid tribute by holding a minute silence for Ernie Page at its meeting on 22 May 2018. Subsequently, Randwick Council waived fees for a commemorative plaque on a seat in Trenerry Reserve in Coogee for Ernie Page, where he would sit daily when exercising his beloved and loyal dog.

## **6. Conclusion**

Council's 'Best of the Best' award recognises those in our community who have made a significant contribution. The late Ernie Page would be eligible for such an award which would reflect his life's achievements. It is therefore recommended that Council nominates Ernie Page for the award and that a special award be provided in 2021.

## **7. Attachments**

1. Geographical Names Board - Naming a place [↓](#)



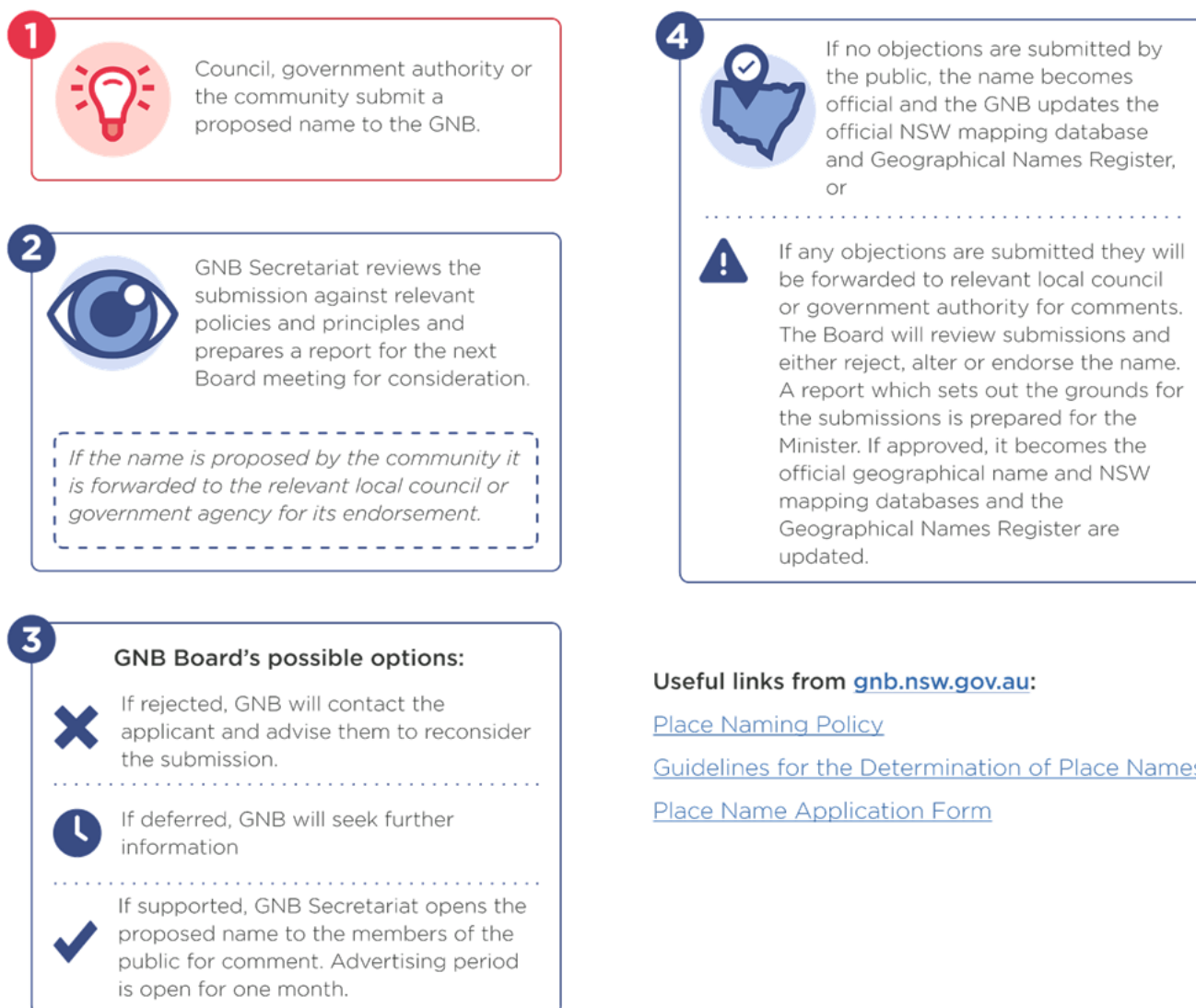
The Geographical Names Board of New South Wales (GNB) is the official body for naming and recording details of places and geographical names.

A place name is the most common way to identify your location or where you live. It connects people to a place. How we apply

names is important for many reasons including emergency services, economic development, preserving history and creating community.

Anyone who is interested in submitting an application to name a place should be aware of the GNB application process below.

## Naming a place (e.g. a park or railway station)



### Useful links from [gnb.nsw.gov.au](http://gnb.nsw.gov.au):

[Place Naming Policy](#)

[Guidelines for the Determination of Place Names](#)

[Place Name Application Form](#)



**REPORT**  
**CM/7.13/20.10**

**Subject:** Petition - Anglesea Street, Bondi - Resident Parking Scheme

**TRIM No:** A03/2581

**Author:** Natalie Kirkup, Governance Officer

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

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**RECOMMENDATION:**

That Council:

1. Refers the petition requesting a resident parking scheme in Anglesea Street, Bondi, to the Director, Community, Assets and Operations, for appropriate action.
2. Officers report back to Council on the action taken on the petition.

**1. Executive Summary**

Council has received a petition signed by 40 residents of Anglesea Street, Bondi, requesting the introduction of two-hour parking in Anglesea Street, Bondi, except for residents.

It is recommended that the petition be referred to the Director, Community, Assets and Operations, for appropriate action, and that a report comes back to Council on the outcome.

**2. Introduction/Background**

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, business people or in some other capacity. Petitions must concern matter that Council is authorised to determine.

**3. Relevant Council Resolutions**

Nil.

**4. Discussion**

The subject of the petition is:

*'Current unlimited parking in Anglesea Street [is] causing extreme difficulty for residents to find parking places.'*

The action requested is:

*'To implement two-hour parking in Anglesea Street except for residents.'*

**5. Financial impact statement/Time frame/Consultation**

There is no financial impact in Council receiving the petition.

**6. Conclusion**

It is recommended that the petition be forwarded to the Director, Community, Assets and Operations, for appropriate action and that a report comes back to Council on the outcome.

**7. Attachments**

Nil.

## NOTICE OF MOTION CM/8.1/20.10



**Subject:** Precinct Meetings by Video Conference

**TRIM No:** A04/0038

**Submitted by:** Councillor Wakefield

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### MOTION:

That Council:

1. Provides sufficient resources to allow Precincts to hold online meetings instead of, or in conjunction with, their regular periodic meetings until the end 2021.
2. Ensures that the resourcing enables up to three Precinct meetings to be held simultaneously.

### Background

Face-to-face Precinct meetings have been cancelled since March 2020 due to the COVID-19 restrictions. However, Precinct Committees have continued to represent the views of their community by embracing online platforms for Precinct Executive Committee meetings, for their Combined Precincts meetings and for their participation in project consultations held by Council. While this has been adequate during the pandemic period, Precincts are keen to resume face-to-face, public Precinct meetings, when Public Health Orders permit.

In August 2020, several Precincts have also commenced holding full public Precinct meetings via Zoom. At present, Council has one dedicated Zoom account for use by Precincts for their online meetings and consultations. There are 13 Precinct Committees, and as more Precincts host their public Precinct meetings via for example, Zoom, there may be evenings where there could be up to three Precinct meetings held on the same evening. To facilitate and support these Precinct activities, two more Zoom or equivalent accounts would be required, as multiple meetings cannot be hosted simultaneously on the same account.

To illustrate, the cost of one Zoom account is \$23.09 per month. The amount is paid month-to-month, and Council can opt out at any time, as it is not paid on a contractual basis.

### General Manager's comment

Since the introduction of the COVID-19 restrictions in March 2020, face-to-face Precinct meetings have been cancelled. As an interim measure, Precincts have embraced online platforms such as Zoom to conduct their:

- Precinct Executive Committee meetings.
- Combined Precincts meetings.
- To participate in many project consultations held by Council.

At the Combined Precincts meeting held in July and September 2020, the Precincts discussed options for safely resuming full, public Precinct meetings and agreed to try to resume via Zoom. This involves issuing a

meeting flyer to every household within the respective Precinct with details on how to register to receive the Precinct meeting Zoom link (two Precincts have to date successfully hosted this meeting style in August and September). Precincts also discussed and agreed to the option of holding hybrid Precinct meetings where some participants (including the Convenor) could attend physically and safely socially distanced in the meeting venue, while the meeting would also be streamed on Zoom so other interested residents could join online and participate accordingly. To date, no hybrid Precinct meetings have been held.

Currently, there is one Zoom account allocated to the Precincts at a cost of \$23.09 per month and this is paid on a month-to-month basis. As more Precincts hold their public Precinct meetings via Zoom, two additional Zoom accounts will be necessary to cover evenings where there could be up to three Precinct meetings held simultaneously. The cost of two additional Zoom accounts for a 12-month period is \$554.16. These funds can be found within existing budgets.

In the event Precincts commence holding hybrid Precinct meetings, they will also require access to a laptop (with internet access, microphone and a camera). The costs of purchasing two laptops for use at a hybrid Precinct meeting is \$1,475 (excluding GST) for each laptop. The total for two laptops is \$2,950 (excluding GST). These funds can be found within existing budgets.

**John Clark**

**Director, Customer Service and Organisation Improvement**



## NOTICE OF MOTION CM/8.2/20.10



**Subject:** Petition - Chaleyer Street, Rose Bay - Safety and Amenity

**TRIM No:** A03/0528

**Submitted by:** Councillor Lewis

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### MOTION:

That Council:

1. Accepts the petition presented by the residents of Chaleyer Street, Rose Bay, tabled at the meeting.
2. Prepares a report for Council identifying options to improve residents' amenity and relieve congestion in Chaleyer Street, including but not limited to:
  - (a) Widening the road for parking between driveways, without interfering with the depth of existing driveways.
  - (b) Constructing semi-recessed parking bays that do not interfere with driveways.
  - (c) Installing passing bays without reducing current parking.
  - (d) Limiting the size of commercial vehicles that can access the street.
  - (e) Installing traffic calming measures.
  - (f) Improving the ingress and egress to the street at the corners of Old South Head Road to the west and Hardy Street to the east.
  - (g) Reducing the speed limit to 40 km/h.
3. In the preparation of the report, consults the residents of Chaleyer Street and the Rose Bay and Dover Heights Precinct Committees.

### Background

Chaleyer Street, Rose Bay, runs approximately east-west from Hardy Street to Old South head Road. The street is narrow, providing for two-way traffic with parking on both sides.

A significant portion of the street zoned R3 (medium density residential). The street has experienced significant development over the last 30 years.

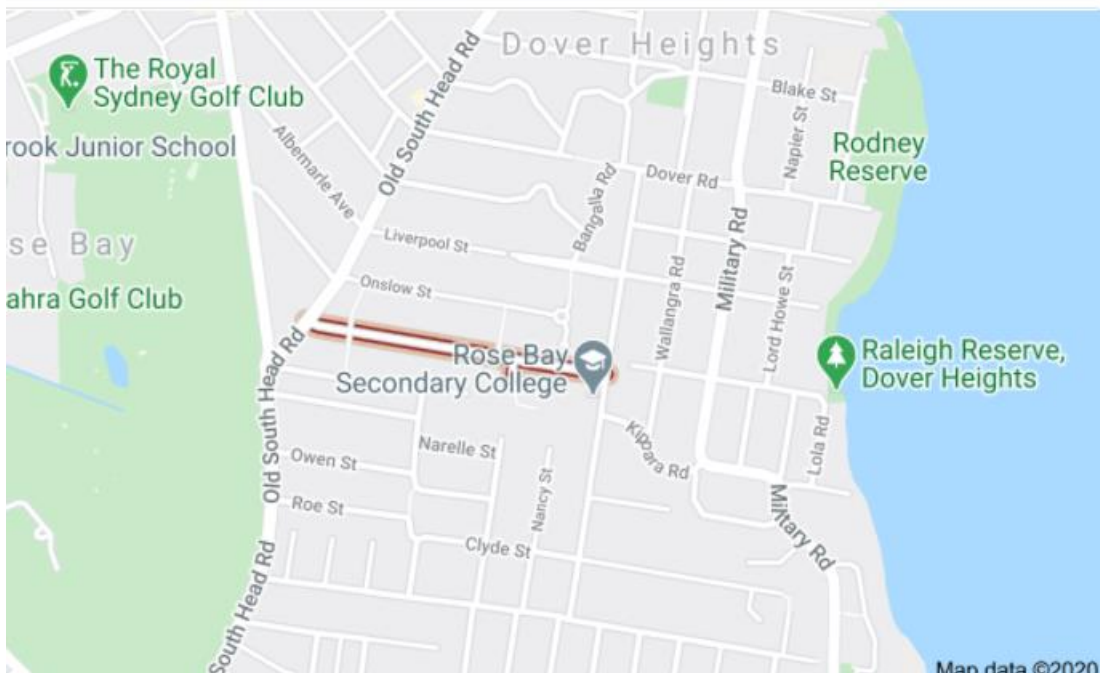
Unusually for this part of the local government area, Chaleyer Street has, in parts, wide nature strips.

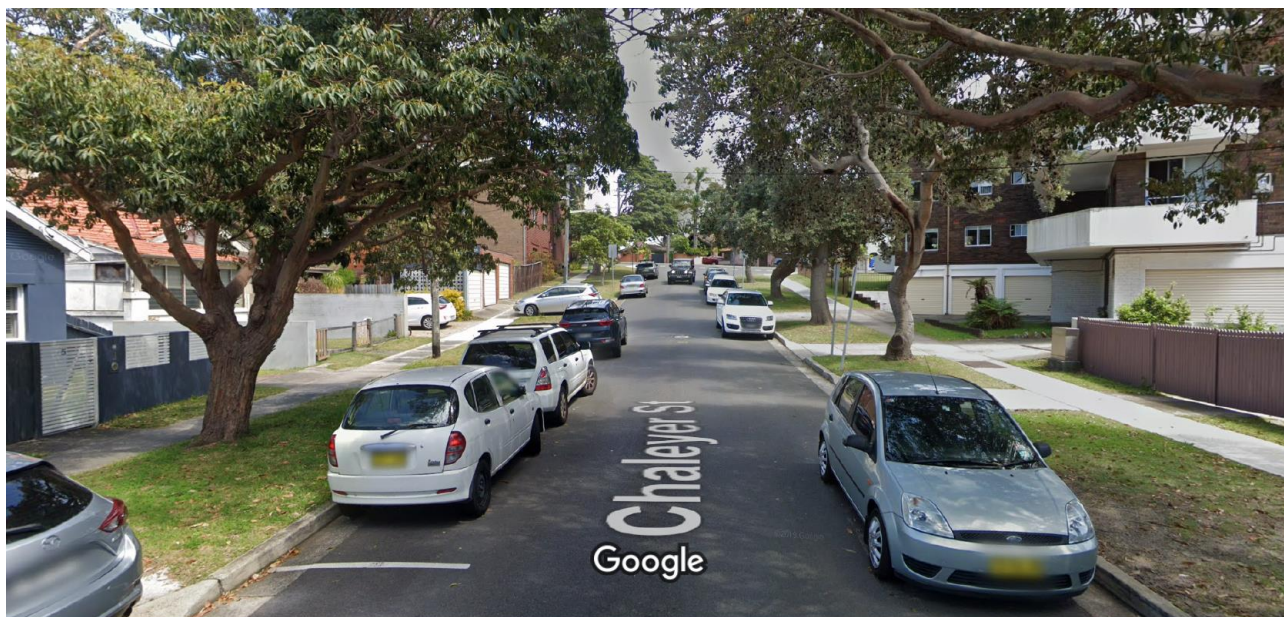
Chaleyer Street experiences high level of through traffic, as it is used as a direct route between Rose Bay Secondary College and Old South Head Road.

Residents and regular users of the street have complained for many years about safety, congestion and amenity issues related to this street, which is within the Rose Bay Secondary School Zone.

Residents of Chaleyer Street have suffered considerable and repeated damage to their vehicles parked in the street from passing traffic and have voiced their concerns about safety related to vehicles travelling at high speed.

The street is used by large vehicles which has caused damage to vehicles and curbing as a result of the street's narrowness.



**General Manager's comment**

If so resolved, the matter will be referred to the Traffic and Transport Team for investigation and a report.

The investigation of improvements to Chaleyer Street would include vehicle volume and speed counts, type of vehicles using the street, vehicle occupancy rates, etc. Also, a topographic survey of the street would need to be undertaken, which would include its intersection with Hardy Street and Old South Head Road, and location of driveways, street trees, electricity poles and service pits.

A draft design would then be prepared for Waverley Traffic Committee endorsement and Council approval before seeking community feedback. The design would be modified based upon the feedback and a final design submitted for approval.

Chaleyer Street is over 600 metres long and the cost for the investigation, report and surveys would be approximately \$20,000. Also, funding to implement the capital street improvements would be over \$150,000 depending on the number speed reduction devices and widening treatments. No funding is currently available.

**Emily Scott**

**Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.3/20.10



**Subject:** Bondi Pavilion Amphitheatre and Northern Courtyard Landscaping

**TRIM No:** A15/0272

**Submitted by:** Councillor Wy Kanak  
Councillor Keenan

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### MOTION:

That:

1. Council investigates the feasibility of modifications to the landscape plan for the Bondi Pavilion Courtyard as follows:
  - (a) The incorporation of a grassed area and deep plantings/shade trees/or alternative soft surfaces into the landscape plan for the northern courtyard of the Bondi Pavilion with a view to determining or providing advice on:
    - (i) The desirability of such modification.
    - (ii) The likelihood of planning and heritage approval for such a modification.
    - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration timeline.
    - (iv) Costings for this additional work and impact on the existing project budget.
    - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or whether it would need to be approached as a separate project.
  - (b) The incorporation of a heritage sympathetic amphitheatre landscape feature within the courtyard of the Bondi Pavilion with a view to determining or providing advice on:
    - (i) Whether a heritage sympathetic design which can be included as a landscape feature can be provided.
    - (ii) The likelihood of planning and heritage approval for such a modification.
    - (iii) Implementation timelines for additional works to give effect to such a modification and the potential impact if any on the current Bondi Pavilion restoration project timeline.
    - (iv) Costings for this additional work and impact on the existing project budget.
    - (v) Approval process, length of time for approval and whether this can be done in parallel to the existing building program without delaying the current timeline and budget or



whether it would need to be approached as a separate project.

2. A report be prepared for Council on the results of these investigations.
3. The proposed modifications be considered on the basis that they do not delay the existing restoration timeline and building schedule. If these additions impact the building schedule, then they are to be considered for implementation only after the completion of the Bondi Pavilion Restoration project.

## **Background**

The Bondi Pavilion Amphitheatre has been a well-used feature which has been home to many events including the high profile Flickerfest which has been operating out of the Amphitheatre for almost 25 years. There have also been ongoing representations from many different stakeholders about the ongoing need for an amphitheatre in the Bondi Pavilion which could host a large range of cultural and music events. A number of submissions have suggested the amphitheatre could be incorporated as a landscape item.

The Office of Heritage and Environment regarded the recently demolished amphitheatre as an intrusive element in terms of the Bondi Pavilion's Heritage values item hence its removal from the restoration project. It is felt that it may be possible to design an amphitheatre that is a heritage sympathetic landscape feature, however this would need to be further investigated.

Recommendations from the then Bondi Pavilion Stakeholder Group included a proposal for the grassing of the northern courtyard rather than hard paving. However, although this recommendation was included in submissions, the Eastern Suburbs Planning Panel, which was the DA approval body, agreed to a design incorporating hard paving. A range of stakeholders continue to advocate for the replacement of paving with grass. This motion seeks to allow this proposal to be investigated and evaluated to determine whether it is desirable, and, if so, what the impact on the existing building schedule and budget would be. No change to current plans would occur without explicit Council approval.

## **General Manager's comment**

Regarding clause 1(a) on increasing the grassed area and inclusion of deep plantings, shade trees or alternative sort surfaces, this work, including planning, costings and program implications, can be considered by Council Officers and consultants.

It is noted that the planning process for the endorsement of the DA design included consideration of all submissions received as well as internal technical referrals. It is also noted that the Bondi Pavilion Stakeholder Committee submission on the DA requested no trees in the courtyard. This is not consistent with aspects of this motion.

Regarding clause 1 (b), the retention or development of an amphitheatre has been investigated previously. In September 2018 Council resolution CM/5.4/18.09 raised actions to be undertaken by Council officers in regard to the Bondi Pavilion Restoration and Conservation Project. In response to clause 2 of the resolution, Council commissioned a report based on:

- Retaining and renovating the amphitheatre in its current location.
- Building a new amphitheatre in the central courtyard possibly sunken and tiered, with a retractable floor at grade.
- Facilitating performances in the southern curtilage (Dolphin Courtyard) area.
- Facilitating performances in the western curtilage adjacent to the Gatehouse.

In response to this resolution, the following was reported to Council on 20 November 2018.

The Report was presented to the Bondi Pavilion Stakeholder Committee on Thursday 8 November. The Committee were presented with the report and then discussed the issues with attempting to retain the amphitheatre in its current location (based on heritage advice detailed below) as well as the alternative options that could be pursued to offset the loss of the amphitheatre in its current form. These discussions were inconclusive.

The Report refers to the Bondi Pavilion Conservation Management Plan (CMP) and the Bondi Park, Beach and Pavilion Plan of Management in addressing the amphitheatre in its current location.

The courtyard is graded as being of 'high' significance, whilst the amphitheatre is graded as being 'intrusive' in the CMP. The CMP contains policies aimed at conserving the heritage values of the Pavilion. With respect to the courtyard, the most relevant policies are as follows:

<b>Policy No.</b>	<b>Policy</b>
Policy 8	The focus of conservation management for the Bondi Pavilion should aim to achieve the objectives of the Bondi Pavilion Purpose Statement (Section 6.4) and the key ideas that form the basis of management included in the Bondi Park, Beach and Pavilion Plan of Management (2014).
Policy 36	Retain and conserve the original form and fabric of the courtyard spaces within the Bondi Pavilion complex. Any future development within these courtyards must respect and not obscure their original form and fabric.
Policy 49	Retain, conserve and enhance the spatial character and significant fabric of the Bondi Pavilion.
Policy 61	Remove those elements considered to be intrusive to the Bondi Pavilion's contribution to the place, which are identified in Section 5.5 of this CMP.
Policy 87	Upgrade and enhance entry to the Bondi Pavilion from the west.

Policy 8 of the CMP refers back to the Bondi Park, Beach and Pavilion Plan of Management which identifies the purpose of the building and how it should be achieved. The following section has been extracted from the Plan of Management (**the relevant items are in bold**):

Located in a unique setting, Bondi Pavilion overlooks spectacular Bondi Beach and is a much loved, heritage building. It has an important purpose:

- As a landmark building, contributing to the unique heritage character of Bondi;
- As the centre of community life, accommodating a vibrant mix of cultural, community and commercial use; and
- **Providing a grand entrance from the street to Bondi Beach.**

This purpose should be achieved by making sure the Pavilion is sensitively looked after and well used. As the centrepiece it should be:

- **Attractive and inviting with welcoming entrances front and rear, good internal signage and tourism information that is accessible.**
- **A lively, active hub with beautiful courtyards for shade and shelter, spaces for performances, a well-designed and engaging foyer with activities throughout that entertain.**
- **Delivering a vibrant cultural and community life including interesting theatre, cultural happenings, great cafes and appropriately located programs.**
- Well maintained, clean and functional with improved spaces for hire and good amenities to service people visiting the building, Park or Beach.
- Environmentally efficient, as much as possible.
- Financially sustainable so that it can meet community expectations, providing a good balance of community and commercial activities.

*The basis for management of the place is embodied in seven key ideas, which were formulated in consultation with the community. The key ideas aim to:*

- 1. Reinforce Bondi's unique character.*
- 2. Increase green space and improve parking.**
- 3. Restore the connection from street to sand.**
- 4. Restore the Pavilion as gateway to the beach.*
- 5. Create new facilities and shade.*
- 6. Provide places for play and respite.**
- 7. Respect Bondi's heritage.**

*Outlined below is a summary of each option explored in the Report.*

**Option one – retaining and renovating the amphitheatre in its current location.**

*The Report found that although this cost effective, the negative outcomes would be:*

- Blocking pedestrian throughway between Gatehouse and Pavilion.*
- Sightlines worse than existing poor status.*
- No flexible seating arrangement.*
- Preventing bigger events and concerts connecting eastern and western courtyards.*
- Maintaining 'status quo' of courtyards underutilised non flexible spaces.*

*Cost: \$136,000*

*Officer recommendation is to not proceed with this option. As outlined in the Report, this option has negative heritage impacts. The Conservation Management Plan identifies the amphitheatre as intrusive and recommends the removal of intrusive elements. The Heritage Office has advised that any DA submission must comply with the CMP, key to this is removal of intrusive elements.*

**Option 2 – new tiered amphitheatre with retractable floor**

*The Report finds this option allows for:*

- Good sight lines*
- Improved pedestrian throughway and levelled access to the Pavilion*
- Flexibility in seating numbers*
- Quick setting up of seating*
- New functions within courtyards.*

*Cost: \$ 6,711,500 (excl GST)*

*The negative project impacts of this option is the cost. When considering this cost against the actual use of the amphitheatre in its current form, a total of 19 days annually, it is not recommended to proceed.*

**Option 2a – temporary demountable seating structure**

*Although this was outside the scope of the report, it provides an additional option for the space. The Report finds this option allows for:*

- Good sight lines.*
- Flexibility in seating numbers.*
- Quick setting up of seating.*
- New functions within courtyards.*

*Cost: variable pending on seat numbers: \$ 371,100 (excl GST) to purchase, or \$60/seat per week for rental (\$25,000 per week for rental).*

*The option could be rented as required, or purchased by Council. The purchase of the structure would require external storage.*

***Performances in curtilage area***

*The Report addresses the options available to Council for performance areas in the curtilage area. Option C, a stage structure on the southern side of the Pavilion could potentially be added to the scope to be built as a permanent structure. All other stage areas would be temporary structures, but show opportunities for event spaces.*

Council should consider whether it wishes to examine this matter further. It should be noted that we are now aware that there is contaminated material below the previous amphitheatre, so the estimated costs for a new tiered amphitheatre with retractable floor would increase from \$6.7 million. This could be quantified further should Council agree to proceed with further investigation.

**Emily Scott**

**Director, Community, Assets and Operations**



## NOTICE OF MOTION CM/8.4/20.10



**Subject:** Food Scraps in Green Bins

**TRIM No:** A03/0160

**Submitted by:** Councillor Keenan  
Councillor Copeland

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### MOTION:

That Council:

1. Permits residents to include vegetable matter in the current green bin garden organics collection.
2. Promotes this service to the local residents.

### Background

Food waste makes up a major proportion of waste going to landfill. While home composting is an ideal solution for this and should continue to be supported and promoted this option is not possible for many residents. While essentially all food waste can be potentially composted, vegetable scraps are the same materials as garden waste so this should not result in a change of content to the bins or arrangements.

Neighbouring Councils are actively progressing to reduce food waste going to landfill with Randwick City Council introducing a food waste collection available for all residents in 2021, while Woollahra Council currently permits residents to put all of their food scraps in to their green bin collection, including cereals, meat and other leftovers. Both Councils support their residents to put any food types out for collection. See <[woollahra.nsw.gov.au/services/rubbish\\_and\\_recycling/organics\\_collection](http://woollahra.nsw.gov.au/services/rubbish_and_recycling/organics_collection)>.

The Woollahra green bin collection, which is weekly, allows the following food scraps to be placed in the green garden bin:

- Fruit and vegetable peels and scraps.
- Meat and fish scraps and bones.
- Egg shells.
- Dairy products (cheese, yoghurt etc).
- Bread, pasta, rice, cereal.
- Tea bags and coffee grounds.
- Out of date food (processed or fresh).
- Confectionary.
- Processed food.

Waverley Council currently utilises the same red and green bin contract as Woollahra. For a number of years, the food waste in the red bin has not been able to be extracted and composted due to contamination and EPA regulations. See <[waverley.nsw.gov.au/residents/waste\\_and\\_recycling/where\\_your\\_waste\\_goes](http://waverley.nsw.gov.au/residents/waste_and_recycling/where_your_waste_goes)>.

It would be smart to enable residents to separate food waste such as vegetable matter before it goes in the red bin and use the existing green bin.

This motion proposes a simple update that vegetable matter be permitted which are the same material as waste from a vegetable garden or garden. In the future additional food waste could be included if this initial addition is successful.

See also <[epa.nsw.gov.au/your-environment/recycling-and-reuse/20-year-waste-strategy-for-nsw](http://epa.nsw.gov.au/your-environment/recycling-and-reuse/20-year-waste-strategy-for-nsw)>.

**General Manager's comment**

Council's current contractual arrangement does not permit the use of the green bin for food waste/vegetable matter. Council would be unable to give effect to a resolution of this nature.

However, should Council wish to consider a proposal of this nature (i.e. food waste collection), it could consider an alternative form of wording as follows:

*That Council:*

- 1. Investigates an optimal solution to collect vegetable matter from households in Waverley.*
- 2. Identifies optimal services for all other waste and recycling streams, to provide an easy-to-use and a cost-effective service that will deliver the best resource recovery rates for Waverley.*

Should Council wish to resolve in this manner, staff will be happy to provide information on options.

**Emily Scott**

**Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.5/20.10



**Subject:** Notts Avenue Streetscape Upgrade - Design Threat Assessment

**TRIM No:** A02/0421

**Submitted by:** Councillor Betts  
Councillor Goltsman

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### MOTION:

That Council:

1. Notes that Council officers are working with consultants Risk Group to finalise the Security Masterplan for future Council consideration.
2. Notes that the Security Masterplan will provide a consistent framework and internal process for effective risk planning and embedding design risk assessments into all future projects.
3. Notes that, while pedestrian safety has underpinned the Notts Avenue streetscape upgrade design incorporating a shared zone, a design threat assessment has not been completed.
4. Officers request the consultants to expedite the design threat assessment on the Notts Avenue streetscape upgrade design and urgently report back to Council on any design amendments that would be required to further enhance pedestrian safety, particularly in regard to Hostile Vehicle Mitigation.

### Background

The Security Masterplan is currently being finalised through the engagement of technical consultant, Risk Group, and is due to be submitted to Council for consideration in the coming months. The Masterplan will establish a whole-of-Council approach to security and managing threats in public places. It will also provide a consistent framework and internal process for effective risk planning and embedding design risk assessments into all future projects.

The Notts Avenue shared zone project was unanimously endorsed by Council in February 2020. The Notts Avenue project (10 km/h speed limit shared zone project) has been developed in accordance with the Roads and Maritime Services (RMS)/Transport for NSW (TfNSW) guidelines for shared zones. Security has been considered through the design process with all major points of gathering along Notts Avenue being reinforced to protect pedestrians.

However, as the name suggests, the RMS/TfNSW guidelines for shared zones do not allow for any separation of vehicles and pedestrians. Rather, they focus on sharing the space. It is fair to say that there is an inherent tension between the shared zone guidelines of the RMS/TfNSW and Hostile Vehicle Mitigation approaches.

Now that the Security Masterplan is nearing completion, it is important to apply this framework to undertake design threat assessments commensurate with the level of risk associated with the project.

Due to the proximity of Notts Avenue to Bondi Beach and the coastal walk, this motion seeks to expedite the design threat assessment within the existing design and identify any additional changes that should be incorporated into the streetscape to further protect pedestrians as soon as possible.

Although it is hoped that these changes can be integrated into the current project, it would be up to Council when considering recommendations in the report to determine the urgency and scheduling of the work, especially as the summer holiday period approaches.

**General Manager's comment**

Given the significance of the Notts Avenue Streetscape Upgrade project and the proximity to the Bondi Beach area, officers support the completion of a design risk assessment to further strengthen pedestrian safety measures. A design risk assessment can be completed relatively quickly, within existing project budgets, with a report back to come back to Council in November 2020.

**Emily Scott**

**Director, Community, Assets and Operations**



## NOTICE OF MOTION CM/8.6/20.10



**Subject:** Development Application at 79-103 Wellington Street,  
Bondi Beach - Public Submissions

**TRIM No:** DA-268/2020

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That Council notes the following key issues raised in public submissions in relation to DA-268/2020 at 79-103 Wellington Street, Bondi:

1. The increase in density of the development arising from the demolition of buildings on 11 properties and the construction of 71 dwellings.
2. The loss of existing open space that currently forms part of the subject properties.
3. The accumulated traffic impacts directly on this neighbourhood and on the wider Bondi/Waverley area, especially considering the recently approved development at 107 Wellington Street, Bondi, currently under construction.

### Background

Community members have made representations that they are mostly unaware of this development application so far.

Residents are effectively referring to this DA as 'the largest development seen in Bondi in their lifetime'.

Its length is approximately 130 metres, takes over 11 residences and eats into all open space currently running behind all these buildings.

Representations say:

'It creates a dangerous precedent for the Waverley area as it allows a large-scale development with no thought for the village atmosphere that we residents love and fight for.

All this in a small back street not designed for large scale traffic.

Waverley Council should stand united against this sort of greedy over-bearing large scale development, which attempts to cram as many people as is possible into an area solely to make a buck at the expense of the Waverley community. In this instance state planning controls must not take precedence over our local council and its residents'.

**General Manager's comment**

A DA was lodged on 25 August 2020 for the demolition of all structures on 11 adjacent properties in Wellington Street and the construction of two four-storey residential flat buildings containing 71 apartments, including 38 affordable housing units and two-level basement parking.

The application has been exhibited in accordance with the requirements of Council's Development Control Plan as follows:

- 350 letters were sent out to neighbouring and nearby properties and this included a wide area. The notification period was for 21 days (4–25 September).
- Notwithstanding this 21-day period, it is normal practice that submissions received after this period (but before the assessment report is undertaken) are considered.
- A site notice was erected outside every second property (six site notices in total).
- Advertising in the local paper is not prescribed under the Council's notification policy.
- Council has received in excess of 70 submissions so far.

The issues raised in the notice of motion and in the public submissions will all be considered by the Development Assessment department in their assessment of the application and their recommendation to a future meeting of the Waverley Local Planning Panel, which will determine the DA.

**Peter Monks**

**Director, Planning, Environment and Regulatory**

## NOTICE OF MOTION CM/8.7/20.10



**Subject:** David Gulpilil and Bondi Pavilion

**TRIM No:** A15/0272

**Submitted by:** Councillor Wy Kanak

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### MOTION:

That the Mayor and Council's Reconciliation Action Plan Champion, Cr Dominic Wy Kanak, with respect and observance of cultural protocols, writes to Mr David Gulpilil and/or his family contact:

1. Wishing him well in healing from his reported cancer.
2. Thanking/honouring Mr Gulpilil for sharing his cultural performance and acting skills with the international community, and specifically thanking him for his participation and cultural dancing contribution to the local community opening night of the Bondi Pavilion Community Cultural Centre Theatre before the then Prime Minister Gough Whitlam and the Prime Minister's wife, Margaret Whitlam.
3. Seeking Mr Gulpilil's and/or his family contact's permission to deal with and prominently display photos featuring Mr Gulpilil's images from that opening night in the fittings for the completed 'makeover' renovation of the Bondi Community Cultural Centre.
4. Informing Mr Gulpilil and/or his family contact that his images and photos of participation in the opening of the Bondi Pavilion Community Cultural Centre Theatre are part of the valued heritage of Bondi and our Waverley community.

### Background

Mr David Gulpilil is reported to be convalescing with a medical condition in his retirement from acting and involvement in a more public life. Our community has been fortunate enough to have had Mr Gulpilil's cultural presence and performance contribute to the opening of the Bondi Pavilion Community Cultural Centre Theatre. Photos/images with respect and cultural protocol and permission from Mr Gulpilil or his family contact can be sought to be prominently displayed as part of the heritage of what some community members referred to as our 'town hall' during the 'makeover not a takeover' community campaign to avert what was seen as a move towards the overcommercialisation of the Bondi Pavilion Community Cultural Centre space.

### General Manager's comment

If supported by Council, officers could investigate the inclusion of such a cultural tribute to Mr David Gulpilil into the development and programming of the Bondi Story Room, a space dedicated to telling the important cultural history of Bondi and the Pavilion.

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

**URGENT BUSINESS**  
**CM/10/20.10****W A V E R L E Y**  
COUNCIL**Subject:** Urgent Business**Author:** Ross McLeod, General Manager

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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/11/20.10**

**Subject:** Moving into Closed Session

**Author:** Ross McLeod, General Manager

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**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/11.1/20.10 CONFIDENTIAL REPORT - Sculpture by the Sea 2020

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) (d)(ii) (d)(iii) 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 commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of Council; and reveal a trade secret.

CM/11.2/20.10 CONFIDENTIAL REPORT - Alexandria Integrated Facility and 48A Burrows Road, Alexandria - Lease with Ausgrid

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.

CM/11.3/20.10 CONFIDENTIAL REPORT - General Manager's Annual Performance Review - Report of the Performance Review Committee

This matter is considered to be confidential in accordance with section 10A(2)(a) 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 personnel matters concerning a particular individual (other than a councillor).

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/12/20.10**

**Subject:** Resuming in Open Session  
**Author:** Ross McLeod, General Manager



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 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.