



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

OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING

A meeting of the OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held by video conference/at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 3 NOVEMBER 2020

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

Ross McLeod
General Manager

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

Delegations of the Waverley Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Waverley Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

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 Chair will 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

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

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6. Urgent Business

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CONFIRMATION OF MINUTES OC/4.1/20.11



Subject: Confirmation of Minutes - Operations and Community Services Committee Meeting - 1 September 2020

TRIM No: SF20/43

Author: Al Johnston, Governance Officer

RECOMMENDATION:

That the minutes of the Operations and Community Services Committee Meeting held on 1 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 Operations and Community Services Committee meeting must be submitted to Operations and Community Services Committee for confirmation, in accordance with clause 20.23 of the Waverley Code of Meeting Practice.

The Operations and Community Services Committee did not meet in October. Accordingly, the minutes of the September meeting are submitted to this meeting for confirmation.

Attachments

1. Operations and Community Services Committee Meeting Minutes - 1 September 2020



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 1 SEPTEMBER 2020**

Present:

Councillor George Copeland (Chair)	Waverley Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Steven Lewis	Hunter Ward
Councillor Will Nemes	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
Al Johnston	Acting Manager, Governance

At the commencement of proceedings at 7.04 pm, those present were as listed above, with the exception of Cr Betts, who arrived at 7.06 pm, and Cr Burrill, who arrived at 7.07 pm.

At 8.16 pm, Cr Masselos left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair 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 none were received.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

OC/4.1/20.09 Confirmation of Minutes - Operations and Community Services Committee Meeting - 7 July 2020 (SF20/43)

MOTION / DECISION

Mover: Cr Copeland
Seconder: Cr Lewis

That the minutes of the Operations and Community Services Committee Meeting held on 7 July 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

OC/5.1/20.09 Bondi Rescue - Proposal for Future Seasons (A20/0420)

MOTION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council:

1. Agrees in principle to the request from Cordell Jigsaw Zapruder (CJZ) to film Season 16 of Bondi Rescue during the 2020–21 summer season.
2. Subject to finalisation of the agreement between CJZ and Council's lifeguards for an additional payment to Council's lifeguards for promotional services, authorises the General Manager to negotiate and enter into a contract on behalf of Council with CJZ for the filming of Season 16 of Bondi Rescue on the following terms:
 - (a) CJZ will pay Council a minimum fee of \$115,000 plus 5% of net profits for the series (Season 16).
 - (b) Filming will last for a total of 10 weeks between 1 December and 30 April, with an option to allow ad hoc filming of additional lifeguard-related events by written agreement.
 - (c) Options for Seasons 17 (2021-22) and 18 (2022-23) to be included in the agreement.
3. Applies income from the contract arrangement to activities that broadly improve public safety, lifeguard services or risk management in relation to Waverley's beaches and coastal parks.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That Council:

1. Agrees in principle to the request from Cordell Jigsaw Zapruder (CJZ) to film Season 16 of Bondi Rescue during the 2020–21 summer season.
2. Subject to finalisation of the agreement between CJZ and Council's lifeguards for an additional payment to Council's lifeguards for promotional services, authorises the General Manager to negotiate and enter into a contract on behalf of Council with CJZ for the filming of Season 16 of Bondi Rescue on the following terms:
 - (a) CJZ will pay Council a minimum fee of \$115,000 plus 5% of net profits for the series (Season 16).
 - (b) Filming will last for a total of 10 weeks between 1 December and 30 April, with an option to allow ad hoc filming of additional lifeguard-related events by written agreement.
 - (c) Options for Seasons 17 (2021-22) and 18 (2022-23) to be included in the agreement.
3. Applies income from the contract arrangement to activities that broadly improve public safety, lifeguard services or risk management in relation to Waverley's beaches and coastal parks.

- Notes that the new agreement between CJZ and Council will include contractual arrangements about limited and identified filming at Tamarama and Bronte beaches.

OC/5.2/20.09 Bondi Pavilion Ceramic Wall Tile Artwork - Deaccession (A15/0272)**MOTION / DECISION**

Mover: Cr Wakefield
Seconder: Cr Keenan

That Council:

- Adopts the recommendation of the Waverley Public Art Committee that the two tiled ceramic wall artworks contained in the North and South foyer walls of the Bondi Pavilion be deaccessioned.
- Notes the deaccession is compliant with the Waverley Art Collection Acquisition and Deaccessioning Guidelines.
- Authorises staff to notify both the original artists who created the work of the deaccession and the builders to initiate the process of the works removal, as outlined in the report.

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

OC/5.3/20.09 North Bondi Kids Pool Artwork - Commissioning Process (A18/0752)**MOTION**

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council endorses the open market 'submission of interest' process for the commissioning of the North Bondi Kids Pool Wall Artwork, as detailed in this report, with an additional call to the First Nations community asserting a current connection to country to propose artwork for the North Bondi Kids Pool Wall symbolic of this contemporary connection.

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

That Council endorses the open market 'submission of interest' process for the commissioning of the North Bondi Kids Pool Wall Artwork, as detailed in this report. The process will include a call to the First Nations community asserting a current connection to country to propose artwork for the North Bondi Kids Pool Wall symbolic of this contemporary connection.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Bets

That the Motion be amended to read as follows:

'That Council endorses the open market "submission of interest" process for the commissioning of the North Bondi Kids Pool Wall Artwork, as detailed in this report.'

THE AMENDMENT WAS PUT AND DECLARED LOST

Division**For the Amendment:** Crs Betts, Burrill, Kay, Goltsman and Nemesh.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE AND AMENDMENTS TO THE MOTION.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Endorses the open market 'submission of interest' process for the commissioning of the North Bondi Kids Pool Wall Artwork, as detailed in this report.
2. Includes in this process a call to the First Nations community who have a current connection to country to propose artwork for the North Bondi Kids Pool Wall symbolic of this contemporary connection.
3. Notes that the budget for this public artwork is \$300,000.

Division**For the Motion:** Crs Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak.**Against the Motion:** Cr Betts.**6. Urgent Business****OC/6.1/20.09 Coronavirus (COVID-19) (A20/0245)**

The Chair ruled that this matter was urgent.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council deals with this matter as an item of urgent business.

Division**For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Nemesh, O'Neill, Wakefield and Wy Kanak.**Against the Motion:** Cr Keenan.

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

MOTION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council:

1. Notes that Waverley has had both the largest number and the highest rate of COVID-19 infections in NSW.

2. Notes that at 2.57 per 1,000, Waverley has an infection rate more than three times the next highest being Sydney City.
3. Notes State Government public health orders relating to large public crowd gatherings have been withdrawn and that this inhibits Council's ability to limit crowds on its beaches
4. Calls on the State Government to provide more resources to educate, monitor and, if necessary, enforce COVID-related regulations.
5. Seeks legal advice assessing Council's powers under public health provisions of the *Local Government Act* to require staff in retail premises within its jurisdiction to wear coverings/face masks.
6. Calls on the State government to reinstate public gathering restrictions, with particular reference to beach and park visitation.
7. Approaches the Minister for Transport and Transport NSW to request a co-ordinated approach to buses entering Waverley during peak beach visitation times.
8. Requests the State Government protect the public-transport-using residents of Waverley by mandating all passengers and drivers on public buses and trains traversing the local government area of Waverley wear face coverings, making masks widely and freely available at public transport hubs.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1 AND 8.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION:

That Council:

1. Notes that, whilst Waverley has a low rate of cases currently, it has both the largest number and the highest rate of COVID-19 infections in NSW.
2. Notes that at 2.57 per 1,000, Waverley has an infection rate more than three times the next highest being Sydney City.
3. Notes State Government public health orders relating to large public crowd gatherings have been withdrawn and that this inhibits Council's ability to limit crowds on its beaches
4. Calls on the State Government to provide more resources to educate, monitor and, if necessary, enforce COVID-related regulations.
5. Seeks legal advice assessing Council's powers under public health provisions of the *Local Government Act* to require staff in retail premises within its jurisdiction to wear coverings/face masks.
6. Calls on the State government to reinstate public gathering restrictions, with particular reference to beach and park visitation.
7. Approaches the Minister for Transport and Transport NSW to request a co-ordinated approach to buses entering Waverley during peak beach visitation times.
8. Requests the State Government protect public transport users by mandating all passengers and drivers on public buses, trains and ferries wear face coverings, making masks widely and freely

available at public transport hubs.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Nemes, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Cr Keenan.

At 8.16 pm, during the consideration of this item, Cr Masselos left the meeting and did not return.

7. Meeting Closure

THE MEETING CLOSED AT 8.51 PM.

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SIGNED AND CONFIRMED
CHAIR
3 NOVEMBER 2020

REPORT
OC/5.1/20.11



Subject: Petition - Against Closure of Barracluff Avenue, Bondi Beach

TRIM No: A20/0334

Author: Al Johnston, Governance Officer

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

RECOMMENDATION:

That Council:

1. Refers the petition against the closure of Barracluff Avenue, Bondi Beach, 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 containing 222 signatures of residents in streets around Barracluff Avenue, Bondi Beach, opposing any closure of Barracluff Avenue.

It is recommended that the petition be forwarded to the Director, Community, Assets and Operations, for appropriate action and that a report come 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 matters that Council is authorised to determine.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 June 2020	CM/5.2.2/20.06(2)	<p>That Council further develops design options for Barracluff Avenue and undertakes community consultation with the residents of Barracluff Avenue and adjoining streets on the following two scenarios:</p> <ol style="list-style-type: none"> 1. Construction of pedestrian/traffic islands with associated line marking and signage at the intersections of Barracluff Avenue and Francis Street, and Barracluff Avenue and Lamrock Avenue, Bondi Beach, as shown in Drawing 9005 Issue A attached to this report. <p>Including the installation of kerb extensions in</p>

		<p>Barracluff Avenue on both sides of the road opposite:</p> <p>(a) 23 Barracluff Avenue and 25 Barracluff Avenue.</p> <p>(b) 5 Barracluff Avenue and 7 Barracluff Avenue.</p> <p>2. Construction of a road closure of Barracluff Avenue in the vicinity of 21 Barracluff Avenue.</p>
Council 19 November 2019	CM/8.10/19.11	<p>That Council:</p> <p>1. Notes resolution CM/5.2.1/19.07 – Barracluff Avenue, Bondi Beach – Pedestrian/Traffic Islands: ‘That Council defers this item for an investigation into the closure of Barracluff Avenue at the north end, south end or centre.’</p> <p>2. Prepares options for community consultation to:</p> <p>(a) Fully or partially close Barracluff Avenue with partial closure being for exit from Barracluff into Francis Street.</p> <p>(b) Install traffic calming devices on the corner of Barracluff and Lamrock Avenues and at other points along Barracluff as deemed appropriate</p> <p>3. Officers report back to Council prior to community consultation.</p>
Council 16 July 2019	CM/5.2.1/19.07	That Council defers this item for an investigation into the closure of Barracluff Avenue at the north end, south end or centre.’
Council 16 July 2019	CM/7.5/19.07	That Council refers the petition on converting Barracluff Avenue, Bondi Beach, into a cul-de-sac to the Executive Manager, Creating Waverley, for appropriate action.
Council 11 December 2018	CM/7.12/18.12	That Council refers the petition requesting traffic calming measures in Barracluff Avenue, Bondi Beach, to the Executive Manager, Creating Waverley for consideration.
Council 27 September 2018	CM/7.12/18.09	That the petition requesting the closure of Rickard Avenue at its intersection with Lamrock Avenue, and the installation of central refuges in Rickard Avenue at its intersection with Barracluff Avenue, be forwarded to the Executive Manager, Creating Waverley for appropriate action, including consideration of closure and/or traffic calming at the intersection of Barracluff Avenue.

Council 15 November 2016	CM/8.6/16.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that in 2006 plans were prepared for Barracluff and Rickard Avenues to reduce traffic speed and provide more parking (angle parking and refuges). Based on residents' responses the Waverley Traffic Committee determined to not implement these plans. 2. Notes that in April 2014 the Waverley Traffic Committee concluded that no action be taken on Barracluff Avenue traffic calming due to reported speed counts at the time. 3. Notes that an incident occurred in Barracluff Avenue on 22 October 2016. The Police are investigating the circumstances of the matter to determine its classification. 4. Notes that a speed counter has been installed around mid-block in Barracluff Avenue, near Rickard Avenue, and results will be available in a few weeks. 5. Continues the investigation into traffic calming in Barracluff Avenue subject to speed count results, including a reassessment of the 2006 plans and other traffic calming measures.
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4. Discussion

The petition states:

'We, the undersigned strongly oppose any closure of Barracluff [Avenue], Bondi.

Closing residential streets only shifts traffic and traffic problems into adjoining and surrounding streets, where many older residents and children live.

We call on Waverley Council to reject the closure of Barracluff [Avenue] and undertake community consultation on the options for reducing traffic speed that more fully take into account safety and parking needs in the adjoining streets.'

The petition complies with the Petitions Policy.

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.

7. Attachments

Nil.

REPORT
OC/5.2/20.11**WAVERLEY**
COUNCIL**Subject:** Air Fresheners in Council Buildings - Health Considerations**TRIM No:** A20/0274**Author:** Andrew Best, Executive Manager, Property and Facilities**Director:** Emily Scott, Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes that, while only limited studies have been undertaken, there is evidence that the use of air fresheners can lead to adverse health effects for some people, particularly asthmatics.
2. Notes the current extent of air freshener use in Council-owned buildings and the measures undertaken to standardise their use under the recently awarded cleaning and hygiene services contract.
3. Notes the requirement to provide air fresheners in Council facilities that experience high visitation and where natural cross flow ventilation is limited, to create a more pleasant experience for users of the facilities.

1. Executive Summary

Air fresheners are products in common use in modern society. They are used to fragrance the air in indoor spaces with the intention of providing a more pleasant and pleasing environment for building users.

There are a variety of different types of products on the market. As part of the transition to the newly awarded cleaning and hygiene services contract, Council has standardised the use of just one model of air freshener across its building portfolio. Air fresheners are predominantly installed in toilets in public buildings and staff administration offices.

Only a limited number of studies have been undertaken on the health impacts of air fresheners. The studies that have been undertaken have found that air fresheners do pose a health risk, particularly for vulnerable people with pre-existing health conditions.

2. Introduction/Background

Air fresheners are consumer products that emit a fragrance either to provide an aroma to a space or to mask an odour, or both. Air fresheners are available in numerous versions, including sprays, gels, oils, liquids, solids, plug-ins etc. All types of air fresheners contain a range of chemical compounds. They also have varying types of release systems with instant, intermittent or continuous release.

As part of the move to a new provider of hygiene services as part of the recent award of the cleaning and hygiene services tender, Council has removed all old units from its buildings and replaced them with a single standard model unit. The Neutra lox product neutralises unpleasant odours in the air and utilises an

automatic release system, which means that a spray is emitted at a frequency that can be manually adjusted as required.

Table 1. Number and location of air fresheners in Council buildings.

Site Name	Number of air freshener units	Number of units located in toilets	Number of units located in other areas
Council Chambers	7	7	
Customer Service Centre	5	2	3 (staff area)
Eastgate Level 4 Office	3	3	
Margaret Whitlam Recreation Centre	7	3	4 (public area)
Mill Hill Community Centre	13	13	
Waverley Council Library	10	10	
Alexandria Integrated Facility	11	11	

As can be seen from the table above, the air freshener units are located at both Council's administrative buildings and public buildings and the units are predominantly located in toilets.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 April 2020	CM/8.2/20.04	That Council: <ol style="list-style-type: none"> 1. Urgently investigates the undue health impacts of automatic air fresheners used in public and staff toilets in the Waverley local government area. 2. Notes the importance of short-term mitigation measures that may be taken by Council officers, including, but not limited to, warning signage outside the toilets. 3. Receives a report by April 2020 that includes recommended actions, alternatives to existing air fresheners, and any short-term mitigation measures implemented so far.
Council 18 February 2020	CM/7.20/20.02	That Council: <ol style="list-style-type: none"> 1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it. 2. Declines to accept any of the tenders for the supply of cleaning and hygiene services, in accordance with

		<p>clause 178(1)(b) of the <i>Local Government (General) Regulation 2005</i>.</p> <p>3. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)–(d) of the <i>Local Government (General) Regulation 2005</i> as the best value outcome for Council would be achieved by entering into negotiations with the top two tenderers as identified in Attachment 1 to this report.</p> <p>4. In accordance with clause 178(3)(e) of the <i>Local Government (General) Regulation 2005</i>, authorises the General Manager to enter into negotiations with the top two tenderers to ensure that the optimal cleaning hours required for each building are delivered under the contract and that they are cleaned to the required standard and to do all things necessary to execute a contract for the provision of cleaning and hygiene services.’</p> <p>5. During its negotiations of the cleaning and hygiene services contract, ensures that the contract has flexibility to be varied in respect of air fresheners, air purifiers, air conditioners and the like, so that changes to products and type of products, and removal of products altogether, can occur.</p> <p>6. Notifies tenderers of the decision in accordance with clause 179 of the <i>Local Government (General) Regulation 2005</i>.</p>
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4. Discussion

Manufacturers of air freshener products in Australia are not compelled by law to disclose all the ingredients contained within their products. While many manufactures do voluntarily disclose ingredients in the form of a Material Safety Data Sheet (MSDS), some studies seem to suggest that not all ingredients are always disclosed. The product installed across Council facilities is one of the products that does disclose the chemical compounds used within the product.

Only a small number of scientific research projects have been undertaken on the topic of the health impact of air freshener products; however, there is evidence from these studies that fragranced products have been associated with adverse health effects among the general population, and especially among vulnerable people such as asthmatics.

It should be noted that all air freshener products, even those that promote themselves as green, natural or organic, contain chemical compounds to some degree that could lead to an allergic reaction in some people. Officers have discussed alternative models and options with Council’s cleaning contractor and have been advised that there are no viable non-chemical alternatives that would meet requirements.

It should also be noted that air fresheners have been utilised in Council buildings for over a decade. Aside from the issues raised in connection with the Council resolution (CM/8.2/20.04), there appear to be no complaints relating to the use of air fresheners in Council buildings in Council’s records management system.

One alternative to the use of air fresheners to improve the building user experience in respect of air quality would be to provide sufficient natural cross flow ventilation in order to remove any unpleasant odours. Unfortunately, the design of many buildings often means toilets are in areas of the building with a limited number of windows or no windows, which means this is not a viable option in most cases. It should be noted that the public amenities located at Council beaches all employ passive natural ventilation systems.

Council could consider installing advisory signage at the entry to Council buildings and rooms where air fresheners are in use. This would allow any person who knows they have a condition that might be exacerbated by the exposure to air fresheners to not enter the facilities. However, given the prevalence of air fresheners in modern day society it is not unreasonable to expect that Council would have units installed across its buildings. In addition, it should be noted that as the air fresheners are being used in accordance with the instructions provided by the manufacturer. It is therefore considered that there is no requirement to install advisory signage within Council buildings where air freshener units are located. However, it remains an action Council could consider.

5. Financial impact statement/Time frame/Consultation

The cost of servicing the air fresheners installed across Council facilities is allocated within existing operational budgets.

6. Conclusion

Studies have found that the use of air fresheners in public spaces can impact the health of some building users, particularly people with pre-existing health conditions.

Council's buildings often experience very high visitation levels and the opportunity for natural cross flow ventilation can be limited due to the design of the buildings. In this context, it is considered reasonable that Council continue to use air fresheners to neutralise unpleasant odours within its buildings, particularly in toilets. Council could consider the installation of advisory signage if it thought this measure to be appropriate.

7. Attachments

Nil.

REPORT
OC/5.3/20.11

Subject: Parking Officers - Multi-skilling to Undertake Ranger Duties

TRIM No: A14/0164

Author: Healey Holt, Manager, Environmental Health and Ranger Services
Tony Pavlovic, Executive Manager, Compliance

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

RECOMMENDATION:

That Council notes that the delegations and authorisations of Rangers will be reviewed to enable them to issue infringements relating to parking offences.

1. Executive Summary

As a result of the organisation development program in early 2019, the Compliance Department was formed. The Department is responsible for all regulatory functions. Due to the synergies across regulatory functions, an opportunity exists for all staff to be multi-skilled. Parking Patrol Officers (PPOs) have been provided with opportunities to undertake some general Ranger duties and Rangers have been provided opportunities within building compliance.

2. Introduction/Background

In early 2019, a restructure of the regulatory functions within Council resulted in the creation of the Compliance Department. The Compliance Department consists of the following teams:

Rangers

The Ranger team consists of 10 full-time and 16 casual Rangers. The casual Ranger pool was recently increased in response to the ongoing COVID-19 pandemic. The casual Ranger pool consists of six full-time PPOs.

Rangers exercise a diverse range of functions, with a focus on public safety and amenity. This includes patrolling Council's parks and open spaces, animal control, DA compliance, the protection of the environment and impounding activities.

Parking Officers

The PPO team is currently made up of 32 full-time and 4 casual officers. PPOs are predominantly focused on the provision of parking education and enforcement. They patrol specific streets and areas enforcing relevant parking restrictions.

Building Certification and Compliance

Building Certification and Compliance is responsible for certification of building construction including complying development and construction certificates, building information certificates, unauthorised works

and uses (including illegal backpacker premises), development consent compliance, swimming pool barrier inspections, hoarding applications, brothel inspections and fire safety (including annual fire safety statements and upgrading and cladding).

Environmental Health

Environmental Health Officers are responsible for public health matters such as air, water and noise complaints, food shop, skin penetration and cooling tower inspections.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 June 2018	CM/5.1/18.06	<p>That:</p> <ol style="list-style-type: none"> 1. Council undertakes a review of its compliance functions and gives consideration to: <ol style="list-style-type: none"> (a) Multi-skilling some or all parking rangers to undertake general ranger duties. (b) Provides recommendations for improvement in compliance functions; in particular, for: <ol style="list-style-type: none"> (i) Illegal backpacker premises. (ii) Non-compliant building works. (iii) Works approved by a private certifier. 2. The report to Council can be presented in parts if deemed appropriate by the General Manager, and should provide input into Council's accommodation strategy related to compliance staffing and resource requirements.

4. Discussion

Ranger and Parking Officer duties

Historically, Rangers and PPOs were accommodated in different buildings. In late 2019, Rangers were relocated to Bondi Junction and now share the same office space as PPOs.

The relocation of Rangers has led to a greater sense of team between Rangers and PPOs and provides ample opportunity to discuss matters or issues observed as part of undertaking duties.

PPOs have delegated authority for the enforcement of littering and the impounding of motor vehicles. PPOs have been working in concert with Council's Administration Officer – Compliance to report and monitor suspected abandoned vehicles. In the period January to March in 2019, the average time for the removal of a vehicle was 34 days. This has since reduced significantly for the same period in 2020 to just over 13 days. Other positive impacts include:

- Vehicles being reported faster.
- Vehicles posing safety concerns being reported and removed in a timely manner.

- A reduction in the overall number of suspected abandoned vehicles in the local government area (LGA).
- A drop in complaints about abandoned vehicles.
- The development of a revenue stream for the disposal of abandoned vehicles.

The following also illustrates the positive impact of PPOs on impounding activities:

- In August 2019, 30% of vehicles investigated by Council were reported by PPOs.
- In August 2020, 50% of vehicles investigated by Council were reported by PPOs.

Whilst the term 'Ranger' is often used to refer to both teams, Council PPOs are predominantly focused on the provision of parking education and enforcement. Rangers on the other hand exercise a more diverse range of functions. It is important to consider that Rangers educate and enforce on a variety of subjects. Most Ranger enforcement duties also require allocating significant time to associated investigative and administrative work. This includes tasks such as:

- Checking microchip details for companion animals.
- Locating conditions of consent on Council's records management system.
- Interviewing witnesses.
- Impounding goods and animals.

The requirement to undertake general Ranger duties while working as a PPO would be detrimental to the provision of effective parking services. Parking enforcement is often time sensitive and requires the dedicated attention of PPOs; for example, to return to chalked areas in order to ascertain if motorists have overstayed. PPOs are in a good position to act as eyes and ears for Rangers. They report matters requiring attention to the Ranger team as required – examples include locating or reporting lost animals and reporting building sites that are blocking public access to streets and footpaths. Similarly, Rangers refer parking matters to PPOs as required.

It is recognised that Parking Officers have significant transferable skills relevant to the work Rangers undertake, including:

- Ability to recognise breaches and accurately record relevant information.
- Ability to write infringement notices.
- Awareness and knowledge of the LGA and relevant issues.
- Customer service skills including the ability to diffuse difficult situations.
- Ability to prepare a brief of evidence for court.

In that respect, opportunities are and have been provided to utilise and further develop the skills of PPOs and other internal staff in order to improve compliance functions. In late 2017, recruitment for Casual Rangers was undertaken internally, with four PPOs successful. The successful PPOs have undertaken on-the-job training and are used as an additional resource on weekends, public holidays, special events and when full-time staff are absent. Examples of cross-skilling among the Compliance section include:

- One PPO currently on six-month secondment to Ranger Team.
- Four PPOs working as casual Rangers since 2017.
- Waste Enforcement Officer working as casual Ranger and seconded as Ranger full-time during COVID (March to May).
- One PPO working as casual Ranger to undertake specific investigations on tree and vegetation removal/vandalism and shopping trolley impounding.
- Three PPOs that work as casual Rangers utilised on secondment to backfill waste education officer while on leave.
- Two Rangers on secondment with Building Compliance Team during COVID-19 (March to May).

- Thirty PPOs working with Rangers as ambassadors during COVID-19 (March to May).
- A PPO retrained on secondment with the Building Team and now working permanently as an Assistant Building Surveyor
- A PPO provided work experience with Building Team and now working permanently as Building Compliance Officer and casually as a PPO.

Rangers are not currently authorised to issue parking infringements. The delegations and authorisations will be reviewed to allow Rangers to issue parking infringements in instances where they are present and observe dangerously parked vehicles. This will not be their main focus, however.

Building Compliance

Building Compliance staff are responsible for the investigation of matters such as illegal backpacker premises and non-compliant building work.

Throughout the past 12–18 months several changes have been implemented to improve the processes within this area, including an increase in the issuance of penalty notices and court proceedings.

With specific reference to clause 1(b) of the Council resolution, the following additional information is provided.

Illegal backpacker premises

During the past 18 months and particularly during COVID, the reporting of illegal backpacker premises has declined. In its place, some landlords are legally using three-bedroom units to enable multiple residents to reside within a unit, with a lease agreement for three months or longer. In this regard, Council is working closely with NSW Police to address anti-social behaviour created as a result of amplified music, partying and the like. NSW Police are sharing information with Council obtained as a result of late night/early morning investigation of complaints from residents. Council is using this information to issue noise control notices which, unlike noise abatement directions, do not expire after 28 days.

Council has also sought legal advice, undertaken several site visits, produced a written submission to the NSW Department of Planning, Industry and Environment and raised the issue with the Hon. Rob Stokes MP NSW Minister for Planning and Public Spaces seeking a strengthening of the legislation.

Non-compliant building works

The predominant duties performed by Building Compliance staff involve the investigation of unauthorised building works. As per the provisions of the *Environmental Planning and Assessment Act 1979*, staff utilise the notice and order regime directing works to be reinstated in accordance with the relevant approval.

Should a building owner seek to regularise unauthorised works they have the ability to do so as per the provisions of division 6.7 of the Act via the issuance of a building information certificate (BIC). Due to a change with the process concerning BICs, revenue received for the assessment of them is expected to increase by greater than 100% in the 2020–21 financial year. BIC assessment follows the same process as a development application and construction certificate.

Within the 201–/20 financial year \$120,000 of penalties were issued to residents/developers for unauthorised works, 174 notices/directions to reinstate works and 12 matters were considered by the courts.

Works approved by a private certifier

NSW Fair Trading is responsible for the registration of both Council and private certifiers.

Should works occur on a privately certified development site contrary to an approval, Council staff will forward the initial complaint to the private certifier for investigation and action. In some instances, Council staff may immediately investigate works on a privately certified development site and act. In this regard, recent Land & Environment Court action taken by Council was successful with invalidating a consent provided by a private certifier as well as ceasing unauthorised works undertaken by the developer.

The roles and responsibilities of Council in the case of privately certified development sites will be incorporated within the information currently being prepared to place on Council's website as a webinar advising how the overall planning, development assessment, VPAs and private certification operates at present.

5. Financial impact statement/Timeframe/Consultation

Nil.

6. Conclusion

Cross-skilling and information sharing has occurred throughout the teams over time and has increased further as a result of the newly formed Compliance directorate. Staff throughout the teams have been provided with many opportunities to act in a variety of roles providing them with valuable skills and experience. This will continue with a view to developing skills and efficiencies within the teams as they arise.

7. Attachments

Nil.