



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

## COUNCIL MEETING

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

**7.00 PM, TUESDAY 8 DECEMBER 2020**

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

Ross McLeod  
**General Manager**

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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.



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## 8. Notices of Motions

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## 9. Questions with Notice

There are no questions with notice.

## 10. Urgent Business ..... 180

CM/10.1/20.12 CONFIDENTIAL REPORT - Senior Staff Appointment

*At the time of issuing this agenda, this report was not available. It may be issued to Councillors under separate confidential cover prior to the meeting subject to satisfactory progress with the process.*

## 11. Closed Session ..... 181

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

CM/11.1/20.12 CONFIDENTIAL REPORT - Sculpture by the Sea 2020

CM/11.2/20.12 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club Building Upgrade - Project Update

CM/11.3/20.12 CONFIDENTIAL REPORT - Rowe Street - Heads of Agreement

CM/11.4/20.12 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2020-21

- 12. Resuming in Open Session ..... 183**
- 13. Meeting Closure**

**OBITUARIES  
CM/3/20.12**



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

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

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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/5.1/20.12



WAVERLEY  
COUNCIL

**Subject:** Confirmation of Minutes - Council Meeting - 17 November 2020

**TRIM No:** SF20/42

**Author:** Richard Coelho, Governance Officer

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### RECOMMENDATION:

That the minutes of the Council Meeting held on 17 November 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 - 17 November 2020



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE/AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD,  
BONDI JUNCTION ON TUESDAY, 17 NOVEMBER 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 John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Ross McLeod	General Manager
Karen Mobbs	General Counsel
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Darren Smith	Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Projects

*At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Goltsman who arrived at 7.03 pm, Cr Nemesh who arrived at 7.06 pm and Cr Wakefield who arrived at 7.07 pm.*

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

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

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

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

Apologies were received and accepted from Cr O'Neill.

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

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

- 2.1 Cr Betts declared a significant non-pecuniary interest in item CM/8.2/20.11 – Margaret Whitlam Recreation Centre Alterations and informed the meeting that she is on the board of Easts Cricket Club and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Wakefield declared a pecuniary interest in item CM/8.1/20.11 – RESCISSION MOTION – PD/5.4/20.11 – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition and informed the meeting that he is the owner of a premises in Harley Place and will leave the meeting for the consideration of the foreshadowed motion.
- 2.3 Cr Masselos declared a less than significant non-pecuniary interest in item CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.08/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – 25 and 37 Murray Street, Bronte and informed the meeting that she lives in Murray Street.
- 2.4 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.07/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – Park Parade, Bondi and informed the meeting that he lives in Park Parade.

### **3. Obituaries**

Dr Harris (Harry) Keith Lewis

*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 M Grant – CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.09/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – Ruthven Street, Bondi Junction.
- 4.2 C Munnely – CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.09/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – Ruthven Street, Bondi Junction.
- 4.3 G Beard (on behalf of Bronte Precinct) – CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.08/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – 25 and 37 Murray Street, Bronte.
- 4.4 G Blades (on behalf of the strata committee of 28 Murray Street, Bronte) – CM/5.2/20.11 – Adoption of Minutes – Waverley Traffic Committee Meeting – 22 October 2020 – TC/C.08/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – 25 and 37 Murray Street, Bronte.
- 4.5 B Mouroukas (on behalf of Bondi Heights Precinct) – CM/7.13/20.11 – 40 km/h Speed Limit Changes – Treatments.
- 4.6 S Flowerbaum – CM/7.13/20.11 – 40 km/h Speed Limit Changes – Treatments.
- 4.7 E Varga – CM/7.13/20.11 – 40 km/h Speed Limit Changes – Treatments.
- 4.8 L Hall – CM/7.13/20.11 – 40 km/h Speed Limit Changes – Treatments.
- 4.9 G Benson (on behalf of the Rodney Reserve Committee) – CM/7.15/20.11 – Rodney Reserve Coastal Fence.

**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/5.1/20.11 Confirmation of Minutes - Council Meeting - 20 October 2020.
- CM/7.3/20.11 Investment Portfolio Report - October 2020.
- CM/7.4/20.11 Schedule of Meeting Dates for Council and its Standing Committees 2021.
- CM/7.5/20.11 Status of Mayoral Minutes and Notices of Motion.
- CM/7.6/20.11 Annual Code of Conduct Complaints Statistics.
- CM/7.7/20.11 Audit, Risk and Improvement Committee Meeting - 21 May and 3 September 2020 – Minutes.
- CM/7.9/20.11 North Bondi Mosaic - Deaccession Methodology for Salvaged Artwork Pieces.

- CM/7.10/20.11 Venue Hire Grant Program 2021.
- CM/7.11/20.11 Affordable Housing Rent Relief - Extension.
- CM/7.16/20.11 Eastgate Car Park - Variation of Lease with ISPT.

## 5. Confirmation and Adoption of Minutes

### CM/5.1/20.11 Confirmation of Minutes - Council Meeting - 20 October 2020 (SF20/42)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That the minutes of the Council Meeting held on 20 October 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### CM/5.2/20.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 October 2020 (SF20/45)

*Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in Park Parade.*

#### MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 22 October 2020 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.08/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – 25 and 37 Murray Street, Bronte.
2. TC/CV.01/20.10 – Bondi to Bronte Coastal Walk – One Way System.

And that these items be dealt with separately below.

*M Grant and C Munnely addressed the meeting.*

**CM/5.2.1/20.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 October 2020 – TC/C.08/20.10 - 40 km/h Speed Limit Changes - Traffic Control Devices - 25 and 37 Murray Street, Bronte (A18/0579)**

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

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

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Burrill

That Council:

1. Approves the installation of new kerb extensions outside 25 and 37 Murray Street, Bronte, as shown in Attachment 1 and 2 (Option 2) of the report, subject to a reduction in kerb extension length, as appropriate, so that no on-street parking spaces are lost.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

*G Beard (on behalf of Bronte Precinct) and G Blades (on behalf of the strata committee of 28 Murray Street, Bronte) addressed the meeting.*

**CM/5.2.2/20.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 22 October 2020 – TC/CV.01/20.10 - Bondi to Bronte Coastal Walk - One Way System (A20/0500)**

*This item was saved and excepted by Cr Wy Kanak.*

**MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Keenan

That Council:

1. Defers this item to a Councillor workshop.
2. Endorses the following traffic management concepts to be constructed, if and when deemed necessary, between Bondi Beach and Tamarama Beach for community consultation:
  - (a) Gaerloch Avenue on the eastern side of Dellview Street – 2 x ‘No Entry’ signs preventing access to Gaerloch Avenue eastbound.
  - (b) Gaerloch Avenue on the light pole opposite 31 Gaerloch Avenue (the 90-degree bend in the road) – A ‘No Right Turn’ sign preventing access to Gaerloch Avenue northbound.
  - (c) Gaerloch Avenue eastern side – 2 x ‘One Way (Arrow Right)’ signs indicating one-way direction on Gaerloch Avenue.
  - (d) Gaerloch Avenue western side facing Kenneth Street – a ‘One Way (Arrow Left)’ sign indicating one-way direction on Gaerloch Avenue.
  - (e) Dellview Street on the southern side of Fletcher Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.

- (f) Dellview Street eastern side between Carlisle Street and Dellview Lane – 2 x ‘One Way (Arrow Left)’ signs indicating one-way direction on Dellview Street.
  - (g) Dellview Lane on western side of Dellview Street – A ‘No Right Turn’ sign preventing access to Dellview Street southbound.
  - (h) Carlisle Street on the northern side of Dellview Street – a ‘No Right Turn’ sign preventing access to Dellview Street southbound.
  - (i) Dellview Street on the southern side of Carlisle Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.
  - (j) Western side of Dellview Street facing Gaerloch Avenue – A ‘One Way (Arrow Right)’ indicating one-way direction on Dellview Street.
3. Endorses the following traffic control devices concepts to be constructed between Bondi Beach and Tamarama Beach for community consultation:
    - (a) A continuous footpath treatment – Wilga Street on the eastern side of Sandridge Street.
    - (b) A marked pedestrian crossing – Fletcher Street on the eastern side of Sandridge Street.
    - (c) A marked pedestrian crossing with kerb extensions – Kenneth Street on the eastern side of Alexander Street.
    - (d) A continuous footpath treatment – 22 Gaerloch Avenue (the 90-degree bend in the road), subject to the reassessment in clause 3 below.
    - (e) A continuous footpath treatment – Gaerloch Avenue on the eastern side of Dellview Street, subject to the reassessment in clause 3 below.
  4. Reassesses the need for continuous footpath treatments at the southern end of Gaerloch Avenue with consideration being given to the Street Walk on the southern and eastern sides of Gaerloch Avenue rather than the northern and western sides, as proposed, with outcomes to be included in the detailed design.
  5. Undertakes community consultation with interested Precinct Committees, and for the area bounded by and including:
    - (a) Bondi Road and Hunter Park to the north.
    - (b) Boonara Avenue, Tamarama Street, Alfred Street to the west.
    - (c) Hewlett Street to the south.
  6. Prepares a report on the outcomes of the community consultation to Council’s Traffic Committee.
  7. Prepares detailed plans and warrants for crossings and treatments identified in clause 2 above, to be submitted to Council’s Traffic Committee for review and approval by Council, subject to the outcomes of the community consultation.
  8. Investigates footpath widening to support the Street Walk route.

9. Delegates authority to the Executive Manager, Infrastructure Services, to investigate alternative designs as part of the detailed design assessment.

**AMENDMENT**

Mover: Cr Betts  
Seconded: Cr Burrill

That clause 1 be deleted.

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.

*Cr Wakefield was not present for the vote on the amendment.*

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 1–3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council defers this item to a Councillor workshop to give consideration to the following:

1. Endorses the following traffic management concepts to be constructed, if and when deemed necessary, between Bondi Beach and Tamarama Beach for community consultation:
  - (a) Gaerloch Avenue on the eastern side of Dellview Street – 2 x ‘No Entry’ signs preventing access to Gaerloch Avenue eastbound.
  - (b) Gaerloch Avenue on the light pole opposite 31 Gaerloch Avenue (the 90-degree bend in the road) – A ‘No Right Turn’ sign preventing access to Gaerloch Avenue northbound.
  - (c) Gaerloch Avenue eastern side – 2 x ‘One Way (Arrow Right)’ signs indicating one-way direction on Gaerloch Avenue.
  - (d) Gaerloch Avenue western side facing Kenneth Street – a ‘One Way (Arrow Left)’ sign indicating one-way direction on Gaerloch Avenue.
  - (e) Dellview Street on the southern side of Fletcher Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.
  - (f) Dellview Street eastern side between Carlisle Street and Dellview Lane – 2 x ‘One Way (Arrow Left)’ signs indicating one-way direction on Dellview Street.
  - (g) Dellview Lane on western side of Dellview Street – A ‘No Right Turn’ sign preventing access to Dellview Street southbound.
  - (h) Carlisle Street on the northern side of Dellview Street – a ‘No Right Turn’ sign preventing access to Dellview Street southbound.
  - (i) Dellview Street on the southern side of Carlisle Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.

- (j) Western side of Dellview Street facing Gaerloch Avenue – A 'One Way (Arrow Right)' indicating one-way direction on Dellview Street.
2. Endorses the following traffic control devices concepts to be constructed between Bondi Beach and Tamarama Beach for community consultation:
- (f) A continuous footpath treatment – Wilga Street on the eastern side of Sandridge Street.
  - (g) A marked pedestrian crossing – Fletcher Street on the eastern side of Sandridge Street.
  - (h) A marked pedestrian crossing with kerb extensions – Kenneth Street on the eastern side of Alexander Street.
  - (i) A continuous footpath treatment – 22 Gaerloch Avenue (the 90-degree bend in the road), subject to the reassessment in clause 3 below.
  - (j) A continuous footpath treatment – Gaerloch Avenue on the eastern side of Dellview Street, subject to the reassessment in clause 3 below.
3. Reassesses the need for continuous footpath treatments at the southern end of Gaerloch Avenue with consideration being given to the Street Walk on the southern and eastern sides of Gaerloch Avenue rather than the northern and western sides, as proposed, with outcomes to be included in the detailed design.
4. Undertakes community consultation with interested Precinct Committees, and for the area bounded by and including:
- (a) Bondi Road and Hunter Park to the north.
  - (b) Boonara Avenue, Tamarama Street, Alfred Street to the west.
  - (c) Hewlett Street to the south.
5. Prepares a report on the outcomes of the community consultation to Council's Traffic Committee.
6. Prepares detailed plans and warrants for crossings and treatments identified in clause 2 above, to be submitted to Council's Traffic Committee for review and approval by Council, subject to the outcomes of the community consultation.
7. Investigates footpath widening to support the Street Walk route.
8. Delegates authority to the Executive Manager, Infrastructure Services, to investigate alternative designs as part of the detailed design assessment.

## 6. Mayoral Minutes

There were no mayoral minutes.

## 7. Reports

### CM/7.1/20.11 Q1 Budget Review - September 2020 (A03/0346)

#### MOTION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Notes the forecast financial impact of the COVID-19 pandemic on the 2020–21 budget.
3. Notes the disestablishment of the Looking Good Reserve.
4. Adopts the variations to the 2020-21 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report with the following amendments:
  - (a) Increase the allocation under the Capital Works Program Expense Budget for C0720 Arden Street Safety Upgrades by \$350,000 to a total budget of \$727,117.
  - (b) Reduce the allocations under the SAMP Renewal Program and redistribute these funds to cover the above priority project of Arden Street Safety Upgrades as follows:
    - (i) ROAD 01 – Road Infrastructure – Kerb and Gutter – \$50,000.
    - (ii) ROAD 03 – Road Infrastructure – Footpaths – \$250,000.
    - (iii) ROAD 04 – Road Infrastructure – Stormwater Drainage – \$50,000.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

#### DECISION:

That Council:

1. Notes that the Chief Financial Officer, as the responsible accounting officer, advises that the projected financial position of Council is satisfactory.
2. Notes the forecast financial impact of the COVID-19 pandemic on the 2020–21 budget.
3. Notes the disestablishment of the Looking Good Reserve and transfers the remaining \$51,000 to the Property and Investment Strategy Reserve to offset previous borrowings of \$2,877,102 which was scheduled to be repaid over a six-year period as follows:
  - (a) \$285,772 at FY2021/22.
  - (b) \$591,239 at FY2022/23.
  - (c) \$615,217 at FY2023/24.

- (d) \$640,179 at FY2024/25.
  - (e) \$589,285 at FY2025/26.
  - (f) \$79,314 at FY2026/27.
4. Adopts the variations to the 2020-21 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report with the following amendments:
- (a) Increase the allocation under the Capital Works Program Expense Budget for C0720 Arden Street Safety Upgrades by \$350,000 to a total budget of \$727,117.
  - (b) Reduce the allocations under the SAMP Renewal Program and redistribute these funds to cover the above priority project of Arden Street Safety Upgrades as follows:
    - (i) ROAD 01 – Road Infrastructure – Kerb and Gutter – \$50,000.
    - (ii) ROAD 03 – Road Infrastructure – Footpaths – \$250,000.
    - (iii) ROAD 04 – Road Infrastructure – Stormwater Drainage – \$50,000.

**CM/7.2/20.11                      Audited Financial Statements 2019-20 and Annual Report 2019-20 (A18/0477)**

**MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Keenan

That Council:

1. In accordance with section 418 of the *Local Government Act*, receives and notes the Auditor's Report on the 2019–20 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) attached to the report (Attachment 1).
2. Refers any public submissions on the 2019–20 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to Council's auditor, the NSW Auditor General.
3. Adopts the audited 2019–20 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).
4. Endorses the Annual Report 2019–20 attached to the report (Attachment 2).

**Division**

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

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

**CM/7.3/20.11 Investment Portfolio Report - October 2020 (A03/2211)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

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

**CM/7.4/20.11 Schedule of Meeting Dates for Council and its Standing Committees 2021 (A04/1869)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council adopts the Schedule of Meeting Dates for Council and its Standing Committees 2021 attached to the report.

**CM/7.5/20.11 Status of Mayoral Minutes and Notices of Motion (SF18/691)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes this report on the status of Mayoral Minutes and Notices of Motion adopted by Council from September 2012 to September 2020.

**CM/7.6/20.11 Annual Code of Conduct Complaints Statistics (SF17/2821)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council receives and notes the annual report on code of conduct complaints about Councillors and the General Manager for 2019–2020 attached to the report.

**CM/7.7/20.11 Audit, Risk and Improvement Committee Meeting - 21 May and 3 September 2020 - Minutes (SF20/986)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council notes the minutes of the Audit, Risk and Improvement Committee meetings held on 21 May and 3 September 2020 attached to the report.

**CM/7.8/20.11 Cemetery Services - Strategic Business Plan (A20/0249)****MOTION**

Mover: Cr Masselos

Seconded: Cr Keenan

That Council:

1. Endorses the Cemetery Services Strategic Business Plan attached to the report.
2. Investigates the establishment of a foundation that aims to:
  - (a) Raise awareness of the historical and heritage value of both Waverley Cemetery and South Head Cemetery.
  - (b) Raise funds to assist in their maintenance.
3. Receives a report on the options for the establishment of a foundation at the May 2021 Council meeting.

**AMENDMENT**

Mover: Cr Betts

Seconded: Cr Burrill

That the following clause be added to the Motion:

'Endorses:

- (a) A change of name from "Cemetery Services Strategic Business Plan" to "Implementation Action Plan" (the Plan).
- (b) The implementation actions on pages 62–76 of the Plan, subject to Action 10 Perpetual Maintenance and Action 23 Eastern Entry being pursued as follows:
  - (i) (Action 10) As part of examining the formation of a Perpetual Maintenance Fund or other to assist in creating new external funding sources, investigates how Council could implement the intent, outlined in the March 2011 section 508A Special Variation to Rates application to IPART, for a portion of Cemetery Services and Infrastructure Backlog renewal to be permanently funded by the Rate Variation should it be approved, which of course it was.
  - (ii) (Action 23) Proceeds with Action 23, as per the Plan, subject to removing the option for a pop-up coffee cart at the eastern entry (page 74 of the Plan, page 233 of the Council agenda, sections 23.1 and 23.3).'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**AMENDMENT (RULED OUT OF ORDER)**

Mover: Cr Betts

That the following clause be added to the Motion:

'On the basis that Locale Consulting (cemetery consultant) has an intimate knowledge of the operation of our cemeteries, invites Locale Consulting and other interested parties (as part of a request for quotation), to prepare a Comprehensive Business Plan that includes, but not be limited by, alternatives for the operation of the two cemeteries with options, risk and sustainability analysis, an income and expenditure budget assessment, marketing strategy, resource analysis, and generally pros and cons of each option for Council's further consideration.'

CR BURRILL, SECONDED BY CR KAY, MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT THE AMENDMENT WAS OUT OF ORDER ON THE GROUNDS THAT CLAUSE 1 OF THE MOTION ALREADY CALLS ON COUNCIL TO ENDORSE A BUSINESS PLAN.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

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. Endorses the Cemetery Services Strategic Business Plan attached to the report.
2. Investigates the establishment of a foundation that aims to:
  - (a) Raise awareness of the historical and heritage value of both Waverley Cemetery and South Head Cemetery.
  - (b) Raise funds to assist in their maintenance.
3. Receives a report on the options for the establishment of a foundation at the May 2021 Council meeting.
4. Reopen the front gates during normal business hours.

**Division**

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

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

**CM/7.9/20.11 North Bondi Mosaic - Deaccession Methodology for Salvaged Artwork Pieces (A18/0752)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council, in relation to the North Bondi Mosaic Artwork:

1. Retains in the Waverley Local History Collection the Dinosaur skeleton cast by Lloyd Keleman from the bones of a dinosaur provided by the Australian Museum.
2. Retains in the Waverley Local History Collection the plaques that outline the artists' names, history of the artwork, funding bodies who contributed to the development of the work and outline the Indigenous narrative embedded in the linking mosaic tiles.
3. Deaccessions of all other pieces currently in storage by offering back the artworks to the artist of their making with any shipping costs related to the return of the artworks to be borne by Council
4. Disposes of any unwanted or unidentified artworks, with any disposal costs to be borne by Council

**CM/7.10/20.11 Venue Hire Grant Program 2021 (A20/0561)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council, under the Venue Hire Grants Program 2021, grants \$4,406.58 to the organisations set out in the report.

**CM/7.11/20.11 Affordable Housing Rent Relief - Extension (A09/0354)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council extends the temporary variation to its Affordable Housing Tenancy Policy applicable from 2 September 2020 to 28 March 2021, to allow its appointed Housing Manager, Bridge Housing, to continue to offer tenants whose income is affected by the coronavirus shutdown rent calculated at 30% of their income.

**CM/7.12/20.11 Water Tank Rebate Scheme (A06/2074)****MOTION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council:

1. Does not pursue a Water Tank Rebate Scheme at this time.
2. Targets enhanced compliance with development controls that support water tank installation on suitable properties, supports effective maintenance for existing residential water tanks and pools, and considers providing demand management support for Council's leased properties to drive down community water consumption in line with Council targets.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1, THE DELETION OF CLAUSE 2 AND THE ADDITION OF NEW CLAUSES:

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Does not pursue a Water Tank Rebate Scheme at this time, but continues to monitor community interest and potential funding/partnerships to strategically realise an appropriate scheme in the future.
2. Focus existing educational resources to ensure that rainwater tanks are being installed and connected as specified through BASIX as part of the building compliance process.
3. Provides educational resources to Waverley residents with existing tanks on rainwater tank maintenance to ensure they are working effectively, or to pool owners on water conservation

measures.

4. Explores triggering a rainwater tank requirement through the planning process for new swimming pool installations of <40,000 litres.
5. Includes an examination of further appropriate, realisable rainwater tank/stormwater harvesting incentives in its current and future reviews of its Local Environmental Plan and Development Control Plan.

**Division**

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

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

**CM/7.13/20.11      40 km/h Speed Limit Changes - Treatments (A18/0579)**

**MOTION**

Mover: Cr Wakefield

Seconder: Cr Kay

That Council refers this matter for consideration by the Waverley Traffic Committee having regard to previous decisions on traffic calming devices in Bourke Street, Queens Park; Botany Street at Allens Parade, Bondi Junction; Botany Street at Llandalf Street, Bondi Junction; and Bennett Street, Bondi.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO THE MOTION AND THE ADDITION OF A NEW CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Refers this matter for consideration by the Waverley Traffic Committee having regard to previous decisions on traffic calming devices in Bourke Street, Queens Park; Botany Street at Allens Parade Bondi Junction; and Bennett Street, Bondi.
2. Does not support the traffic calming treatment at Botany Street at Llandalf Street, Bondi Junction

*B Mouroukas (on behalf of Bondi Heights Precinct), S Flowerbaum, E Varga and L Hall addressed the meeting.*

*At 9.58 pm, the meeting adjourned for a short break.*

*At 10.07 pm, the meeting resumed.*

**CM/7.14/20.11 Bronte Cutting Safety Upgrade (A20/0015)****MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the outcome of the feasibility study for the Bronte Cutting Project.
2. Endorses Option C (loss of one Bronte SLSC Parking space, converted to motorbike parking) as the preferred concept option for Bronte Cutting Project, as detailed in the attachments to this report.
3. Publicly exhibits the concept design and review of environmental factors for 28 days.
4. Notes that, following the public exhibition period, a further report will be prepared for Council summarising the consultation process, key feedback and recommending revision to concept design, as necessary.
5. Approves the allocation of an additional \$550,000 as part of the Q2 budget amendment to enable the finalisation of the design and commencement of construction in Q4.
6. Notes that the remaining construction budget will be included in the 2021–22 Capital Works Program.

**AMENDMENT**

Mover: Cr Burrill

Seconder: Cr Betts

That clause 2 be amended to read as follows:

‘Endorses Option 1B (footpath, Calga Place) sub-Option C (loss of one Bronte SLSC Parking space, converted to motorbike parking) as the preferred concept option for Bronte Cutting Project for public exhibition and community consultation, as detailed in the attachments to this report and subject to the consultation material including the results of the investigation into widening the footpath on the eastern side to avoid the realignment of the grass verge and impacts to the steps from Bronte Road, as resolved at the August 2020 Council meeting.’

AT THIS STAGE IN THE PROCEEDINGS, CR BETTS, SECONDED BY CR BURRILL, MOVED A MOTION OF DISSENT ON THE CHAIR’S RULING THAT CR KEENAN’S COMMENT THAT THE AMENDMENT WAS A DELAYING TACTIC WAS NOT OUT OF ORDER BECAUSE IT WAS AN OPINION.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

THE AMENDMENT WAS THEN PUT AND DECLARED LOST.

**Division**

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

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

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 AND THE ADDITION OF A NEW CLAUSE 7 AND 8.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Receives and notes the outcome of the feasibility study for the Bronte Cutting Project.
2. Endorses Option C (loss of one Bronte SLSC Parking space, converted to motorbike parking) as the preferred concept option for Bronte Cutting Project, as detailed in the attachments to this report.
3. Publicly exhibits the concept design, summary feasibility study report and review of environmental factors for 28 days, and consults with impacted residents, and the Bronte Beach and Bronte precinct committees and any other interested precincts.
4. Notes that, following the public exhibition period, a further report will be prepared for Council summarising the consultation process, key feedback and recommending revision to concept design, as necessary.
5. Approves the allocation of an additional \$550,000 as part of the Q2 budget amendment to enable the finalisation of the design and commencement of construction in Q4.
6. Notes that the remaining construction budget will be included in the 2021–22 Capital Works Program.
7. Notes that:
  - (a) The cost of rebuilding the Bronte Road to Calga Place steps has not been budgeted.
  - (b) The cost of repairing the Bronte Road to Calga Place steps has been budgeted.
8. Notes the sandstone heritage wall will not be altered or impacted by the Bronte Cutting Project.

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

**CM/7.15/20.11          Rodney Reserve - Coastal Fence (A20/0475)****MOTION**

Mover: Cr Lewis

Seconder: Cr Betts

That:

1. Council receives and notes the summary of the Councillor workshop held on 27 October 2020 detailed in the report.
2. Council replaces the existing 1.8-metre-high coastal fence in Rodney Reserve with a 1.8-metre-high coastal fence, as specified in Council's Public Domain Technical Manual, with post and concrete footings designed by Council's structural engineers.
3. Council undertakes a peer review of the original geotechnical report and recommendations to:
  - (a) Comment on the conclusions of the first geotechnical report.

- (b) Advise on whether a 1.8 metre coastal fence in Rodney Reserve as specified in Council's Public Domain Technical manual, with post and concrete footings, can be installed up to 2 metres to the east of the current location (proposed alignment) and an estimate of the cost.
  - (c) If a fence with post and concrete footings cannot be safely installed on the proposed alignment, advise on other design options which would allow for the construction of the fence on the proposed alignment and an estimate of the cost.
4. The cost of obtaining the further report come from Infrastructure Services consultancy budget.
5. Council notes that a further tender report will provide a cost comparison between 316 with 600 grit polish and 2205 stainless steel for further consideration.

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That:

1. Council receives and notes the summary of the Councillor workshop held on 27 October 2020 detailed in the report.
2. Council replaces the existing 1.8-metre-high coastal fence in Rodney Reserve with a 1.8-metre-high coastal fence, as specified in Council's Public Domain Technical Manual, with post and concrete footings designed by Council's structural engineers.
3. Council undertakes a peer review of the original geotechnical report and recommendations to:
  - (a) Comment on the conclusions of the first geotechnical report.
  - (b) Advise on whether a 1.8 metre coastal fence in Rodney Reserve as specified in Council's Public Domain Technical manual, with post and concrete footings, can be installed up to 2 metres to the east of the current location (proposed alignment) and an estimate of the cost.
  - (c) If a fence with post and concrete footings cannot be safely installed on the proposed alignment, advise on other design options which would allow for the construction of the fence on the proposed alignment and an estimate of the cost.
4. Council receives a report prior to any decisions being made as to the location of the new coastal fence on Rodney Reserve.
5. The cost of obtaining the further report come from Infrastructure Services consultancy budget.
6. Council notes that a further tender report will provide a cost comparison between 316 with 600 grit polish and 2205 stainless steel for further consideration.

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

*G Benson (on behalf of the Rodney Reserve Committee) addressed the meeting.*

**CM/7.16/20.11 Eastgate Car Park - Variation of Lease with ISPT (A19/0770)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council:

1. Approves the Variation of Lease at Eastgate Car Park with ISPT Nominees Pty, as detailed in the report
2. Authorises the General Manager to complete negotiations, agree terms and execute any necessary documentation.

**8. Notices of Motions****CM/8.1/20.11 RESCISSION MOTION - PD/5.4/20.11 - Planning Proposal - Bondi Junction Strategic Centre - Protecting and Promoting Non-Residential Floor Space - Post-exhibition (PP-3/2019)**

*Subsequent to the meeting, a notice of motion to rescind this resolution was lodged with the General Manager. The rescission motion will be considered at a meeting to be advised.*

*Cr Wakefield declared a pecuniary interest in this item and informed the meeting that he is the owner of a premises in Harley Place. Cr Wakefield was not present at, or in sight of, the meeting for the consideration and vote on the foreshadowed motion.*

**MOTION**

Mover: Cr Betts

Seconder: Cr Burrill

That resolution PD/5.4/20.11 – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition, passed at the Strategic Planning and Development Committee meeting on 3 November 2020, be rescinded.

**FORESHADOWED MOTION**

Mover: Cr Betts

Seconder: Cr Burrill

That Council:

1. Defers this item until the February 2021 Council meeting in order for officers to receive updated statistics on office vacancies in the affected zone and to provide an updated report on affected properties.
2. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimum commercial offerings and therefore exempts the site from the additional local provisions.
3. Notes that 251 Oxford Street, Harley Place, has a unique composition as it includes two levels of parking floors, two levels of retail floors, five commercial floors and four residential floors and is 100% strata and should therefore be exempted from the additional local provisions.

THE RESCISSION MOTION WAS PUT AND DECLARED CARRIED.

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

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council

1. Defers this item until the February 2021 Council meeting in order for officers to receive updated statistics on office vacancies in the affected zone and to provide an updated report on affected properties.
2. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimum commercial offerings and therefore exempts the site from the additional local provisions.
3. Notes that 251 Oxford Street, Harley Place, has a unique composition as it includes two levels of parking floors, two levels of retail floors, five commercial floors and four residential floors and is 100% strata and should therefore be exempted from the additional local provisions.

**CM/8.2/20.11 Margaret Whitlam Recreation Centre Alterations (A12/0249)**

*Cr Betts declared a significant non-pecuniary interest in this item and informed the meeting that she is on the board of Easts Cricket Club. Cr Betts was not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION**Mover: Cr Kay  
Seconder: Cr Goltsman

That Council:

1. Investigates:
  - (a) The removal of the non-structural blade wall at the northern end of the Margaret Whitlam Recreation Centre on the eastern side of the Waverley Oval at the level of the playing field to provide much improved amenity and line of sight to the playing area.
  - (b) Access between the two neighbouring change rooms (Sports Court and Away Team/Visitors) to the immediate south of the centre stairwell at the level of the playing field.
2. Receives a brief investigation outcomes report with funding recommendation and proposed earliest timing for the works to be performed.

**FORESHADOWED MOTION**Mover: Cr Wakefield  
Seconder: Cr Lewis

That Council:

1. Investigates:
  - (a) Any additional work that may be undertaken at the Margaret Whitlam Recreation Centre in conjunction with the proposed Indoor Cricket Nets Training Facility project.
  - (b) Any improved functionality and general amenity.
  - (c) Sources of funding for these additional proposed changes to the project.
2. Consults the Eastern Suburbs Cricket Club and other users of the facility.
3. Receives a report on the findings and outcomes of consultations with the Eastern Suburbs Cricket Club.

THE MOTION WAS PUT AND DECLARED LOST.

**Division:**

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

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

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Investigates:
  - (a) Any additional work that may be undertaken at the Margaret Whitlam Recreation Centre in conjunction with the proposed Indoor Cricket Nets Training Facility project.
  - (b) Any improved functionality and general amenity.
  - (c) Sources of funding for these additional proposed changes to the project.
2. Consults the Eastern Suburbs Cricket Club and other users of the facility.
3. Receives a report on the findings and outcomes of consultations with the Eastern Suburbs Cricket Club.

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

*At 11.33 pm, a motion moved by Cr Goltsman, seconded by Cr Wy Kanak, to extend the meeting by 30 minutes was put and declared carried.*

**CM/8.3/20.11 Bondi Beach Regional Playground Upgrade (SF19/5774)****MOTION / DECISION**

Mover: Cr Betts  
Seconded: Cr Goltsman

That this item be deferred to the December 2020 Council meeting.

**CM/8.4/20.11 Stronger Community Council Grants Scheme (A19/0224)****MOTION / DECISION**

Mover: Cr Copeland  
Seconded: Cr Wy Kanak

That Council:

1. Records its deep concern with the lack of integrity measures surrounding the \$252 million Stronger Communities Fund administered by the NSW Coalition Government.
2. Expresses its strong condemnation of the creation and administration of a \$252 million fund for local council projects that was never publicly notified to councils or to the NSW government peak body, Local Government NSW.
3. Notes its concern that the alleged deliberate shredding and deletion of government records is not consistent with the obligations of public authorities to maintain records under the *State Records Act*.
4. Notes that every council in NSW has projects that have strong community support and genuine urgency, such as improved community facilities, essential local services and delivering quality green open space, that need grant funding. Therefore, it is distressing to see such large sums of money being distributed without any due process.
5. Calls on the NSW Government to ensure all future funding schemes for local councils are publicly notified, transparent, merit-based and fair.
6. Commends the NSW Upper House for its work on forcing transparency and accountability on the NSW Government.

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

**9. Questions with Notice**

There were no questions with notice.

**10. Urgent Business**

There were no items of urgent business.

**11. Closed Session****CM/11/20.11 Closed Session****MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Wakefield

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/11.1/20.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte House Lease

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) 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.

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*.

At 10.10 pm, Council moved into closed session.

**CM/11.1/20.11 CONFIDENTIAL REPORT - Tender Evaluation - Bronte House Lease (A02/0250-06)****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) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts the highest-ranked tenderer as set out in the Attachment 1 of the report as the preferred tenderer for the lease of Bronte House for five years on the terms and conditions contained in the report.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
4. Publicly exhibits the lease for a minimum of 28 days in accordance with section 47 of the *Local Government Act*.

- 5. Officers report back to Council at the end of the exhibition period if submissions objecting to the proposal are received.
- 6. Authorises the General Manager to finalise and execute the lease at the end of the exhibition period if no submissions objecting to the proposal are received.

**12. Resuming in Open Session**

**CM/12/20.11 Resuming in Open Session**

**MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council resumes in open session.

*At 10.23 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 11.48 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**8 DECEMBER 2020**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/20.12



**Subject:** Confirmation of Minutes - Extraordinary Council Meeting -  
1 December 2020

**TRIM No:** SF20/45

**Author:** Richard Coelho, Governance Officer

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### RECOMMENDATION:

That the minutes of the Extraordinary Council Meeting held on 1 December 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. Extraordinary Council Meeting Minutes - 1 December 2020



**MINUTES OF THE WAVERLEY EXTRAORDINARY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE/AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD,  
BONDI JUNCTION ON TUESDAY, 1 DECEMBER 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 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
Darren Smith	Chief Financial Officer
Karen Mobbs	General Counsel
Evan Hutchings	Executive Manager, Governance and Projects

*At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.24 pm following the vote on the rescission motion.*

## PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor 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 Wakefield declared a pecuniary interest in item CM/4.1/20.11E – RESCISSION MOTION – CM/8.1/20.11 – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition and informed the meeting that he is the owner of a premises in Harley Place. Cr Wakefield was not present at, or in sight of, the meeting for the consideration and vote on the rescission motion. Cr Wakefield was present for the remainder of the item.

### 3. Addresses by Members of the Public

There were no addresses by members of the public.

### 4. Notices of Motions

**CM/4.1/20.12E            RESCISSION MOTION - CM/8.1/20.11 - Planning Proposal - Bondi Junction Strategic Centre - Protecting and Promoting Non-Residential Floor Space - Post-exhibition (PP-3/2019)**

*Subsequent to the meeting, a notice of motion to rescind this resolution was lodged with the General Manager. The rescission motion will be considered at the December Council meeting.*

*Cr Wakefield declared a pecuniary interest in the rescission motion and informed the meeting that he is the owner of a premises in Harley Place. Cr Wakefield was not present at, or in sight of, the meeting for the consideration and vote on the rescission motion. Cr Wakefield was present for the remainder of the item.*

#### MOTION

Mover: Cr Lewis  
Seconder: Cr Keenan

That resolution CM/8.1/20.11 – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition, passed at the Council meeting on 17 November 2020, be rescinded.

**FORESHADOWED MOTION**

Mover: Cr Lewis

Seconder: Cr Keenan

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a building.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provision of the Additional Local Provision.

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

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division**

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

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

*Cr Wakefield was not present for the consideration and vote on the rescission motion.*

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

A FURTHER FORESHADOWED MOTION WAS THEN MOVED AS FOLLOWS:

**FORESHADOWED MOTION**

Mover: Cr Betts

That Council:

1. Defers the item to a workshop and then the March 2021 Council meeting in order for officers to provide the following:

- (a) An updated report to office vacancies, not only ground floor vacancies as previously advised.
- (b) A report showing all affected properties in the B4 zone proper with the breakdown of current retail, commercial and residential space, as well as the development potential for these properties

2. Officers outline:

- (a) Waverley's plan to meet the District Plan job targets of between 17,000 and 20,500 jobs by 2036 in view of the report's comments that:
  - (i) There has already been a loss of 1,300 jobs.
  - (ii) The planning proposal will not generate any additional commercial space.
- (b) How the planning proposal meets Council's social justice principles of equity and fairness when the planning proposal removes rights from some owners at a disproportionate rate to others.
- (c) The methodology of excluding 29 Newland Street from the planning proposal when there are many other properties that present as largely residential buildings and have minimal commercial offerings.

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a building.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the

provision of the Additional Local Provision

**Division**

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

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

**6. Meeting Closure**

**THE MEETING CLOSED AT 7.49 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**8 DECEMBER 2020**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.3/20.12



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 26 November 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 26 November 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 - 26 November 2020

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 26 NOVEMBER 2020**



**Voting Members Present:**

Cr P Masselos	Waverley Council – Chair
Sgt L Barrett	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 Vaucluse

**Also Present:**

Mr B Gidiess	State Transit – Traffic and Services Manager (Eastern Region)
Ms S Haider	Transport for NSW – Traffic Engineering Services
Cr T Kay	Waverley Council – Alternate Chair
Cr D Wy Kanak	Waverley Council
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
Mr H Bahari	Waverley Council – Professional Engineer, Traffic and Transport
Mr P Cai	Waverley Council – Traffic Engineer

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*At the commencement of proceedings at 10.00 am, those present were as listed above, with the exception of Ms J Zin, who arrived at 10.06 am, and Cr D Wy Kanak, who arrived at 10.21 am.*

*At 11.10 am, Mr P Pearce left the meeting and did not return.*

**Apologies**

There were no apologies.

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

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

1. Cr T Kay declared a less than significant non-pecuniary interest item TC/V.07/20.11 – 6A Niblick Street, North Bondi – Construction Zone and informed the meeting that he lives in the vicinity of the subject site.

**Adoption of Previous Minutes by Council - 22 October 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 22 October 2020 were adopted by Council at its meeting on 17 November 2020 with the following changes:

1. TC/C.08/20.10 – 40 km/h Speed Limit Changes – Traffic Control Devices – 25 and 37 Murray Street, Bronte.

Council adopted the recommendation of the Traffic Committee subject to it being amended to read as follows:

That Council:

1. Approves the installation of new kerb extensions outside 25 and 37 Murray Street, Bronte, as shown in Attachment 1 and 2 (Option 2) of the report, subject to a reduction in kerb extension length, as appropriate, so that no on-street parking spaces are lost.
  2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.
2. TC/CV.01/20.10 – Bondi to Bronte Coastal Walk – One Way System.

Council did not adopt the recommendation of the Traffic Committee, and made the following decision:

That Council defers this item to a Councillor workshop to give consideration to the following:

8. Endorses the following traffic management concepts to be constructed, if and when deemed necessary, between Bondi Beach and Tamarama Beach for community consultation:
  - (k) Gaerloch Avenue on the eastern side of Dellview Street – 2 x ‘No Entry’ signs preventing access to Gaerloch Avenue eastbound.
  - (l) Gaerloch Avenue on the light pole opposite 31 Gaerloch Avenue (the 90-degree bend in the road) – A ‘No Right Turn’ sign preventing access to Gaerloch Avenue northbound.
  - (m) Gaerloch Avenue eastern side – 2 x ‘One Way (Arrow Right)’ signs indicating one-way direction on Gaerloch Avenue.
  - (n) Gaerloch Avenue western side facing Kenneth Street – a ‘One Way (Arrow Left)’ sign indicating one-way direction on Gaerloch Avenue.
  - (o) Dellview Street on the southern side of Fletcher Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.
  - (p) Dellview Street eastern side between Carlisle Street and Dellview Lane – 2 x ‘One Way (Arrow Left)’ signs indicating one-way direction on Dellview Street.
  - (q) Dellview Lane on western side of Dellview Street – A ‘No Right Turn’ sign preventing access to Dellview Street southbound.

- (r) Carlisle Street on the northern side of Dellview Street – a ‘No Right Turn’ sign preventing access to Dellview Street southbound.
  - (s) Dellview Street on the southern side of Carlisle Street – 2 x ‘No Entry’ signs preventing access to Dellview Street southbound.
  - (t) Western side of Dellview Street facing Gaerloch Avenue – A ‘One Way (Arrow Right)’ indicating one-way direction on Dellview Street.
9. Endorses the following traffic control devices concepts to be constructed between Bondi Beach and Tamarama Beach for community consultation:
- (k) A continuous footpath treatment – Wilga Street on the eastern side of Sandridge Street.
  - (l) A marked pedestrian crossing – Fletcher Street on the eastern side of Sandridge Street.
  - (m) A marked pedestrian crossing with kerb extensions – Kenneth Street on the eastern side of Alexander Street.
  - (n) A continuous footpath treatment – 22 Gaerloch Avenue (the 90-degree bend in the road), subject to the reassessment in clause 3 below.
  - (o) A continuous footpath treatment – Gaerloch Avenue on the eastern side of Dellview Street, subject to the reassessment in clause 3 below.
10. Reassesses the need for continuous footpath treatments at the southern end of Gaerloch Avenue with consideration being given to the Street Walk on the southern and eastern sides of Gaerloch Avenue rather than the northern and western sides, as proposed, with outcomes to be included in the detailed design.
11. Undertakes community consultation with interested Precinct Committees, and for the area bounded by and including:
- (d) Bondi Road and Hunter Park to the north.
  - (e) Boonara Avenue, Tamarama Street, Alfred Street to the west.
  - (f) Hewlett Street to the south.
12. Prepares a report on the outcomes of the community consultation to Council’s Traffic Committee.
13. Prepares detailed plans and warrants for crossings and treatments identified in clause 2 above, to be submitted to Council’s Traffic Committee for review and approval by Council, subject to the outcomes of the community consultation.
14. Investigates footpath widening to support the Street Walk route.
8. Delegates authority to the Executive Manager, Infrastructure Services, to investigate alternative designs as part of the detailed design assessment.

**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.03/20.11 Gardyne Street and Macpherson Street, Bronte - No Stopping Zones.
- TC/C.07/20.11 9 Scott Street, Bronte - Temporary Road Closures for Modular Housing Delivery.
- TC/C.08/20.11 9 Scott Street, Bronte - Construction Zone.
- TC/V.04/20.11 2 Ormond Street, Bondi Beach - Car Share Space.
- TC/V.05/20.11 13 Reina Street, North Bondi - 'P Motor Bikes Only' Parking.
- TC/V.07/20.11 6A Niblick Street, North Bondi - Construction Zone.
- TC/V.08/20.11 57 Glenayr Avenue, North Bondi - Construction 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.01/20.11      40 km/h Speed Limit Changes - Traffic Control Devices - Park Parade and Dickson Street at Birrell Street, Bondi (A18/0579)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the designs for the intersections of Dickson Street at Birrell Street, Bronte, and Park Parade at Birrell Street, Bondi, as set out in Attachment 1 and 2 of the report.
2. Delegates authority to the Executive Manager, Infrastructure Services, to modify the designs should on-site circumstances warrant changes.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

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

'Approves the designs for the intersections of Dickson Street at Birrell Street, Bronte, and Park Parade at Birrell Street, Bondi, including 10 metres of BB centre lines with raised pavement markers, as set out in Attachment 1 and 2 of the report.'

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

**TC/C.02/20.11            40 km/h Speed Limit Changes - Traffic Control Devices - Tamarama Marine Drive (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council approves the detailed design of the pedestrian crossing on Tamarama Marine Drive, Tamarama, attached to the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the addition of new clauses 2 and 3, such that the recommendation now reads as follows:

That Council:

1. Approves the detailed design of the pedestrian crossing on Tamarama Marine Drive, Tamarama, attached to the report.
2. Officers, during the design for construction, further investigate:
  - (a) The widening of the kerbside lane on the eastern side to allow for bus draw in.
  - (b) A traffic island to assist in the safe direction of traffic.
  - (c) The length of zigzags on the approach to the crossing.
3. Notes that Transport for NSW has issues with the recommendation pending a review of the design for construction.

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

*D Vertoudakis addressed the meeting.*

**TC/C.03/20.11            Gardyne Street and Macpherson Street, Bronte - No Stopping Zones (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 10-metre 'No Stopping' zone on the western side of Gardyne Street adjacent to 75 and 73 Gardyne Street.
2. Installs a 20-metre 'No Stopping' zone on the eastern side of Gardyne Street adjacent to 46 Gardyne Street and 144 Macpherson Street (Gardyne Street 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, RMS representative and Waverley Council representative (Chair).*

**TC/C.04/20.11                    Kenneth Street and Marks Lane, Tamarama - Accessible Parking Spaces (SF20/5785)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Retains the accessible parking space in Marks Lane, Tamarama.
2. Replaces the 7.9 metres currently allocated for two 90-degree accessible parking spaces in Kenneth Street with 7.9 metres of '2P, 8 am–10 pm, Permit Holders Excepted, Area 11' parking restrictions.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the addition of the following clause:

'Restricts the mobility parking space in Marks Lane to 8 am–6 pm.'

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

*S Awramenko addressed the meeting.*

**TC/C.05/20.11                    Ebley Street, Bondi Junction - Council Authorised Parking (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council converts 54 metres of '1/2P, Meter Registration, 8.00 am–6.00 pm, 3P 6.00 pm–9.00 pm' on the south side of Ebley Street between Lawson Street and Newland Street (adjacent to Clementson Park) to '1/2P, Meter Registration, 8.00 am–6.00 pm, 3P 6.00 pm–9.00 pm Council Authorised Vehicles Excepted'.

**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, RMS representative and Waverley Council representative (Chair).*

**TC/C.06/20.11                    139 Oxford Street, Bondi Junction - Construction Vehicle and Pedestrian Plan of Management and Oxford Street Mall Compound (DA-548/2017)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the Construction Vehicle and Pedestrian Plan of Management (CVPPM) relating to 139

Oxford Street, Bondi Junction, attached to the report, subject to the following conditions:

- (a) The application for a construction certificate shall be taken as accepting these conditions of approval.
  - (b) Occupants of neighbouring properties in the Oxford Street Mall shall be advised of the demolition, excavation and construction activities.
  - (c) Pedestrian access to neighbouring properties and businesses around the compound and work area shall be maintained at all times.
  - (d) No building materials shall be placed, dumped or left on any Council road or footpath area outside of the compound at any time.
  - (e) The footpaths at the Oxford Street Mall outside of the compound to remain in a safe condition for use by pedestrians at all times.
  - (f) All vehicles, plant and equipment shall be operated in accordance with the CVPPM attached to the report.
  - (g) Truck ingress to the site shall be via Oxford Street Mall entrance driveway in a forward direction into the compound.
  - (h) Truck egress out of the site shall be restricted to reversal of vehicles under the 'C-phase' of the traffic signals at the intersection into Oxford and Newland Street and forward leaving the area south along Newland Street.
  - (i) Truck servicing the site shall be limited in size to 8.8 metres in overall length. No approval is given for the use of articulated vehicles (semi-trailers and truck/trailer combinations).
  - (j) Trucks, on arriving at the site, shall enter the fenced offloading/unloading compound area at the front of the site immediately. Trucks not able to enter the fenced off area immediately shall not wait on Oxford Street or Newland Street. The applicant shall, where necessary, co-ordinate truck movements with other nearby building activities.
  - (k) There shall be no blockage to through traffic on Oxford Street or Newland Street other than for short periods of time when manoeuvring vehicles into and out of the approved fenced off loading/unloading compound.
  - (l) All traffic and pedestrian control shall be in accordance with the RMS's Traffic Control at Work Sites manual.
  - (m) Separate approval is required for:
    - (i) The use of any concrete pump.
    - (ii) Installation of a tower crane or other on-site crane.
    - (iii) The erection of any other hoarding other than that identified in clause 2 below.
2. Approves the installation of a 15 metre x 4 metre fenced-off compound area (A-class hoarding during stage 1 and 2 and B-class hoarding during stage 4 and 5) with access hours of '7 am–5 pm Mon-Fri 8 am–3 pm Sat' outside 139 Oxford Street, Bondi Junction, for a period of 52 weeks to allow the entering/exiting of trucks, as set out in the CVPPM attached to the report.

3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the compound as needed.
4. Delegates authority to the Executive Manager, Infrastructure Services, to authorise requests for access by trucks longer than 8.8 metres for specific activities.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted subject to the addition of a new clause 1(n), an amendment to clause 2 and the addition of a new clause 5, such that the recommendation now reads as follows:

That Council:

1. Approves the Construction Vehicle and Pedestrian Plan of Management (CVPPM) relating to 139 Oxford Street, Bondi Junction, attached to the report, subject to the following conditions:
  - (a) The application for a construction certificate shall be taken as accepting these conditions of approval.
  - (b) Occupants of neighbouring properties in the Oxford Street Mall shall be advised of the demolition, excavation and construction activities.
  - (c) Pedestrian access to neighbouring properties and businesses around the compound and work area shall be maintained at all times.
  - (d) No building materials shall be placed, dumped or left on any Council road or footpath area outside of the compound at any time.
  - (e) The footpaths at the Oxford Street Mall outside of the compound to remain in a safe condition for use by pedestrians at all times.
  - (f) All vehicles, plant and equipment shall be operated in accordance with the CVPPM attached to the report.
  - (g) Truck ingress to the site shall be via Oxford Street Mall entrance driveway in a forward direction into the compound.
  - (h) Truck egress out of the site shall be restricted to reversal of vehicles under the 'C-phase' of the traffic signals at the intersection into Oxford and Newland Street and forward leaving the area south along Newland Street.
  - (i) Truck servicing the site shall be limited in size to 8.8 metres in overall length. No approval is given for the use of articulated vehicles (semi-trailers and truck/trailer combinations).
  - (j) Trucks, on arriving at the site, shall enter the fenced offloading/unloading compound area at the front of the site immediately. Trucks not able to enter the fenced off area immediately shall not wait on Oxford Street or Newland Street. The applicant shall, where necessary, co-ordinate truck movements with other nearby building activities.
  - (k) There shall be no blockage to through traffic on Oxford Street or Newland Street other than for short periods of time when manoeuvring vehicles into and out of the approved fenced off loading/unloading compound.

- (l) All traffic and pedestrian control shall be in accordance with the RMS's Traffic Control at Work Sites manual.
  - (m) Separate approval is required for:
    - (i) The use of any concrete pump.
    - (ii) Installation of a tower crane or other on-site crane.
    - (iii) The erection of any other hoarding other than that identified in clause 2 below.
  - (n) An additional traffic controller on the shared zone component.
2. Approves the installation of a 15 metre x 4.5 metre fenced-off compound area (A-class hoarding during stage 1 and 2 and B-class hoarding during stage 4 and 5) with access hours of '7 am–5 pm Mon-Fri 8 am–3 pm Sat' outside 139 Oxford Street, Bondi Junction, for a period of 52 weeks to allow the entering/exiting of trucks, as set out in the CVPPM attached to the report.
  3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the compound as needed.
  4. Delegates authority to the Executive Manager, Infrastructure Services, to authorise requests for access by trucks longer than 8.8 metres for specific activities.
  5. Officers liaise with the applicant to determine appropriate time slots for the various activities that will occur when delivering materials to the site to minimise lane tapers.

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

**TC/C.07/20.11            9 Scott Street, Bronte - Temporary Road Closures for Modular Housing Delivery (DA-171/2019)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the temporary closure of Scott Street between Marroo Street and Pacific Lane, and Marroo Street between Boundary Street and Chesterfield Parade, Bronte, over two days during a working week (7.00 am on day 1 to 11.30 pm on day 2) on dates to be agreed with Council, in accordance with the Construction Traffic and People Plan of Management attached to the report, subject to the applicant:
  - (a) Notifying NSW Police and Transport for NSW and obtaining relevant approvals.
  - (b) Notifying the State Transit Authority, NSW Ambulance Service and NSW Fire and Rescue.
  - (c) Notifying affected residents and businesses at least 5 working days prior to the event, with a follow-up notification on the day prior to day 1 of the closure.
  - (d) Obtaining relevant approvals from the National Heavy Vehicle Regulator (NHVR).

- (e) Abiding by the attached conditioned approval from Randwick City Council to occupy parking spaces on roads within the Randwick local government area.
  - (f) Obtaining approval of any tree pruning from Council's tree management team.
  - (g) Ensuring access to affected residents and liaising with other residents, schools and businesses during the duration of the temporary closure.
  - (h) Using Transport-for-NSW-accredited traffic controllers.
  - (i) Covering all costs associated with closing the road, including traffic control.
  - (j) Completing all works by 11.30 pm on day 2 when full access to Scott Street and Marroo Street will be restored.
2. Delegates authority to the Executive Manager, Infrastructure Services, to approve the dates that the operation will occur.
  3. Requires a Council compliance officer to be on-site during the day of the modular housing crane lift at the applicant's expense.

**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, RMS representative and Waverley Council representative (Chair).*

**TC/C.08/20.11            9 Scott Street, Bronte - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 14.5-metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone along the frontage of 9 Scott Street, Bronte.
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, RMS representative and Waverley Council representative (Chair).*

**TC/V STATE ELECTORATE OF VAUCLUSE****TC/V.01/20.11 Barracluff Avenue, Bondi Beach - Traffic Calming Scheme (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council undertakes community consultation with the residents of Barracluff Avenue on the following traffic and parking options for Barracluff Avenue:

1. Option A – No change. Leave Barracluff Avenue as it is, as shown in Attachment 1 of the report.
2. Option B – Parallel parking on both sides of Barracluff Avenue with kerb blisters, as shown in Attachment 2 of the report.
3. Option C – Angle parking on the northern side of Barracluff Avenue, as shown in Attachment 3 of the report.
4. Option D – Angle parking on the southern side of Barracluff Avenue, as shown in Attachment 4 of the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*D Robinson addressed the meeting.*

**TC/V.02/20.11 New Year's Eve Special Events - Dudley Page Reserve and Local Streets - Traffic Management Plans (SF20/5667)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the traffic arrangements for the following special events in accordance with the Traffic Management Plan attached to the report, subject to the Traffic Management Plan being forwarded to Transport for NSW for its approval of road closures and clearways:
  - (a) New Year's Eve event at Dudley Page Reserve.
  - (b) Military Road clearways.
  - (c) Closure of Bondi Road.
2. Notes that the special events may not proceed due to COVID-19 restrictions.
3. Delegates authority to the Executive Manager, Infrastructure Services, to approve any modification to the Traffic Management Plan.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

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

'New Year's Eve event at Dudley Page Reserve, including a clearway on Lancaster Road between Military Road and Portland Street.'

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

**TC/V.03/20.11                    Rose Bay Secondary School - Temporary Drop-off/Pick-up Zones - Review (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council reduces the length of the existing 72-metre 'Kiss and Ride, No Parking 8.00 am–9.00 am, 2.30 pm–4.00 pm, school days only' zone on the western side of Hardy Street, Dover Heights, to 62 metres, as shown in Figure 5 of the report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.04/20.11                    2 Ormond Street, Bondi Beach - Car Share Space (SF17/2465)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.5-metre GoGet car share space outside 2 Ormond Street, Bondi Beach, on the east side immediately adjacent to the southern side of the driveway.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.05/20.11                    13 Reina Street, North Bondi - 'P Motor Bikes Only' Parking (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 'P Motor Bikes Only' zone between the driveways of 13A and 13B Reina Street, North Bondi.

2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the 'P Motor Bikes Only' parking zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.06/20.11            64-66 Wallangra Road, Dover Heights - No Stopping between Driveways (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 'No Stopping' zone between the northern end of the driveway of 64 Wallangra Road, Dover Heights, and the southern end of the driveway of 66 Wallangra Road, Dover Heights.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.07/20.11            6A Niblick Street, North Bondi - Construction Zone (A03/2514-04)**

*Cr T Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he lives in the vicinity of the subject site.*

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 14.5-metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone along the Griffith Avenue frontage of 6A Niblick Street, 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 Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**TC/V.08/20.11          57 Glenayr Avenue, North Bondi - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 12-metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone in front of 57 Glenayr Avenue, 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 Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).*

**TC/CV          ELECTORATES OF COOGEE AND VAUCLUSE****TC/CV.01/20.11          Guide for Assessment of Construction Zone Applications (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Endorses the process in the report for the assessment of construction zone applications.
2. Endorses the 'Guide for construction zones in Waverley' attached to the report.
3. Publishes the guide on Council's website.
4. Delegates authority to Executive Manager, Infrastructure Services, to modify the assessment process or guide.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

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

That Council:

1. Notes the recommended process in the report for the assessment of construction zone applications.
2. Endorses the 'Guide for construction zones in Waverley' attached to the report.
3. Publishes the guide on Council's website.
4. Delegates authority to Executive Manager, Infrastructure Services, to adapt the assessment process or guide as deemed necessary.

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

*The representative of the Member for Coogee was not present for the consideration and vote on this item.*

**THE MEETING CLOSED AT 11.52 AM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**8 DECEMBER 2020**

## MAYORAL MINUTES CM/6/20.12



WAVERLEY  
COUNCIL

**Subject:** Mayoral Minutes  
**Author:** Mayor of Waverley, Cr Paula Masselos

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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/7.1/20.12**

**Subject:** General Manager's Delegations

**TRIM No:** SF20/29

**Author:** Evan Hutchings, Executive Manager, Governance and Projects

**Director:** Karen Mobbs, General Counsel

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**RECOMMENDATION:**

That:

1. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to the report.
2. Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
3. Should Emily Scott be unable or unwilling to act as General Manager at any time, John Clark be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
4. Should Emily Scott and John Clark be unable or unwilling to act as General Manager at any time, Darren Smith be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
5. Should Emily Scott, John Clark and Darren Smith be unable or unwilling to act as General Manager at any time, Karen Mobbs be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
6. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.
7. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any exemptions approved.
8. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.

**1. Executive Summary**

At its meeting on 17 March 2020, Council reviewed its delegations to the General Manager following encouragement from the Local Government Minister, Shelley Hancock MP, for councils to review their

delegations to the General Manager so as to minimise the need for face-to-face meetings of Council, and to ensure business continuity during the COVID-19 pandemic.

As a result of the review, Council:

- Removed the financial limitation of the General Manager's delegation to accept tenders, with the restriction that this cannot be sub-delegated by the General Manager.
- Increased the General Manager's authority to approve purchases with fewer than the required number of quotes called for in the Purchasing Procedure from \$50,000 to \$250,000.

Council resolved to review the General Manager's delegation in June 2020 and December 2020.

The purpose of this report is to comply with the resolution of Council for a review in December 2020 and to provide an update on the implementation of changes made in March 2020 to ensure business continuity during the COVID-19 pandemic.

As part of this review, this report will also outline the rationale for the proposed inclusion of the Debt Write Off, Rates and Charges Write Off and Asset Disposal authorities in Part B General Limitations within the Instrument of Delegation for the General Manager. These authorities are already in existence but are proposed to be centralised in the delegation instrument.

## **2. Introduction/Background**

The General Manager's Instrument of Delegation approved at the Council meeting on 10 October 2019 allowed the General Manager to accept tenders, where the proposed contract is not for services currently being undertaken by Council staff, for contracts with a total contract value (including GST) of up to:

- \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Operations and Community Services Committee meeting of the following year).
- \$500,000 for the rest of the year.

In March this year, Council resolved to remove these tender limitations to allow the General Manager to accept all tenders, except those affecting staff. The General Manager cannot sub-delegate this function.

Previously, in April 2019, Council resolved to limit the General Manager's authority to approve exemptions to Council's Purchasing Procedure, where the required number of quotes are not received to purchases under \$50,000. At the meeting in March this year, Council resolved to raise this to allow the General Manager to approve exemptions up to the tender threshold of \$250,000, for the duration of the pandemic. This authority has been included in Part B General Limitations of the Instrument of Delegation attached to this report.

In June 2020, an update on the delegations was submitted to, and noted by Council. This update resulted in no changes to the delegations of the General Manager.

These changes are working well and have improved timeliness of approval processes and efficiency in procurement processes. Action taken by the General Manager over and above the previous limits of authority is reported to Council for information. It is considered prudent for Council to continue with these existing arrangements. They also continue to be helpful while some pandemic restrictions remain in place.

**3. Relevant Council Resolutions**

<b>Meeting and date</b>	<b>Item No.</b>	<b>Resolution</b>
Council 16 June 2020	CM/7.2/20.06	That Council notes this update on the implementation of the current delegations to the General Manager relating to the acceptance of tenders and the approval of purchases with fewer than the required number of quotes called for in the Purchasing Procedure up to \$250,000.
Council 17 March 2020	CM/10.1/20.03	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council notes the potential impacts on business continuity for Council from the current Novel Coronavirus (COVID-19) pandemic.</li> <li>2. Council resolves that it wishes to provide greater day-to-day decision-making authority to the General Manager while the pandemic affects the community and Council's operations.</li> <li>3. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to this report.</li> <li>4. Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>5. Should Emily Scott be unable or unwilling to act as General Manager at any time, Peter Monks be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>6. Should Emily Scott and Peter Monks be unable or unwilling to act as General Manager at any time, John Clark be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>7. Should Emily Scott, Peter Monks and John Clark be unable or unwilling to act as General Manager at any time, Darren Smith be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> </ol>

		<ol style="list-style-type: none"> <li>8. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.</li> <li>9. Council reviews the General Manager’s delegations at the June 2020 and December 2020 Council meetings.</li> <li>10. Council authorises the General Manager to approve purchases with fewer than the required number of quotes called for in the Purchasing Procedure up to \$250,000, until December 2020 when a review of this will be included in the report to Council on the General Manager’s delegations.</li> <li>11. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any exemptions approved under clause 10 above.</li> <li>12. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</li> </ol>
<p>Council 10 October 2019</p>	<p>CM/7.11/19.10</p>	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council delegates/sub-delegates to the General Manager the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report at Attachment 1.</li> <li>2. Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>3. Should Emily Scott be unable or unwilling to act as General Manager at any time, Peter Monks be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>4. Should Emily Scott and Peter Monks be unable or unwilling to act as General Manager at any time, John Clark be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</li> <li>5. Should Emily Scott, Peter Monks and John Clark be unable or unwilling to act as General Manager at any time,</li> </ol>

		<p>Darren Smith be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</p> <p>6. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.</p> <p>7. Authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</p>
Council 16 April 2019	CM/7.4/19.04	<p>That:</p> <p>1. Council delegates/sub-delegates to the General Manager the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report at Attachment 1, subject to Policy Authorisation 14A Finance being limited to purchases under \$50,000.</p> <p>2. Peter Monks be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</p> <p>3. Should Peter Monks be unable or unwilling to act as General Manager at any time, Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.</p> <p>4. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.</p> <p>5. Authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.</p> <p>6. The delegations be reviewed in six months' time.</p>

#### 4. Discussion

Following the removal of the tender limitations in March, the General Manager has accepted the following 12 tenders, with a total value of \$3,740,882.42:

- Waverley Art School – Restoration services.
- 2A Edmund Street – Head design services, design and documentation.
- Rodney Reserve landslip remediation.

- Waverley Park Indoor Cricket Facility – Architectural services.
- Thomas Hogan Reserve Landscape Upgrade Stage 2.
- Outdoor Market Operator Roscoe Street Mall, Bondi Beach.
- Bondi Pavilion Early Works (Temporary Amenities).
- Bush Regeneration Remnant Sites and Natural Areas Restoration 2020-2021 RFQ 20146.
- Bondi Park Playground Upgrade.
- Waverley Fencing Projects.
- Bronte and Gardiner and Waverley Education Centre End of Year Upgrade project.
- Electrical Maintenance and Services Panel RFT 2055.

The General Manager has also approved eight procurement exemptions since March. These were for:

- A contract for the temporary staff amenity hire for the Bondi Pavilion Restoration and Conservation Project – \$129,394. Less than the required three quotes were received.
- Engagement of consultant – Crowded Place Safety (Security Master Plan, CCTV Policy and System Design) – \$85,000. This is a single source provider to undertake the development and implementation of a Security Master Plan, detailed CCTV system design and CCTV Policy Framework.
- Processing of disposal of general waste (non -putrescible) from non-residential clean-up and public place cleansing services – \$220,000. This was required due to rejecting the SSROC tender process to ensure services can continue until a new tender process is finalised. Temporary exemption interim period.
- Hydrocare Service Plan – Zip Water Filters – \$105,000 over three years. Only one other supplier in the market. To switch supplier would incur significant capital costs to replace all the units. This service is essential to ensure that Council's facilities are adequately maintained, fit for purpose and safe to meet community and staff expectations.
- Security Consultancy Services HVM Safety by Design Project (Bondi Beach) – \$11,000. Urgent goods/services.
- Modification of Council chamber to facilitate hybrid Council meetings including reconfiguration of furniture and equipment, purchase and installation of additional equipment and fittings and development and installation of technological solutions – \$51,899.29. Urgent goods/services.
- Supply and installation of precinct signage (display vacant parking spaces) – \$92,097.50. Less than the required three quotes were received
- Fire Panel Alarm Monitoring Service – \$65,000. The equipment installed in Council's fire panels is proprietary and the service is essential to ensure that Council's facilities are adequately protected.

In the context of COVID-19 impacts, and in general process effectiveness terms, the current arrangements have worked and are working extremely well with a high degree of transparency. On that basis, this report recommends that Council keeps in place the current tender acceptance and procurement exemption delegation arrangements. These matters can be revisited if necessary at the next review.

It is also highlighted that in previous versions of the General Manager's instrument of delegation there have been no limitations included in Part B General Limitations. It is recommended that the authorisations for Debt Write Off, Rates and Charges Write Off and Asset Disposal be included in Part B of the instrument for improved transparency and clarity. These authorisations and limitation have been approved by Council by resolution but has sat outside the delegation instrument. Historically, these authorisations have only been located in the LG Legal delegations database as policy authorities that can only be exercised by the General Manager. Including these authorisations in Part B of the Instrument of Delegation for the General Manager prescribes that these authorities are not able to be sub-delegated. This will also eliminate the potential for confusion resulting from them not being included in the Instrument of Delegation for the General Manager.

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

There are no financial implications resulting from this report and the recommendations are intended to assist Council in continuing normal day-to-day operations. Councillors will continue to be made aware of tenders being accepted and exemptions being granted. The Instrument of Delegation to the General Manager will take effect as soon as it is adopted by Council and will be reviewed as circumstances require.

No consultation is necessary.

## 6. Conclusion

This report recommends that Council:

- Continues the current delegations to the General Manager to authorise the General Manager to accept all tenders not affecting staff, with the limitation that this function is not to be sub-delegated and the authority to approve purchase exemptions up to \$250,000 where the required three quotes have not been obtained.
- Reappoints Emily Scott, John Clark, Darren Smith and Karen Mobbs to fill the role of acting General Manager when the General Manager is on leave or unable to undertake his duties as per the previous delegation.
- Adopts the updated Instrument of Delegation to the General Manager and authorises the Mayor and Deputy Mayor to execute the Instrument under Council Seal.

## 7. Attachments

1. Instrument of Delegation to the General Manager - 8 December 2020 [↓](#)

# Waverley Council

## Instrument of Delegation to

### General Manager



On Tuesday, 8 December 2020, Waverley Council (“Council”) resolved that:

1. All previous delegations of functions the subject of this instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council (“General Manager”), being at the date of this instrument, Ross Barry McLeod, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council, Council’s functions under all legislation in force and as amended from time to time:
  - a. **Subject to** any condition or limitation on a function specified in Schedule 1; and
  - b. **Excluding** those functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the functions delegated to Council under, and in accordance with, the Instrument of Delegation to Council set out in **Schedule 2**, excluding those functions which pursuant to the terms of the delegation to Council may not be sub-delegated.
4. The General Manager be delegated any function which is taken to be conferred or imposed on Council pursuant to section 381(1) of the LG Act.
5. In the absence of the General Manager that a person/persons appointed to act as General Manager by resolution of Council on 16 June 2020 assume all functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by Council.
6. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant legislation;
  - b. any conditions or limitations set out in **Schedule 1**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by Council.
7. These delegations and authorities are effective from the date of the resolution of Council and remain in force until amended or revoked by a resolution of Council.
8. In this delegation:
  - “**Functions**” means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  - “**Legislation**” means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  - “**LG Act**” means the *Local Government Act 1993* as amended.

## Schedule 1: Limitations

<b>Part A – Limitations applicable to specific statutory Function (if any)</b>	
<i>Environmental Planning and Assessment Act 1979</i>	All functions delegated to the Waverley Local Planning Panel (WLPP) under Local Planning Panels Direction – Development Applications dated 23 February 2018 and Local Planning Panels Direction – Planning Proposals dated 27 September 2018 and any subsequent Direction.
<i>Local Government Act 1993, s377(1)(i)</i>	Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the council. This function cannot be sub-delegated by the General Manager.
<b>Part B – General Limitations</b>	
<i>Asset Disposal</i>	<p><b>Asset Disposal</b> Authority to approve the disposal of assets up to the value of \$1,000,000 in accordance with Council's Asset Disposal Policy and Asset Disposal Procedure.</p> <p>Approval must not be given without consideration of a recommendation from the Director of the relevant business area.</p> <p>This authorisation does not apply to the disposal of real property, civil fixed assets and financial investments.</p>
<i>Debt Write Off</i>	<p><b>Debt write off</b> Authority to write off debts up to the value of \$2500 (including GST) without a resolution of Council in accordance with clause 213(2) of the Local Government Regulation 2005 and Council resolution CM 7.5/17.07.</p>
<i>Rates and Charges Write Off</i>	<p><b>Rates and charges write off</b> Authority to write off rates and charges up to the value of \$100 without a resolution of Council in accordance with clause 131(1) of the Local Government Regulation 2005 and Council resolution CM 7.6/17.07.</p>
<i>Procurement</i>	<p><b>Procurement Exemption</b> Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$250,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.</p>

## Schedule 2: Instruments of Delegation to Council

<b>Delegator</b>	<b>Instrument Name</b>	<b>Date Of Instrument</b>
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	Tuesday, 1 July 2008
Minister for Heritage	Authorisation for Local Councils to make Interim Heritage Orders	Monday, 22 April 2013

Pursuant to a resolution of Council at its meeting of 8 December 2020.

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Councillor Masselos

Mayor

Date:

Review date: June 2021

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Councillor Keenan

Deputy Mayor

Date:

### **General Manager's acknowledgement of Delegations of Authority**

I, Ross Barry McLeod, currently employed by Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

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Ross Barry McLeod

General Manager of Waverley Council

Date:

**REPORT**  
**CM/7.2/20.12**

**Subject:** Trade Debtors - Debt Write Off

**TRIM No:** SF17/299

**Author:** Teena Su, Executive Manager, Finance

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

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**RECOMMENDATION:**

That Council:

1. Writes off bad trade debts amounting to \$13,260.62 as set out in Table 1 of the report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.
2. Notes that \$2,281.57 of commercial waste and footpath seating debt has been written off by the General Manager for the period 17 June 2020 to 7 December 2020, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

A total of \$13,260.62 of commercial waste and footpath seating debts are deemed irrecoverable from businesses no longer in operation.

Despite all practical efforts, these outstanding amounts are deemed not cost effective to recover. Officers recommend that these debts be written off.

**2. Introduction/Background**

Under clause 213(2) of the *Local Government (General) Regulation 2005* a Council must from time to time, by resolution, fix an amount above which debts may be written off only by Resolution of the Council.

Clause 213(3) of the *Local Government (General) Regulation 2005*, makes provision for a delegation where debts below an amount fixed by the Council may be written off. Council has delegated to the General Manager the authority to write off individual debts of less than \$2,500 (see the resolution below).

A direct debit via bank account and credit card payment option has been introduced for commercial waste customers since 2019. Council staff are working to move the existing customers to this payment option wherever possible and encouraging new customers to register with the direct debit payment method. This payment option ensures customers do pay Council on time effortlessly, because it allows Council to deduct monies from the customer's bank account on their invoice's due date.

A bond system has been introduced to the outdoor seating customers since 18 December 2017. All customers after this date are required to pay a bond equivalent to three months' rent as a security. Bad debt write-offs from this area have reduced compared to the period prior to the bond system.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 July 2017	CM/7.5/17.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>Adopts the Trade Debtors Policy attached to this report.</li> <li>Fixes \$2,500 (including GST) as the amount above which debts may be written off only by resolution of Council, in accordance with clause 213(2) of the <i>Local Government (General) Regulation</i>, noting that the General Manager can write off debts not greater than this amount.</li> <li>For any future contracts with debt recovery agencies, considers inclusion of a contract requirement for notification of bad debts to a credit reporting agency at an earlier stage than is possible under current arrangements.</li> <li>Receives a quarterly report outlining details of the debts written off by the General Manager.</li> </ol>

### 4. Discussion

One trade customer detailed in the report is no longer in operation. After taking reasonable actions to recover these debts, it is recommended that the debts be written off due to it not being cost effective to pursue the debtors further. The responsible staff have sent monthly account statements, reminders, and emails and followed up over the phone. Where possible, Council refers such debt to our external debt recovery agency. If advised that debt recovery action is unlikely or not cost effective to proceed, a recommendation of abandonment is made.

Table 1. Debts of more than \$2,500 to be written off by Council.

Business Name	Service Address	Owner/ Manager	Total Debt	Reason for abandonment	Debt Type	Age of debt (days)
San Churro Bondi	Shop 5, 84 Campbell Parade, Bondi Beach	Happy Mirza	13,260.62	\$12,163.23 relates to footpath seating, \$1,097.37 relates to commercial waste. Business deregistered. Council considered as unsecured creditor. Further action to recover the debt amount would be uneconomical	Footpath seating and commercial waste	>360

Table 2 below lists the debts under \$2,500 written off by the General Manager from 16 June 2020 to 7 December 2020.

Table 2. Debts under \$2,500 written off by the General Manager from 16 June 2020 to 7 December 2020.

Business Name	Service Address	Owner/ Manager	Total Debt	Reason for abandonment	Debt Type	Age of debt (days)
Katipo Coffee House Deluxe	101 Bondi Road, Bondi	Fei (Phil) Xu	\$1,732.65	The business has been sold and the old owner is not contactable.	Commercial Waste	>360
The Whole Enchilada	76-78 Hall Street, Bondi Beach	Christian Enright	\$149.92	The business has been closed and the old owner is not contactable.	Footpath Seating	>360
Panama House	251 Bondi Road, Bondi	Geraint Coles	\$147.23	The business has been closed and the old owner is not contactable.	Footpath Seating	>360
The Plant Gallery Pty Ltd	95 Bondi Road, Bondi	David Ortega	\$150.94	The business has been closed and the old owner is not contactable.	Footpath Seating	>360
Chapter One Bondi	Shop 3A, 34 Campbell Parade, Bondi Beach	Simone Drape	\$100.83	The business has been sold and the old owner is not contactable.	Footpath Seating	>360
<b>Total</b>			<b>\$2,281.57</b>			

The bad debt risk expects to improve further after a full transition of outdoor seating customers to the security bond system and efforts to have commercial waste customers opt in to the direct debit payment option.

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

The proposed write off for San Churro Bondi's debts totals \$13,260.62 from commercial waste and footpath seating services has been discussed with ELT. A bad debt provision for these amounts has been provided in Council's financial system. Therefore, it has no further impact on the current year's budget performance.

#### 6. Conclusion

Writing off a debt is only recommended after a thorough review by the responsible business unit and after all reasonable efforts have been taken to recover the debt.

All write offs are recommended by the responsible Executive Manager/officer and reviewed by Finance staff before being placed before the General Manager or Council.

#### 7. Attachments

Nil.

## REPORT

### CM/7.3/20.12



**Subject:** Audit, Risk and Improvement Committee - Extension of Appointment of Members

**TRIM No:** SF19/1020

**Author:** Evan Hutchings, Executive Manager, Governance and Projects

**Director:** Karen Mobbs, General Counsel

#### RECOMMENDATION:

That Council confirms the appointment of Elizabeth Gavey, Kath Roach and John Gordon as members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024.

#### 1. Introduction/Background

In 2019, Council established the Audit, Risk and Improvement Committee (ARIC) to replace the previous Audit Committee. At that time, three independent members were appointed to the Committee, with Council resolving that such appointments beyond 31 December 2020 as subject to Council being satisfied with their performance.

#### 2. Relevant Resolutions

Meeting and date	Item No.	Resolution
Council 17 September 2019	CM/7.15/19.09	That Council: <ol style="list-style-type: none"> <li>1. Appoints Elizabeth Gavey, Kath Roach and John Gordon as the external independent members of the Waverley Audit, Risk and Improvement Committee until 31 December 2024, with their appointments beyond 31 December 2020 being subject to Council being satisfied with their performance at a performance review to be conducted in or prior to December 2020.</li> <li>2. Appoints Elizabeth Gavey as Chair of the Committee during the period of her appointment.</li> </ol>
Council 19 February 2019	CM/7.4/19.02	That Council: <ol style="list-style-type: none"> <li>1. Establishes an Audit, Risk and Improvement Committee to succeed Council's current Audit Committee, to be operational by the end of May 2019.</li> <li>2. Authorises the General Manager to undertake all necessary actions to establish the Committee and to select an independent Chair and Members to recommend to Council for appointment.</li> </ol>

		<p>3. Adopts the Audit, Risk and Improvement Committee Charter for the Committee attached to this report, subject to the following amendment:</p> <p>(a) In section 5, under the heading ‘Non-voting Members’, insert the following sentence: ‘Councillors who are not Committee members may attend meetings of the Committee as observers.’</p> <p>4. Sets the remuneration for the external independent committee members at \$1,500 (Chair) and \$1,300 (Member) per meeting, which includes preparation and travel time.</p>
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**3. Discussion**

At its meeting on 17 September 2019, Council considered the appointment of external independent members of the Waverley Audit, Risk and Improvement Committee (ARIC) and resolved, in part, to appoint Elizabeth Gavey, Kath Roach and John Gordon until 31 December 2024, with their appointments beyond 31 December 2020 being subject to Council being satisfied with their performance at a performance review to be conducted in or prior to December 2020.

Since those appointments and at the time of the preparation of this report, ARIC has met six times as follows:

- October 2019.
- December 2019.
- March 2020.
- May 2020.
- September 2020.
- October 2020.

From these six meetings, there has been 49 action items (i.e. resolutions requiring action). Of these actions items 46 have been closed with it envisaged that the remaining three items will be closed at the December 2020 meeting.

The three independent members have attended all six meetings, with the exception of one member being absent from one meeting.

During the initial year of ARIC’s existence, the Committee members have been required to become familiar with their portfolio of responsibilities. However, on reflection of the extensive list of items that have been considered, addressed and advised upon by the Committee, it is clear that each of the members have made significant contributions and recommendations for improvements (and subsequent implementation) within a relatively short time frame.

The Committee members have certainly met the expectations of Council’s Executive in satisfying the Charter of the Committee through a structured and meticulous approach, while delivering additional value in the provision of advice and information outside of the formal meeting structure.

This report has been discussed with the Chairperson of the Committee, who has concurred with the view of staff in relation to the performance of the Committee and its other members.

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

The costs of operating ARIC are provided for in the operational budget.

**5. Conclusion**

Based on an assessment of the performance of the three independent members of ARIC since its establishment, it is recommended that their appointments through to 31 December 2024 be confirmed.

**6. Attachments**

Nil.

**REPORT**  
**CM/7.4/20.12****WAVERLEY**  
COUNCIL

**Subject:** Cultural Advisory Committee - Membership

**TRIM No:** A19/0092

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

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

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**RECOMMENDATION:**

That Council appoints the following individuals to the Cultural Advisory Committee for a term of two years, from 2021 to 2023:

1. Members:
  - (a) Su Goldfish.
  - (b) Mark Gould.
  - (c) Jonathan Nolan.
  - (d) Sophia Thalís.
  - (e) Tessa Leong.
  - (f) Morwenna Collett.
  - (g) Sue Saxon.
2. Reserve members:
  - (a) Chris Bendall.
  - (b) Danella Bennett.
  - (c) Michaela Boland.
  - (d) Faith Wieland.

**1. Executive Summary**

Expressions of interest (EOI) were invited for membership of the newly established Cultural Advisory Committee for a term of two years. The EOI was open from 21 October to 22 November 2020. A selection committee comprising the Mayor, Cr Masselos as chair of the Cultural Advisory Committee, the Executive Manager, Communications, Culture and Events, and Manager, Arts and Culture, has undertaken a selection process and made recommendations to Council for the appointment of members to the Committee.

## 2. Introduction/Background

Council established a Cultural Advisory Committee on 15 September 2020, adopting terms of reference (Attachment 1) for the guidance of Committee's remit and operations.

At the subsequent Council meeting, on 20 October 2020, Council appointed the following Councillors to the Cultural Advisory Committee until 4 September 2021, when Council elections will occur:

- The Mayor, Cr Masselos, as the chair.
- Cr Keenan.
- Cr O'Neill.
- Cr Kay.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 October 2020	CM/7.2/20.10	That Council appoints the Mayor, Cr Masselos, as the Chair, Cr Keenan, Cr O'Neill and Cr Kay to the Cultural Advisory Committee until 4 September 2021.
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

Expressions of interest (EOI) were invited for membership of the Cultural Advisory Committee for a term of two years. The EOI was open from 21 October to 22 November 2020.

The EOI was promoted in community newsletters, the Waverley Council Arts and Culture and Waverley Weekly e-newsletters, on Council's website and social media channels, ArtsHub and in Theatre Network Australia's e-newsletter. The EOI was also shared with Museums and Galleries NSW, Accessible Arts and Create NSW.

24 submissions were received by the closing date. All submissions were reviewed and considered by the Mayor, Cr Masselos as chair of the Cultural Advisory Committee, Executive Manager, Communications, Culture and Events, and Manager, Arts and Culture, in accordance the Committee's terms of reference.

The recommended appointments have been made with consideration to the proposed members' skills, expertise and mix of professional backgrounds, as outlined in the terms of reference. Details of the recommended appointees have been circulated to Councillors separately.

The selection panel has recommended the appointment of 10 members to the Committee at this time, rather than the full quota of 11 members (plus the chair) as outlined in the Committee's terms of

reference. The panel's position is that Indigenous membership on the Committee is highly desirable and this was not able to be achieved through the EOI process undertaken. Should Council progress with the panel's recommendations, panel members will reach out to contacts in the Indigenous community for prospective members and invite submissions from appropriate candidates to join the Committee. A further report will come to Council in February to recommend an additional appointment, or the first reserve if the panel is unable to source an Indigenous Committee member.

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

The operation of the Cultural Advisory Committee requires Councillor, volunteer and officer time but otherwise there is no direct financial impact on Council's budget.

Should Council approve the recommended appointments to the Committee at this meeting, the first meeting will be scheduled for early 2021 with a final date to be set following membership confirmation.

It is proposed that the community members of the Committee will be engaged for a two-year term, ending in early 2023.

Councillor members are appointed until 4 September 2021, when Council elections will next occur.

#### **6. Conclusion**

It is recommended that Council appoints the inaugural community members of the Cultural Advisory Committee from 2021 to 2023, as outlined in this report.

#### **7. Attachments**

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

# Waverley Council Cultural Advisory Committee

## Terms of Reference September 2020

### Introduction

Resulting from actions in the Waverley Council Cultural Plan 2020-2025, a Cultural Advisory 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 Advisory 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 Advisory 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 Advisory 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 Advisory 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 Advisory Committee is an advisory body only
- The Cultural Advisory 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, Arts and Culture

A recommendation about the membership of the Waverley Cultural Advisory 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 Advisory 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 Advisory Committee
- The Nib Advisory Committee

The Cultural Advisory 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 for Council Committee Members which is available [here](#).

For the duration of their term, members of the Cultural Advisory 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/7.5/20.12



**Subject:** Draft Public Art Policy - Exhibition

**TRIM No:** A20/0106

**Author:** Elizabeth Reidy, Co-ordinator, Curator and Visual Arts

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

### RECOMMENDATION:

That Council publicly exhibits the draft Public Art Policy attached to the report for 42 days.

#### 1. Executive Summary

Council's Public Art Policy has been reviewed and it is recommended that the draft policy be placed on exhibition for public consultation. The policy review has been undertaken through input from the Public Art Committee and includes amendments that reflect changes to Council's Development Control Plan (DCP) with regard to public art in private developments.

#### 2. Introduction/Background

In March 2014, Council adopted a new Public Art Policy that established the framework for a suite of documents, including Public Art in the Private Domain Guidelines, Art Collection Acquisition and Deaccession Guidelines, and Public Art Masterplan, all of which outline the conditions and framework for the commissioning of new public art within the Waverley local government area (LGA). The policy had a review time frame of four years. In 2018, staff from the Visual Arts, Strategic Planning and Development Assessment teams, under the guidance of the Public Art Committee, commenced a review of the Public Art Policy.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 18 March 2014	CRD.10/14	That Council <ol style="list-style-type: none"> <li>1. Note the community feedback provided on the Draft Public Art Policy and thank people for their feedback.</li> <li>2. Approve the revised Public Art Policy as tabled at the meeting.</li> </ol>

#### 4. Discussion

In 2018, staff from the Visual Arts, Strategic Planning and Development Assessment teams, under the guidance of the Public Art Committee 2018–2019, commenced a review of the Public Art Policy. The Public Art Committee reviewed and evaluated the Objective Principles for Public Art in Waverley and with expert industry knowledge made refinements to the wording of the Objective Principles to ensure the objectives were in keeping with current industry language and expectations. The Public Art Committee also reviewed and made amendments to the expected outcomes for the growth of public art Waverley.

In March 2020, Council officers from Strategic Planning reviewed sections of the Waverley DCP. Working with staff from the Visual Arts team, the triggers for Public Art in Private Development were reviewed and amended in the Waverley DCP. Council's Development Control Plan 2012 (Amendment 8) stipulates:

*A public artwork is required for all development in B1, B3 and B4 zones, with a proposed construction greater than \$10 million. The artwork is to be valued at 1% of the overall construction cost of the development as noted in the Waverley Development Application Guide. Development must comply with the provisions of Part B11 Public Art and B12 Design Excellence of the Waverley Development Control Plan.*

Staff from the Visual Arts team benchmarked definitions and terms in the policy review against expert industry documents and added a compendium of definitions to the revised draft. This aligns the draft policy with best practice and industry standards outlined by the National Association for the Visual Arts.

On 12 October 2020, staff reviewed the drafted policy with the Public Art Committee. Members of the Committee provided further guidance on the drafted document including the proposed shift in the Objective Principles from Artistic Excellence to Artistic Merit in keeping with the recently adopted terminology used by the Australia Council for the Arts in assessing artistic projects and proposals against their current qualitative measurement framework.

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

Council has a biannual budget of \$100,000 in the Capital Works Program for the commissioning of new site-specific public art in the Waverley LGA. The sites and order of these commissions are outlined in the Public Art Masterplan that was adopted in 2015 and operates as a compendium to the current Public Art Policy. If adopted, the new Public Art Policy will form the framework for the continued delivery of the Public Art Masterplan.

Should Council resolve to publicly exhibit the draft policy, the exhibition period will be undertaken until early February 2021. Feedback will be reviewed by the Public Art Committee in consultation with Council staff, with a report anticipated to come back to Council in March 2021 to allow for the policy to be formally adopted.

The draft Public Art Policy attached to this report has been reviewed and developed in consultation with two Public Art Committees (2018-2019 and 2020-2021) and benchmarked against current industry standards by staff in the Visual Arts Team in consultation with the National Association of the Visual Arts. Council's Strategic Planning staff reviewed and provided feedback on the draft policy to ensure the policy reflects language and definitions consistent with the new triggers for public art in private development implemented in the DCP.

**6. Conclusion**

The draft Public Art Policy attached to this report is recommended to be placed on public exhibition. Council officers will review feedback received with the Public Art Committee with a view to presenting the draft policy for formal adoption in March 2021.

**7. Attachments**

1. Draft Public Art Policy [↓](#)



WAVERLEY  
COUNCIL

# Draft Public Art Policy v.11

Policy Name

Policy owner	Arts and Culture
Approved by	Waverley Council
Date approved	TBC (March 2021)
Commencement date	March 2021
TRIM Reference	
Next revision date	April 2025
Relevant legislation/codes	
Related policies/procedures/guidelines	<a href="#">Waverley Community Strategic Plan 2018-2029</a> <a href="#">Waverley Council Development Control Plan 2012</a> <a href="#">Waverley Council Local Environmental Plan 2012</a> <a href="#">Waverley Public Art Masterplan</a> <a href="#">Waverley Public Art in the Private Domain Guidelines</a> <a href="#">Waverley Art Collection: Acquisition and Deaccessioning Guidelines 2018</a> <a href="#">Waverley Council Reconciliation Action Plan 2020</a>
Related forms	Bondi Beach Sea Wall Permit

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DRAFT

## 1. Background

Waverley Council has an appointed Public Art Committee that serves as a community advisory panel on all Public Art proposals in the area. The Waverley Public Art Committee makes recommendations to Waverley Council on the commissioning of permanent new Public Art works in the area by Waverley Council based on a set of criteria outlined in response to a brief. The sites identified for each newly commissioned Public Art work are outlined in the Waverley Council Public Art Master Plan. The Public Art Policy:

- a) Aligns with relevant legislation on Public Art outlined in the Waverley Council Development Control Plan, Local Environment Plan, Cultural Plan and Community Strategic Plan and follows Best Workplace Practice for the Commissioning of Public Art as stipulated by the National Association of the Visual Art
- b) Is implemented and monitored by Waverley Council staff and the Waverley Public Art Committee
- c) Is reviewed to evaluate its continuing effectiveness every four years.

## 2. Purpose

The purpose of the Public Art Policy is to ensure that the development of high quality Public Art in public places and Public Art in private developments delivers these benefits:

- a) Enhances local engagement and community
- b) Creates attractive places that are welcoming, engaging and interesting
- c) Enriches the experience of the place for residents and visitors
- d) Adds value to the public domain
- e) Creates opportunities for artists and economic growth for the creative industries.

## 3. Scope

This policy applies to all new Public Art commissioned in the Waverley Area including that commissioned by Waverley Council, Public Art required as part of new developments and building upgrades delivered by private developers and Waverley Council, and Public Art commissioned by Waverley Council in the delivery of the Waverley Public Art Masterplan.

## 4. Policy Content

Below are the Key Objectives and Principle Framework for the evaluation and assessment criteria for all new Public Art works to be considered for or commissioned in the Waverley LGA.

### 4.1 Key Objectives

The key objectives outlined below have been extracted from the [Waverley Community Strategic Plan 2018 – 2029](#).

Public Art in Waverley should:

#### **1.1.1 *Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary landscape***

- 1.1.3 *Provide a program of recreational and entertainment events that balances community and visitor experiences***

- 1.2 Preserve and interpret the unique cultural heritage of Waverley**
- 1.2.1 Maintain the unique cultural value and heritage significance of key landmarks*
  - 1.2.2 Plan and deliver a range of cultural heritage activities that inspire creativity, build participation and create learning opportunities*
- 5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods**
- 5.1.2 Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods*
- 5.3 Encourage new developments to achieve design excellence**
- 5.3.1 Ensure development and construction in the public and private domain achieves excellence in design*
  - 5.3.2 Encourage creativity and innovation in the building, planning, design and delivery of new buildings and public place upgrades*
- 7.1 Undertake long-term maintenance and renewal of Council assets that meet community expectations and statutory obligations**
- 7.1.1 Implement a sustainable asset management policy and strategy*
- 7.2 Construct and upgrade new buildings and infrastructure that meet current and future community needs**
- 7.2.1 Work with the community to deliver long-term building and infrastructure plans*

These key objectives for Public Art in Waverley exemplify Waverley's commitment to robust and vital Public Art projects that enhance its reputation as a vibrant cosmopolitan area with world famous beaches, extraordinary natural beauty, the Bondi Junction commercial hub, and a culturally diverse community.

#### 4.2 Principle Framework for Public Art

Permanent Public Art in Waverley must respond to all sub-headings outlined in the Principle Framework.

##### **Place making (Making spaces into places)**

Public Art will stimulate the imagination with creative expression, innovation and invigoration of space. It will ensure the integration of art into the everyday experience of the area for locals and visitors alike.

The relationship between the artwork and the built and open environment, its audience, and other contextual factors all contribute to its impact. Public Art will invigorate the areas of new developments that are visible and open to the public to actively enhance the character of the area, increasing connectivity and pride of place within the local community, adding cultural value.

##### **Artistic Merit and Integrated Design**

Public Art in Waverley aspires to quality, innovation, creative integrity, and the enrichment of public life. Public Art will be of artistic merit both in content and execution, displaying technical skill, craftsmanship, conceptual rigour and ingenuity, while meeting all deadlines and budgetary

requirements. The measures for artistic merit can be ascertained from an Artist's CV, including professional training, exhibition history, critical review, awards, previous commissions and overall artistic profile.

Proposed Public Art projects in new and private domain developments must be integrated into the overall design and architectural plans submitted with a DA, and evidence a collaborative design process that directly engages an artist in the development of the Public Art work within the proposed built form.

### **Local Culture and Heritage**

Waverley encourages Public Art that reflects and celebrates the area's diverse cultures and communities. Public Art should respond to local stories, history and conversations, creating opportunities for social engagement and pride in the area. It may also engage with the national and international profile of Waverley places.

Waverley Council recognises the area's Indigenous history and welcomes Public Art acknowledging the stories, traditions and customs of the original custodians of the area.

All appropriate cultural protocols and required consultation must be implemented at the onset of the process in development of new Public Art works and be evidenced in DA submissions.

### **Sustainability and Materiality**

Public Art in Waverley should give due consideration to materials, design and construction, durability and longevity in its environment. Sustainability must be considered in terms of the ability of the work to endure physically and in terms of social relevance, environmental sustainability and artistic integrity. Permanent Public Art works must provide detailed material and engineering certifications evidencing a minimum lifespan of ten years.

### **4.3 Outcomes / Actions**

- 4.3.1 Waverley Council has adopted a Masterplan that identifies locations for the commissioning and delivery of site specific of Public Art in Waverley. The Masterplan is funded biannually in the Waverley Council Capital Works program.
- 4.3.2 All major Waverley Council driven new developments will incorporate site specific and appropriate Public Art into the overall budget and planning processes.
- 4.3.3 Waverley Council will identify major Private Domain developments in B1, B3 and B4 zones that trigger the conditions for integrated Public Art and will oversee this as part of the DA conditions for new developments.
- 4.3.4 Waverley Council will develop and maintain networks and partnerships with businesses, artists, curators, arts organisations, neighbouring Councils and other relevant stakeholders in the delivery of an exceptional program of Public Art in Waverley.
- 4.3.5 Waverley Council will ensure that all permanent works of Public Art in Council controlled land are subject to community consultation before approval if commissioned outside of an overall DA process.
- 4.3.6 Waverley Council will develop a maintenance plan and allocate appropriate funds through the Strategic Asset Management Plan for all Public Art works in the area.

#### 4.4 Feedback and Consultation

The following process is outlined for the purpose of feedback and consultation:

- 4.4.1 All permanent Public Artworks commissioned by Waverley Council from the Waverley Public Art Masterplan must go out for community consultation during the detailed design stage and the final commission approved by Waverley Council.
- 4.4.2 Determinations for Public Art in the Private Domain approvals will be authorised in the DA process once procedures outlined in the Public Art in the Private Domain Guidelines have been followed.
- 4.4.3 Temporary Public Artworks can be approved at staff delegation, though there may be circumstances where the advice of the Public Art Committee is sought for consultation. In the instance of a temporary public artwork in particularly high profile zones, heritage zones or of a significantly high dollar value, a report may be made to Council for information.
- 4.4.4 All Agendas and Minutes of meetings of Waverley Council, Waverley Public Art Committee, Waverley Design Excellence Panel, Traffic Committee, Multi-Cultural Committee, and any specific or specifically appointed cultural reference or steering group will be made available, as relevant, to the artist, practitioner or developer to ensure advice and feedback is transparent.
- 4.4.5 Waverley Council staff must maintain all records relevant to administering this policy and procedure in a recognised Council record keeping system.

#### 4.5 Funding

Waverley Council has financial funding of \$100,000 in the Capital Works program every other year for the commissioning of a new Public Artwork in the Waverley LGA.

Waverley Council's **Development Control Plan 2012 (Amendment 8)** stipulates:

*A public artwork is required for all development in B1, B3 and B4 zones, with a proposed construction greater than \$10 million. The artwork is to be valued at 1% of the overall construction cost of the development as noted in the Waverley Development Application Guide. Development must comply with the provisions of Part B11 Public Art and B12 Design Excellence of the Waverley Development Control Plan.*

Developers who have triggered Public Art requirements in pre-DA conditions should refer to Waverley Council's **Public Art in the Private Domain Guidelines and Procedures** for clarity on processes to ensure approvals are obtained expediently through the overall DA process. It is advised that developers meet with staff from the Visual Arts team to discuss the Public Art component of their development as soon as they are notified of the requirement by the Duty Planner.

## **5. Review of Policy**

The Waverley Public Art Policy, Public Art in the Private Domain Guidelines, and Process and Procedure Manual will be reviewed every four years by Waverley Council staff including Duty

Planners, Strategic Planners, DA Assessment officers, Arts and Culture officers, and all relevant advisory groups including the Design Excellence Panel and Waverley Public Art Committee.

## 6. Definitions

Term	Definition
<b>Public Art</b>	<p>Public Art can take many forms in many different materials. It can be free-standing work or integrated into the fabric of buildings or outdoor spaces. It can be a sculpture, installation or even a performance work. Practitioners may work individually or with other practitioners and manufacturers to produce their works.</p> <p>Public Art can be permanent, lasting many years, or temporary, lasting a few hours, days or months. It can be site-specific, drawing its meaning from and adding to the meaning of a particular site of place, or non-site specific, located in a public place primarily for display purposes.<sup>i</sup></p>
<b>Public Art in the Private Domain</b>	<p>Artworks commissioned specifically as conditions of private developments. Public Art in the Private domain must be commissioned in spaces that are directly viewable and accessible to the public for the public to experience and contribute to the identity of the overall development for the community within and external to the building.</p>
<b>Placemaking</b>	<p>Placemaking facilitates creative patterns of use in public space drawing on a community's localised social and cultural identity. Placemaking aims to strengthen the connection between people and the places they share putting community based participation as the core principle.<sup>ii</sup></p>
<b>Integrated</b>	<p>Collaboration between architects, landscape architects, planners and practitioners that works to cross disciplines, transcend hierarchies and develop highly innovative and relevant integrated design solutions for public places.<sup>iii</sup></p>
<b>Site Specific</b>	<p>Designed specifically for, and responsive to, a particular site through scale, material, form and concept.<sup>iv</sup></p>
<b>Practitioner</b>	<p>A practitioner is engaged to develop a concept in response to a brief at the start of the commissioning process. Often a practitioner will subcontract to others to help fabricate and install a commissioned artwork.<sup>v</sup></p>
<b>Professional Artist</b>	<p>A professional artist is someone who has an established track record as an artist creating and exhibiting original artworks. Professional artists may be categorised as emerging, mid-career, or established in their career. At times it may be appropriate for a commissioner to seek out artists in any one of these specific categories to carry out the work, or to seek out people outside the definition of a professional.<sup>vi</sup></p>
<b>Collaborative practice</b>	<p>The project is realised by a design or artistic team of practitioners rather than the creative vision of a single practitioner. The team may involve</p>

other professionals such as architects, landscape architects, graphic designers or a team of practitioners working in collaboration. In this case the practitioner is engaged as an artist consultant to contribute to an overall collaborative design process, which may or may not result in a distinct work being produced by the practitioner later in the process. All members of the collaborative team need to be brought together at an early stage of the project in order to ensure that the overall design is created through a process of collaboration. <sup>vii</sup>

**Community Consultative practice**

The project either requires or allows for consultation with relevant community members that informs and influences the project to some degree. Projects can be structured to allow for community input at any or all stages, from the development of the artist brief to design and selection, manufacture and installation. The commissioner will provide the artist with a description of the stakeholders, the consultation process, and the intended role of the artist in any consultation. The artist may independently recommend or undertake consultation as part of the artistic process<sup>viii</sup>

**Community Participatory practice**

The practice in which members of a community actively participate in the design and fabrication of an artwork. These projects generally fall within the field of community art and should be facilitated by an experienced community artist or arts worker. Practitioners undertaking community arts projects need to be aware that copyright and moral issues may not be as straight-forward as those relating to the creation of artworks by one individual. An approach to authorship should be determined before the start of the project<sup>ix</sup>

**Cultural Protocol**

Projects that engage with specific or identified cultural knowledge, customs, stories, traditions, language, rituals or expressions require a process of seeking and gaining approval to ensure the upmost respect is shown to cultural protocol. Cultural protocol is showing respect to the specific group, owner or custodian of a cultural practice. Best practice suggests clear discussion at the outset regarding project scope and how cultural heritage is proposed to be used. This includes consent obtained or required to be obtained to use cultural heritage, ongoing consultation requirements and processes.<sup>x</sup>

**Permanent**

The status given to a Public Artwork with a minimum life expectancy of ten years

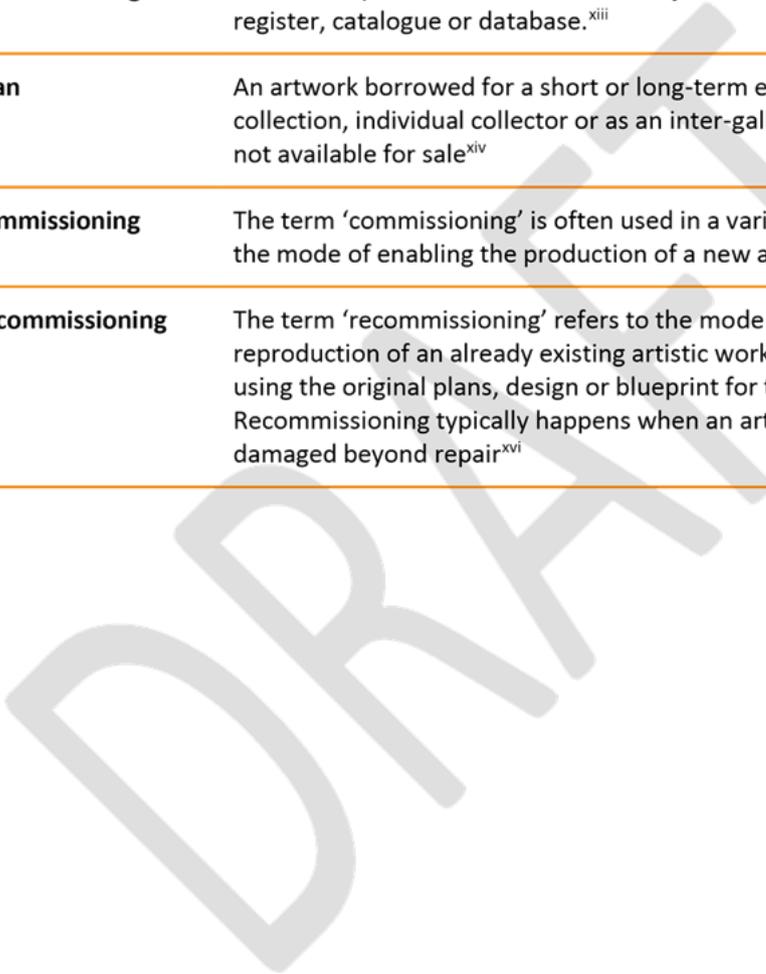
**Temporary**

The status given to a Public Artwork with a maximum life expectancy of five years

**Relocation**

Circumstances sometimes arise where redevelopment of a site, upgrades, sustainability and environment issues changes to WHS regulations or impending construction render a Public Artwork inappropriate to its context and require it to be relocated to a new context suitable to its character, materiality and form<sup>xi</sup>

<b>Maintenance</b>	The process and procedures for preserving the condition, situation and quality of an object
<b>Acquisition</b>	The formal process of obtaining legal possession by purchase, donation or through bequest of an item for the 'Art Collection'. Information about the object including its name, a short description of it, the date on which it was acquired, the provenance of the object, legal documents outlining transfer of title and from where it was sourced are recorded in a register. <sup>xii</sup>
<b>Deaccessioning</b>	The formal process of removal of an object from the 'Art Collection' register, catalogue or database. <sup>xiii</sup>
<b>Loan</b>	An artwork borrowed for a short or long-term exhibition from a private collection, individual collector or as an inter-gallery/museum loan and is not available for sale <sup>xiv</sup>
<b>Commissioning</b>	The term 'commissioning' is often used in a variety of contexts to refer to the mode of enabling the production of a new artistic work by a client <sup>xv</sup>
<b>Recommissioning</b>	The term 'recommissioning' refers to the mode of enabling the reproduction of an already existing artistic work by its original creator using the original plans, design or blueprint for the work. Recommissioning typically happens when an artwork is broken or damaged beyond repair <sup>xvi</sup>



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- <sup>i</sup> NAVA Code of Practice: [3.2 Types of Public Art](#),
  - <sup>ii</sup> Project for Public Spaces: adapted from definition outlined in [What if We Built Our Communities Around Places?](#)
  - <sup>iii</sup> NAVA Code of Practice: [3.2 Types of Public Art](#)
  - <sup>iv</sup> Public Art: Making it happen: Government of South Australia [p.4 Descriptors](#)
  - <sup>v</sup> NAVA Code of Practice: [3.2 Types of Public Art](#)
  - <sup>vi</sup> NAVA: Best Practice for Commissioning Art in Public Space [p.9 The Artist/Practitioner](#)
  - <sup>vii</sup> NAVA Code of Practice: [3.2 Types of Public Art](#)
  - <sup>viii</sup> NAVA Best Practice for Commissioning Art in Public Space [p.6 Community Consultative Model](#)
  - <sup>ix</sup> NAVA Best Practice for Commissioning Art in Public Space [p.7 Community Participatory Model](#)
  - <sup>x</sup> NAVA Best Practice for Commissioning Art in Public Space [p.6 Community Consultative Model](#)
  - <sup>xi</sup> Waverley Art Collection: [Acquisition and Deaccessioning Guidelines 2018](#)
  - <sup>xii</sup> MGNSW Collection Management: [Acquisition Facts Sheet](#)
  - <sup>xiii</sup> MGNSW Collection Mangement: [Deaccessioning and Disposal](#)
  - <sup>xiv</sup> NAVA Code of Practice: [P.9 Artist Loan Fees 7.4.3](#)
  - <sup>xv</sup> NAVA Code of Practice: [P.6 Commissioned Artist Fees 7.4.2](#)
  - <sup>xvi</sup> Nava Code of Conduct: [P.6 Commissioned Artist Fees 7.4.2](#)

## REPORT CM/7.6/20.12



**Subject:** Dover Heights Shule and Chanukah in the Park - Financial Assistance

**TRIM No:** A20/0378

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

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

### RECOMMENDATION:

That Council, under section 356 of the *Local Government Act* grants \$2,869.25 (excluding GST) in financial assistance to the Dover Heights Shule to cover event fees associated with holding the Chanukah in the Park event.

#### 1. Executive Summary

Council has received a late request for assistance from the Dover Heights Shule in support of their annual Chanukah in the Park event on Sunday, 13 December 2020, at Dudley Page Reserve.

#### 2. Introduction/Background

The residents of Waverley benefit from the opportunities provided by external event organisers delivering events in the local government area. The totality of event opportunities provided by third parties enhances the breadth and diversity that would be possible to achieve if Council was to design, develop and deliver these activities.

Under section 356 of the *Local Government Act 1993*, Council may, in accordance with a resolution of Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 10 December 2019	CM/7.6/19.12	That Council, under section 356 of the <i>Local Government Act</i> : <ol style="list-style-type: none"> <li>1. Grants up to \$2,310 (excluding GST) in financial assistance and additional in-kind support to Flickerfest to help cover the costs of running the 29th Annual Flickerfest Short Film Festival in 2020.</li> <li>2. Grants up to \$9,500 (excluding GST) in financial assistance and additional in-kind support to the Bondi Association for Arts and Music to help cover the costs of running the 2020 Latin American Festival.</li> <li>3. Grants up to \$12,123 (excluding GST) in financial assistance and additional in-kind support to Ocean Lovers</li> </ol>

		<p>Alliance to help cover the costs of running the 2020 Ocean Lovers Festival.</p> <p>4. Grants \$1,325 (excluding GST) in financial assistance to the Dover Heights Shule to cover event fees associated with holding the Chanukah Festival.</p>
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**4. Discussion**

**Chanukah in the Park**

Funds are sought for a community event celebrating Chanukah, the Jewish Festival of Lights, in Dudley Page Reserve on 13 December 2020. In Dover Heights, 48% of the population identified as Jewish in the 2016 census, making this a relevant and important local community celebration of good will. This family-friendly event has run successfully in Dudley Page Reserve for a number of years and always draws a large audience.

This year, the event has had to be significantly modified to accommodate Public Health Orders in response to the COVID-19 pandemic. The complexity around COVID-safety planning has made it difficult for the Shule to plan ahead of time, or to know whether delivering an event at all would be feasible. Since the viability of the event was only recently determined and before that time there was significant uncertainty about it proceeding, the Shule did not make an application prior to the 2020 Small Grants funding rounds closing.

Planning has now been completed satisfactorily and a COVID-19 Safety Plan, Event Management Plan and event site map (Attachment 1) have all been submitted and approved in accordance with Council’s Event Policy.

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

**Financial impact and time frame**

In addition to the information provided above, the below table provides further detail regarding the cost of the event.

Where a grant is being sought to cover the costs of charges that are payable to Council under its schedule of fees and charges the net cost is nil, unless Council would have otherwise been able to utilise the assets for community or financial gain.

Sufficient funds are available in the Small Grants Round Two budget to cover the grant allocations recommended in this report. The disbursement of funds can take place immediately after approval, provided the applicant meets any required conditions

*Table 1. Grant request.*

Event name	Date	Grant requested	Notes
Chanukah in the Park – Dudley Page Reserve	13 December 2020	\$2,869.25	<p>Funds to cover the cost of venue hire of Dudley Page Reserve for the event.</p> <ul style="list-style-type: none"> <li>• \$1,408 for Council Ambassadors and Site Supervisor</li> <li>• \$1,461.25 for venue hire costs (administration and site fees)</li> </ul>

**Consultation**

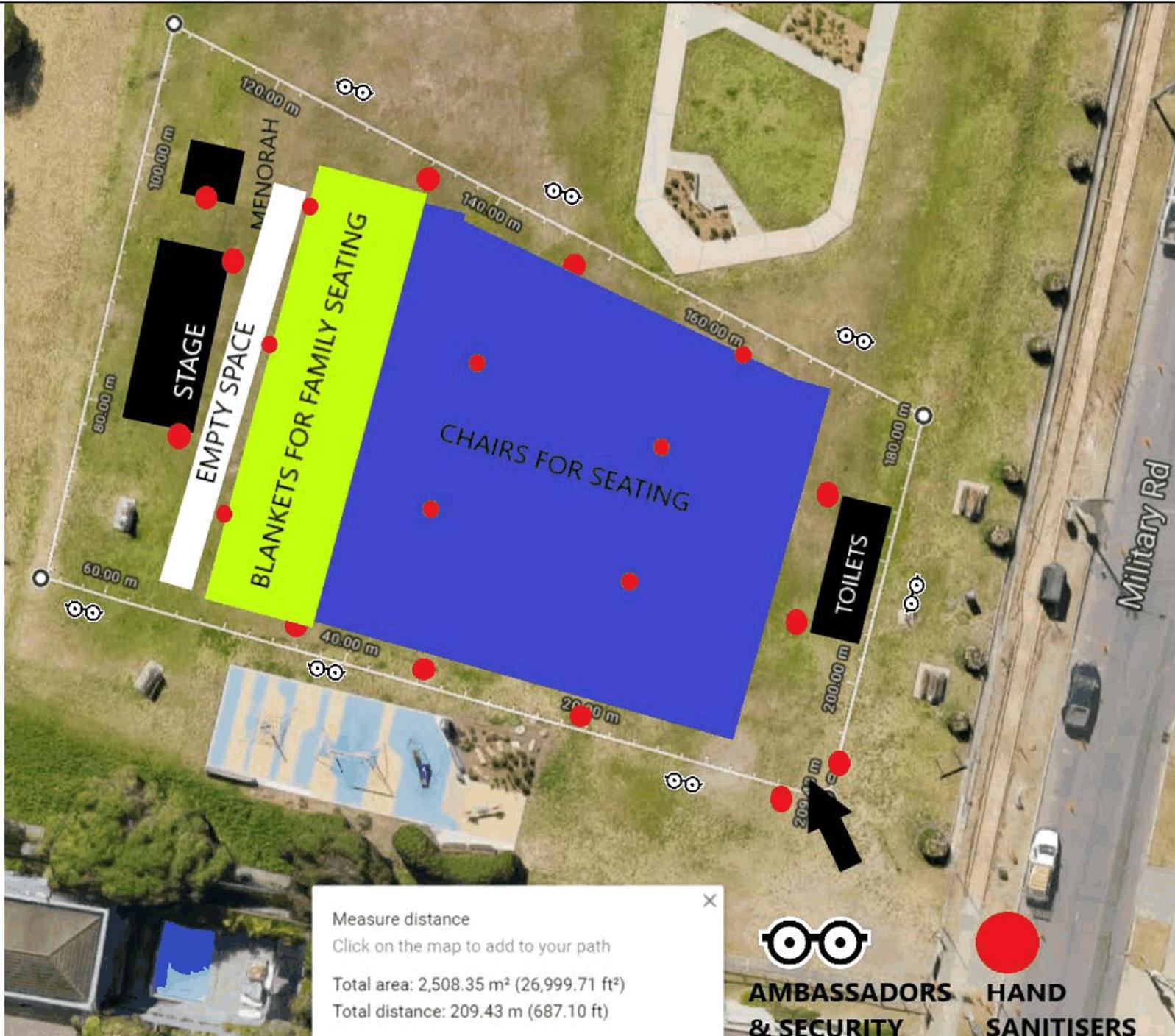
Communication with the event organiser has been consistent and on-going, meetings have been held with the various stakeholders to ensure additional requirements are being met, and the Event Management Plan and COVID-19 Safety Plan have all been submitted and approved in accordance with Council's Event Policy.

**6. Conclusion**

The activities in this report represent considerable value to the community and the grants and in-kind support represent a comparatively modest impact to Council's operational budgets.

**7. Attachments**

1. Event site map [↓](#)



## REPORT CM/7.7/20.12



**Subject:** Bondi Park, Beach and Pavilion Plan of Management - Exhibition

**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. Pending approval from Crown Lands, publicly exhibits the updated draft Bondi Park, Beach and Pavilion Plan of Management attached to the report for 42 days.
2. Authorises the Director, Community, Assets and Operations, to approve any amendments requested by Crown Lands prior to public exhibition.

#### 1. Executive Summary

A plan of management is a document that defines the value, use, management practices and intent for the public purpose for which the land has been reserved. Bondi Park, Beach and Pavilion Plan of Management (BPBP PoM 2014) was developed through research and public consultation including the public exhibition period, before being adoption by Council in November 2014.

Since Council's adoption of the BPBP PoM 2014, Crown Lands updated the *Crown Land Management Act 2016* (CLM Act), which came into effect in June 2018. In October 2020, Council resolved to update a priority list of Plans of Management (PoM) to comply with the new CLM Act, of which BPBP PoM was identified as the top priority. In line with the Council resolution, the plan of management has been updated in draft format. The most significant changes are the inclusion of 'express authorisation' for future leases and licences for the land and land categorisation, as the BPBP PoM must comply with the provisions of the Local Government Act (LG Act).

Following Council's endorsement of the updated BPBP PoM, the plan must be provided to the Crown Lands Minister as landowner for feedback and approval. Following Crown Land Minister's approval, the plan will be made available for the community to review and provide feedback during a public exhibition period, before the plan is updated and adopted by Council.

#### 2. Introduction/Background

Bondi Park, Beach and Pavilion comprise Crown Land and parcels of road reserve, including Queen Elizabeth Drive and Park Parade. The plan also includes Biddigal Reserve. Council is the Crown land manager for the land. The current PoM was prepared to meet the requirements of the *Crown Lands Act 1989*.

The CLM Act which commenced on 1 July 2018 introduces significant changes to the management of Crown land in NSW. Specifically, councils will now manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act).

Bondi Park, Beach and Pavilion and Biddigal Reserve are classified as 'community land' under the LG Act, meaning that councils are required to have plans of management for the land. While the BPBP PoM was prepared in consultation with Crown lands and adopted by Council in 2014, it was not officially adopted by Crown Lands as it was not the practice of State government to do so at the time. Therefore, to comply with the new CLM Act the BPBP PoM requires an update.

Significant consultation was undertaken as part of the plan's development therefore the plans vision and objectives were underpinned by community aspirations. In addition, not all the actions identified in the PoM have been realised as yet so the vision and action plan remain relevant today. Therefore, only select sections of the PoM are required to be updated to comply with the Crown Land Management Act requirements. A more comprehensive review will be undertaken when the PoM action plan has been more fully implemented.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 October 2020	CM/7.6/20.10	<ol style="list-style-type: none"> <li data-bbox="715 943 1412 1151">1. Pursuant to section 3.23 of the <i>Crown Lands Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report.</li> <li data-bbox="715 1196 1412 1294">2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands.</li> <li data-bbox="715 1339 1412 1438">3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>.</li> <li data-bbox="715 1482 1412 1547">4. Updates the plans of management as prioritised in the report.</li> <li data-bbox="715 1592 1412 1765">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.</li> <li data-bbox="715 1809 1412 2047">6. Writes to the Crown Lands Area Manager requesting them to: <ol style="list-style-type: none"> <li data-bbox="794 1906 1412 2047">(a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands.</li> </ol> </li> </ol>

		<p>(b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club.</p> <p>7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work.</p> <p>8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.</p>
Council 18 November 2014	CM/7.6/14.11	<p>That Council:</p> <p>1. Receives and notes this report.</p> <p>2. Notes the findings from the Public Exhibition period (refer Attachment 1).</p> <p>3. Adopts the Bondi Park, Beach and Pavilion Plan of Management 2014-2024 (refer Attachment 3).</p> <p>4. Notes that Council will receive a separate report identifying details of upcoming projects identified in the Bondi Beach, Park and Pavilion Plan of Management.</p>

#### 4. Discussion

There are a range of requirements in drafting a plan of management under the CLM and LG Acts. The current BPBP PoM adequately addresses most of these. The key changes as required by the CLM Act and LG Act includes:

1. **Description of the reserve.** A PoM for one area of community land must describe the condition, buildings and their use at the time the plan is adopted. As a result, the description of the site has been updated as well as the action plan to reflect works completed, in progress or yet to be completed. Population demographics and statistics and changes in legislation have also been updated. These changes are shown throughout chapters 2 to 5 of the updated BPBP PoM; see Attachment 1.
2. **Changes in terminology.** The LG Act 1993 requires Plans of Management to have 'objectives' for the management of the land and 'performance targets' detailing how the objectives will be achieved. The PoM 2014 had referenced 'Directions', 'Actions' and 'Performance Indicators', which have now been changed to meet new requirements. In addition, the way in which Crown Lands manage the land has changed from 'reserve trusts' to Council being the 'Crown land manager'. Changes in this terminology have been updated throughout the document.
3. **Land categorisation and express authorisation.** Land categorisations must be included in the Plan of Management. Land categorisations, their intent and purpose and how they are applied to Bondi

Park and Biddigal Reserves were presented to Council in October 2020. Refer to section 9.7 of BPBP PoM (Attachment 1) and the accompanying table, which details the recommended categories for Bondi Park, Beach and Pavilion as agreed by Council.

Leasing is also required to be consistent with the core objectives of the land categorisation and the reserve purpose(s). If the land is subject to leasing and licencing, a plan of management must provide 'express authorisation' for leases and licences or other estates that may be granted over the land.

Due to the exclusive nature of leases and licences (as they may restrict some public use of the land) the LG Act contains restrictions on these types of agreements. While the draft PoM had identified existing uses and licencing and indicated future use, it is not expected that the phrasing used in the BPBP PoM 2014 will be to Crown Lands' satisfaction. Express authorisations have therefore been provided in the updated PoM.

The express authorisation provided covers the purposes for, and general or specific areas in, which leasing and licencing will be allowed, as opposed to providing names of organisations who hold these agreements. This provides Council with appropriate legal and market flexibility should new tenants need to be granted a lease. The express authorisation contains a statement of authorisation that is wide enough to apply to lease proposals. Council can limit the purpose of any lease, the type of potential lessee and the facilities that will be leased. Council may also specify any other conditions to apply to leases.

For example, a licence for a café in Bondi Pavilion could be covered by authorising activities such for 'food and beverage' purposes. Refer to section 9.7 and 9.8 of Attachment 1 for the proposed text to authorise leases and licences for Bondi Park, Beach and Pavilion.

Leasing, licencing and land categorisation are a key component of the BPBP PoM update and are expected to be the focus for consultation with the community during public exhibition.

### **Current and future leasing and licencing**

The following list of activities currently take place in the reserve and are expected to do so in future. These uses will require a lease, licence, short term hire agreement or permit under the BPBP PoM. The express authorisations provided in the BPBP PoM update cover these uses which include:

#### *Bondi Pavilion*

- Cafes or restaurants including outdoor dining (with restricted liquor licence).
- Retail shop (merchandise).
- Community theatre.
- Hireable spaces for community/recreational classes or functions and events which includes a bar.
- Community radio station.
- Pottery studio (expected to be a Council-run program).
- Music studio (community hireable space).
- Tourist Information Centre and booking office (including possible merchandise sales).
- First floor bar and servery to cater for theatre or events associated with other hireable spaces.

#### *Bondi Bathers and North Bondi Surf Clubs*

- Buildings under lease for use as surf lifesaving clubhouse activities and ancillary services, including function and training space, kiosk, merchandise sales and equipment storage.

- Additional storage space is also located under the promenade adjacent to the beach for use by the Surf Clubs.

#### *Bondi Park*

- Mobile vendor licences, ice cream, water, juice sales plus beach equipment hire.
- Various events such as City2Surf, Open Air Cinema, Flickerfest and Festival of the Winds. Some events such as City2Surf have a licence agreement while other lower impact or one-off events operate with an events permit. Many events are run by Council.
- Permits for fitness trainers.
- Permits for commercial activities such as promotions.

#### *Bondi Beach*

- Various events such as the Beach Marquee Program, run by Council to provide facilities during City2Surf.
- Fitness trainers, permit-based.
- Nippers, permit-based.
- Learn to surf school lease and associated storage licenses for spaces located under promenade adjacent to beach.

As identified above, Bondi Park, Beach and Pavilion currently has a range of activities which require leases, licences or permits. These activities are permissible in the circumstance they are consistent with the purpose of the reserve, being for public recreation, and with the objectives of the land categorisation. In the context of Bondi Park and Beach, leasing and licencing should be granted to support its use for activities such as picnicking, swimming or exercise. As such, the sale of drinks, ice-cream and merchandise such as swimming costumes is appropriate, whereas the sale of high fashion for example may not be considered appropriate.

Likewise, a tourist information centre located within the Pavilion should only be used for the purpose of the reserve as opposed to promoting activities which are located elsewhere. If Council should wish to operate an information centre that actively promoted activities outside of Bondi Park and Beach and its immediate surrounds, approval should be sought for a secondary interest use of the land. This matter is not the subject of this report, but Council should be aware of the fact.

Land reserved for public recreation must be open to the public generally and should not generally be the source of private profit unless the profit is from providing facilities to the public and those profits are devoted to (or arise from) the public purpose. As Crown land manager, it is Council's responsibility to ensure that a fair proportion of land is available for the public use and enjoyment of the land.

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

### **Financial impact**

The update to the PoM has been prepared by Council officers with specialist planning advice. The cost of specialist advice and associated with advertising and consultation for the exhibition period will be drawn from the existing PoM budget. This project is currently within budget, and the expected changes will not incur substantial cost to Council that would exceed budget.

## Time frame

Following the public exhibition period, a report will be prepared for Council to consider adopting the BPBP PoM update in early 2021. Timeframes will be largely determined by how quickly Crown Lands is able to authorise the BPBP PoM update for exhibition.

## Consultation

In drafting the PoM in 2012/2013, extensive community consultation was undertaken. This work was completed in three stages including:

- Stage 1: over 1,000 people participated and shared their ideas and suggestions for Bondi Park, Beach and Pavilion.
- Stage 2: draft directions and early concept plans for Bondi's future were available. The consultation process proved to be successful in gaining a broad range of view with 677 people providing responses and 104 attending consultation events. There was broad support for all of the proposed directions.
- Stage 3: the draft PoM and background studies were available during the formal public exhibition period. During this time, 243 submissions were received.

Upon Council approval of the BPBP PoM update, Crown Lands will receive a copy of the plan for the purpose of approving it to be placed on public exhibition. The public exhibition process will take 42 days. During this time, Council officers will make the document available to the public and take any further feedback on the Plan.

## 6. Conclusion

It is recommended that Council exhibits the updated BPBP PoM update and authorises the Director, Community, Assets and Operations, to approve any minor amendments and amendments requested by Crown Lands.

## 7. Attachments

1. Bondi Park, Beach and Pavilion Plan of Management - 2020 update (under separate cover) [⇒](#)

**REPORT**  
**CM/7.8/20.12**

**Subject:** Inclusive Play Space Study

**TRIM No:** SF20/2230

**Author:** Carl Nugent, Senior Landscape Architect

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

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**RECOMMENDATION:**

That Council:

1. Adopts the Inclusive Play Space Study attached to the report (Attachment 1) as a supporting document to the Play Space Strategy 2014–2029
2. Notes that inclusive play space upgrades will occur in accordance with the individual play spaces priority listing in the adopted Play Space Strategy 2014–2029.
3. Notes the findings from the public exhibition period attached to the report (Attachment 2).

**1. Executive Summary**

The purpose of this report is to seek Council adoption of the Inclusive Play Space Study following public exhibition from 28 September to 8 November 2020. The Inclusive Play Space Study will form a supporting document to Council's Play Space Strategy 2014–2029 providing key guidance on access, inclusion and equity when Council plans and designs new play spaces.

**2. Introduction/Background**

The adopted Waverley Play Space Strategy 2014–2029 establishes that principles of universal design, accessibility, socially inclusive play and best practice design for play are all considered in the development of Council's play spaces. However, the Strategy and Action Plan lacks detail on how the principles of accessible and inclusive play are to be achieved in Waverley local government area (LGA).

Council's open space network needs to respond to changing trends in the use of parks and play spaces and ensure 'best practice' planning and development of these spaces. There has been increasing interest in the concept of inclusive play spaces which has become recognised as a valuable design endeavour, adopted by most public play space providers in NSW and playground designers and equipment suppliers in Australia and internationally.

This increased awareness has led the NSW State Government to develop the Everyone Can Play guideline, which provides high-level principles for improving access and inclusion at playgrounds based around three simple overarching principles: 'Can I Get There?', 'Can I Play?' and 'Can I Stay?'. While the guideline is a good starting point, it lacks detail how to practically plan and design an inclusive play space.

At the Council meeting on 19 June 2018, Council requested staff to investigate whether accessible play equipment could be integrated into Council's existing and future play spaces. The Inclusive Play Space Study is in response to this resolution as outlined below.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 May 2020	CM/7.10/20.05	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Publicly exhibits the draft Inclusive Play Space Study attached to this report for six weeks from June to July 2020, and a copy of the draft study be provided to Council's precincts.</li> <li>2. 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 study.</li> </ol>
Council 19 June 2018	CM/8.10/18.06	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes a new Play Space Strategy will not be completed until 2020 at the earliest.</li> <li>2. Consults with the Access Committee (including other interested stakeholders) on play spaces that could have accessible play equipment within the Waverley LGA, and the access to that play equipment.</li> <li>3. Officers prepare a report for Council consideration that identifies where accessible play equipment can be:               <ol style="list-style-type: none"> <li>(a) Retrofitted to already upgraded play spaces under the current Play Space Strategy.</li> <li>(b) Included within future play spaces yet to be implemented, ensuring that appropriate access to the play space and mobility parking is also provided.</li> </ol> <p>ensuring that appropriate access to the play space and mobility parking is also provided.</p> </li> </ol>

### 4. Discussion

The key objectives of the Inclusive Play Space Study are to:

- Provide strategic direction to Waverley Council regarding how existing play spaces in the LGA can be developed to provide a network of equitable, inclusive, accessible and engaging play spaces to meet the needs of a broader spectrum of residents and visitors including people with disabilities.
- Develop Inclusive Play Space design principles that can be selectively applied to match the hierarchy of play spaces in the Waverley LGA (pocket, neighbourhood, district and regional play spaces).
- Develop a planning and design tool in the form of an inclusive play space evaluation criteria checklist for each level of the play space hierarchy (pocket, neighbourhood, district and regional play spaces).

- Provide a supporting document to the adopted Waverley Play Space Strategy 2014-2029.
- Align Council Play Space Strategy with the NSW State Governments 'Everyone Can Play' guidelines.

An inclusive play space offers robust recreational and social opportunities for all people regardless of differences in abilities, age, culture or gender. An inclusive play space accommodates everyone, allowing them to be included in the play experience, play socially, choose from a range of activities, and challenge themselves at their own level.

An inclusive play space can't provide every experience for everyone but should provide something that each person can access and enjoy.

The inclusive play space design principles can be applied to all playgrounds to varying degrees across the LGA when it comes to upgrading spaces in accordance with their priority listing in the adopted Play Space Strategy 2014-2029.

Not all play spaces will be able to achieve a higher level of inclusiveness due to elements such as steep topography preventing disabled compliant access. However, it is important that the play spaces Council advertises on its website as inclusive play spaces can achieve a broad level of accessibility and inclusion in accordance with the studies principals at each space.

As such, it is proposed to develop a greater level of inclusive play incrementally across the LGA, with 14 play spaces initially identified as highly suited to upgrading as inclusive play spaces that could cater to a broad range of users.

These play spaces provide an initial short to medium term focus for a higher level of inclusion and were selected as they already display some inclusive features (e.g. an accessible path of travel, flat topography, sense of protection, or existing supportive facilities such as car parking or toilets).

The intention is to provide a network of inclusive play spaces, providing residents and visitors the opportunity to choose from a variety of inclusive play experiences across the LGA.

When the Play Space Strategy is reviewed in 2029, it is intended that the Strategy and Study will be amalgamated, providing one reference document and revisiting Council's inclusive play space goals across the LGA for 2030 and beyond.

### **Community consultation**

Community consultation is critical to the success of the Inclusive Play Space Study in reflecting the needs of the community in current and future provision of inclusive and accessible play spaces in the Waverley LGA.

Following extensive community consultation and stakeholder engagement, the findings of round 1 community consultation were used to inform the drafting of the Inclusive Play Space Study.

On 19 May 2019, Council endorsed the Draft Inclusive Play Space Study to go out to public exhibition for a six-week period. The public exhibition period was run from 28 September to 8 November 2020.

A range of engagement methods were used to maximise the opportunities for safe community participation during COVID-19 restrictions, consisting of four main avenues of consultation as follows:

- Online survey: 11 completed.
- Emails to targeted groups: 251 stakeholders, two detailed email responses.
- Webinar/Q&A session: two webinars, three attendees.
- E-newsletter: 1,565 subscribers (Waverley Weekly) and 152 recipients (inclusive play newsletter).

Public exhibition consultation was broad in its reach inviting key stakeholders, members of the community who had engaged in round 1 of consultation, precincts, disability and aged care support services, academics, and play space specialists and designers from Australia and overseas to provide feedback on the Draft Study. The aim of this broad consultation was to ensure Waverley's community needs were being met and to test the studies design principals by bringing expert, industry relevant experience to the Study, and ensuring the Study reflects current national and international thinking on inclusive play space design best practice.

The Study was also promoted on Council's website and social media platforms.

Several comments received via social media during public exhibition were relevant to play in general in Waverley LGA, as opposed to inclusive play. The Inclusive Play Space Study was the focus of consultation and for many respondents, was reviewed in isolation of the main Play Space Strategy 2014–2029. Some issues that were brought up during consultation are already addressed in the main Play Space Strategy and therefore not duplicated in the Inclusive Play Study. When the Play Space Strategy is reviewed in 2029, these two documents will be amalgamated, and common issues addressed.

An online community survey was specifically designed for public exhibition consultation for this study. The purpose of the survey was to provide the local community and stakeholders with an opportunity to comment on the Draft Inclusive Play Space Study report. It was anticipated that this would include input from people with lived experience of disability; i.e. people with a disability or special needs, their carers and organisations providing services in the disability sector.

The Draft Study and online survey was launched on 28 September 2020 through Council's Have Your Say website portal. The online survey was open for 6 weeks until 8 November 2020.

324 users visited the Have Your Say project page during the consultation period. 67 downloaded project documents, and 11 users registered to complete the survey.

11 people started the survey; nine completed the full survey, while two opted to complete a shorter version. 10 out of the 11 respondents had read the Draft Study prior to completing the survey. 100% of respondents were either 'very supportive' or 'somewhat supportive' of the Draft Study.

All feedback received from the consultation process has been captured in the round 2 public exhibition consultation report and will be reported back to the community via email and Council's Have Your Say project webpage. Key community consultation findings are summarised in the attached consultation report (Attachment 2).

Based on feedback received from public exhibition consultation, the following key recommendations will be considered in the final updates to the Inclusive Play Space Study:

- Emphasise ways in which the inclusive principles can be applied to all play spaces across the LGA.
- Include guidance on 'emotional inclusion' as a key component of the play principles.
- Consider specifically designed equipment for older people, including physical and cognitive exercises.

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

Funding for inclusive play space upgrades and improvements can happen as each identified inclusive play space is upgraded and/or by undertaking more specific works such as signage or footpath connections, which gradually improve inclusion.

Council's Play Space Strategy 2014–2029 is currently a funded program under the Council's Long Term Financial Plan. Actions identified by the Study can be achieved cost effectively through community

consultation, good design and appropriate selection of play equipment. No additional funding is required to implement the recommendations of the study at this time. Any additional funding requirements should be considered on a play space by play space basis as part of the annual Capital Works project budget review for the following years Capital Works Program.

## **6. Conclusion**

Play is a human need and a child's right, as enshrined in the United Nations Convention on the Rights of the Child (1989). We remain playful all our lives, and for this reason play spaces have a special role in the public realm: they are uniquely designed to welcome people to an environment where they can be active, social and have fun.

This positive experience needs to extend to people of all ages and cultures, including those with disabilities, infirmities, illnesses or additional needs, in order to provide equitable recreational facilities to all members of society.

The Inclusive Play Space Study provides a blueprint to direct the planning, design and development of inclusive play spaces across Waverley LGA.

It is recommended that Council adopts the Inclusive Play Space Study and Action Plan as a supporting document to the Play Space Strategy 2014–2029

## **7. Attachments**

1. Inclusive Play Space Study (under separate cover) [⇒](#)
2. Inclusive Play - Public exhibition consultation report - November 2020 (under separate cover) [⇒](#)

**REPORT  
CM/7.9/20.12**

**Subject:** Food Waste in Garden Organics Bins

**TRIM No:** A20/0600

**Author:** Lucas Atkinson, Service Manager, Waste and Recycling

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

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**RECOMMENDATION:**

That Council:

1. Notes the consideration of matters raised in resolution CM/8.4/20.10 as detailed in the report.
2. Undertakes an investigation to identify the optimal service arrangements for all waste and recycling collected from Waverley households in light of recent industry and regulatory changes.
3. Ensures that the investigation includes consideration of effective, best-practice solutions for food waste from households in Waverley to be diverted from landfill.
4. Defers the implementation of the three-bin domestic waste service until Council considers the findings of this investigation.

**1. Executive Summary**

The purpose of this report is to provide Councillors with an update on progress against resolution CM/8.4/20.10 and present the outcomes of the subsequent investigation into Council's ability to permit the inclusion of food waste in Council's current residential green-lidded garden organics service.

This report details the predicted costs and environmental performance associated with the proposal. Analysis indicates that food waste needs to be processed in an enclosed processing system and cannot be added to the open windrows system currently used for clean garden organics. The report provides recommendations for next steps to identify a feasible and best-practice approach to ensure food waste from households in Waverley can be diverted from landfill.

**2. Introduction/Background**

Council has a contract for processing general waste (red-lid bin) that commenced in July 2017 with Veolia Environmental Services (Australia) Pty Ltd. The contract was awarded following a regional tender coordinated by the Southern Sydney Regional Organisation Councils (SSROC). Processing services for collected garden organics material is also included in this contract.

Clean garden organics material collected by Council from Waverley households is processed by a sub-contractor of Veolia Environmental Services (Australia) Pty Ltd. This material is processed in an open windrows system (i.e. a non-enclosed system) to be used in fertiliser and soil conditioners. General waste collected by Council's from residential red-lidded bins is currently processed through a mechanical and biological treatment facility in Woodlawn. The advanced waste treatment system (AWT) is designed to take general waste from the red-lidded bin, process it in an enclosed system to create a mixed waste organic

output material (MWOO), which was to be used for the rehabilitation of a depredated mine site. The reduced residual waste from the process was sent to landfill.

In 2015, Council carried out an independent Domestic Waste Services Study (completed by industry experts MRA Consulting) that reviewed the current residential waste collection service to identify the optimal, best-practice waste and recycling service for Waverley residents. The study reviewed Council's existing collection fleet, current waste and recycling processing contracts, data collection and management tools appropriate to Council's day labour operations. This review was completed with the intention of identifying the optimal system that would best balance cost efficiency, GHG emissions, and the resource recovery performance of all waste streams.

The study identified the optimal waste and recycling collection system for Waverley was a three-bin system, comprising a commingled recycling bin, a garden organics bin and a general waste bin that included food to be processed at an AWT facility. Other service options assessed in the study, which included combined food and garden organics services (FOGO), were identified to have lower anticipated resource recovery rates and were not recommended as best practice for Council.

On 25 October 2018, the NSW EPA announced a temporary cease to exemptions in NSW waste regulation permitting the application of MWOO to agricultural land, mining and forestry, until further controls could be considered. The NSW EPA announced in October 2019 that they would maintain their decision to not grant any general exemptions to the current state waste regulations to allow MWOO to be used as a soil conditioner or soil amendment for agriculture land, forestry and mine site rehabilitation. The application of MWOO as a soil conditioner for mining rehabilitation was prohibited by the NSW EPA.

The collection of waste and recycling in Waverley has not been affected by the changes in State Government regulation for waste. However, MWOO produced under Waverley's current waste processing contract for municipal general waste could not be used for mine site rehabilitation and needed to be sent to landfill. Council staff, in partnership with all participating SSROC Councils, have continued to work with the current contractors and other affected councils to review options available under existing contracts to ensure the continuation of waste services for Waverley.

Follow-up investigations to determine Council's best-practice waste services have been carried out after the State regulation change and introduction of international policy banning the importation of low-grade plastics. These currently unresolved challenges facing the local waste and recycling industry have led to the recommendation that Council should defer the transition to a three bin system until the NSW EPA releases its 20 year waste strategy and there is greater certainty around future best practice waste systems for local government. The strategy is due for release in early 2021.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 October 2020	CM/8.4/20.10	That Council: <ol style="list-style-type: none"> <li>1. Approaches the contractor of the green bin collection and investigates a contract variation that would allow for the insertion of food waste into the green bins.</li> <li>2. Officers report the outcome of the request back to Council at the November 2020 Council meeting, including any cost associated with the contract variation.</li> </ol>

Council 15 November 2015	CM/7.9/15.11	That Council: <ol style="list-style-type: none"> <li data-bbox="715 230 1396 297">1. Adopts the Sustainable Waste Strategy 2015–2020 at Attachment 1.</li> <li data-bbox="715 338 1364 405">2. Implements the 3-bin domestic waste service in Waverley.</li> </ol>
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#### 4. Discussion

##### Waste processing contracts

Council staff have approached the current waste processing contractor, Veolia Environmental Services (Australia) Pty Ltd to discuss options available to collect food waste combined with garden organics from Waverley's current residential collection service. Discussions have led to the conclusion that Council is under contract to recover food waste via the red-lidded general waste bin. Therefore, a service change to enable recovery of food waste across the local government area under the current contract is not possible.

If Council were to continue to pursue changes to services to permit food waste in residential garden organics bins, it would change the composition and classification of the waste under the NSW EPA waste classifications. Current NSW waste regulations requires food waste to be processed in an enclosed processing system. Garden organics containing food waste collected in Waverley would need to be transported by rail for processing at the Woodlawn AWT Processing facility. Costs to the contractor for processing and transporting this material would be expected to increase significantly therefore Council would be charged a higher rate under the contract for processing garden organics which included food waste.

The inclusion of food waste in garden organics would also affect processing options for general waste (red-lidded bin) under the existing contract. If the food and organics content of the residential general waste stream was to decline as a result of a change of service by Council, the waste from Waverley's domestic red-lidded bins may no longer meet the requirements for the material to be processed. This waste would instead be sent straight to landfill.

However, it should be noted that under the existing contract arrangements, Veolia Environmental Services (Australia) Pty Ltd are developing opportunities to improve landfill diversion performance. Veolia will be proceeding with a five-year pilot to use MWOO for the rehabilitation of a tailings dam at a mine site. In addition to the expected improvement in landfill diversion and other environmental outcomes, this trial will benefit Council financially in the long-term as MWOO used for the tailings dam rehabilitation will be exempt from the NSW waste levy.

Variations to existing contracts are not recommended during the current market and industry climate for waste management in NSW. There are currently limited waste processing infrastructure options and limited market competition available for councils in Sydney. Major commercial investment in new waste infrastructure and processing services is also unlikely to occur before the NSW EPA releases its 20-year waste strategy. Seeking a variation to existing waste processing contracts may also lead to unnecessary legal expenses and impact on Council's ability to deliver essential services.

##### Resource recovery/environmental performance

Currently, garden organics collected from Waverley households is high in quality with very low contamination rates. The total tonnes of garden organics collected each year is low; however, landfill diversion (or resource recovery) rates achieved from the garden organics service is approximately 95%.

Upon the commencement of the AWT processing for general waste in 2017, Council was expected to recover over 50% of materials from the red-lidded general waste bin. Following the recent NSW waste regulation change for MWOO use, Council was achieving 19-20% recovery from red-lidded bin general waste. However, the landfill diversion rate for Waverley's general waste is expected to significantly increase following the commencement of Veolia's trial for tailings dam rehabilitation.

Previous studies carried out on Council's domestic waste services carried out in 2015 and 2018, projected that a combined food and garden organics service in Waverley would achieve a lower overall resource recovery rate when compared to current services. The lower anticipated performance is due to a predicted decline in recovery rates from the garden organics collection and an expected increase in contamination, which affects the processing of garden organics material. Recovery of general waste would also be expected to decrease significantly as the material would no longer meet the requirements AWT processing and would be sent straight to landfill. It is also anticipated that a large portion of food waste currently present in the domestic red-lidded bin may still not be recovered if a food collection service was introduced. The change in service would be expected to reduce Council's immediate and future resource recovery rates.

Environmental performance in relation to the impacts of a service change of this nature on greenhouse gas (GHG) emissions is not fully known at this stage. Preliminary assessments have been carried out by Council in 2015 to assess differences in GHG output for different service options. However, a combined food and garden organics service would require a weekly collection service (rather than fortnightly). Additional collection service arrangements would be required as garden organics services are currently collected fortnightly. Increases to transportation requirements for Council and the contractor would also need to be considered. Further work is required to assess the comparison of greenhouse gas emissions. It is recommended that this could be included in a more detailed study to identify Council's best-practice and optimal service for all domestic waste streams.

### **Costs**

Increased processing charges would be expected due to additional transport and processing requirements for a combined food and garden organics service. The annual increase in costs to Council for processing garden organics combined with vegetable matter is estimated to be \$245,000 per year. It is anticipated that the increase in costs may be higher as the total weights of material collected would likely increase.

Increased transportation and service delivery would require additional upfront and ongoing investment. Existing collection services would need to be increased to accommodate a weekly collection service for a combined food and garden organics service. Increased salary and wages expenses are estimated at \$98,000-\$100,000 per year, however this may increase if additional staff and collection vehicles are required to provide the service.

Increased transport costs for a weekly collection service of combined food and garden organics is not fully known at this stage. Calculating transport costs needs to consider changes in bin presentation rates, bin fullness, collection route changes, transport to waste disposal/transfer facilities, fuel and maintenance costs. It is recommended that a further investigation be carried out to effectively scope transport and operational costs for all domestic waste and recycling services as part of a more detailed study to assess best-practice waste services for Waverley.

### **Service support and additional logistics**

Due to the current resourcing, staffing and processing contracts associated with Council's waste and recycling collection services, a more detailed review for all four-bin services currently provided to residents in Waverley is required. The introduction of new or amended waste services needs consider collection frequencies for all other services provided to Waverley residents. This ensures services are cost-effective and sufficient to minimise issues such as overflowing bins.

The Domestic Waste Services Study carried out in 2015 identified that Council would need to consider a fortnightly general waste collection service if a combined food and garden organics service was introduced in Waverley. This is to maximise food recovery. This service change has been previously met with community objection at other councils in the Sydney and requires intensive community consultation and ongoing education programs to ensure services are being used correctly.

Consideration is also required on services provided to both single-unit dwellings and multi-unit residential apartment buildings. Current waste systems in residential apartment buildings may require retrofitting prior to being able to commence with a combined food and garden organics service. Combined food and garden organics services also require the provision of certified compostable bags to residents if the service was introduced. Collection vehicles may also require retrofitting to accommodate any service changes.

### **Current projects**

To complement ongoing works to identify the best-practice service options for Waverley, Council is currently working with SSROC councils as a project participant in a regional feasibility study of food and garden organics and food organics (FO) in metro Sydney. This project will analyse the organics market to identify best practice FOGO and FO service implementation for councils. Onsite organics processing options, for both single-unit dwellings (SUDs) and multi-unit dwellings (MUDs) are also expected to be included in the study.

The SSROC project will be investigating the stages of the organics recovery process, from planning and early community engagement to end markets based on research and learnings from relevant domestic and international FOGO/FO programs, the organics industry, State Government waste policy, and other evidence-based analysis. The project will also assess the feasibility of both individual and joint-tendering approaches for FOGO and FO processing services, in addition to options for creating a closed-loop value chain for organic materials. Findings will inform Council's future best practice waste service reviews, and procurement strategies for waste processing contracts.

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

### **Financial impact statement**

Costs for the proposed best-practice service review for Council's waste and recycling services is estimated at \$10,000 in initial expenses. The project will be funded from the Domestic Waste Management Reserve.

### **Consultation**

Council staff from Community, Assets and Operations and Planning, Environment and Regulatory have been consulted regarding the recommendations.

### **Time frame**

It is recommended that the best-practice waste service review be carried out following the release of the NSW EPA long-term waste strategy for NSW. The policy is expected to be released in early 2021 and will provide the framework for best-practice waste collection and process services for councils in NSW.

Development of the project plan and scope for Council's best-practice waste service review will commence in December 2020.

## **6. Conclusion**

Due to the essential nature of Waverley's waste and recycling services, significant costs, and a multitude of factors potentially affecting those services and the wider waste sector, it is recommended that Council

carry out a detailed service review to identify the best-practice and optimal service arrangements for all waste and recycling streams collected from Waverley households. This review should also include an investigation into effective, best-practice solutions for collecting or recovering food waste from households in Waverley.

The waste service review would be a continuation on the works already completed and will consider, among other things, Council's existing collection fleet, current waste and recycling processing contracts, and current day labour operations. Service options will be assessed against relevant criteria including landfill diversion, ease of use of the service, costs, transport, environmental outcomes (including greenhouse gas emissions), service resilience and processing/disposal arrangements.

It is recommended that the waste service review be carried out following the release of the NSW EPA long-term waste strategy for NSW.

## **7. Attachments**

Nil.

**REPORT**  
**CM/7.10/20.12**

**Subject:** Charing Cross Streetscape Upgrade - Design Options Analysis

**TRIM No:** A18/0541

**Author:** Jordan Laverty, Project Manager

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

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**RECOMMENDATION:**

That Council:

1. Notes the findings of the stage 1 community consultation, as detailed in the background of the report.
2. Endorses landscape Option 3 as the preferred option for the Charing Cross Streetscape Upgrade, as detailed in the report.
3. Develops landscape Option 3 to a concept design suitable for community consultation.
4. Receives a further report on the developed concept design and outcomes of the traffic and stormwater investigations prior to undertaking stage 2 community consultation.
5. Investigates the following traffic measures in parallel to concept design development:
  - (a) Impacts of removing the left-hand turn slip lane from Bronte Road (south-east approach) into Carrington Road.
  - (b) Impacts on implementing a one-way travel direction for vehicles on Victoria Street between Campbell Street and Carrington Road (one-way travel direction toward Carrington Road), including an origin destination survey to determine impacts on neighbouring streets and vehicle travel times.
  - (c) Opportunities to realign existing signalised pedestrian crossings at the intersection of Carrington Road, Bronte Road and Victoria Street to reduce crossing times.
  - (d) Feasibility of incorporating a 40km/h High Pedestrian Activity Area (HPAA) along Bronte Road, with connection to surrounding school zones to be included in investigation.
  - (e) Impact on existing parking of the above measures, noting that Option 3 results in no loss of parking for the incorporation of landscape treatments.
6. Notes the traffic measures listed above are independent of the landscape options, with each measure able to be implemented or excluded in all landscape options.
7. Applies for up to \$1 million in funding through the High Streets Grant Program as a contribution toward the construction cost.

## 1. Executive Summary

The purpose of this report is to update Council on the Charing Cross Streetscape Upgrade project and to obtain Council endorsement to develop landscape Option 3 to a concept design suitable for community consultation, noting that traffic and stormwater investigations will be further developed and reported to Council at a later date.

## 2. Introduction

Charing Cross is a key southern village centre within Waverley, located along a strip of Bronte Road connecting the eastern beaches, Bondi Junction, Centennial Park and the City. The centre has a diverse range of local shops and services that support the daily needs of residents, workers and visitors who frequent the area. The centre has a major 'high street' character, supporting the local commercial strip as well as a major transport route, including servicing up to six different bus routes.

The centre is contained within an existing heritage conservation area and continues to fulfil a valuable social role and meeting place for residents and for children attending and travelling to surrounding schools. The diverse local population also includes aged housing within the centre.

At present, the public domain is not particularly well defined, blurring into the adjacent residential areas. High through traffic volumes conflict with the centralised commercial nature of the space, which impacts local traffic movements causing congestion. This project proposes a streetscape upgrade to the commercial precinct of Charing Cross village to enhance the sense of arrival, including improved safety and convenience for active and public transport modes.

### Project background

Stage 1 community consultation was undertaken as part of the Our Liveable Places Centres consultation period, with subsequent project specific consultation undertaken. A summary of this is detailed below.

### Our Liveable Places Centres Strategy consultation

In September and October 2019, officers undertook community consultation for the Our Liveable Places Centres Strategy. Consultation was undertaken via an online survey and a Charing-Cross-specific community workshop.

Charing Cross Village Centre received 27 online submissions and 25 people participating in the community workshop. Key themes include:

- Heritage character must be preserved and protected.
- Mixed response on separated cycleway.
- Support for improving active and public transport modes.
- Some would like to see more outdoor seating.
- Minimise loss of parking.
- Urban greening and sustainability supported.

Detailed submissions were attached to a report to the Strategic Planning and Development Committee on 3 November 2020, where Council adopted this strategy.

### Project consultation

In March 2020, officers created a project specific Have Your Say (HYS) page seeking feedback on a high-level project scope. The community was notified using the following methods:

- Advertised through Council’s social media platforms.
- Officers visited all businesses throughout the village centre.
- Letters and emails circulated to residents, businesses and schools.
- Charing Cross precinct notified and onsite meeting with conveners undertaken.

The project HYS page had over 400 visits, receiving nine formal submissions and 29 people registering to receive project updates. Key themes include:

- Support for more trees.
- On-street seating a bad idea.
- Support for improving safety for active transport modes.
- Support for wider footpaths.

In August 2020, officers sent letter and email notifications to property owners and tenants regarding the undergrounding of power.

### Procurement

In March 2020, Council engaged GHD as the head consultant to undertake design services for the upgrade following a competitive tender process.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 3 November 2020	PD/5.1/20.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>Adopts the Our Liveable Places Centres Strategy attached to the report (Attachment 1) subject to the following amendments: <ol style="list-style-type: none"> <li>Page 5 – Amend ‘Changes to the LEP and DCP’ text box to replace the text ‘This document does not propose any increase in height or FSR controls across the LGA’ with the following text: ‘This document does not recommend any increase in height or FSR controls to the current LEP.’</li> <li>Page 52 – Update the map under section 2.6.3 to remove the incorrect ‘1’ notations.</li> <li>Page 53 – Delete recommendation 3, ‘Bike Lanes’, as the location and configuration of the north-south bike lane is being addressed by the separate study ‘Bondi Junction to Randwick Cycle Route Options’ reported to Council on 21 July 2020.</li> <li>Page 132 – Change wording of recommendation 6 under 14.6.3 to replace ‘Align’ with ‘Investigate’.</li> <li>Pages 53, 61, 89, 101, 111, 133, 145, 151, 157</li> </ol> </li> </ol>

		<p>– Sustainability and Environment – Decentralised Power – Amend ‘Incentivise the uptake of rooftop solar’ to ‘Investigate incentivising...’</p> <p>(f) Page 144 – Public Realm – 5. Gould Street – Add new sentence at the beginning: ‘To increase the sense of safety and amenity investigate a shared zone between Roscoe Mall and Curlewis Street, improve pedestrian accessibility...’</p> <p>(g) Page 163 – Transport and Accessibility – Add new clause: ‘2. Rearrange Parking – Investigate angled parking in Wairoa Avenue to increase parking provision within the centre.’</p> <p>(h) Page 14 – Table 1 – Capitalise ‘aboriginal’.</p> <p>(i) Page 18 – Fourth paragraph, first sentence – Change ‘The history, of course, begins with indigenous people of Sydney’s east coast’ to ‘Prior to 1770, the history, of course, begins with the custodianship of Sydney’s east coast.’</p> <p>(j) Page 18 – Fourth paragraph, second sentence – Change ‘Aboriginal people lived...’ to ‘Aboriginal people have lived...’</p> <p>(k) Page 18 – Fourth paragraph, after the second sentence, add: ‘They extensively manufactured from Bondi’s volcanic extrusions the industrialised famous “Bondi Points”, a particular design of stone blade found as far away as Western Australia.’</p> <p>(l) Page 18 – Fourth paragraph, current third sentence – Change ‘on which may of’ to ‘on which many of’.</p> <p>(m) Page 18 – Fourth paragraph, last sentence – Change ‘representing an indigenous heritage that is now globally recognised’ to ‘representing a First Nations heritage that is now maintained by current descendants and globally recognised as the world’s oldest living culture.’</p> <p>2. Prepares an Engagement Summary Report to be placed on the Have Your Say page for the project.</p> <p>3. Notes the Strategy recommendation for additional investigation in the following areas:</p>
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		<ul style="list-style-type: none"> <li>(a) An appropriate planning mechanism to support the retention of essential urban services throughout the local government area, including automobile services (mechanics, petrol stations, etc) as well as some larger format retailers (storage, hardware, etc).</li> <li>(b) A maximum floor space for supermarkets across all centres to ensure such a development would be compatible with the role and function of the centre and its place in the retail hierarchy.</li> <li>(c) The appropriate quantum of car parking for the success of centres.</li> <li>(d) A mechanism to encourage diversity of goods and service offerings in centres identified as Resilience Network Centres (RNC).</li> <li>(e) A scheme for historic façade upgrades in centres such as Bondi Road and Charing Cross.</li> <li>(f) Prepare a design manual for shopfronts, materials and signage in identified centres to be included in the Waverley Development Control Plan.</li> </ul>
Council 21 July 2020	CM/7.9/20.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the high-level feasibility report and technical report attached to this report, prepared in response to the Transport for NSW (TfNSW) principal bike network draft map (referred to in the Future Transport 2056 Strategy) to inform an updated Waverley Bike Plan and current streetscape projects.</li> <li>2. Consults key stakeholders on a potential Bronte Road/Carrington Road separated cycleway for inclusion in an updated Waverley Bike Plan and revised TfNSW Principal Bicycle Network.</li> <li>3. Progresses with the current streetscape upgrade of Bronte Road from Spring Street to Ebley Street, Bondi Junction, without incorporating a potential Bronte Road/Carrington Road separated cycleway.</li> <li>4. Progresses with the current streetscape upgrade design process of Bronte Road, Carrington Road to Albion Street, Charing Cross (including works at the Carrington Road and Bronte Road intersection) without incorporating a potential Bronte Road/Carrington Road separated cycleway.</li> </ol>

		<p>5. Notes the report regarding evaluation of alternative cycle routes between Bondi Junction and Randwick, and that no further work will be undertaken on:</p> <ul style="list-style-type: none"> <li>(a) Route 4 – Brisbane Street/Bourke Street.</li> <li>(b) Route 5 – Bronte Road/Albion Street.</li> </ul>
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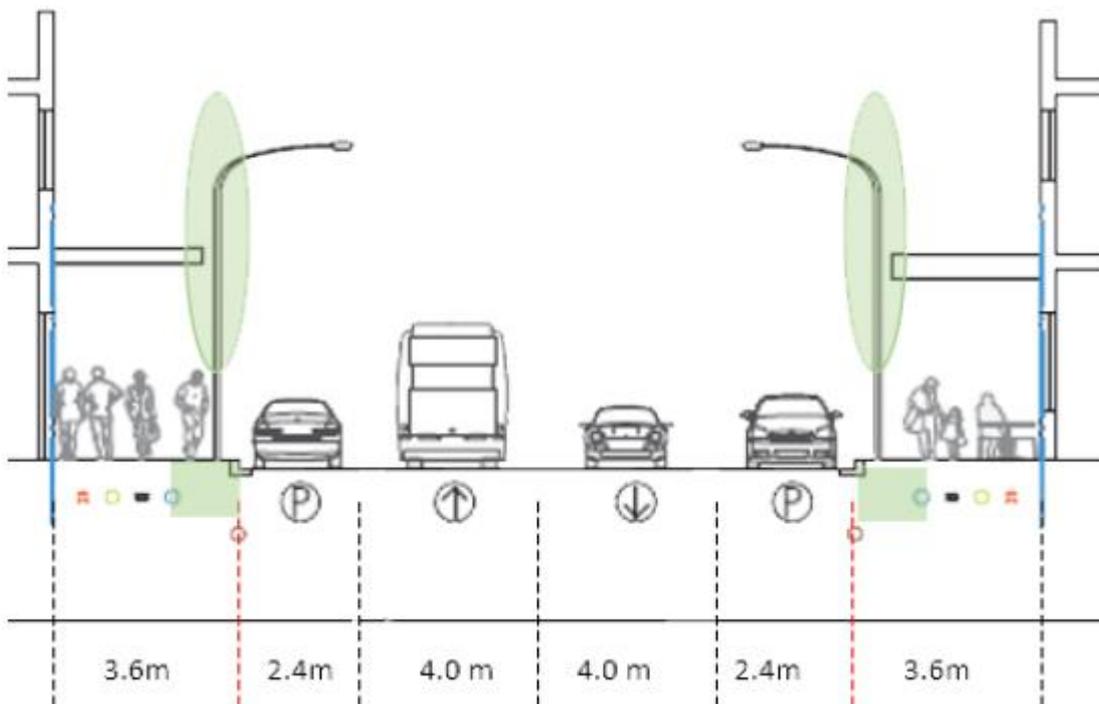
**4. Discussion**

**Design development**

Refer to Attachment 1 of this report for high-level layout plans of each option discussed below. As the design is still high-level, the traffic measures at this stage are the same across all three options, with each measure able to be implemented or removed independently across all three options.

*Landscape Option 1 – Basic upgrade*

Option 1 proposes a basic upgrade of the village centre, which includes planting of trees within the existing footpaths.



*Figure 1. Option 1 – Basic upgrade (cross-section).*

The table below outlines the advantages and disadvantages of Option 1.

Table 1. Option 1 – Basic upgrade – Advantages and disadvantages.

Advantages	Disadvantages
New paving throughout existing footpath area	Does not allow for a consistent tree canopy throughout the village centre due to clashes with existing awnings
Undergrounding of power	No allowance to extend footpath
No parking losses as a result of landscaping treatments	Limited opportunities to accommodate outdoor seating and meaningful street furniture
Lowest cost of the three options	Existing wide road doesn't discourage high speeds on Bronte Road (53km/h was recorded for 85 <sup>th</sup> percentile during weekend peak), meaning additional traffic calming would be required to create a self-enforcing 40km/h HPA
Allows for implementation of measures listed within the traffic study section of this report subject to further investigations	

Landscape Option 2 – Green streets

Option 2 proposes a similar layout to Option 1, with the inclusion of kerb buildouts within the existing parking lane to facilitate the planting of trees, allowing for a consistent tree canopy through the village centre. As a result of the proposed buildouts, there would be a loss of approximately 10 car spaces.

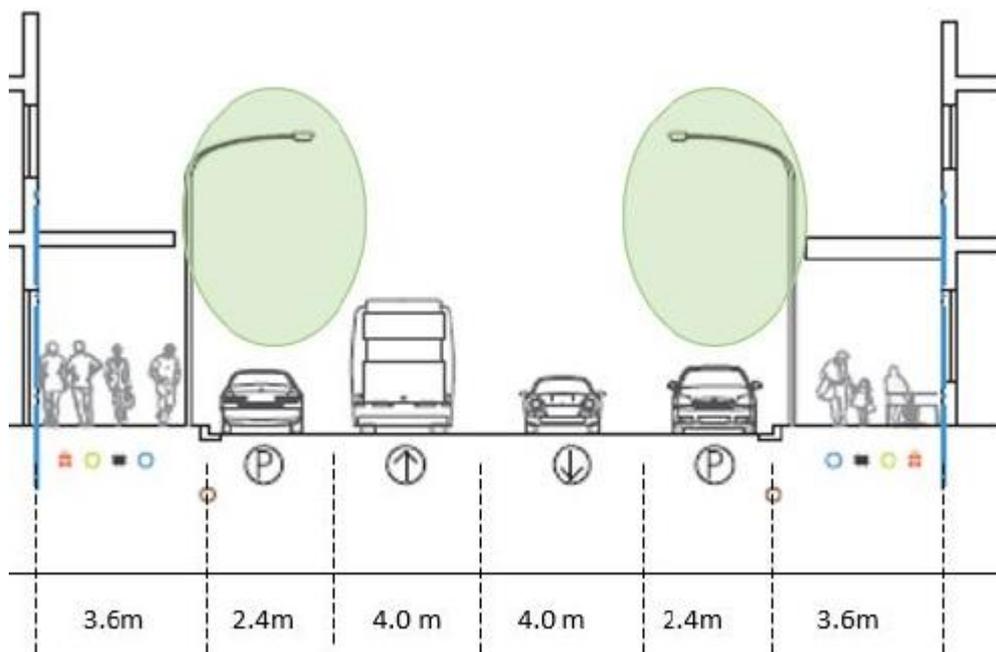


Figure 2. Option 2 – Green streets (cross-section).

The table below outlines the advantages and disadvantages of Option 2.

Table 2. Option 2 – Green streets – Advantages and disadvantages.

<b>Advantages</b>	<b>Disadvantages</b>
Allows for consistent planting of trees and gardens	Loss of approximately 10 parking spaces as a direct result of kerb buildouts to facilitate tree plantings
New paving throughout existing footpath area	No allowance to extend footpath
Undergrounding of power	Limited opportunities to accommodate outdoor seating and meaningful street furniture
Allows for implementation of measures listed within the traffic study section of this report subject to further investigations	Existing wide road doesn't discourage high speeds on Bronte Road (53km/h for 85 <sup>th</sup> percentile during weekend peak), meaning additional traffic calming would be required to create a self-enforcing 40km/h HPA

*Landscape Option 3 – Extended public realm*

Option 3 proposes a widening of the footpath on both sides of Bronte Road by approximately 600 mm to provide additional space for trees and pedestrian movement.

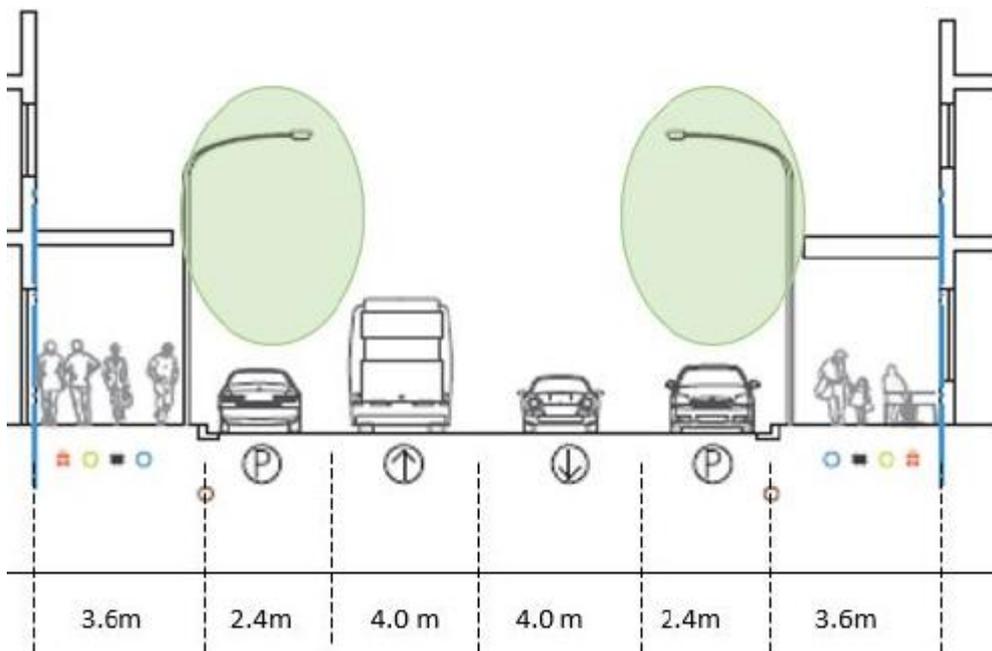


Figure 3. Option 3 – Extended public realm (cross-section).

The table below outlines the advantages and disadvantages of Option 3.

Table 3. Option 3 – Extended public realm – Advantages and disadvantages.

<b>Advantages</b>	<b>Disadvantages</b>
New paving throughout existing footpath area	Highest cost of the three options tabled
Undergrounding of power	
No parking losses as a result of landscaping treatments	
Allows for consistent planting of trees and gardens	
Allows for implementation of measures listed within the traffic study section of this report subject to further investigations	

Widening of footpath decreases road width, creating the opportunity to create a self-enforcing 40km/h HPAA	
Allows additional space for outdoor dining and street furniture to be incorporated into design	
Narrowing of road, improves safety for active transport modes including pedestrians and cyclists	

### Traffic study

A traffic study investigating existing site conditions has been undertaken parallel to the development of the three landscape options noted within this report. Traffic measures in all three landscape options are the same at this level of design. It should be noted that each measure noted below can be included or excluded in all three options independently to other traffic measures.

It is recommended that the following items be investigated parallel to the development of the concept design:

- Impacts of removing the left-hand turn slip from Bronte Road (south-east approach) into Carrington Road.
- Impacts of implementing a one-way travel direction for vehicles on Victoria Street between Campbell Street and Carrington Road (one-way travel direction towards the intersection of Carrington Road, Bronte Road and Campbell Street), including undertaking an origin destination survey to determine impacts on neighbouring streets and travel time.
- Opportunities to realign existing signalised pedestrian crossings at the intersection of Carrington Road, Bronte Road and Victoria Street to reduce pedestrian crossing times.
- Feasibility of incorporating a 40 km/h High Pedestrian Activity Area (HPAA) along Bronte Road, with connection to surrounding school zones to be included
- Impact on parking, noting that Option 3 minimises parking impacts as landscape treatments do not interfere with existing, uninterrupted parking on Bronte Road.

Any future recommendations to changes in traffic operations will be subject to formal Traffic Committee and Council approval processes.

### Stormwater study

A stormwater study investigating existing site conditions has been undertaken parallel to the development of the three landscape options. It was confirmed that ponding occurs in large storm events on Bronte Road (just north of Albion Street). Further stormwater modelling will be investigated as part of the concept design development to determine suitable infrastructure upgrades to improve resilience in larger storm events. Stormwater design will seek to incorporate WSUD.

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

### Financial impact statement

The table below outlines the cost associated with each option.

Table 4. Cost estimates.

Item	Estimate
Option 1	\$7,428,000
Option 2	\$7,739,000

Option 3	\$8,642,000
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Council officers will prepare and submit a grant application, seeking up to \$1 million in funding through the High Street Grant Program.

### Time frame

The table below outlines the predicted timings of key milestones for the design stage of the project.

*Table 5. Predicted project program.*

Milestone	Timing
Concept design development	December 2020 – February 2021
Stakeholder consultation	February -March 2021
Detailed design development	April – June 2021
Community information session on final design	June 2021
Contractor procurement	July – August 2021
Construction commences	August 2021

### Consultation

Stage 2 community consultation will be undertaken following Council endorsement of a concept design. It is anticipated that this process will be undertaken through February and March of 2021.

## 6. Conclusion

It is recommended that Council endorses landscape Option 3 as the preferred option and develops this to concept design suitable for stage 2 consultation. As outlined in this report, traffic measures in all three landscape options are the same at this level of design. It should be noted that each measure can be included or excluded in all three options independently of other traffic measures. It is recommended that traffic measures noted within this report are investigated parallel to concept design development to determine wider impacts and suitability.

## 7. Attachments

1. Landscape options analysis [↓](#)



OPTION 1 PLAN

PRELIMINARY

rev	description	app'd	date
A	INITIAL ISSUE	GdS	20.11.20

WAVERLEY COUNCIL  
CHARING CROSS STREETScape UPGRADE  
OPTION 1

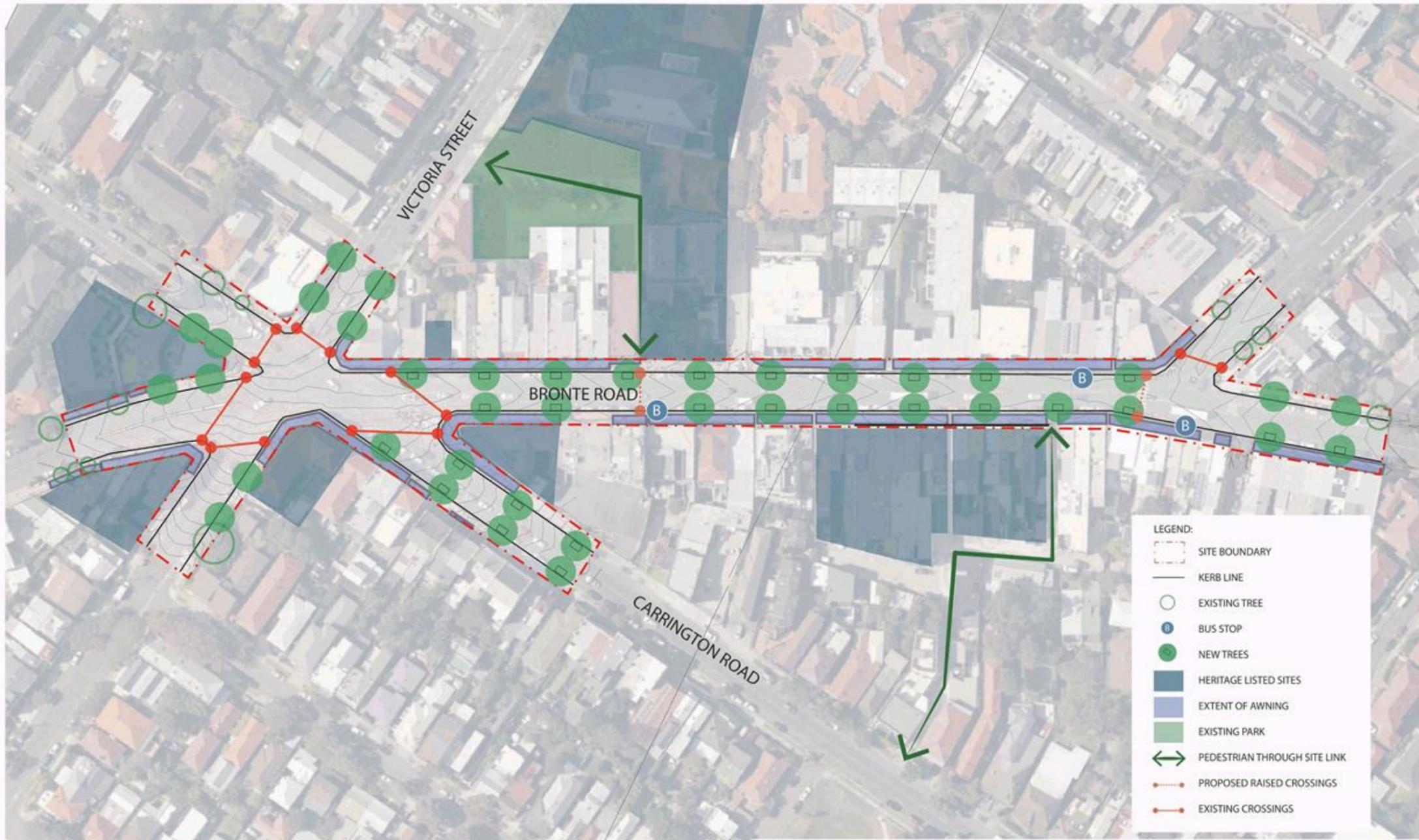


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scale NTS for A1 job no. 12521936  
date 20.11.20 rev no. A

approved (PD) SK021



OPTION 2 PLAN

PRELIMINARY

rev	description	app'd	date
A	INITIAL ISSUE	GdS	20.11.20

WAVERLEY COUNCIL  
CHARING CROSS STREETScape UPGRADE  
OPTION 2

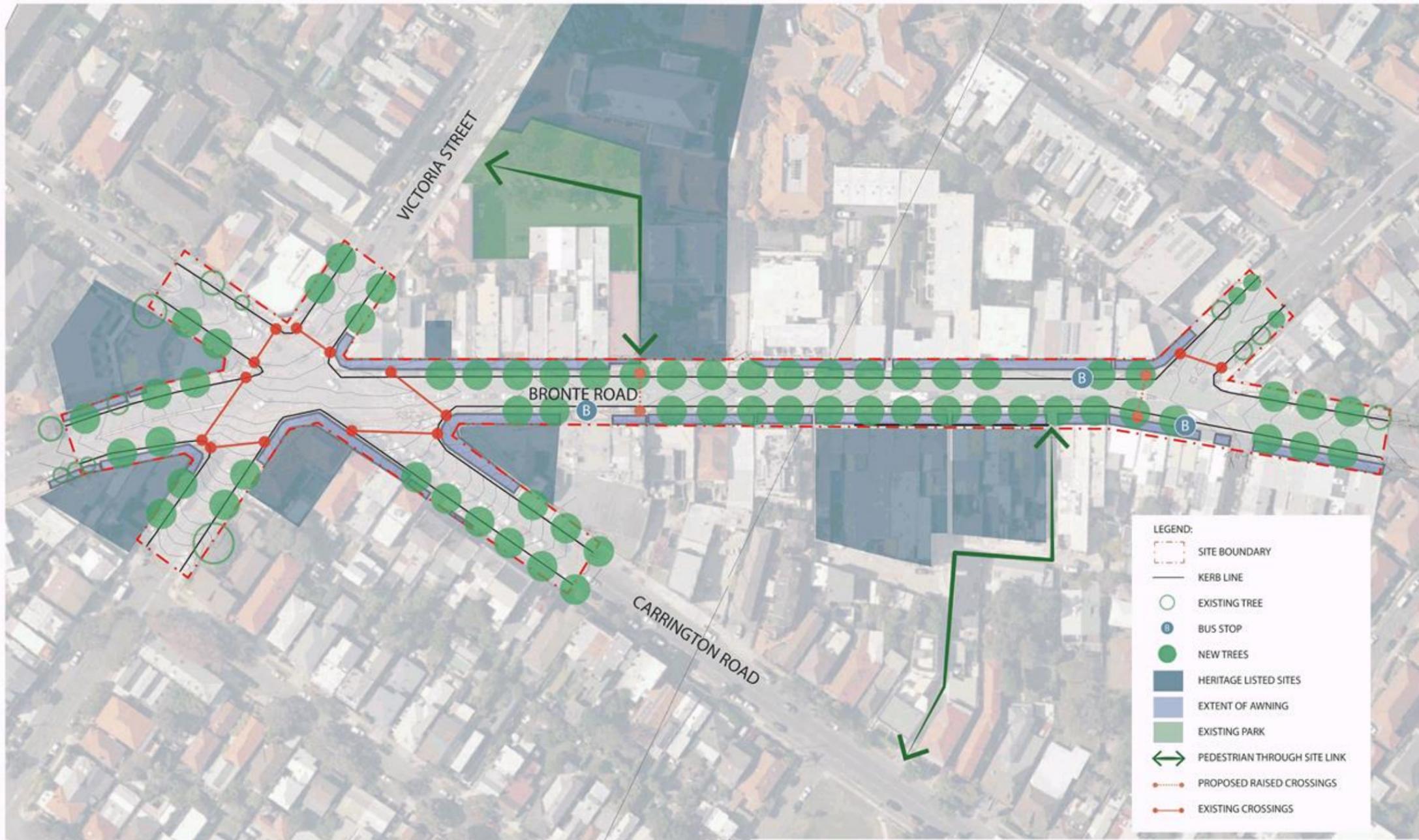


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date 20.11.20 rev no. A

approved (PD) SK022



LEGEND:

- SITE BOUNDARY
- KERB LINE
- EXISTING TREE
- BUS STOP
- NEW TREES
- HERITAGE LISTED SITES
- EXTENT OF AWNING
- EXISTING PARK
- ↔ PEDESTRIAN THROUGH SITE LINK
- PROPOSED RAISED CROSSINGS
- EXISTING CROSSINGS

### OPTION 3 PLAN

### PRELIMINARY

rev	description	app'd	date
A	INITIAL ISSUE	GdS	20.11.20

WAVERLEY COUNCIL  
CHARING CROSS STREETScape UPGRADE  
OPTION 3



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scale NTS for A1 job no. 12521936  
date 20.11.20 rev no. A

approved (PD) SK023

**REPORT**  
**CM/7.11/20.12**

**Subject:** Boot Factory Adaptive Reuse and Mill Hill Building Upgrade - Project Update

**TRIM No:** A19/0074

**Author:** Matt Henderson, Senior Project Manager  
Sharon Cassidy, Executive Manager, Major Projects

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

---

**RECOMMENDATION:**

That Council:

1. Endorses the reconfiguration of the ground floor of the Mill Hill building, as set out in the attachment to the report.
2. Lodges a section 4.55 modification for the proposed reconfiguration of the ground floor of the Mill Hill building.
3. Notes that, at its meeting on 17 March 2020, Council delegated authority to the General Manager to accept tenders other than tenders for contracts to provide services currently provided by members of staff.
4. Notes that the General Manager, subject to a successful tender process, intends to award the tender for construction of the project under delegation in early January 2021.

**1. Executive Summary**

The purpose of this report is to provide a project update on the Boot Factory Adaptive Reuse and Mill Hill Building Upgrade project, advise Council of the intention to award the construction tender under delegation and seek endorsement of the proposed design of the ground floor of the Mill Hill Community Centre building for the purposes of lodging a section 4.55 modification.

**2. Introduction/Background**

In February 2020, Council endorsed the design for the Boot Factory Adaptive Reuse project as well as reconfiguration of the Mill Hill building levels 1 and 2. Council also endorsed continuing with detailed design and progressing to a tender for a head contractor. The DA documentation included the following building elements and areas:

- Retaining the masonry perimeter walls.
- Replacing the roof sheeting and reviewing the opportunity to improve roof performance.
- Upgrade to achieve compliance with relevant Australian building codes.
- Upgrade or reconstruct existing floors.
- Maintain natural ventilation.
- New connection openings to access a shared lift and sanitary facilities within the Mill Hill building.

- Upgrade exterior windows with automatically closing in case of a fire, with upgraded external drencher system.
- Upgrade to Norman Lee Place.
- A more efficient layout of the Mill Hill levels 1 and 2 to give Council future flexibility in use of the building.

The DA was approved on 7 May 2020 and the detailed design development and tender and construction documentation phases have been completed. A request for tender (RFT) has been issued inviting tenderers to submit a lump sum price based on the detailed design documentation and scope of works. The open RFT will run from 17 November 2020 to 18 December 2020.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Services Committee 4 February 2020	PD/5.8/20.02	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this update on the Boot Factory Adaptive Reuse project.</li> <li>2. Endorses the design for the Boot Factory Adaptive Reuse project attached to this report, noting that the design involves restoration of the original building in line with the conservation strategy for the building and the Council resolution of 7 May 2019.</li> <li>3. Continues with detailed design and progresses to a tender for a head contractor following DA approval, noting that issuing the request for tender is subject to Council endorsement of the draft 2020–21 Capital Works Program and Long Term Financial Plan.</li> </ol>
Strategic Planning and Development Services Committee 7 May 2019	PD/5.1/19.05	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the project status update on the Boot Factory Restoration Options Analysis included in this report.</li> <li>2. Progresses to detailed design that includes:               <ol style="list-style-type: none"> <li>(a) Retaining the masonry perimeter walls.</li> <li>(b) Replacing the roof sheeting and review the opportunity to improve roof performance.</li> <li>(c) Upgrading or reconstructing existing floors, noting that the upgrade options analysis report outlines five options for the internal floor structure. These will be developed further at the detailed design stage, with careful consideration to heritage outcomes.</li> <li>(d) Maintaining natural ventilation.</li> </ol> </li> </ol>

		<p>(e) New connection openings to access a shared lift and sanitary facilities within the Mill Hill Building.</p> <p>3. Notes that fit-out options will be developed based on the outcomes of the Knowledge and Innovation Hub Strategy.</p>
--	--	--

**4. Discussion**

To enhance the restoration of the original Boot Factory building and minimise the need for services to be located within it, the project provides a physical connection between the Boot Factory and Mill Hill building providing an opportunity to upgrade and share amenities and lift facilities between buildings. The project has also provided an opportunity to undertake a much-needed upgrade and enhancement of the adjoining Mill Hill Community Centre built in the 1980s, providing for more staff to be accommodated, and improved facilities and amenities for the Seniors Centre, staff, and the community services operating out of the building. This, coupled with the upgrade to Normal Lee Place, will drastically improve and activate the precinct at the Denison Street end of Bondi Junction Commercial Centre. Further activation will occur in 2021/22, with the Whitton Lane development directly across Spring Street being completed, providing additional community focussed space.

The fit-out design in Mill Hill on level 1 and 2 will allow for increased capacity and flexible use by Council staff, as well as the ability to continue utilise level 2 for a variety of uses. The detailed planning associated with the Innovation Civic Hall project and consideration of the precinct has identified opportunities to enhance the ground floor of the Mill Hill building, which includes the Senior Centre. Opportunity exists to both reconfigure and enhance the Seniors Centre hall, incorporate a purpose-built reception and gathering space for the seniors, provide a more private consulting space, whilst also providing for a commercial café on the Spring Street frontage. This would bring in much needed income to fund programming and service delivery, serve the users of the buildings and courtyard spaces, as well as activate the area. Council Officers are considering lease opportunities which would also allow this facility to seek to provide catering for the precinct to further improve the proposition for potential leaseholders.

The proposed ground floor design was developed in consultation with the Community Programs team. The proposed design is attached to this report, with an extract below:

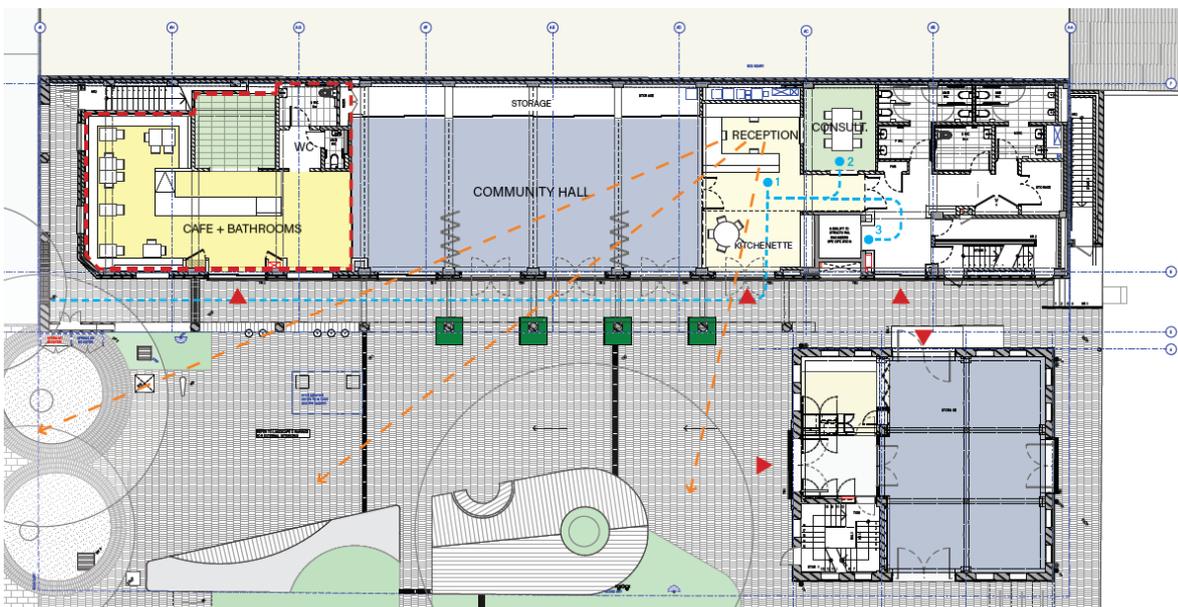


Figure 1. Mill Hill building – Ground floor design.

Benefits of this design include:

- Café at the Spring Street entry to the precinct with clear street and courtyard presence.
- Dedicated entry to Seniors Centre with surveillance of forecourt and community hall from reception.
- Direct access from reception to bathrooms, lift and spaces on other levels.
- Dedicated office space for three staff, in central location between functional spaces.
- Gathering and meeting space at entry with kitchenette, with second more private consulting room.

The next steps will be to lodge a section 4.55 modification for these proposed changes. The scope has been allowed for in the tender documentation but as a separable portion, which allows Council to include or exclude from the scope depending on the approval outcome.

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

### Finance

The Capital Works Program for 2020–21 and LTFP 5.2 includes the following:

*Table 1. Capital works funding.*

Boot Factory Restoration	\$4,600,000
Mill Hill Upgrade	\$1,500,000
SAMP5 Building Renewal - Mill Hill	\$1,188,100
Council Accommodation and Services	\$1,000,000
<b>Total</b>	<b>\$8,288,100</b>

The project pre-tender cost estimate budget has been separated into the following costs:

*Table 2. Project cost estimates.*

Boot Factory restoration works	\$2,823,429
Mill Hill lobbies/connections	\$924,541
Mill Hill upgrade and fitout	\$3,600,700
External works	\$931,763
<b>Total</b>	<b>\$8,280,433</b>

### Time frame

The programmed construction works are scheduled to commence in February 2021 and the expected duration is 12 months. This will be confirmed by the preferred tenderer.

### Consultation

The section 4.55 modification will be notified as per statutory requirements. Prior to this, consultation with the users of the Seniors Centre is planned for the week commencing 30 November including:

- Stall in Seniors Centre lobby.
- Zoom meeting.
- Newsletter update.

**6. Conclusion**

It is recommended that Council endorses the proposed reconfiguration of the ground floor of the Mill Hill Community Centre building and the lodgement of a section 4.55 modification for the proposed changes.

**7. Attachments**

1. Mill Hill ground floor plan [↓](#)

# ARCHER OFFICE

# WAVERLEY COUNCIL

## BOOT FACTORY & MILL HILL CENTRE WAVERLEY COMMUNITY AND SENIORS CENTRE

27.11.2020



PREPARED BY ARCHER OFFICE  
NOMINATED ARCHITECT: TOMEK ARCHER #9495  
CONTACT: 02 9191 7326  
STUDIO@ARCHEROFFICE.COM

# INTEGRATED PRECINCT BOOT FACTORY + MILL HILL CENTRE + NORMAN LEE PLACE



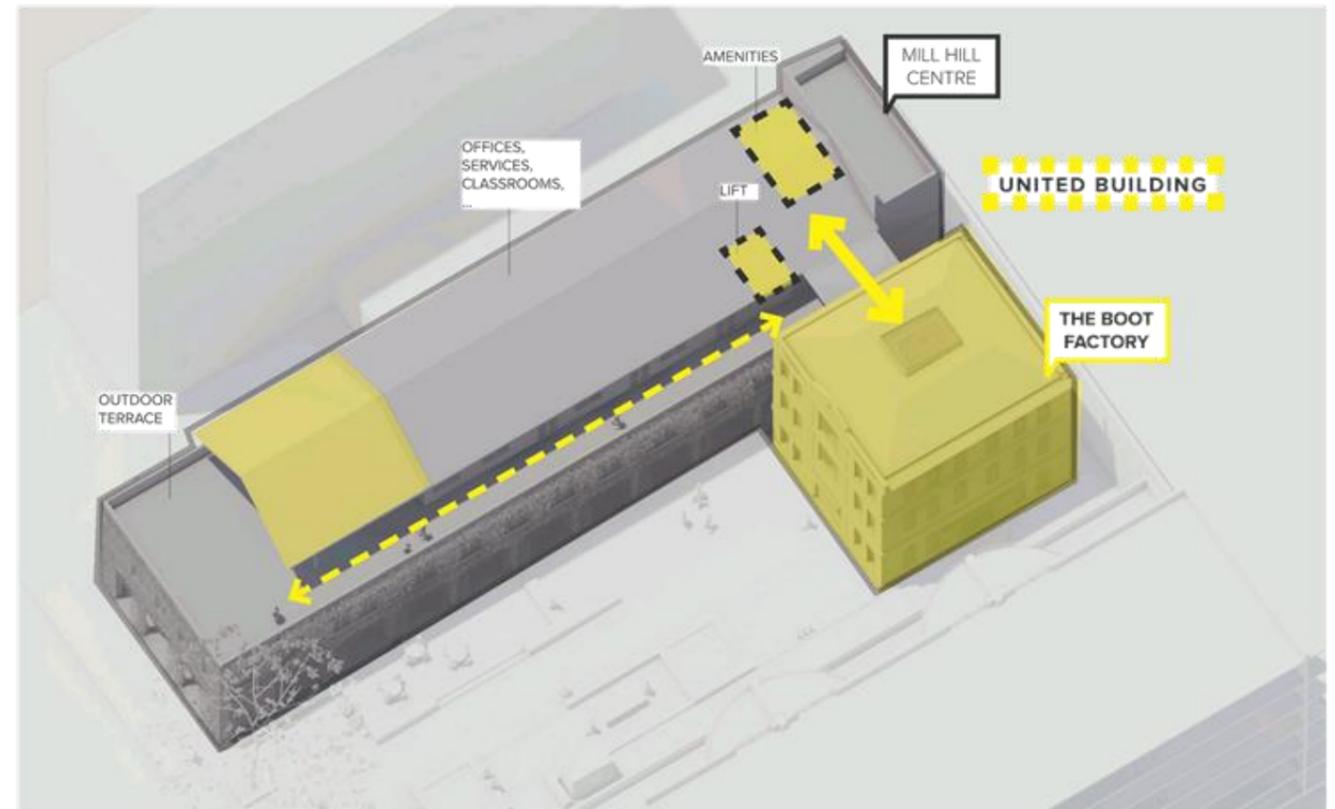
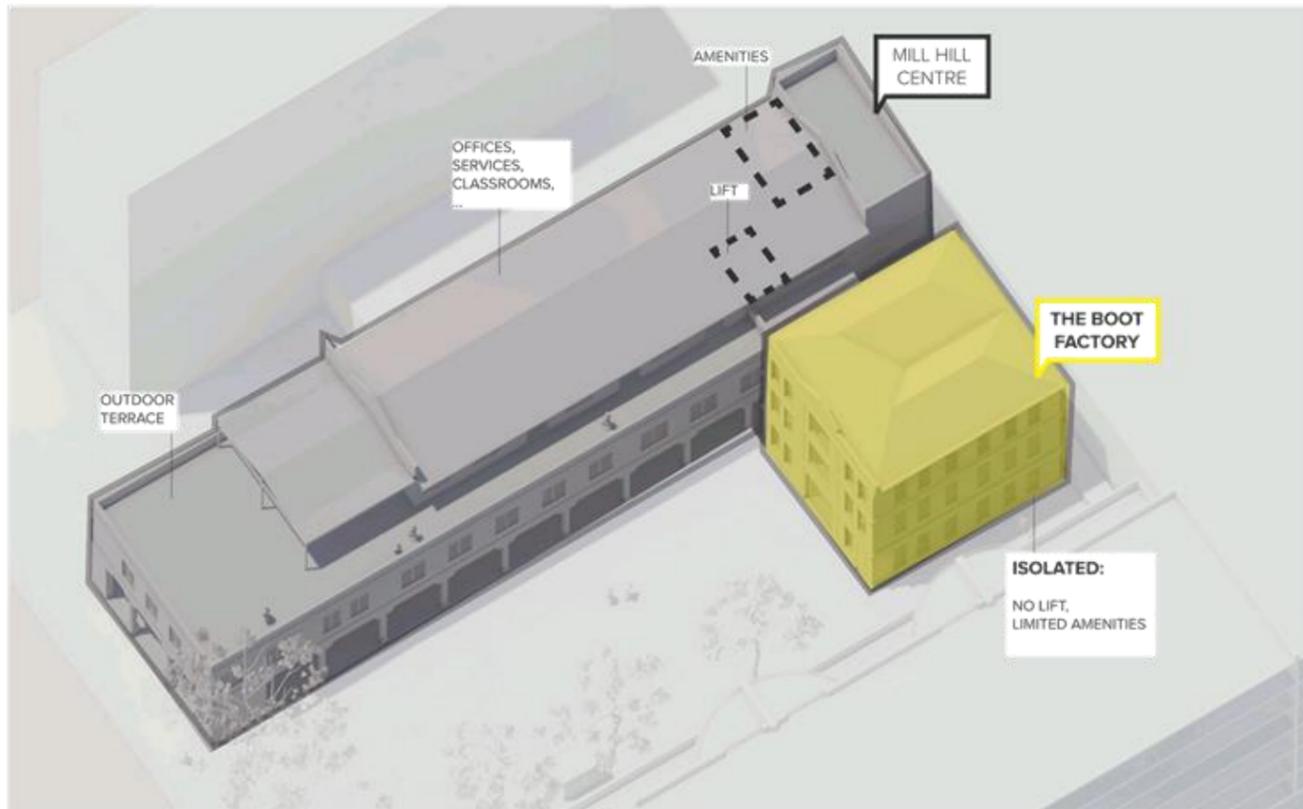
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CLIENT  
WAVERLEY COUNCIL

PROJECT  
THE BOOT FACTORY

STAGE  
DEVELOPMENT APPLICATION

# THE BOOT FACTORY & MILL HILL CENTRE COLLABORATION



## CURRENT SITUATION: ISOLATION

- Mill Hill Centre and Boot Factory are in very close proximity, but there is no actual connection or operational relationship

## OPPORTUNITY: COLLABORATION

- Establish a direct connection at every level, outsourcing amenities, storage and lift to the existing Mill Hill Centre in order to liberate The Boot Factory from having to host those services in its limited space.

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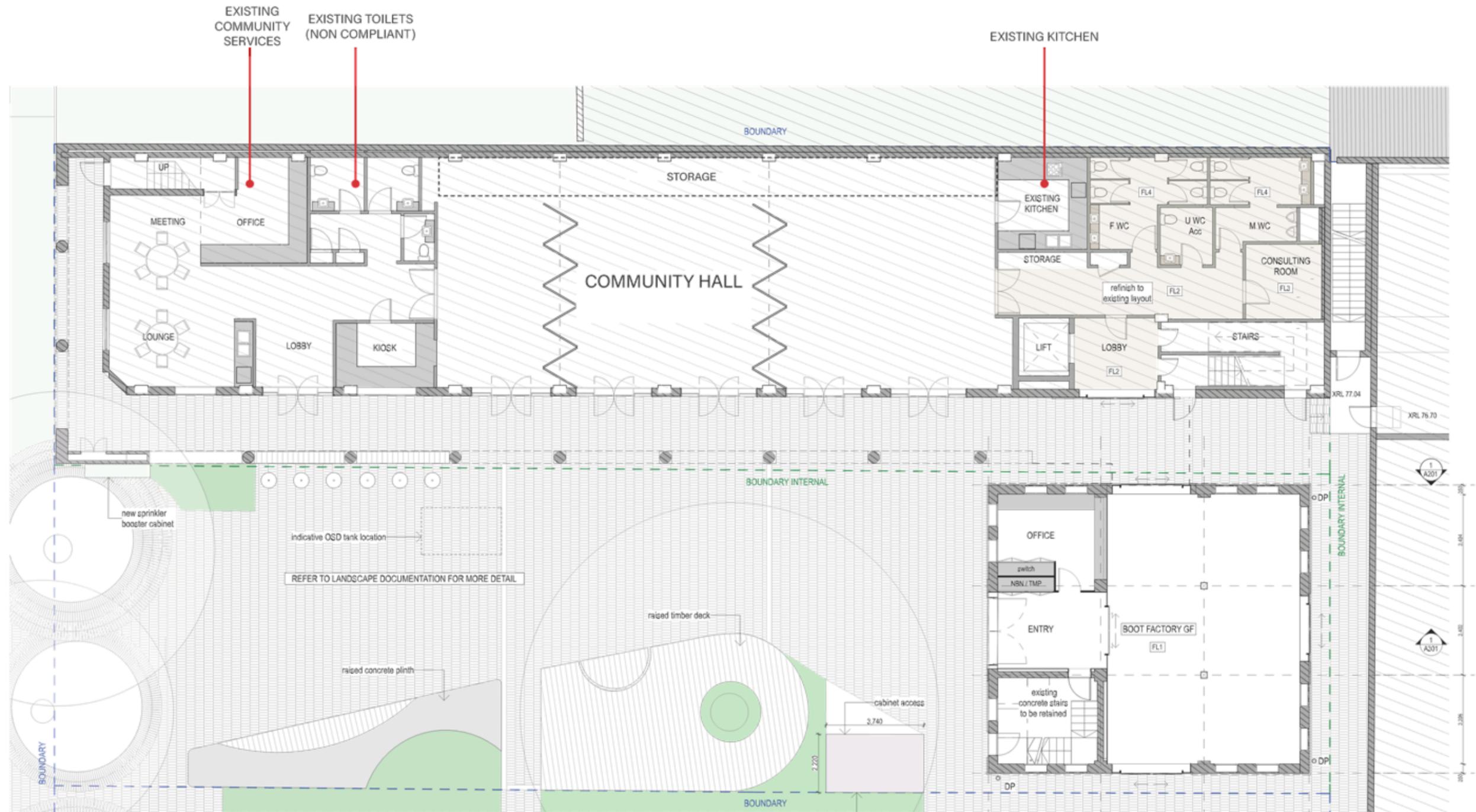
CLIENT  
WAVERLEY COUNCIL

PROJECT  
THE BOOT FACTORY

STAGE  
DEVELOPMENT APPLICATION

# MILL HILL GROUND FLOOR

## EXISTING GROUND FLOOR LAYOUT



SCALE 1:150 @ A3

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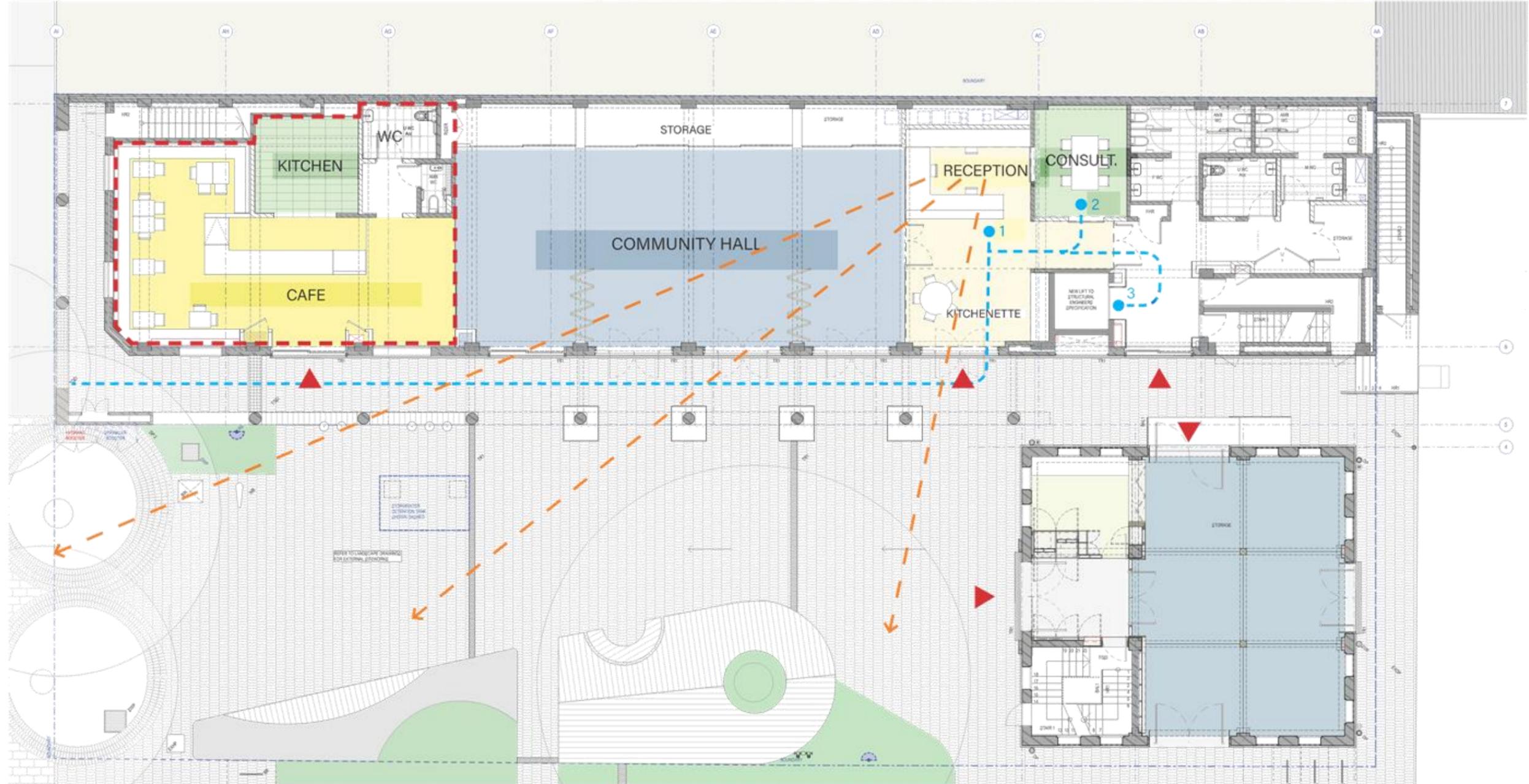
CLIENT  
WAVERLEY COUNCIL

PROJECT  
THE BOOT FACTORY

STAGE  
DEVELOPMENT APPLICATION

# MILL HILL - GROUND FLOOR RECEPTION AT SOUTHERN CORE

- Dedicated entry with surveillance of forecourt and community hall from reception.
- Direct access from reception to bathrooms, lift and spaces on other levels.
- Dedicated office space for 3 staff, in central location between functional spaces.
- Gathering and meeting space at entry with kitchenette, with second more private consulting room.



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CLIENT  
WAVERLEY COUNCIL

PROJECT  
THE BOOT FACTORY

STAGE  
DEVELOPMENT APPLICATION

# MILL HILL FITOUT GROUND FLOOR - CAFE

- Shared communal cafe space for whole facility.
- Functions as informal lobby with associated private community room.



ACTIVE STREET FRONTAGE AND RECEPTION



COMMUNAL TABLE THAT CAN BE BOOKED FOR COMMUNITY PROGRAMS

IMAGES: PARAMOUNT COFFEE PROJECT, SURRY HILLS

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CLIENT  
WAVERLEY COUNCIL

PROJECT  
THE BOOT FACTORY

STAGE  
DEVELOPMENT APPLICATION

**REPORT  
CM/7.12/20.12**

**Subject:** Voluntary Planning Agreement - 20-24 Llandaff Street, Bondi Junction

**TRIM No:** SF20/5035

**Author:** Tim Sneesby, Manager, Strategic Planning

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

---

**RECOMMENDATION:**

That Council:

1. Endorses the draft Planning Agreement attached to the report applying to land at 20–24 Llandaff Street, Bondi Junction. The draft Planning Agreement offers a total monetary contribution of \$311,758 in relation to the excess floor space over the permissible floor space ratio, of which \$280,582 (90%) is to be applied towards the Complete Streets Program and \$31,176 (10%) towards the Affordable Housing Program.
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-101/2017/B at 20–24 Llandaff Street, Bondi Junction.

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 \$311,758 in relation to a floor space exceedance of 104sqm (15%). Of this contribution \$280,582 (90%) is to be applied towards the Complete Streets program and \$31,176 (10%) towards Waverley's Affordable Housing Program.

**2. Introduction/Background**

The draft Planning Agreement was negotiated in accordance with the valuation and costing methodology outlined in the Planning Agreement Policy 2014. The draft Planning Agreement offers a total monetary contribution of \$311,758 in relation to a floor space exceedance of 104 sqm (15%). Of this contribution, \$280,582 (90%) is to be applied towards the Complete Streets Program and \$31,176 (10%) towards the Affordable Housing Program.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

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 \$311,758 in relation to the excess floor space over the permissible floor space ratio, of which \$280,582 (90%) is to be applied towards the Complete Streets Program and \$31,176 (10%) towards the Affordable Housing Program.

While the draft VPA Policy proposes to increase the percentage of contributions from 10% to 25%, this VPA has been negotiated and agreed before the commencement of the new policy position. Therefore, the percentage going towards affordable housing for this VPA is 10% in accordance with the existing policy position.

Works will be undertaken in accordance with the objectives and actions as outlined in relevant adopted strategies including the Complete Streets Program and the Affordable Housing Program.

The 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.

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

Once the planning agreement has been executed, the applicant will be required to pay a total monetary contribution of \$311,758 in relation to the excess floor space over the permissible floor space ratio, of which \$280,582 (90%) is to be applied towards the Complete Streets Program and \$31,176 (10%) towards the Affordable Housing Program.

#### 6. Conclusion

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

#### 7. Attachments

1. VPA [↓](#)
2. Explanatory note [↓](#)

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**WAVERLEY COUNCIL**

(Council)

**AND**

**ROSE BAY WATERFRONT PTY LTD  
ACN 610 190 942**

(Developer)

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**PLANNING AGREEMENT**  
(Development Contribution)

---

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

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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**)

**ROSE BAY WATERFRONT PTY LTD (ACN 610 190 942)** of PO Box 733, Waverley NSW 2024  
(**Developer**)

**BACKGROUND/RECITAL**

- A.** The Developer is the registered proprietor of the Land.
- B.** The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C.** On 31 March 2017 the Developer caused a development application to be made to Council for development consent to carry out the Development on the Land.
- D.** The development application was accompanied by an offer by the Developer to enter into this Agreement to make a development contribution towards a public purpose in accordance with Council's Planning Agreement Policy if Development Consent was granted.
- E.** The development consent was granted on 28 March 2018. The development consent included a deferred commencement condition.
- F.** The Developer subsequently sought to modify the development consent DA-101/2017 in relation to timing for entering into the Planning Agreement and provision of security. Consent was granted on 28 June 2018 (DA-101/2017/A).

- G.** The Developer sought to further modify development application DA-101/2017/A to amend the development contribution amount due to a reduction in on-site car parking. Consent was granted on 3 June 2020 (DA-101/2017/B).
- H.** The Developer clarified and confirmed the offer to enter into the Planning Agreement on 5 May 2020. The Agreement is consistent with the Developer's offer referred to in Recital G.

#### **OPERATIVE PROVISIONS:**

##### **1 PLANNING AGREEMENT UNDER THE ACT**

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

##### **2 APPLICATION OF THIS AGREEMENT**

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

##### **3 OPERATION OF THIS AGREEMENT**

- 3.1 This Agreement shall take effect on and from the date Development Consent becomes operational.
- 3.2 The parties must execute and enter into this Agreement as soon as possible and in any event prior to any Occupation Certificate issuing for the Development.

##### **4 DEFINITIONS AND INTERPRETATION**

###### **4.1 Definitions**

In this Agreement unless the context otherwise requires:

**"Act"** means the *Environmental Planning and Assessment Act 1979* (NSW) as modified;

**"Agreement"** means this agreement;

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

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

“**Caveat Form**” means 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 5 of the Schedule;

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

“**Development Consent**” means the development consent dated 28 March 2018 granted in respect to the Development Application, as modified;

“**Development Contribution**” means the contribution referred to in item 6 of the Schedule;

“**Development Contribution Date**” means the time the Development Contribution is to be paid as referred to in item 8 of the Schedule;

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

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

“**Land**” means the land described in item 2 of the Schedule;

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

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

“**Public Purpose**” for the purpose of this Agreement means that described in item 7 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 has done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that it has obtained the express written consent to the registration of this Agreement under section 93H of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
  - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible after entering into this Agreement and in any event prior to the issue of an Occupation Certificate, the Developer will at its cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the Developer and any other person the subject of the warranty in clause 8.3;
  - (b) lodge or cause to be lodged the title deed with NSW Land Registry Services and advise Council of the production number;
  - (c) provide the Council with a cheque in favour of NSW Land Registry Services for the registration fees for registration of this Agreement; and
  - (d) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement.
  - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Occupation Certificate.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution, 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 occur upon the date of this Agreement and prior to issue of an Occupation Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.

- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

## **9 BANK GUARANTEE**

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

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

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

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with the Schedule or any other amount payable under this Agreement by its due date for payment; or
  - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount

received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the amount payable. In those circumstances, the Developer will be required to pay to the Council the outstanding balance of the Development Contribution and other amounts payable under this Agreement.

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

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

## 10 **REVIEW OF THE AGREEMENT**

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

## 11 **DISPUTE RESOLUTION**

### 11.1 **Notice of dispute**

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice"). No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

### 11.2 **Response to notice**

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

### 11.3 The nominated representative must:

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

### 11.4 **Further notice if not settled**

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

### 11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (a) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this Clause 11.5 must;
  - (i) Have reasonable qualifications and practical experience in the area of disputes; and
  - (ii) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (f) The Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.
- (g) In relation to costs and expenses
  - (i) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (ii) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

### 11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:

- (i) Agreed upon and appointed jointly by the Council and the Developer; or
  - (ii) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
  - (c) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
  - (d) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
  - (e) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
  - (f) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

#### **11.7 Litigation**

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

#### **11.8 Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

### **12 ENFORCEMENT**

12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer must:

- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that

- such application is made;
- (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement;
- (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;
- (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a), until the Development Contribution is paid in full to Council; and
- (d) at the time of entering into this Agreement, the Developer shall provide Council with the Caveat Form, unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement.

## 13 NOTICES

13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out below in item 9 of the Schedule;
- (b) faxed to that Party at its fax number set out below in item 9 of the Schedule;
- (c) emailed to that Party at its email address set out below in item 9 of the Schedule.

13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) If it is delivered, when it is left at the relevant address.
- (b) If it is sent by post, 2 business days after it is posted.

(c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

#### **14 APPROVALS AND CONSENT**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

#### **15 ASSIGNMENT AND DEALINGS**

Notwithstanding clause 3.1 of this Agreement, from the date of this Agreement until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

#### **16 COSTS**

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

#### **17 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

#### **18 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**19 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

**21 NON FETTER**

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

**22 REPRESENTATIONS AND WARRANTIES**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

## 23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

## 24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## 25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

## 26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.
- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("**Cost**") incurred by the other party, the amount of that Cost for the

purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

- 26.5 If GST is linked with the abolition or reduction of other taxes and charges, all amounts payable by the Recipient to the Supplier under this Agreement (excluding GST) must be reduced by the same proportion as the actual total costs of the Supplier (excluding GST) are reduced either directly as a result of the abolition or reduction of other taxes and charges payable by the Supplier or indirectly by way of any reduction in prices (excluding GST) charged to the Supplier.

## **27 EXECUTION IN TRIPLICATE**

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the *Environmental Planning and Assessment Act*. This Agreement will be dated on the day of execution by all Parties.

**SCHEDULE**

<u>Item Number</u>		<u>Particulars/Description</u>
1	Developer	ROSE BAY WATERFRONT PTY LTD (ACN 610 190 942)
2	Land	LOT 1 IN DP 7598, LOT 3 IN DP 879326 AND LOT 1 IN DP 82394 AND KNOWN AS 20-24 LLANDAFF STREET, BONDI JUNCTION
3	Development Application	DA-101/2017
5	Development (description)	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW RESIDENTIAL FLAT BUILDING WITH 26 UNITS, BASEMENT PARKING, AS MODIFIED
6	Development Contribution	\$311,758
7	Public Purpose	TO BE APPLIED TOWARDS THE COMPLETE STREETS PROGRAM (90%) AND TO WAVERLEY'S AFFORDABLE HOUSING PROGRAM (10%)
8	Development Contribution Date (Payment date for the Development Contribution)	PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE FOR THE DEVELOPMENT
9	Developer Address	C/- & LEGAL LEVEL 1, 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY, NSW, 2028

Developer Fax	9328 7324
Developer Email	<a href="mailto:jdenes@andlegal.com.au">jdenes@andlegal.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**

\_\_\_\_\_  
**ROSS MCLEOD**

General Manager

\_\_\_\_\_  
**CLR PAULA MASSELOS**

Mayor

**EXECUTED by ROSE BAY WATERFRONT  
PTY LTD (ACN 610 190 942)**

In accordance with section 127 of the  
Corporations Act 2001

\_\_\_\_\_  
**ELIA LEIS**

Director/Secretary

\_\_\_\_\_  
**IGAL LEIS**

Director

## Explanatory Note

(Clause 25E of the Environmental Planning and Assessment Regulation 2000)

### Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed planning agreement (PA) prepared jointly between Waverley Council and the Developer under s7.4 of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

#### 1 Parties:

**Waverley Council** (Council) and

**Rose Bay Waterfront Pty Ltd (ACN 610 190 942)** of PO Box 733, Waverley NSW 2024 (Developer)

#### 2 Description of subject land:

The whole of the land being Lot 1 in DP 7598, Lot 3 in DP 879326 and Lot 1 in DP 82394 and known as 20-24 Llandaff Street, Bondi Junction, is the subject Land under the Planning Agreement.

#### 3 Description of Development:

The Developer proposes to develop the subject Land. The proposed development will comprise demolition of existing buildings and construction of new residential flat building with 26 units, basement parking, as modified.

#### 4 Background:

The Developer is the registered proprietor of the subject Land. The Developer caused a development application to be lodged with Council, DA-101/2017. The developer subsequently offered to enter into a Planning Agreement with Council pursuant to section 7.4 of the Act to provide a monetary contribution as the development application provided for additional floor space which exceeds floor space controls permitted for such buildings under Council's planning controls. Development consent was granted on 28 March 2018. The Developer subsequently sought to modify the development consent and caused a modification application to be lodged with Council for same, DA-101/2017/A. Development consent was granted on 28 June 2018. The Developer then sought to further modify the development consent and caused a modification application to be lodged with Council for same, DA-101/2017/B. The modification application was accompanied by an offer to enter into a Planning Agreement with Council pursuant to section 7.4 of the Act. 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 under the Complete Streets Program directed at infrastructure construction, improvements and maintenance of footpaths, walkways and public areas and provision towards Waverley's Affordable Housing Program.

The Agreement is a binding relationship between Council and the Developer whereby the Developer is to pay a monetary contribution and is a Planning Agreement under section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

The Agreement requires the Developer to comply with certain requirements including registration of the Agreement, provision of a Bank Guarantee and caveat and to pay the monetary contribution to Council in the amount of \$311,758 prior to any Occupation Certificate issuing for the Development.

The Agreement does not exclude the application of sections 7.11, 7.12 or 7.24 of the Act to the Development and the Development Contribution is not to be taken into consideration in determining any development contribution under s7.11 of the Act.

The Agreement contains a number of machinery provisions including in relation to dispute resolution and enforcement.

## 6 Assessment of the merits of the Draft Planning Agreement:

### The Planning Purposes served by the Draft Planning Agreement

- 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.

### How the Draft Planning Agreement promotes the Public Interest

- The public interest is promoted by the provision to Council of funds which it is able to apply towards upgrading and improving infrastructure and facilities nearby the Development and in the broader community, in particular the beautifying of road reserves and works towards safe pedestrian-friendly streets, providing good access to public transport and accommodating cyclists;

- The upgrading and improvement of facilities will encourage business and development activity of the precinct;
- The contributions made are intended to positively affect the economic and social wellbeing of the precinct incorporating the Development and wider community. Both residents and visitors will benefit from the contributions under the Planning Agreement;
- Public Interest is promoted by virtue of the planning agreement because it increases the provision of affordable housing;
- Provides housing for low income and disadvantaged people within the community;
- Facilitates a diverse social mix;
- Enables diverse social and economic groups to have similar opportunities for accommodation in the area where the Development is situated.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

The provision of the monetary contribution required under the Planning Agreement will promote the objects of the Act, in particular:

- 1.3(a) “to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources”;
- 1.3(b) “to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment”;
- 1.3(c) “to promote the orderly and economic use and development of land”;
- 1.3(d) “to promote the delivery and maintenance of affordable housing”; and
- 1.3(i) “to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State”.

How the Draft Planning Agreement promotes elements of the Council's charter under section 8 of the Local Government Act, 1993

- The Draft Planning Agreement provides a means by which the Council shows a regard for the long term and cumulative effects of its decisions. The Council's decisions impact public areas. The Council is conscious of a need for recreational facilities as well as affordable housing within the public areas in its local government area and how its decisions and policies impact on seeking to fulfil these needs;
- The Draft Planning Agreement provides a means by which Council shows it bears in mind that it is the custodian and trustee of public assets and seeks to

effectively plan for and manage the assets for which it is responsible and facilitates its engaging in long term strategic planning on behalf of the local community.

- In addition as the planning agreement is a means by which the Council can implement its Affordable Housing Policy, in doing so Council exercises community leadership in an area of concern to the wider community.

#### Conformity with the Council's Capital Works Program

The Draft Planning Agreement is not inconsistent with the Council's Capital Works Program.

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes, as detailed above in relation to bank guarantee, registration and caveat and to enforce payment of the monetary contribution prior to the issue of any Occupation Certificate.

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

**REPORT  
CM/7.13/20.12**



**Subject:** Stronger Communities Fund - Progress Report

**TRIM No:** A19/0224

**Author:** Sharon Cassidy, Executive Manager, Major Projects  
Rodhan Haughton, Senior Project Manager  
Robert Sabato, Senior Project Manager

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

**RECOMMENDATION:**

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

**1. Executive Summary**

Council received funding from the Stronger Communities Fund – Tied Grants program in February 2019 for several projects to a value of \$2 million. The Stronger Communities Fund Funding Agreement requires Council to table progress reports quarterly to an ordinary Council meeting. The progress report is to include the expenditure and outcomes achieved against the Delivery Plan. This reporting is to continue until the conclusion of the projects.

**2. Introduction/Background**

Council received funding from the Stronger Communities Fund – Tied Grants program in February 2019 for several projects to a value of \$2 million.

The Office of Local Government has the function of providing funding to councils. It is the State agency to which the Council has to report regarding the expenditure of funds provided under the grants.

This report provides an update on the progress of the grant funded projects.

**3. Relevant Council Resolutions**

Meeting and date	Item No.	Resolution
Council 21 April 2020	CM/7.9/20.04	That Council: <ol style="list-style-type: none"> <li data-bbox="655 1693 1390 1765">1. Receives and notes the outcomes from the two stages of community consultation undertaken for Varna Park.</li> <li data-bbox="655 1800 1321 1872">2. Endorses the attached concept design plan to be detailed and documented for construction.</li> <li data-bbox="655 1908 1390 2080">3. Notes that the final design may change based on recommendations and requirements identified by technical consultants such as arborists and accredited play safety auditors. A final design will be presented to Council for endorsement if significant changes are</li> </ol>

		proposed, or emailed to Councillors prior to tender if only minor changes are proposed, in accordance with Council's new standard Councillor consultation approach.
Council 19 March 2019	CM/8.9/19.03	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council officers consult stakeholders, Ward Councillors and Cr Burrill on an interim upgrade of the existing or new play equipment and the priority of which equipment should be upgraded to generally make the playground safer, and that these works take place as soon as possible.</li> <li>2. Additionally, officers report back to Council with a future concept plan.</li> <li>3. A representative of the recent 'Mothers of Bondi' petition, Ms Talia Golan or her alternate, be included within the stakeholder group.</li> <li>4. Council notes that the NSW Government has recently given Council \$300,000 under the Stronger Communities Fund to fund priority upgrade works as an interim measure in the Bondi Beach playground.</li> <li>5. Council notes that a full upgrade of the playground to a regional playground is due to commence in 2021–22, following the completion of the Bondi Pavilion Conservation Upgrade project.</li> <li>6. Council notes the recent online petition by the 'Mothers of Bondi' addressing urgent safety issues and upgrades to existing equipment.</li> </ol>
Council 19 March 2019	CM/8.13/19.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes and acknowledges that: <ol style="list-style-type: none"> <li>(a) The NSW Government has provided Council a \$100,000 grant to make further improvements to Clarke Reserve in Vaucluse.</li> <li>(b) This money is in addition to the \$150,000 already allocated by Council bringing the total investment of \$250,000.</li> <li>(c) The upgrade of the Reserve is due to commence in the second half of 2019.</li> </ol> </li> <li>2. Writes to the Member for Vaucluse, Gabrielle Upton MP, thanking her for the contribution of the grant, which will be used to improve local amenity.</li> </ol>

		3. Officers consult the Diamond Bay/Vaucluse Precinct and nearby residents within the Diamond Bay/Vaucluse Precinct catchment area, notifying them of the additional funding being provided and seeking feedback.
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#### 4. Discussion

Guidelines have been developed to assist councils to understand their obligations in relation to the tied grant round of the Stronger Communities Fund, including requirements for governance and reporting.

Councils are to fund projects, identified by the NSW Government, that deliver new or improved infrastructure or services to the Community.

Projects must meet the following criteria:

- Demonstrate social and/or economic benefits to the community.
- Give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government.

The following is a list of the seven Council projects and their respective progress reports.

*Table 1. Projects.*

Project – Stronger Communities Fund	Allocation (\$'000)
1. North Bondi Surf Life Saving Club – Upgrade	500
2. Bronte Surf Club and Community Facilities Building Upgrade	345
3. Clarke Reserve, Vaucluse – Upgrade to playground and fencing	100
4. Marlborough Reserve, Bronte – Upgrade to playground	400
5. Varna Park, Waverley – Upgrade to playground	280
6. Waverley Park, Waverley – Upgrade of cricket facilities	75
7. Bondi Beach playground – Design work for upgrade	300
<b>Total amount of grant funding sought:</b>	<b>\$2,000,000</b>

#### North Bondi Surf Life Saving Club – Upgrade – Rescue Storage Facility

The project involves construction of an Advanced Response Life Saving Facility in one of the tunnels under the Bondi Beach Promenade and involved excavation, constructing a larger space for lifesaving facility storage and then reinstating the promenade. Construction has now been completed.

#### *Next steps*

A formal opening was held on Saturday, 28 November 2020. A final report is to be completed and submitted to OLG, including photos and description of the benefits and outcomes achieved.

#### *Budget*

In addition to the \$500,000 Stronger Communities grant from the NSW Government, Council has committed \$500,000 to the project. An additional \$500,000 was funded by the North Bondi Surf Life Saving

Club and another \$500,000 was sourced from Federal funds by the North Bondi Surf Life Saving Club. The project is within budget.

### **Bronte Surf Club and Community Facilities Building Upgrade**

Stage 2 community consultation was undertaken in May 2020 on the proposed concept design, with the results reported to Council on 30 June 2020. Council resolved to develop two new concept designs based on eleven design criteria to align with feedback from the community consultation. The two designs will be reported back to Council when complete.

#### *Next steps*

The two new concepts have progressed, with final internal planning modifications still required. It is expected that the two designs will be reported back to Council in early 2021.

#### *Budget*

The table below shows the joint funding contributions for the delivery of the project as per the executed Heads of Agreement.

*Table 2. Funding sources for Bronte Surf Club and Community Facilities Building Upgrade.*

<b>Funding source</b>	<b>Funding amount</b>
Waverley Council	\$4,625,000
Bronte Surf Club	\$2,030,000
Federal Government	\$2,000,000
State Government	\$345,000
<b>Total</b>	<b>\$9,000,000</b>

The two new concept designs will include a cost estimate for consideration by Council.

The grant funds are being expended as part of the design process.

### **Clarke Reserve, Vaucluse – Upgrade to playground and fencing**

Based on the consultation outcomes and Council's endorsement of the landscape plans, detailed design and documentation was completed and a contractor engaged for construction. Works to the playground are now complete. The removal of planting along the coastal fence was delayed in order to check for contamination of the soil, results have since revealed that the site was safe to work and no contamination was reported. The remaining 15 metres of planting will be removed when the site is dry enough to access. The remaining area of planting has been removed and turfed.

#### *Next steps*

A final report is to be completed and submitted to OLG, including photos and description of the benefits and outcomes achieved.

#### *Budget*

The project was completed within the allocated budget.

**Marlborough Reserve, Bronte – Upgrade to playground**

The design for the playground upgrade is complete and out to Tender to engage a contractor to commence construction of the playground in February 2021.

*Next steps*

The request for tender closes on 14 December 2020.

*Budget*

The anticipated cost of the proposed works is within the allocated budget.

**Varna Park, Waverley – Upgrade to playground**

The design for the playground upgrade is complete and out to tender to engage a contractor to commence construction of the playground in January/February 2021.

*Next steps*

The request for tender closes on 11 December 2020. Construction services contract execution is expected mid-late December 2020.

*Budget*

The anticipated cost of the proposed works is within the allocated budget.

**Waverley Park, Waverley – Upgrade of cricket facilities**

\$55,000 has been provided to Eastern Suburbs Cricket Club for the purchasing of portable outdoor nets and associated equipment. The club have acknowledged receipt of the funding and will provide receipts for purchases made for acquittal purposes.

In agreement with the club, the remaining \$20,000 was allocated to a feasibility study into the proposed Indoor Cricket Net Facility at Waverley Park. The feasibility study is complete and concludes that Margaret Whitlam Recreation Centre is structurally feasible of supporting a new indoor cricket facility.

The grant has been fully expended.

*Next steps*

Officers will acquit the grant within the required time frame, after receiving the receipt of purchases from the club.

*Budget*

The project is within budget for purposes of achieving concept design.

**Bondi Beach playground – Design work for upgrade**

Detail design and documentation packages have been completed based on the stakeholder and Councillor supported concept plans.

A contractor has been engaged to complete the playground upgrade and commenced works mid-October 2020.

#### *Next steps*

Construction of the playground is anticipated to be completed during December 2020.

#### *Budget*

The anticipated cost of the proposed works is within the allocated budget.

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

Initially, the Stronger Communities Fund allocation had to be spent or committed by 31 December 2019 and fully acquitted by 30 June 2020. Any uncommitted funds by 31 December 2019 had to be returned to the OLG by 31 March 2020. Council was successful in seeking an extension of time for the Bondi Playground, Varna Park and Marlborough Park projects, which are progressing in line with the agreed extensions.

Councils are accountable for the expenditure of Stronger Communities Fund in accordance with guidelines which require the following:

- Councils must provide six-monthly reports each year by 31 August 2019 and 28 February 2020 to the Office of Local Government on delivery progress and expenditure within the Stronger Councils Fund reporting.
- A final report is to be submitted on the completion of each of the projects, including photos and description of the benefits and outcomes achieved.
- Acknowledge the NSW Government's contribution in any written material in relation to the project and in any permanent signage in relation to any projects funded.

### **6. Conclusion**

Projects receiving funding from the Stronger Communities fund are in progress.

### **7. Attachments**

Nil.

**NOTICE OF MOTION  
CM/8.1/20.12**

**Subject:** RESCISSION MOTION - CM/4.1/20.12E - Planning Proposal  
- Bondi Junction Strategic Centre - Protecting and  
Promoting Non-Residential Floor Space - Post-exhibition

**TRIM No:** PP-3/2019

**Submitted by:** Councillor Burrill  
Councillor Kay  
Councillor Goltsman

**MOTION:**

That resolution CM/4.1/20.12E – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition, passed at the Extraordinary Council meeting on 1 December 2020, be rescinded.

**Background**

This matter was last considered by Council at its extraordinary meeting on 1 December 2020. Subsequent to the meeting, Crs Burrill, Kay and Goltsman submitted a notice of motion to rescind the resolution and foreshadowed the following motion:

**FORESHADOWED MOTION:**

That Council:

1. Defers the item to a workshop and then the March 2021 Council meeting in order for officers to provide the following:
  - (a) An updated report to office vacancies, not only ground floor vacancies as previously advised.
  - (b) A report showing all affected properties in the B4 zone proper with the breakdown of current retail, commercial and residential space, as well as the development potential for these properties.
2. Officers outline:
  - (a) Waverley's plan to meet the District Plan job targets of between 17,000 and 20,500 jobs by 2036 in view of the report's comments that:
    - (i) There has already been a loss of 1,300 jobs.
    - (ii) The planning proposal will not generate any additional commercial space.
  - (b) How the planning proposal meets Council's social justice principles of equity and fairness when the planning proposal removes rights from some owners at a disproportionate rate to others.

- (c) The methodology of excluding 29 Newland Street from the planning proposal when there are many other properties that present as largely residential buildings and have minimal commercial offerings

BELOW IS A MINUTE EXTRACT FROM THE EXTRAORDINARY COUNCIL MEETING HELD ON 1 DECEMBER 2020:

**CM/4.1/20.12E                    RESCISSION MOTION - CM/8.1/20.11 - Planning Proposal - Bondi Junction Strategic Centre - Protecting and Promoting Non-Residential Floor Space - Post-exhibition (PP-3/2019)**

*Subsequent to the meeting, a notice of motion to rescind this resolution was lodged with the General Manager. The rescission motion will be considered at the December Council meeting.*

*Cr Wakefield declared a pecuniary interest in the rescission motion and informed the meeting that he is the owner of a premises in Harley Place. Cr Wakefield was not present at, or in sight of, the meeting for the consideration and vote on the rescission motion. Cr Wakefield was present for the remainder of the item.*

**MOTION**

Mover:        Cr Lewis  
 Secunder:     Cr Keenan

That resolution CM/8.1/20.11 – Planning Proposal – Bondi Junction Strategic Centre – Protecting and Promoting Non-Residential Floor Space – Post-exhibition, passed at the Council meeting on 17 November 2020, be rescinded.

**FORESHADOWED MOTION**

Mover:        Cr Lewis  
 Secunder:     Cr Keenan

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a building.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provision of the Additional Local Provision.

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

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**Division**

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

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

*Cr Wakefield was not present for the consideration and vote on the rescission motion.*

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

A FURTHER FORESHADOWED MOTION WAS THEN MOVED AS FOLLOWS:

**FORESHADOWED MOTION**

Mover: Cr Betts

That Council:

1. Defers the item to a workshop and then the March 2021 Council meeting in order for officers to provide the following:
  - (a) An updated report to office vacancies, not only ground floor vacancies as previously advised.
  - (b) A report showing all affected properties in the B4 zone proper with the breakdown of current retail, commercial and residential space, as well as the development potential for these properties
2. Officers outline:
  - (a) Waverley's plan to meet the District Plan job targets of between 17,000 and 20,500 jobs by 2036 in view of the report's comments that:
    - (i) There has already been a loss of 1,300 jobs.
    - (ii) The planning proposal will not generate any additional commercial space.
  - (b) How the planning proposal meets Council's social justice principles of equity and fairness when the planning proposal removes rights from some owners at a disproportionate rate to others.
  - (c) The methodology of excluding 29 Newland Street from the planning proposal when there are many other properties that present as largely residential buildings and have minimal commercial offerings.

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Notes the matters raised in the submissions on the planning proposal to protect commercial floor space capacity in the Bondi Junction Strategic Centre.
2. Supports the planning proposal with the amendment that a change of use from existing serviced apartments to residential accommodation will not be impacted by the Additional Local Provision.
3. Supports making the amendments to the Waverley Local Environmental Plan 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies those people who made a submission of Council's decision.
5. Undertakes a review of the longer-term implications of office demand in Bondi Junction within three years after the end of the COVID-19 crisis to understand market adjustment and emerging trends.
6. Notes that the Additional Local Provision does not prohibit the operation of home occupations, home business, home industry or any business use lawfully tied to a building.
7. Notes the unique circumstances that 29 Newland Street, Bondi Junction, presents as a largely residential building with minimal commercial offerings and therefore exempts the site from the provision of the Additional Local Provision

**Division**

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

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

## NOTICE OF MOTION CM/8.2/20.12



**Subject:** Bondi Beach Regional Playground Upgrade

**TRIM No:** SF19/5774

**Submitted by:** Councillor Burrill  
Councillor Goltsman

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### MOTION:

That Council:

1. Notes that the upgrade to the Bondi Beach playground was identified as a high-priority, short-term action in the Waverley Play Space Strategy (2014–2029).
2. Notes that 18.3% of Waverley's residents were under the age of 17 in the 2016 census with that number predicted to grow, with under 17s representing 14.1% of the population in Bondi, 12.3% in Bondi Beach and 23.5% in North Bondi.
3. Notes that a minor upgrade is currently underway to replace dilapidated play equipment and infrastructure in the park.
4. Officers commence design work for the full upgrade to the Bondi Park regional playground within the 2021–22 Capital Works Program.
5. Funds the design work through the SAMP 5 Park and Playground Renewal and Upgrades program in 2021–22 allocation in the Long-Term Financial Plan 5.2.

*This item was deferred from the Council Meeting on 17 November 2020.*

### Background

In 2014, Council endorsed the Waverley Play Space Strategy (2014–2029), a strategic document guiding Waverley Council's approach to planning for play spaces over the next 15 years. The strategy provides an insight into Waverley's current play spaces and outlines various ways to improve both the provision and quality of play experiences.

The Play Space Strategy identifies the upgrade to the Bondi Park playground as a high-priority, short-term action with a proposed upgrade to a regional playground status that caters for the Waverley local government area and surrounding suburbs, as well as a diverse range of age groups.

Due to the delays around the commencement of the Bondi Pavilion Conservation and Restoration project, the full upgrade to the Bondi Park Playground has been deferred in the Long-Term Financial Plan (LTFP) with funding available for design and construction in 2022/23. Despite this, a minor upgrade is currently underway to replace aged or broken play equipment that is funded through the NSW Government Stronger Communities program.

The purpose of this motion is to request Council Officers commence design work for the full upgrade of the Bondi Park Playground in 2021–22 funded through the allocation of SAMP 5 Park and Playground Renewal and Upgrades in the LTFP and that necessary changes are made to the next iteration of the LTFP. This will ensure at the completion of the Bondi Pavilion project Council is shovel-ready to commence the upgrade to the playground.

### **General Manager's comment**

The Play Space Strategy 2014–2029 identified the upgrade of the Bondi Playground as a high priority. Due to the delayed construction program of Bondi Pavilion, the funding for the design and construction of a regional playground in Bondi Park was deferred in the Long Term Financial Plan until after the completion of Bondi Pavilion.

Council was successful in receiving NSW Government Stronger Communities funding to upgrade the existing playground. This has extended its life to up to five years. The current works at Bondi Park Playground are being completed in two stages.

Stage 1 now completed being repairs and refurbishment of existing play equipment and

Stage 2 being installation of new equipment with soft fall and shade shelter, which is currently under construction. Upgrades include new:

- Toddler play area with shade sail.
- Springer rockers.
- Musical play elements.
- Nature play balance beam area.
- Play sculptures.
- Picnic tables and seating.
- Fence and gates.
- Expanded grass areas and shade trees.
- Upgrades to all garden beds.

The Draft Capital Works Program for 2021–22 is proposed to include funding for the construction of playgrounds in Belgrave, Onslow and Waverley Park Playgrounds through the SAMP Parks and Playground allocation.

If Council resolved to bring forward the design work for Bondi Park Playground, it would need to be scheduled so it does not conflict with the Waverley Park playground design timetable.

**Emily Scott**

**Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.3/20.12



**Subject:** Lots 1 and 2, 27-29 Kimberley Street, Vaucluse - Land Acquisition

**TRIM No:** A20/0639

**Submitted by:** Councillor Betts  
Councillor Nemesh

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### MOTION:

That Council:

1. Investigates the possible acquisition of the portion of Lots 1 and 2 at 27–29 Kimberley Street, Vaucluse, identified in the Land Acquisitions Map of the Waverley Local Environment Plan 2012 (LEP) that is zoned as Local Open Space in the LEP.
2. Officers report back to Council on the merits or otherwise of commencing negotiations for the possible acquisition of this land.

### Background

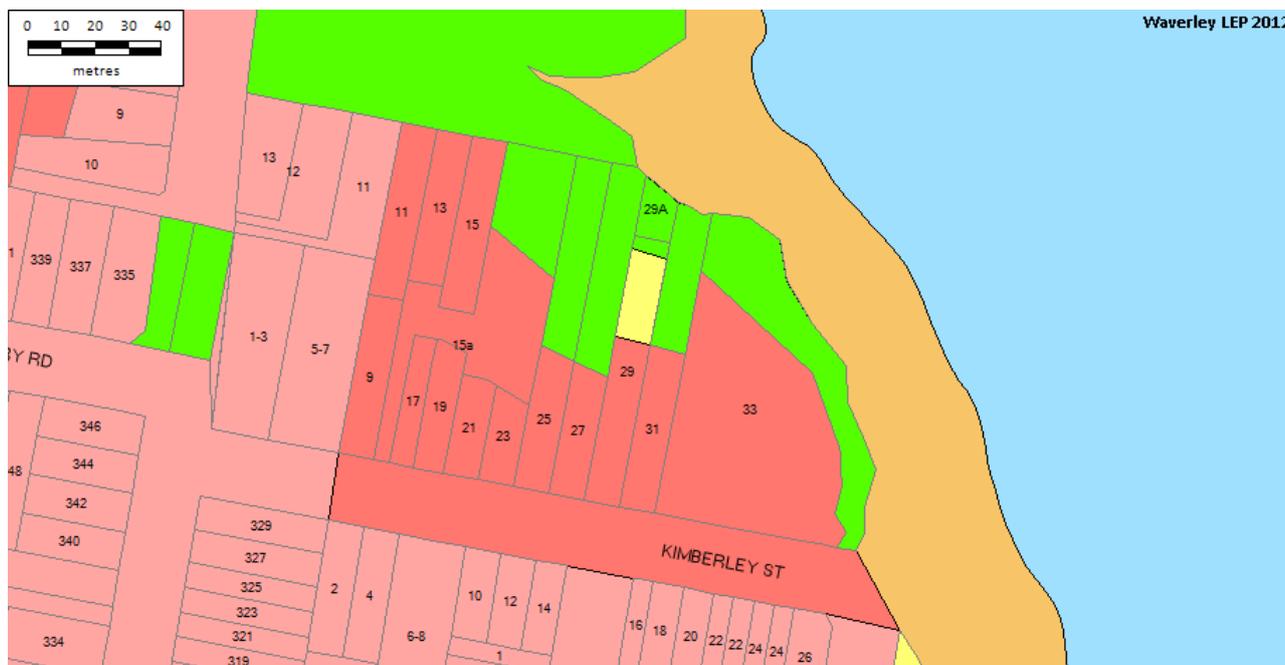
Lots 1 and 2 at 27–29 Kimberley Street, Vaucluse, are located adjacent to the cliff top. The property lots immediately to the north of this site are identified in the Coastal Risk Management Policy and were subject to recommendations in the Coastal Risks and Hazards Vulnerability Study undertaken by Worley Parsons for Council in 2011/12. The Coastal Risk Management Policy identifies property lots where a geotechnical risk exists due to proximity to the cliff top.

The lot is currently zoned Local Open Space under the Waverley Local Environment Plan 2012 and is also shown on the Land Acquisitions Map in the LEP.

Being included on the Land Acquisitions Map indicates intent by the Council to pursue the acquisition of this portion of the site at the appropriate time.

A current development application has been lodged for the demolition of the existing building and structures and the excavation and construction of a four-storey seniors housing development. The assessment of the development application will be undertaken independently by Council staff, recognising the geotechnical issues raised in the Worley Parsons report and the provisions contained in the Waverley Development Control Plan at B4 Coastal Risk Management.

The purpose of this notice of motion is to simply establish whether Council is interested in investigating the acquisition of the purchasing the site and the potential issues associated with the acquisition of the site. The portion of the site identified on the Land Acquisitions Map is shown as yellow in the map below and does not include the portion of the site required for the proposed development.



### General Manager's comment

Council does not at present have any funds allocated in the Long Term Financial Plan for the acquisition of property such as this. This does not mean that Council is unable to allocate funding if it considers acquisition a priority.

Notwithstanding this LTFP allocation situation, the aerial photo below indicates the on-site situation with the fence line of 27–29 Kimberley Street extending well beyond the fence line of adjacent properties almost to the edge of the coastal walk and cliff face. The property's fence line divides two adjacent areas of coastal remnant vegetation that occur either side of the fence line that is managed and maintained by Council.

While there is no public recreational or amenity value in the land, if the property was acquired by Council, it would help link the two adjacent areas of vegetation and resolve what looks like an anomaly on site at present. While the landowner maintains the private property at present, acquiring the site and removing the fence would allow it to be added to Council's coastal bushland areas. Providing the costs for acquisition are negligible, this potential acquisition would provide the potential to improve the coastal habitat corridor at little additional cost to Council's program and is worth further investigation.

Staff could not recommend Council paying a commercial value for the site, particularly given the limited value of this portion of the site associated with its Private Recreation RE1 zoning and the extent of development proposed by the landowner under the balance of the site that is zoned Medium Density Residential R3.



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

## NOTICE OF MOTION CM/8.4/20.12



**Subject:** Eat, Pray, Naches - Relaunch

**TRIM No:** A16/0401

**Submitted by:** Councillor Goltsman  
Councillor Kay

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### MOTION:

That Council:

1. Relaunches the Eat, Pray, Naches series as part of the Bondi Story room project using existing and new material.
2. Officers locate the database of materials associated with the project and, as appropriate, contact the participants to assist in restoring the original stories and/or producing new and updated stories.
3. Reinstates a selection of the restored material on Council's website.

### Background

Eat, Pray, Naches is an award-winning multi-media project that celebrates Waverley's Jewish community by preserving and sharing the stories of its post-war immigrants and their families.

It was originally curated and then launched in 2015 at a cost in excess of \$150,000 with the local Waverley Jewish community, showcasing food, rituals, and joys of Jewish migrants from Israel, the Soviet Union, Hungary, South Africa, China, Egypt and the Middle East.

It was a free exhibition that also exhibited across several libraries throughout the world ranging from Lionel Bowen Library in Randwick to Shanghai Jewish Refugees Museum in Shanghai, China.

Eat, Pray, Naches was supported by funding from the Australian Government's Community Heritage and Icons Grants Program as it demonstrates the Jewish community's tales of hardship, courage, and optimism.

### General Manager's comment

Council officers have investigated the potential for the Eat, Pray, Naches content to be hosted on Council's website.

The content can be migrated to Council's website, which would provide a new, sustainable home for the material and provide an avenue for the material to be edited and added to. It should be noted that some of the look and feel of the original site may be lost as part of the migration.

Any relevant content can also be housed on the Bondi Story Room platform and accessible via that exhibition, but as the Story Room will be more limited in terms of video playback it is not adequate to fully house all of the Eat, Pray Naches content. However, as noted above, Council's website can host all content.

It is anticipated that, other than staff time, there are no costs involved in the actions outlined above.

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

## NOTICE OF MOTION CM/8.5/20.12



**Subject:** Cemetery Services - Financial Analysis

**TRIM No:** A20/0249

**Submitted by:** Councillor Betts  
Councillor Burrill

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### MOTION:

That Council Officers prepare a report to Council detailing the long-term financial analysis of Council's Cemetery Services based on the assumptions contained in the recently adopted Cemetery Services Strategic Business Plan. The report should include details on all income and expenditure projections, resourcing strategy and a risk analysis of the projected long-term financial sustainability of Council's Cemetery services.

### Background

At the Council meeting 17 November 2020, Council officers stated that the Locale Consulting report on the Cemetery Strategic Business Plan assumed that it was business as usual with Council operating both cemeteries. It did not provide different operational models for Council's consideration and decision. The report outlined a series of suggestions, many addressing current inefficiencies, but did not offer a comprehensive Business plan with cost analysis.

Issues relating to the Cemetery, including considerable staffing changes, legal renewable tenure complications resulting in the cessations of sales of plots for a period, documentation of sales and identification of plots available for sale amongst others, appear to have been problematic for the past three years.

Additionally, communication and input from councillors and the Friends of Waverley Cemetery has been less than satisfactory.

Acknowledging that Council has recently endorsed the Cemetery Strategic Business Plan, which in essence was an Implementation Action Plan for the cemeteries over the next few years, it is critical that Council rigorously pursues the development of a Comprehensive Business Plan that assesses all business options for the future of each Cemetery to ensure that it is properly run and financed long into the future. In advance of this new Plan, Council must investigate the pros and cons of all operating options. These options could include, but not limited to, Council operating all of the funeral business services and maintenance of the cemeteries, Council sub-contracting some of the services offered or Council entering into a partnership with other funeral organisations to provide for existing or additional services.

### General Manager's comment

Council officers can undertake the analysis as outlined in the notice of motion and report back to Council. This supports the implementation of the recently adopted Cemetery Services Strategic Business Plan.

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

**URGENT BUSINESS**  
**CM/10/20.12****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/11/20.12**

**Subject:** Moving into Closed Session  
**Author:** Ross McLeod, General Manager

**WAVERLEY**  
COUNCIL

**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/11.1/20.12 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/11.2/20.12 CONFIDENTIAL REPORT - Tamarama Surf Life Saving Club Building Upgrade - Project Update

This matter is considered to be confidential in accordance with section 10A(2)(g) 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.3/20.12 CONFIDENTIAL REPORT - Rowe Street - Heads of Agreement

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/11.4/20.12 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2020-21

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) 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 competitor of Council.

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/12/20.12**



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

**Subject:** Resuming in Open Session  
**Author:** Ross McLeod, General Manager

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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 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.