



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 16 MARCH 2021**

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

Emily Scott  
**Acting General Manager**

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

### **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.

## 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.	<b>Apologies/Leaves of Absence</b>		
2.	<b>Declarations of Pecuniary and Non-Pecuniary Interests</b>		
3.	<b>Obituaries .....</b>		<b>6</b>
4.	<b>Addresses by Members of the Public</b>		
5.	<b>Confirmation and Adoption of Minutes</b>		
	CM/5.1/21.03	Confirmation of Minutes - Council Meeting - 16 February 2021.....	7
	CM/5.2/21.03	Adoption of Minutes - Waverley Traffic Committee Meeting - 25 February 2021 .....	35
6.	<b>Mayoral Minutes .....</b>		<b>51</b>
7.	<b>Reports</b>		
	CM/7.1/21.03	Investment Portfolio Report - February 2021.....	52
	CM/7.2/21.03	Reconciliation Action Plan (RAP) Advisory Committee - Establishment.....	74
	CM/7.3/21.03	Access and Inclusion Advisory Panel.....	88
	CM/7.4/21.03	Coronavirus (COVID-19) Business Support Package - Review and Conclusion.....	102
	CM/7.5/21.03	Venue Hire Grant Application - Eastern Suburbs Branch of the NSW Justices Association .....	115
	CM/7.6/21.03	Venue Hire Grant Application - Pound Paws .....	118
	CM/7.7/21.03	NSW Shark Management Strategy Consultation .....	121
	CM/7.8/21.03	Voluntary Planning Agreement - 80 Bronte Road, Bondi Junction.....	138

CM/7.9/21.03	Petition - Beaumont Street, Rose Bay - Installation of Speed Humps .....	161
CM/7.10/21.03	Use of Contractors Supporting Adani .....	163
CM/7.11/21.03	Stronger Communities Fund - Progress Report .....	167
CM/7.12/21.03	Tender Evaluation - Tamarama Surf Life Saving Club Building Upgrade .....	174
CM/7.13/21.03	Tender Evaluation - Bondi Lifeguard Facilities Upgrade .....	178
CM/7.14/21.03	Randwick Waverley Community Transport Group - Licence for Parking Spaces at Hollywood Avenue Car Park .....	183

## 8. Notices of Motions

CM/8.1/21.03	Waverley Mall Lighting .....	186
CM/8.2/21.03	Electric Vehicle Target.....	188
CM/8.3/21.03	Bondi Sand Body Excavation.....	191

## 9. Questions with Notice

There are no questions with notice.

## 10. Urgent Business..... 193

CM/10.1/21.03 Remote Attendance by Councillors at Council Meetings

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

## 11. Closed Session ..... 194

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

CM/11.1/21.03	CONFIDENTIAL REPORT - Surfsh Cafe, Shop 1A, Bondi Pavilion - Lease - Post-exhibition
CM/11.2/21.03	CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 1/DP 270785
CM/11.3/21.03	CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 15/DP 270785
CM/11.4/21.03	CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 18/DP 270785



**12. Resuming in Open Session ..... 196**

**13. Meeting Closure**

## **OBITUARIES CM/3/21.03**

**Subject:** Obituaries  
**Author:** Emily Scott, Acting General Manager



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/5.1/21.03



**Subject:** Confirmation of Minutes - Council Meeting - 16 February 2021

**TRIM No:** SF21/279

**Author:** Richard Coelho, Governance Officer

---

### RECOMMENDATION:

That the minutes of the Council Meeting held on 16 February 2021 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 - 16 February 2021



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD BY VIDEO CONFERENCE/AT WAVERLEY COUNCIL CHAMBERS,  
CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON TUESDAY, 16 FEBRUARY 2021**

**Present:**

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

**Staff in attendance:**

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

*At the commencement of proceedings at 7.01 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.15 pm, and Cr O'Neill, who arrived at 7.50 pm during item CM/6.2/21.02.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

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

The Mayor read the following Acknowledgement of Indigenous Heritage:

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

**1. Apologies/Leaves of Absence**

There were no apologies.

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

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

- 2.1 Cr Betts declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that she had been contacted by one of the tenderers.
- 2.2 Cr Kay declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that he had been contacted by one of the tenderers.
- 2.3 Cr Goltsman declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that he had been contacted by one of the tenderers.
- 2.4 Cr Wy Kanak declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that he had been contacted by one of the tenderers.
- 2.5 Cr Copeland declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that he had been contacted by one of the tenderers.
- 2.6 Cr Masselos declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that she had been contacted by one of the tenderers.
- 2.7 Cr Keenan declared a less than significant non-pecuniary interest in item CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition and informed the meeting that she had been contacted by one of the tenderers.

### 3. Obituaries

John Lewis  
Finn Hocking  
Sonya Richards  
Adam Bowen  
Roz Davie

*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 G Suttor – CM/7.12/21.02 – Bronte Cutting Safety Upgrade.
- 4.2 T Maunsell – CM/8.3/21.02 – Parking for Motorbikes and Scooters.
- 4.3 I Finch – CM/8.3/21.02 – Parking for Motorbikes and Scooters.
- 4.4 C Foster – CM/8.6/21.02 – Racism Not Welcome Campaign.
- 4.5 A resident – CM/8.7/21.02 – Race to Zero Campaign.
- 4.6 H Narulla – CM/8.7/21.02 – Race to Zero Campaign.
- 4.7 B Doherty and K Doherty – CM/8.7/21.02 – Race to Zero Campaign.
- 4.8 T Kaldor and D Beiglari – CM/8.7/21.02 – Race to Zero Campaign.
- 4.9 P Pether – CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition.
- 4.10 L Mitchell – CM/11.1/21.02 – CONFIDENTIAL REPORT – Bronte House Lease – Post-exhibition.

### 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/5.1/21.02 Confirmation of Minutes - Council Meeting - 8 December 2020.
- CM/5.2/21.02 Confirmation of Minutes - Extraordinary Council Meeting - 21 December 2020.
- CM/7.4/21.02 Status of Mayoral Minutes and Notices of Motion.
- CM/7.5/21.02 Councillor Expenses and Facilities - Six-monthly Report.
- CM/7.6/21.02 Audit, Risk and Improvement Committee - Annual Report 2020.

- CM/7.8/21.02      Petition - Mackenzie Street Basketball Ring.
- CM/7.10/21.02      Youth Week 2021.
- CM/7.11/21.02      Cultural Advisory Committee - Additional Membership.

## 5. Confirmation and Adoption of Minutes

### CM/5.1/21.02      Confirmation of Minutes - Council Meeting - 8 December 2020 (SF20/42)

#### MOTION / UNANIMOUS DECISION

Mover:      Cr Masselos

Seconder:      Cr Lewis

That the minutes of the Council Meeting held on 8 December 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### CM/5.2/21.02      Confirmation of Minutes - Extraordinary Council Meeting - 21 December 2020 (SF20/42)

#### MOTION / UNANIMOUS DECISION

Mover:      Cr Masselos

Seconder:      Cr Lewis

That the minutes of the Council Meeting held on 21 December 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

## 6. Mayoral Minutes

### CM/6.1/21.02      CONFIDENTIAL MAYORAL MINUTE - Appointment of Acting General Manager and Recruitment of New General Manager (A17/0616)

*Council moved into closed session to deal with this item (see CM/11.2/21.02 below).*

### CM/6.2/21.02      Bondi Junction Cycleway - West Oxford Street (A14/0193)

#### MOTION / DECISION

Mover:      Cr Masselos

That Council:

#### 1. Notes that:

- (a) The Bondi Junction Cycleway project, which incorporates Oxford Street between St James Road and Denison Street (Separable Portion 6), is a Transport for NSW initiative that Council is delivering. The project aims to install a connected cycleway from Centennial Park to Bondi Beach and to improve connections for cycling, walking and access to public transport.
- (b) Council is also taking this opportunity undertake a streetscape upgrade, which includes

greening and beautifying the footpaths and community spaces and making places more appealing, as part of the Bondi Junction Cycleway and Streetscape upgrade.

- (c) This project is being delivered as part of the Australian and NSW governments' commitment to stimulating the economy by funding infrastructure improvements (Australian Government: Infrastructure Investment Program – Pinch Points Program, with a requirement to complete the works by June 2021).
  - (d) During these upgrade works, residents, businesses and the community may experience some disruption to their daily activities and undertakings.
2. As a matter of urgency, institutes the following project implementation and support initiatives, including but not limited to:
- (a) Measures to address project contractors parking in loading zones and side streets. This may include instituting 1/2P from 6.00 am–5.00 pm in Leswell Street and Nelson Street and investigating angle parking in Ruthven Street.
  - (b) Waiving footpath seating fees from the beginning of November 2020 until Separable Portion 6 is completed.
  - (c) Investigate further dust reduction measures that may be possible to try further reduce impacts upon affected businesses.
  - (d) Trial a safety officer at the Oxford Street and Nelson Street crossing to help improve pedestrian safety for the duration of the project by alerting pedestrians to any potential pedestrian and vehicle conflicts, and to take note and cross safely in accordance with the signalised directions.
  - (e) Request a greater police engagement at the intersection of Oxford Street and Nelson Street to enforce compliance with the road rules by vehicular drivers and cyclists.
  - (f) Investigate options for widening the parking bays on both sides of Oxford Street Between Leswell Street and Denison Street.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 1(g) AND 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Notes that:
- (a) The Bondi Junction Cycleway project, which incorporates Oxford Street between St James Road and Denison Street (Separable Portion 6), is a Transport for NSW initiative that Council is delivering. The project aims to install a connected cycleway from Centennial Park to Bondi Beach and to improve connections for cycling, walking and access to public transport.
  - (b) Council is also taking this opportunity undertake a streetscape upgrade, which includes greening and beautifying the footpaths and community spaces and making places more appealing, as part of the Bondi Junction Cycleway and Streetscape upgrade.



- (c) This project is being delivered as part of the Australian and NSW governments' commitment to stimulating the economy by funding infrastructure improvements (Australian Government: Infrastructure Investment Program – Pinch Points Program, with a requirement to complete the works by June 2021).
  - (d) During these upgrade works, residents, businesses and the community may experience some disruption to their daily activities and undertakings.
2. As a matter of urgency, institutes the following project implementation and support initiatives, including but not limited to:
- (a) Measures to address project contractors parking in loading zones and side streets. This may include instituting 1/2P from 6.00 am–5.00 pm in Leswell Street and Nelson Street and investigating angle parking in Ruthven Street.
  - (b) Waiving footpath seating fees from the beginning of November 2020 until Separable Portion 6 is completed.
  - (c) Investigate further dust reduction measures that may be possible to try further reduce impacts upon affected businesses.
  - (d) Trial a safety officer at the Oxford Street and Nelson Street crossing to help improve pedestrian safety for the duration of the project by alerting pedestrians to any potential pedestrian and vehicle conflicts, and to take note and cross safely in accordance with the signalised directions.
  - (e) Request a greater police engagement at the intersection of Oxford Street and Nelson Street to enforce compliance with the road rules by vehicular drivers and cyclists.
  - (f) Investigate options for widening the parking bays on both sides of Oxford Street Between Leswell Street and Denison Street.
  - (g) Investigate installing an additional 'no right-hand turn' sign on Leswell Street.
3. Notes that there will be small revenue losses from footpath dining income and that these will be accommodated within the existing budget.

**CM/6.3/21.02                      Waverley Jobs for the 21st Century (A18/0225)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

That Council:

1. Notes:
- (a) The recent Bondi Junction Planning Proposal that aims to help protect Waverley's commercial floor space.
  - (b) That many commercial areas abut residential areas and have impacts upon our residents and community.
  - (c) That for Waverley to retain Bondi Junction's status as a strategic centre it must have a

minimum of 10,000 local jobs.

- (d) The work to date concerning innovation and economic development aimed at positioning Waverley as the place for 21st century jobs.
- (e) The planned jobs innovation summit planned for April 2021.

2. Progresses a preliminary discussion paper that:

- (a) Investigates job creation strategies for jobs of the future that will be able to accommodate 21st century needs.
- (b) Identifies suitable anchor businesses and types of commercial buildings that may be required in the medium to longer term to accommodate these jobs.
- (c) Considers how existing commercial areas that abut residential areas impact our residents, the community and amenity.
- (d) Identifies key strategic elements to be addressed in a comprehensive and integrated strategic plan that provides a coherent roadmap, including Council's role from economic development and planning perspectives, for achieving outcomes.
- (e) Builds upon the outcomes of the Innovation Summit and other relevant work being undertaken by the Economic Development team.
- (f) Places the Waverley local government area at the forefront of this work.

- 3. Continues to fund participation in the Property Council Office Market Report for Bondi Junction for a further two years to 2023.
- 4. Officers identify a budget allocation from Council budgets as well as potential grants that may be available to pursue work in this area.
- 5. Officers report back to the April Council meeting with an action plan and timetable for the development of this discussion paper including a consultation process and stakeholder engagement list.

## Background

Bondi Junction has enjoyed its regional significance as a commercial centre for many years and plays an important role providing space for the Eastern Suburbs office market. In recent years, however, the role of Bondi Junction in servicing the surrounding area as a regional centre has been diminished through the conversion of previous retail and office uses to mixed use residential buildings.

Bondi Junction has a supply of approximately 92,000 sqm of residential floor space, but a loss of approximately 9,000 sqm of commercial floor space. The loss has repercussions on the broader local economy in relation to jobs and diversity of businesses. Councillor motions have attempted to help part of the problem in the absence of a single strategic direction that responds to loss of built commercial office space, impact on local jobs and, more recently, innovation. In light of a significant and permanent shift in working patterns due to COVID-19, it would be a sensible approach to co-ordinate these aspects with clear strategic goals and actions that protect and reverse further deterioration of commercial activity in Bondi Junction and strengthen its role in the regional economy while aligning with future needs of the community.

The Office Market Report (OMR) produced annually by the Property Council of Australia provides a breakdown of office market conditions across Australia. Waverley Council commissioned the Property Council of Australia to measure, analyse and publish information about Bondi Junction for a three-year period beginning from 2019 to 2021. While Bondi Junction vacancy rates for office floor space are low, it is vital that Bondi Junction is recognised as a significant commercial centre and employment generator. Having included Bondi Junction in the OMR, Bondi Junction will provide a competitive option amongst commercial office space in Sydney.

Key findings of the inaugural survey of the Bondi Junction office market include:

- Almost 90,000 sqm of office space was identified across 31 buildings within the precinct.
- Bondi Junction recorded a vacancy rate of 2.4 per cent, considerably lower than the Australian Non-CBD vacancy rate of 9.1 per cent.
- The Bondi Junction vacancy rate is also lower than all major NSW office markets - Parramatta (3.0 per cent), Sydney CBD (4.1 per cent), Macquarie Park (4.8 per cent) and North Shore (6.5 per cent).

Currently, Waverley's strategic direction for Bondi Junction fails to co-ordinate physical floor space with jobs and innovation. Proposed changes to the latest Local Environmental Plan (currently under review by the Department of Planning) seek to protect Bondi Junction's commercial role by requiring additional commercial floorspace in future developments, via planning controls, to align with the vision of Bondi Junction as the primary Strategic Centre in the Eastern Suburbs and to meet our employment targets as set by the Greater Sydney Commission. Future direction has also been highlighted in the Local Strategic Planning Statement (March 2020), recommending that Bondi Junction focus on opportunities relating to innovation and jobs with a focus on health-related uses.

## 7. Reports

### CM/7.1/21.02 Q2 Budget Review - December 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 financial impact of the COVID-19 Pandemic on the 2020–21 budget.
3. Adopts the variations to the 2020-21 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.

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

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

#### UNANIMOUS 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 financial impact of the COVID-19 Pandemic on the 2020–21 budget.
3. Adopts the variations to the 2020-21 Operating and Capital budgets in accordance with Attachments 1, 2 and 3 of the report.
4. Notes that the financial position impacted by the revaluation of Council's Eastgate and Hollywood car parks is a one-off occurrence and resulted from advice on contemporary methods for valuing such assets. Its impact was not on operating expenses for income but solely on non-cash assets, during the year ending 30 June 2020.

**Division**

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

**Against the Motion:** Nil.

**CM/7.2/21.02                      Delivery Program 2018-22 - Six-monthly Progress Report (A19/0364)****MOTION / DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Keenan

That Council receives and notes the progress report on the Delivery Program 2018–2022.

**CM/7.3/21.02                      Investment Portfolio Report - November 2020 to January 2021 (A03/2211)****MOTION / DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for November and December 2020 and January 2021 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.

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

**CM/7.4/21.02                      Status of Mayoral Minutes and Notices of Motion (SF18/691)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council receives and notes the report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to December 2020.

**CM/7.5/21.02                      Councillor Expenses and Facilities - Six-monthly Report (SF18/2204)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council receives and notes the six-monthly report on Councillor expenses and facilities for the period 1 July 2020 to 31 December 2020 attached to the report.

**CM/7.6/21.02                      Audit, Risk and Improvement Committee - Annual Report 2020 (SF19/1093)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council receives and notes the Audit, Risk and Improvement Committee's Annual Report to Council for 2020 attached to the report.

**CM/7.7/21.02                      Audit, Risk and Improvement Committee Meeting - 15 October 2020 - Minutes (SF20/986)****MOTION**

Mover:        Cr Lewis

Seconder:    Cr Copeland

That Council notes the minutes of the Audit, Risk and Improvement Committee meeting held on 15 October 2020 attached to the report.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 2.

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

**UNANIMOUS DECISION:**

That Council notes:

1. The minutes of the Audit, Risk and Improvement Committee meeting held on 15 October 2020 attached to the report.
2. That, overall, the Audit, Risk and Improvement Committee expresses confidence in the Long Term Financial Plan 5.2 as a good road map into the future.

**CM/7.8/21.02                      Petition - Mackenzie Street Basketball Ring (A03/0738)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council:

1. Refers the petition to keep the Mackenzie Street basketball ring to the Director, Planning, Environment and Regulatory, for appropriate action.

2. Officers report back to Council on the action taken on the petition.

**CM/7.9/21.02                      Bondi Night Market Trial (A20/0361)**

**MOTION**

Mover:        Cr Wy Kanak  
Seconded:    Cr Wakefield

That Council:

1. Trials the Bondi Night Market concept across two weekends in April 2021.
2. In accordance with clause 413J of the *Local Government (General) Regulation 2005*, amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to add the following fees to apply to the Bondi Night Market trial:
  - (a) Venue hire.
  - (b) Parking.
  - (c) Waste and resource recovery.
3. Waives the fees associated with the use of Bondi Park, Park Drive South parking spaces, waste and resource recovery services for the event.
4. Notes that the Bondi Community Market does trade in April, covering 11 am to 8 pm on Saturdays, Sundays and public holidays.
5. Officers incorporate the Roscoe Street Carl Jeppesen Place Bondi Community Market operations into the Bondi Night Market proposal, with further discussions to take place with the Bondi Community Market organisation as a member of the Bondi and Districts Chamber of Commerce before the details of the proposal are finalised.
6. Officers approach WAYS to incorporate the provision of a youth music entertainment background talent show within the final details for the event.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 5 AND 6.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Trials the Bondi Night Market concept across two weekends in April 2021.
2. In accordance with clause 413J of the *Local Government (General) Regulation 2005*, amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to add the following fees to apply to the Bondi Night Market trial:
  - (a) Venue hire.

- (b) Parking.
  - (c) Waste and resource recovery.
3. Waives the fees associated with the use of Bondi Park, Park Drive South parking spaces, waste and resource recovery services for the event.
  4. Notes that the Bondi Community Market does trade in April covering 11am to 8pm on Saturdays, Sundays and Public Holidays.
  5. Officers approach the event organisers to require them to incorporate the Roscoe Street Carl Jeppesen Place Bondi Community Market operations into the Bondi Night Market proposal, with further discussions to take place with the Bondi Community Market organisation as a member of the Bondi and Districts Chamber of Commerce before the details of the proposal are finalised.
  6. Officers approach the event organisers to consider WAYS to provide a youth music entertainment background talent show within the final details for the event.

**CM/7.10/21.02      Youth Week 2021 (A03/2784)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos  
Seconder:   Cr Lewis

That Council:

1. Under section 356 of the *Local Government Act*, grants up to \$6,300 in financial assistance to WAYS Youth and Family to run activities that involve and benefit a diverse group of young people for Youth Week 2021.
2. Notes that:
  - (a) Youth Week activities are developed in collaboration with a diverse range of young people in accordance with the funding agreement.
  - (b) The format for Youth Week is revised for a program of events across both the Waverley and Woollahra local government areas.
  - (c) Partnership opportunities are explored in order to enhance opportunities for youth engagement that facilitate expression of ideas and creativity, address concerns and enable connection to community and resources
  - (d) The Youth Week program will be subject to monitoring of the COVID-19 situation and the current NSW Public Health Orders.

**CM/7.11/21.02 Cultural Advisory Committee - Additional Membership (A19/0092)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council appoints Dean Kelly, senior elder in the La Perouse community, to the Cultural Advisory Committee as its eleventh member, for a term of two years, concluding early 2023.

**CM/7.12/21.02 Bronte Cutting Safety Upgrade (A20/0015)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Receives and notes the summary of community feedback attached to the report.
2. Endorses the recommended changes to the concept design proposal set out in the report, including:
  - (a) Investigating options and the design of existing speed bumps to allow a gap to improve cyclist accessibility along Calga Place.
  - (b) Undertaking tube counts to monitor speed along Calga Place to determine if additional traffic calming treatments are required to slow traffic.
  - (c) Investigating and determining whether a pedestrian crossing at the steps from Bronte Road is warranted.
  - (d) Not proceeding with any lighting along Calga Place.
3. Proceeds to detailed design of the footpath, with a report to be considered by the Waverley Traffic Committee before proceeding to procurement for the construction phase.

*G Suttor addressed the meeting.*

**CM/7.13/21.02 Air Fresheners in Council Buildings (A20/0274)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay

Seconder: Cr Betts

That Council:

1. Notes the completion of the investigation into the use of air fresheners in the publicly accessible toilets within Council-owned buildings.
2. Notes the actions arising from the investigation that have been implemented to address the health concerns of some members of the community in relation to the use of air fresheners in public spaces.
3. Authorises the provision of one automatic-air-freshener-free publicly accessible toilet within the Waverley Library building.



4. Installs advisory signage at the entrance to each of the following five publicly accessible Council buildings indicating the location of the air-freshener-free publicly accessible toilet. These buildings are the Waverley Library, Mill Hill Centre, School of Arts, Council Chambers, and the Margaret Whitlam Centre.

*Crs Burrill and Wakefield were not present for the vote on this item.*

**CM/7.14/21.02          Tender Evaluation - Boot Factory Adaptive Reuse and Mill Hill Building Upgrade Project (SF20/5154)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Masselos

Seconder:   Cr Keenan

That Council:

1. Treats the Tender Evaluation Matrix attached to the 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 matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for the Boot Factory Adaptive Reuse project in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)-(d) of the *Local Government (General) Regulation 2005*.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, authorises the General Manager to enter into direct negotiations with the top-three-ranked tenderers as shown in the Tender Evaluation Matrix to agree contract terms.
5. Authorises the General Manager, or delegated representative, to finalise and agree terms to enter into a contract on behalf of Council, within the Council approved budget, with the preferred tenderer following negotiations.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

**8. Notices of Motions**

**CM/8.1/21.02          Recognition of Local Identities (A02/0276)**

**MOTION / DECISION**

Mover:      Cr Lewis

Seconder:   Cr Wakefield

That:

1. That Council officers investigate and report back on the erection of permanent information boards at

sites, locations and parks which are named after local identities or persons who have a connection to the Waverley local government area.

2. The investigation is to include the sites, locations and parks that do not currently have an information board to identify the person after which they are named, as well as the proposed design, content, and costings for the erection of such information boards.
3. The information to be displayed would include a short summary of the person after which the site, location or park is named and any other relevant information.

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

**CM/8.2/21.02                      Development Application at 53-57 Beaumont Street, Rose Bay (DA-9/2021)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Lewis  
Seconder:    Cr Masselos

That Council:

1. Notes that a development application, DA-9/2021, has been lodged for the demolition of three houses at 53 to 57 Beaumont Street, Rose Bay, and for the construction of 'Seniors Housing Development' containing 11 self-contained units and basement parking comprising eight three-bedroom apartments and three four-bedroom apartments with basement parking for 20 vehicles.
2. Further notes that the proposed development has been submitted under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which allows for multi-unit type development that would otherwise be prohibited under our Waverley LEP. The proposed development also:
  - (a) Exceeds many of Council's development controls including the floor space ratio and height limit for the site.
  - (b) Will result in the loss of existing established dwelling houses for another large multi-unit development that is only allowable due to the SEPP.
  - (c) Has attracted a large number of objections from the local community.
  - (d) Will result in an increase traffic movement and congestion in what is a narrow street with existing traffic problems.
  - (e) Will adversely impact on parking in Beaumont Street.
  - (f) Will adversely impact on the neighbour's privacy due to the proposed height of the development.
3. Directs the Mayor to write to the Minister for Planning and Public Spaces expressing Council's strong opposition to the provisions of the SEPP that allow for this type of development in low-density residential areas and asking that the SEPP be reviewed and amended to ensure this type of residential accommodation is of a more appropriate scale and height that is representative of the surrounding area.
4. Writes to the objectors and adjacent owners and informs them of this resolution.

**Division**

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

**Against the Motion:** Nil.

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

**CM/8.3/21.02                      Parking for Motorbikes and Scooters (A02/0638)****MOTION**

Mover: Cr Keenan

Seconder: Cr Wy Kanak

That Council:

1. Officers develop a motorbike/scooter parking strategy and action plan that will review current motorbike/scooter parking networks and identify opportunities to continue to support motorbikes/scooters as an alternate form of travel.
2. Investigates the introduction of free parking within metered areas across the local government area for scooters and motorbikes, including options for but not limited to:
  - (a) Ways of promoting household motorbike parking permits to increase take-up and include unit owners/renters.
  - (b) Reduced costs for parking for motorbikes.
  - (c) Reduced costs for fines for motor bike infringements.
  - (d) Trialling the free motorbike parking option for 12 months to consider impact on revenue.
3. Introduces a moratorium (by showing discretion) not to fine motor bikes in metered areas for motor bikes and scooters until the report is provided back to Council.
4. Officers report back to Council by June 2021.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSE 3 AND THE ADDITION OF A NEW CLAUSE 5 AS FOLLOWS:

3. Officers be encouraged to show discretion when considering infringing motor bikes in metered areas for motor bikes and scooters until the report is provided back to Council.
5. Investigates new areas particularly within Bondi Junction and Bondi Beach and North Bondi to see where additional motorbike parking spaces can be included.

**AMENDMENT 1**

Mover: Cr Goltsman

Seconder: Cr Burrill

That clause 3 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, O'Neill, Wakefield and Wy Kanak.

THE MOVER OF THE MOTION THEN ACCEPTED AMENDMENTS TO CLAUSES 3 AND 5 SUCH THAT THEY NOW READ AS FOLLOWS:

3. Requests officers to show discretion when considering infringing motor bikes in metered areas for motor bikes and scooters until the report is provided back to Council.
5. Investigates new areas across Waverley, particularly within Bondi Junction, Bondi Beach and North Bondi, to see where additional motorbike parking spaces can be included.

**AMENDMENT 2**

Mover: Cr Goltsman

Seconder: Cr Kay

That the following clause be added to the Motion:

'Notes that riders of scooters and motorbikes may still receive parking infringements.'

THE AMENDMENT WAS PUT AND DECLARED LOST ON THE CASTING VOTE OF THE CHAIR.

**Division**

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

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

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT, MOVED BY CR LEWIS, WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Officers develop a motorbike/scooter parking strategy and action plan that will review current motorbike/scooter parking networks and identify opportunities to continue to support motorbikes/scooters as an alternate form of travel.
2. Investigates the introduction of free parking within metered areas across the local government area for scooters and motorbikes, including options for but not limited to:
  - (a) Ways of promoting household motorbike parking permits to increase take-up and include unit owners/renters.
  - (b) Reduced costs for parking for motorbikes.
  - (c) Reduced costs for fines for motor bike infringements.
  - (d) Trialling the free motorbike parking option for 12 months to consider impact on revenue.
3. Requests officers to show discretion when considering infringing motor bikes in metered areas for motor bikes and scooters until the report is provided back to Council.
4. Investigates new areas across Waverley, particularly within Bondi Junction, Bondi Beach and North

Bondi, to see where additional motorbike parking spaces can be included.

5. Officers report back to Council by June 2021.

**Division**

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

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

*T Maunsell and I Finch addressed the meeting.*

*At 10.02 pm, following the vote on this item, the meeting adjourned for a short break.*

*At 10.10 pm, the meeting resumed.*

**CM/8.4/21.02          Dark Skies (A21/0060)**

**MOTION**

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council:

1. Develops a Dark Sky policy suitable for implementation in its own works and on private land.
2. Considers joining the International Dark Sky Association and establishing a Dark Sky Reserve along its coastal margins and in its parks.

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

That Council:

1. Develops a Dark Sky policy suitable for implementation in its own works and on private land.
2. Considers joining the International Dark Sky Association and establishing a Dark Sky Reserve along its coastal margins and in its parks.
3. Considers the inclusion of dedicated dark sky actions in the upcoming Environmental Action Plan.

**AMENDMENT 1 (LAPSED)**

Mover: Cr Goltsman

That clause 1 be deleted.

THE AMENDMENT LAPSED DUE TO THE ABSENCE OF A SECONDER.

**AMENDMENT 2 (LAPSED)**

Mover: Cr Goltsman

That clause 3 be deleted.

THE AMENDMENT LAPSED DUE TO THE ABSENCE OF A SECONDER.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 1 SUCH THAT IT NOW READS

AS FOLLOWS:

‘Identifies dark sky principles and strategies to be included in an updated Creative Lighting Strategy for our own works and on private land.’

**AMENDMENT 3**

Mover: Cr Goltsman

Seconder: Cr Betts

That clause 1 be amended to read as follows:

‘Identifies dark sky principles and strategies to be included in an updated Creative Lighting Strategy for our own works.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

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

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

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Identifies dark sky principles and strategies to be included in an updated Creative Lighting Strategy for our own works and on private land.
2. Considers joining the International Dark Sky Association and establishing a Dark Sky Reserve along its coastal margins and in its parks.
3. Considers the inclusion of dark skies actions to the upcoming Environmental Action Plan.

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

**CM/8.5/21.02 Artificial Reef (A05/1443)**

**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That Council provides a letter of support to the Gordons Bay Scuba Diving Club for the NSW Government to investigate the creation of an artificial reef near Coogee utilising an ex-Navy or similar vessel.

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

*Crs Burrill and Wakefield were not present for the vote on this item.*

**CM/8.6/21.02 Racism Not Welcome Campaign (A02/0447)****MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Copeland

That:

1. Councils refer the 'RacismNOTWelcome' campaign package to the Multicultural Advisory Committee (MAC) for discussion and guidance on ways to implement the 'RacismNOTWelcome' street sign and associated campaign in the Waverley local government area.
2. In assisting the MAC, Council and its officers undertake any liaison with Inner West Council that can facilitate Waverley's involvement in the 'RacismNOTWelcome' campaign.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE 3.

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

**UNANIMOUS DECISION:**

That:

1. Councils refer the 'RacismNOTWelcome' campaign package to the Multicultural Advisory Committee (MAC) for discussion and guidance on ways to implement the 'RacismNOTWelcome' street sign and associated campaign in the Waverley local government area.
2. In assisting the MAC, Council and its officers undertake any liaison with Inner West Council that can facilitate Waverley's involvement in the 'RacismNOTWelcome' campaign.
3. A report come back to Council with recommended actions.

*C Foster addressed the meeting.*

**CM/8.7/21.02 Race to Zero Campaign (A09/1017)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak  
Seconder: Cr Copeland

That Council:

1. Prepares a report on Council joining Race to Zero, a United Nations Framework Convention on Climate Change (UNFCCC) campaign, at the earliest feasible possibility. This report is to include:
  - (a) The feasibility of aligning the Council's current climate and sustainability targets to the Race to Zero Starting Line criteria.
  - (b) Opportunities for Council to strengthen its overall and interim net zero targets, other commitments, and actions, in line with requirements for keeping global warming to 1.5 degrees Celsius, including going carbon neutral as a priority action in 2021.
  - (c) Any additional costings for actions required to meet these criteria.

- (d) Discussion on relevant partner organisation (High Level Champion) who can assess the Council's application to join the Race to Zero.
2. Notes that the Race to Zero:
- (a) Builds upon climate emergency declarations, and represents 434 cities, 23 regions, 1,397 businesses, 74 of the world's biggest investors and 569 universities, which, including 120 countries committed to achieving net zero carbon emissions by 2050 at the latest, covers nearly 25% of global CO2 emissions and over 50% of global GDP.
  - (b) Is a global campaign to rally leadership and support from businesses, cities, regions, and investors for a healthy, resilient, zero carbon recovery that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth.
  - (c) Is building momentum around the shift to a decarbonised economy ahead of COP26.
3. Refers this resolution and background information to Council's Environmental Sustainability Advisory Committee for discussion and to Council officers for consideration in the next revision of Council's Environmental Action Plan.

*Crs Kay and Nemesh were not present for the vote on this item.*

*H Narulla, B Doherty and K Doherty, T Kaldor and D Beiglari and a resident addressed the meeting.*

## 9. Questions with Notice

There were no questions with notice

## 10. Urgent Business

There were no items of urgent business.

## 11. Closed Session

**CM/11/21.02**                      **Closed Session**

### **MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos  
Seconder:    Cr Copeland

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/11.1/21.02      CONFIDENTIAL REPORT - Bronte House Lease - Post-exhibition

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.

**CM/11.2/21.02      CONFIDENTIAL MAYORAL MINUTE - Appointment of Acting General Manager and Recruitment of New General Manager**

This matter is considered to be confidential in accordance with section 10A(2)(a) (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 personnel matters concerning particular individuals (other than councillors) and 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*.

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

*At 11.18 pm, Council moved into closed session.*

**CM/11.1/21.02      CONFIDENTIAL REPORT - Bronte House Lease - Post-exhibition (A02/0250-06)**

*Cr Betts declared a less than significant non-pecuniary interest in this item and informed the meeting that she had been contacted by one of the tenderers.*

*Cr Kay declared a less than significant non-pecuniary interest in this item and informed the meeting that he had been contacted by one of the tenderers.*

*Cr Goltsman declared a less than significant non-pecuniary interest in this item and informed the meeting that he had been contacted by one of the tenderers.*

*Cr Wy Kanak declared a less than significant non-pecuniary interest in this item and informed the meeting that he had been contacted by one of the tenderers.*

*Cr Copeland declared a less than significant non-pecuniary interest in this item and informed the meeting that he had been contacted by one of the tenderers.*

*Cr Masselos declared a less than significant non-pecuniary interest in this item and informed the meeting that she had been contacted by one of the tenderers.*

*Cr Keenan declared a less than significant non-pecuniary interest in this item and informed the meeting that she had been contacted by one of the tenderers.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Lewis

That Council:

1. Treats the 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 advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. In accordance with section 47(4) of the *Local Government Act 1993*, has considered all submissions duly made to it in relation to the notification and exhibition of Council's proposal to grant a five-year lease of Bronte House.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts the tender submitted by Wesley and Anna Van Der Gardner for the lease of Bronte House, which, having regard to all of the circumstances, appears to Council to be the most advantageous.
4. Grants a five-year lease of Bronte House to the successful tenderer, Wesley and Anna Van der Gardner.
5. Authorises the General Manager to take all necessary steps to finalise and execute the lease with the successful tenderer.

**Division**

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

**Against the Motion:** Nil.

*Cr Nemesh was not present for the vote on this item.*

*P Pether and L Mitchell addressed the meeting.*

**CM/11.2/21.02                      CONFIDENTIAL MAYORAL MINUTE - Appointment of Acting General Manager and Recruitment of New General Manager (A17/0616)**

**MOTION**

Mover:        Cr Masselos  
Seconder:    Cr Lewis

That Council:

1. Treats this mayoral minute and attachment as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to matters specified in sections 10A(2)(a) and 10A(2)(d)(i) of the *Local Government Act 1993*. In particular, the mayoral minute contains personnel matters concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who provided it, respectively.
2. Engages Blackadder Associates to immediately commence the recruitment process for the position of General Manager as detailed in their proposal.
3. Appoints a selection panel of the Mayor, Councillor Masselos, Deputy Mayor, Councillor Keenan, and Councillors Lewis, Wy Kanak and Cr Betts to manage the recruitment process.

4. Appoints Emily Scott as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 26 February 2021 for a period of six weeks.
5. Appoints John Clark to act as General Manager if Emily Scott is sick or otherwise absent from work on leave or business for the duration of her appointment as Acting General Manager specified in clause 4 above, with such appointment to cease upon the return to work of Emily Scott or by other resolution of Council.
6. Appoints John Clark as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 9 April 2021 for a period of up to six weeks until such time as a new permanent appointee to the position of General Manager commences employment with Council in the role.
7. Appoints Emily Scott to act as General Manager if John Clark is sick or otherwise absent from work on leave or business for the duration of his appointment as Acting General Manager specified in clause 6 above, with such appointment to cease upon the return to work of John Clark as the Acting General Manager or by other resolution of Council.
8. Appoints Darren Smith to act as General Manager if John Clark or Emily Scott are sick or otherwise absent from work on leave or business for the periods specified in clauses 4 and 6 above respectively, with such appointment to cease upon their return to work as Acting General Manager or by other resolution of Council.
9. In the event that a new permanent appointee to the position of General Manager does not commence employment with Council prior to 21 May 2021, Emily Scott be appointed as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 21 May 2021 until such time as a new permanent appointee to the position of General Manager commences employment with Council in the role.
10. Appoints John Clark to act as General Manager if Emily Scott is sick or otherwise absent from work on leave or business for the duration of her appointment as Acting General Manager specified in clause 9 above, with such appointment to cease upon the return to work of Emily Scott or by other resolution of Council.
11. Grants all persons acting as General Manager pursuant to this resolution all functions, delegations and sub-delegations issued to the General Manager by Council at its meeting on 8 December 2020.
12. At the conclusion of the selection process, considers a report from the Executive Manager, Human Resources, Risk and Safety, and the Executive Manager, Governance and Projects, endorsed by the selection panel, recommending the appointment of a General Manager.

**AMENDMENT**

Mover: Cr Betts

Seconder: Cr Kay

That the motion be amended to read as follows:

That Council:

1. Treats this mayoral minute and attachment as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to matters specified in sections 10A(2)(a) and 10A(2)(d)(i) of the *Local Government Act 1993*. In particular, the mayoral minute contains personnel matters concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who provided it, respectively.

2. Engages Blackadder Associates to commence the recruitment process for the position of General Manager in July 2021 but leaves the final selection to the incoming Council after the 4 September election.
3. Appoints a selection panel of the Mayor, Councillor Masselos, Deputy Mayor, Councillor Keenan, and Councillors Betts, Lewis and Wy Kanak to manage the recruitment process.
4. In order to provide continuity for the balance of the term, appoints Emily Scott as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 26 February 2021 for a period of fifteen weeks.
5. Appoints John Clark to act as General Manager if Emily Scott is sick or otherwise absent from work on leave or business for the duration of her appointment as Acting General Manager, with such appointment to cease upon the return to work of Emily Scott or by other resolution of Council.
6. In order to provide continuity for the balance of the term, appoints John Clark as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 11 June 2021 until the date on which the new permanent appointee commences employment.
7. Appoints Emily Scott to act as General Manager if John Clark is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of John Clark as the Acting General Manager or by other resolution of Council.
8. Appoints Darren Smith to act as General Manager if John Clark or Emily Scott are sick or otherwise absent from work on leave or business, with such appointment to cease upon their return to work as Acting General Manager or by other resolution of Council.
9. In view of Council's regular Committee and Council meeting schedule no longer being impacted by COVID-19, grants all persons acting as General Manager pursuant to this resolution all functions, delegations and sub-delegations issued to the General Manager by Council at its meeting on 8 December 2020, subject to the following amendments:
  - (a) Authority for the General Manager to accept tenders up to \$250,000.
  - (b) Authority for the General Manager to approve procurement exemption up to \$50,000.
  - (c) Removal of the authority for the General Manager to approve debt write-off and rates and charges write-off.
10. At the conclusion of the selection process, considers a report from the Executive Manager, Human Resources, Risk and Safety, and the Executive Manager, Governance and Projects, endorsed by the selection panel, recommending the appointment of a General Manager.

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:**

That Council:

1. Treats this mayoral minute and attachment as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to matters specified in sections 10A(2)(a) and 10A(2)(d)(i) of the *Local Government Act 1993*. In particular, the mayoral minute contains personnel matters

concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who provided it, respectively.

2. Engages Blackadder Associates to immediately commence the recruitment process for the position of General Manager as detailed in their proposal.
3. Appoints a selection panel of the Mayor, Councillor Masselos, Deputy Mayor, Councillor Keenan, and Councillors Lewis, Wy Kanak and Cr Betts to manage the recruitment process.
4. Appoints Emily Scott as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 26 February 2021 for a period of six weeks.
5. Appoints John Clark to act as General Manager if Emily Scott is sick or otherwise absent from work on leave or business for the duration of her appointment as Acting General Manager specified in clause 4 above, with such appointment to cease upon the return to work of Emily Scott or by other resolution of Council.
6. Appoints John Clark as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 9 April 2021 for a period of up to six weeks until such time as a new permanent appointee to the position of General Manager commences employment with Council in the role.
7. Appoints Emily Scott to act as General Manager if John Clark is sick or otherwise absent from work on leave or business for the duration of his appointment as Acting General Manager specified in clause 6 above, with such appointment to cease upon the return to work of John Clark as the Acting General Manager or by other resolution of Council.
8. Appoints Darren Smith to act as General Manager if John Clark or Emily Scott are sick or otherwise absent from work on leave or business for the periods specified in clauses 4 and 6 above respectively, with such appointment to cease upon their return to work as Acting General Manager or by other resolution of Council.
9. In the event that a new permanent appointee to the position of General Manager does not commence employment with Council prior to 21 May 2021, Emily Scott be appointed as Acting General Manager under section 336(1) of the *Local Government Act 1993* from 5 pm on 21 May 2021 until such time as a new permanent appointee to the position of General Manager commences employment with Council in the role.
10. Appoints John Clark to act as General Manager if Emily Scott is sick or otherwise absent from work on leave or business for the duration of her appointment as Acting General Manager specified in clause 9 above, with such appointment to cease upon the return to work of Emily Scott or by other resolution of Council.
11. Grants all persons acting as General Manager pursuant to this resolution all functions, delegations and sub-delegations issued to the General Manager by Council at its meeting on 8 December 2020.
12. At the conclusion of the selection process, considers a report from the Executive Manager, Human Resources, Risk and Safety, and the Executive Manager, Governance and Projects, endorsed by the selection panel, recommending the appointment of a General Manager.

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

*Following the vote on this item, a procedural motion to extend the meeting by 30 minutes, moved by Cr Lewis and seconded by Cr Goltsman, was put and declared carried.*

**12. Resuming in Open Session****CM/12/21.02                  Resuming in Open Session****MOTION / DECISION**

Mover:        Cr Masselos

Seconder:    Cr Lewis

That Council resumes in open session.

*At 12.33 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 12.40 AM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**16 MARCH 2021**

## CONFIRMATION AND ADOPTION OF MINUTES CM/5.2/21.03



**Subject:** Adoption of Minutes - Waverley Traffic Committee Meeting - 25 February 2021

**TRIM No:** SF21/282

**Author:** Richard Coelho, Governance Officer

---

### RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 25 February 2021 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 - 25 February 2021

**MINUTES OF THE WAVERLEY TRAFFIC COMMITTEE  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 25 FEBRUARY 2021**



**Voting Members Present:**

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

**Also Present:**

Mr B Gidiess	State Transit – Traffic and Services Manager (Eastern Region)
Cr T Kay	Waverley Council – Alternate Chair
Mr D Joannides	Waverley Council – Executive Manager, Infrastructure Services
Mr C Hutcheson	Waverley Council – Service Manager, Traffic and Transport
Mr M Almuhanha	Waverley Council – Senior Traffic Engineer

---

*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.*

*At 10.40 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 none were received.



**Adoption of Previous Minutes by Council - 26 November 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 26 November 2020 were adopted by Council at its meeting on 16 February 2021.

**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.01/21.02	20 Scott Street, Bronte - Temporary Road Closures for Modular Housing Delivery.
TC/C.03/21.02	40 km/h Speed Limit Changes - Traffic Control Devices (Line Marking Group).
TC/C.05/21.02	Denison Street, Bondi Junction - Community Bus and Taxi Parking.
TC/C.06/21.02	Birrell Street and Dickson Street Intersection, Bronte - Installation of C3 Line Marking.
TC/C.07/21.02	Carlisle Street, Tamarama - Addition of Parking Space.
TC/C.08/21.02	11 Pacific Avenue, Tamarama - 'P Motor Bikes Only' Parking.
TC/C.09/21.02	85 Birrell Street, Queens Park - 'P Disability Only' Zone.
TC/C.10/21.02	3 Palmerston Avenue, Bronte - 'P Disability Only' Zone.
TC/C.11/21.02	292 Birrell Street, Bondi - No Stopping Zone.
TC/C.13/21.02	Ruthven Lane, Bondi Junction - Modification of No Parking Zone.
TC/C.14/21.02	5 Pembroke Street, Bronte - No Parking Zone.
TC/C.15/21.02	14 Fletcher Street, Bondi - Construction Zone.
TC/V.02/21.02	92 Ramsgate Avenue, Bondi Beach - Construction Zone.
TC/V.03/21.02	3 Lancaster Road, Dover Heights - Construction Zone.
TC/V.04/21.02	116-118 Brighton Boulevard, North Bondi - Construction Zone.
TC/V.05/21.02	45-47 Ramsgate Avenue, Bondi Beach - Construction Zone.
TC/V.06/21.02	39 Beach Road, Bondi Beach - Construction Zone.
TC/V.07/21.02	Mons Street and Tower Street Intersection, Vaucluse - No Stopping Zones.
TC/V.10/21.02	Yeshiva College - Modification of Pick-up/Drop-off Zone Restrictions.
TC/V.11/21.02	Notts Avenue, Bondi Beach - Changes to Loading Zone Signage.
TC/V.12/21.02	43 Mitchell Street, North Bondi (O'Donnell Street Frontage) - 'P Disability Only' Zone.

TC/V.13/21.02 92 O'Brien Street, Bondi Beach - 'P Disability Only' Zone.

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

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

**TC/C STATE ELECTORATE OF COOGEE**

**TC/C.01/21.02 20 Scott Street, Bronte - Temporary Road Closures for Modular Housing Delivery (DA-194/2019)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Temporarily closes 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 five 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.
  - (k) Obtaining written approval from Randwick City Council in relation to implementation of parking restrictions on Randwick Council roads.
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, TfNSW representative and Waverley Council representative (Chair).*

**TC/C.02/21.02                      40 km/h Speed Limit Changes - Traffic Control Devices - Park Parade, Bondi (A18/0579)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the design of the rubber hump traffic control devices as shown in Attachment 1 (Option 3) of the report, including a 12-month trial of the rubber speed humps outside 10 and 32 Park Parade.
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 design of 75 mm rubber hump traffic control devices as shown in Attachment 1 (Option 3) of the report, including a 12-month trial of the rubber speed humps outside 10 and 32 Park Parade.'

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

**TC/C.03/21.02                      40 km/h Speed Limit Changes - Traffic Control Devices (Line Marking Group) (A18/0579)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Approves the designs of the 18 signage and line marking traffic control treatments attached to this report for construction at:
  - (a) Alfred Street.
  - (b) Birrell Street between Bronte Road and Carrington Road.
  - (c) Birrell Street between Goldie Avenue and Henrietta Street.

- (d) Bronte Road between Birrell Street and Church Street.
  - (e) Bronte Road between Birrell Street and Ebley Street.
  - (f) Bronte Road between Victoria Street and Church Street.
  - (g) Bronte Road (near Bronte House).
  - (h) Chesterfield Parade between Arden Street and St Thomas Street.
  - (i) Fletcher Street Between Denham Street and Sandridge Street.
  - (j) Gipps Street between Henrietta Street and Bronte Road.
  - (k) Grafton Street Between Leswell Street and Nelson Street.
  - (l) Grafton Street between Newland Street and Leswell Street.
  - (m) Langlee Avenue (east of Seaview Street).
  - (n) Macpherson Street between Arden Street and Evans Street.
  - (o) Macpherson Street between Evans Street and St Thomas Street.
  - (p) Ocean Street.
  - (q) Pacific Street between Gardyne Street and Bronte Road.
  - (r) Waverley Street between Botany Street and Hollywood Avenue.
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.

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

**TC/C.04/21.02            40 km/h Speed Limit Changes - Review of Treatments on Bourke Street, Bennett Street and Botany Street (A18/0579)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs the following traffic calming treatments:

- 1. Rubber speed cushions at 13 Bourke Street, Queens Park, as shown in Figure 1 of this report.
- 2. A mountable roundabout at the intersection of Botany Street and Allens Parade, Bondi Junction, as shown in Figure 2 of this report.

3. Rubber speed cushions at 27 Bennett Street, Bondi, as shown in Figure 3 of this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

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

That Council:

1. Installs the following traffic calming treatments:
  - (a) A mountable roundabout at the intersection of Botany Street and Allens Parade, Bondi Junction, as shown in Figure 2 of the report.
  - (b) 75 mm rubber speed cushions at 27 Bennett Street, Bondi, as shown in Figure 3 of the report.
2. Notes the submissions from residents of Bourke Street and does not install rubber speed cushions at 13 Bourke Street, Queens Park.

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

*A and N Margolis, S Hovell, B Fitzpatrick, G and D Blackwood, A Gray, and N and C Gottheiner addressed the meeting.*

**TC/C.05/21.02                  Denison Street, Bondi Junction - Community Bus and Taxi Parking (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs an 11.4 metre 'No Stopping, Authorised Vehicles and Taxis Excepted, 10 Min Only' zone on the eastern side of Denison Street adjacent to the intersection of Spring Street.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.06/21.02                  Birrell Street and Dickson Street Intersection, Bronte - Installation of C3 Line Marking (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs golden yellow C3 line marking along the existing 'No Stopping' zone on the south-east corner of the intersection of Birrell Street with Dickson Street for 10 metres on either side.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.07/21.02                      Carlisle Street, Tamarama - Addition of Parking Space    (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council reduces the length of the existing No Stopping line-marking around the cul-de-sac on upper Carlisle Street to provide 5 extra metres for car parking at the retaining wall (adjacent to 31 Carlisle Street).

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.08/21.02                      11 Pacific Avenue, Tamarama - '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 11 and 12 Pacific Avenue, Tamarama.
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 Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

**TC/C.09/21.02                      85 Birrell Street, Queens Park - 'P Disability Only' Zone    (A18/0719)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 6 metre 'P Disability Only' parking zone outside 85 Birrell Street, Queens Park.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.10/21.02                    3 Palmerston Avenue, Bronte - 'P Disability Only' Zone (A18/0719)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 6 metre 'P Disability Only' parking zone outside 3 Palmerston Avenue, Bronte.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.11/21.02                    292 Birrell Street, Bondi - No Stopping Zone (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 10 metre 'No Stopping' zone on the northern side of Birrell Street adjacent to 292 Birrell Street.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.12/21.02                    Albert Street and St Thomas Street Intersection, Bronte - No Stopping Zones (A14/0145)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a No Stopping zone at the intersection of St Thomas Street and Albert Street for:
  - (a) 8 metres on the western side of St Thomas Street north of Albert Street.
  - (b) 8 metres on the northern side of Albert Street west of St Thomas Street.
2. Installs unbroken yellow C3 lines along the 'No Stopping' zone.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That:

1. The Council Officer's Proposal not be adopted.
2. Council consults the community on introducing 8 metre signposting rather than 10 metre statutory signposting at the intersection of St Thomas Street and Albert Street, with an explanation of the

rationale.

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

**TC/C.13/21.02 Ruthven Lane, Bondi Junction - Modification of No Parking Zone (A02/0637)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council modifies the existing 'No Parking: 8 am–9 am Thursday' zones in Ruthven Lane, Bondi Junction, to 'No Parking 6 am–10 am Thursday' and '1 Hour Parking (Permit Holders Excepted)' at other times between 8 am and 6 pm, Monday to Saturday.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/C.14/21.02 5 Pembroke Street, Bronte - No Parking Zone (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 'No Parking' sign on the eastern side of Pembroke Street opposite 5 Pembroke Street as shown in Figures 1 and 2 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 Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

**TC/C.15/21.02 14 Fletcher Street, Bondi - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 23 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone fronting 14 Fletcher Street on Glen Street, 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 Coogee, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

**TC/V        STATE ELECTORATE OF VAUCLUSE**

**TC/V.01/21.02        Bondi Pavilion Restoration and Conservation Project (SF21/617)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council approves the proposal for Buildcorp to undertake construction forecourt works in two stages on Queen Elizabeth Drive (QED) as part of the Bondi Pavilion Restoration and Conservation project, as shown in Attachment 1 to 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 Vacluse, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

**TC/V.02/21.02        92 Ramsgate Avenue, Bondi Beach - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 9 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone along the frontage of 92 Ramsgate Avenue, Bondi Beach.
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: NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

*The representative of the Member for Vacluse was not present for the vote on this item.*

**TC/V.03/21.02            3 Lancaster Road, Dover Heights - 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 at 3 Lancaster Road, Dover Heights.
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: NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.04/21.02            116-118 Brighton Boulevard, North Bondi - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs an 18 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone along the frontage of 116-118 Brighton Boulevard, North Bondi.
2. Delegates authority to the Executive Manager, Infrastructure Services, to adjust the length and duration of, or remove, the construction zone, as necessary.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.05/21.02            45-47 Ramsgate Avenue, Bondi Beach - Construction Zone (A03/2514-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 20 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles

Excepted' construction zone along the frontage of 45-47 Ramsgate Avenue, Bondi Beach.

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: NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

*The representative of the Member for Vacluse was not present for the vote on this item.*

**TC/V.06/21.02                      39 Beach Road, Bondi Beach - Construction Zone (A03/2514-04)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Installs a 15 metre 'No Parking 7 am–5 pm Mon–Fri, 8 am–3 pm Saturday Council Authorised Vehicles Excepted' construction zone fronting 39 Beach Road, Bondi Beach.
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: NSW Police representative, TfNSW representative and Waverley Council representative (Chair).*

*The representative of the Member for Vacluse was not present for the vote on this item.*

**TC/V.07/21.02                      Mons Street and Tower Street Intersection, Vacluse - No Stopping Zones (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs 10 metre 'No Stopping' zones on the south-eastern and south western corners of the intersection of Mons Street and Tower Street, Vacluse.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.08/21.02            59 Gould Street, Bondi Beach - Reduction of No Stopping Zone (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council reduces the existing No Stopping Zone on the southern side of Glasgow Avenue at Gould Street from 26 metres to 10 metres.

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

**TC/V.09/21.02            Turner Street, Bronte - Installation of C3 Line Marking along No Stopping Zones (A14/0145)**

*This item was listed on the agenda under the Electorate of Vaucluse in error. The item relates to the Electorate of Coogee.*

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs C3 line marking along the existing statutory 'No Stopping' zones at the intersection of Turner Street and Ashley Street, Bronte, as shown in Figure 3 of this report.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**TC/V.10/21.02            Yeshiva College - Modification of Pick-up/Drop-off Zone Restrictions (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council modifies the existing 'No Parking, 7.30 am–9 am Mon–Fri, 3.30 pm–6 pm Mon–Thu, 2.30 pm–3.30 pm Fri, School Days' (pick-up/drop-off) zone in front of Yeshiva College on Flood Street, Bondi, to 'No Parking, 7.30 am–9 am Mon–Fri, 3 pm–5.30 pm Mon–Thu, 1.30 am–2.30 pm FRI.'

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.11/21.02                Notts Avenue, Bondi Beach - Changes to Loading Zone Signage (A14/0145)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council replaces the existing loading zone signs at the lower end of Notts Avenue, Bondi with 'Loading Zone, 8am-1pm' plus '2P, Meter Registration 1 pm-10pm, Permit Holders Excepted Area 8' signs.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.12/21.02                43 Mitchell Street, North Bondi (O'Donnell Street Frontage) - 'P Disability Only' Zone (A18/0719)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 metre 'P Disability Only' parking zone outside 43 Mitchell Street, North Bondi (O'Donnell Street frontage).

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vaucluse was not present for the vote on this item.*

**TC/V.13/21.02                92 O'Brien Street, Bondi Beach - 'P Disability Only' Zone (A18/0719)**

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 5.4 metre 'P Disability Only' parking zone outside 92 O'Brien Street, Bondi Beach.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

*The representative of the Member for Vacluse was not present for the vote on this item.*

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

**TC/CV.01/21.02      Queen Elizabeth Drive - 'Electric Vehicle Excepted Only While Charging' Zone (A17/0477)**

*This item was listed on the agenda under the Electorates of Coogee and Vacluse in error. The item only relates to the Electorate of Vacluse.*

**COUNCIL OFFICER'S PROPOSAL:**

That Council installs a 'No Parking Electric Vehicles Excepted Only While Charging' zone for one space adjacent to an existing space with the same restrictions on Queen Elizabeth Drive.

**WTC RECOMMENDATION (UNANIMOUS SUPPORT):**

That the Council Officer's Proposal be adopted.

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

**THE MEETING CLOSED AT 10.49 AM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**16 MARCH 2021**

:

## MAYORAL MINUTES CM/6/21.03

**Subject:** Mayoral Minutes

**Author:** Mayor of Waverley, Cr Paula Masselos



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

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

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

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

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

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

## REPORT CM/7.1/21.03



**Subject:** Investment Portfolio Report - February 2021

**TRIM No:** A03/2211

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

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

### RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for February 2021 attached to the report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

#### 1. Executive Summary

For February, Council's Investment Portfolio generated \$116,096 of interest.

The interest on investment budget for the 2020–21 financial year was adopted by Council at its meeting on 30 June 2020 and was set at \$2,347,560. A second quarter amendment reducing budgeted interest to \$1,754,255, was adopted by Council at its meeting on 16 February 2021.

The interest income for the year to date as at 28 February 2021 is tracking at 77.07% (\$1,352,010) of the current budget forecast of \$1,754,255.

#### 2. Introduction/Background

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

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

*Table 1. Monthly interest income received by Council.*

Month	2020/21 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Current Budget (%)
July	2,347,560	201,573	201,573	8.59%
August	2,347,560	190,916	392,489	16.72%



Month	2020/21 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking Current Budget (%)
September	2,347,560	160,540	553,029	23.56%
October	2,347,560	238,279	791,307	33.71%
November	2,347,560	159,619	950,926	40.51%
December	2,347,560	125,239	1,076,165	45.84%
Q2 Proposed Amendment	-593,305			
January	1,754,255	159,749	1,235,914	70.45%
February	1,754,255	116,096	1,352,010	77.07%

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 February 2021	CM/7.3/20.11	That Council: <ol style="list-style-type: none"> <li>1. Receives and notes the Investment Summary Report for November and December 2020 and January 2021 attached to the report.</li> <li>2. Notes that all investments have been made in accordance with the requirements of section 625 of the <i>Local Government Act 1993</i> and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.</li> </ol>

### 4. Discussion

As at 28 February 2021, Council's cash investment portfolio for the financial year to date, generated interest earnings of \$1,352,010 representing 77.07% of the current budget of \$1,754,255.

Council's investment portfolio posted a return of 0.92% pa for the month of February versus the Ausbond Bank Bill Index benchmark return of -0.01% pa.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 1.44% pa (1.65% vs 0.21% pa).

It is clear that the interest rate market is performing well below the assumptions on which the original investment budget was based. Australian monetary policy is contributing to this. It is noted that the performance of Council's portfolio is still well ahead of the relevant Ausbond bank bill index benchmarks.

#### Portfolio value

Council's investment portfolio, as at 28 February 2021, has a current market value of \$167,696,672 which represents a gain of \$621,629 on the \$167,075,043 face value of the portfolio. The table below provides a summary by investment (asset) type.

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

Asset Group	Face Value	Current value
Cash	\$25,426,047	\$25,426,047
Floating Rate Note	\$26,100,000	\$26,276,544
Floating Rate Term Deposits	\$8,500,000	\$8,508,522
Managed Funds	\$15,048,996	\$15,048,996
Term Deposit	\$92,000,000	\$92,436,563
<b>Total</b>	<b>\$167,075,043</b>	<b>\$167,696,672</b>

### Analysis

Attached to this report are the summaries of the investment portfolio for the period ending 28 February 2021. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

Included in this report are tables showing that Council's investment portfolio for the month of February 2021 has exceeded the AusBond bank bill index by 0.93% pa (0.92% to -0.01% pa). The Portfolio outperformed the stated benchmark measure as the rate of return on cash exceeds AusBond Bank Bill Index as illustrated in the table below:

Table 3. Portfolio return.

Month	Portfolio Return %	Ausbond BB Index %	Variance %
March-20	-5.97	1.18	-7.15
April-20	4.29	0.58	3.71
May-20	3.61	0.10	3.51
June-20	2.03	0.09	1.94
July-20	3.08	0.11	2.97
Aug-20	2.50	0.11	2.39
Sep-20	0.78	0.09	0.69
Oct-20	1.60	0.13	1.47
Nov-20	4.98	0.09	4.89
Dec-20	1.37	0.03	1.34
Jan-21	1.10	0.01	1.09
Feb-21	0.92	-0.01	0.93
<b>Average % return Over the last 12 months</b>	<b>1.65</b>	<b>0.21</b>	<b>1.44</b>

Council has a well-diversified portfolio invested among a range of term deposits and floating rate notes from highly rated Australian ADIs. 90% of the portfolio is spread among the top-three credit rating categories (A long term/A2 short term and higher) and NSW TCorpIM managed funds.

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

As at the end of February 2021, 66.5% of Council's portfolio was invested in non-fossil fuel lending ADIs and socially responsible investments, while fossil fuel lending ADIs (including the daily operation fund) accounted for 24.5% of the portfolio. The remaining 9.0% is invested with TCorp.

Over the period of 33 months, from June 2018 to February 2021, Council has reduced its investment in fossil fuel lending ADIs from 59% to 24.5% as displayed in Figure 1 below.

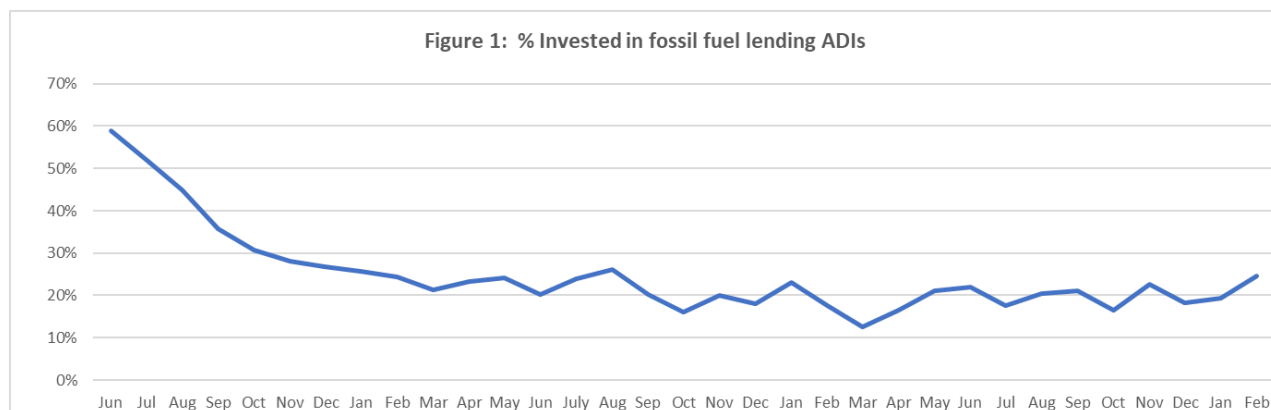


Figure 1. Investments in fossil-fuel-lending ADIs.

When excluding the working capital funds held in the CBA bank account (a fossil-fuel-lending bank) to meet day-to-day operating requirements, 78.43% of Council's investment portfolio was invested in non-fossil-fuel-lending ADIs and socially responsible investments, while fossil-fuel-lending ADIs accounted for 10.62% of the portfolio. The remaining 10.94% is invested with TCorp as displayed in Figure 2 below.

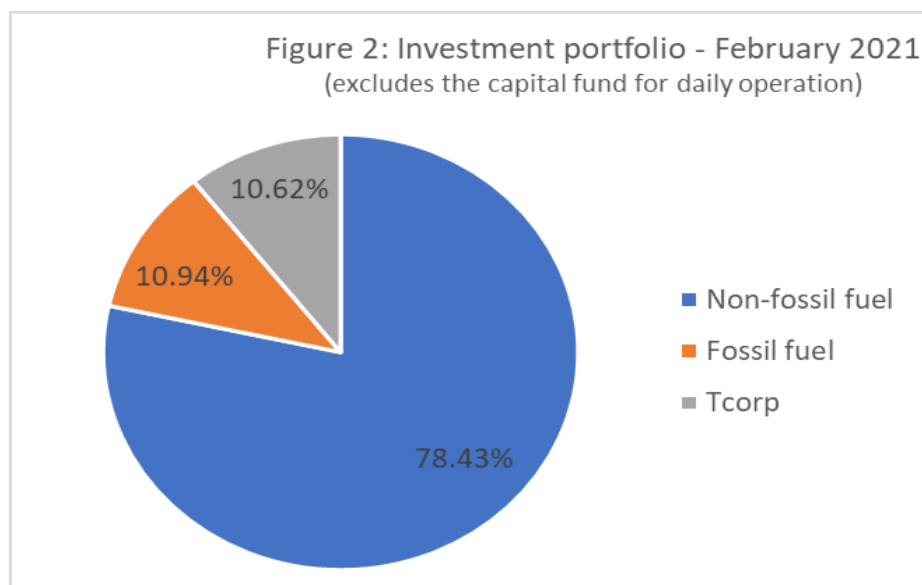


Figure 2. Investment portfolio – February 2021.

During February, Council invested a total of \$4.5 m at an average of 0.42% pa between a 12-month 'green' TD from CBA and a seven-month non-fossil-fuel bank TD. Council also invested \$1.3 m in a five-year Suncorp FRN (non-fossil fuel) paying quarterly interest of BBSW +0.45% pa.

The following table compares rates on offer during the February 21 between the non-fossil/green investment and the fossil fuel ADI.

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

Date	Amount	Term (months)	Non-Fossil/Green Deposit Rates	Fossil Fuel ADI Deposit Rates
09-Feb-21	2,500,000	12	0.41%	0.75%
23-Feb-21	2,000,000	7	0.43%	0.75%
24-Feb-21	1,300,000	60	BBSW+0.45%	N/A

## 5. Financial impact statement/Timeframe/Consultation

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

## 6. Conclusion

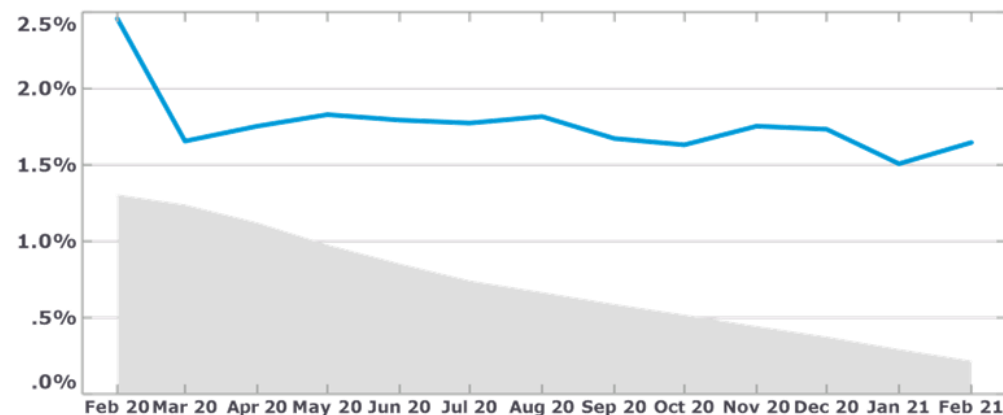
Council's investment portfolio has achieved interest earning of \$1,352,010 YTD at 28 February 2021, and it is on track to achieve the current budgeted interest of \$1,754,255.

## 7. Attachments

- Investment Summary Report - February 2021 [↓](#)

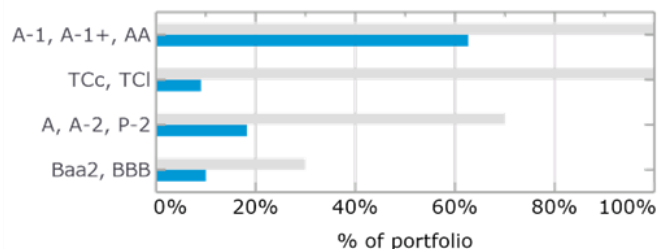
**Waverley Council****Executive Summary - February 2021****Investment Holdings**

	Face Value (\$)	Current Value (\$)
Cash	25,426,047.34	25,426,047.34
Floating Rate Note	26,100,000.00	26,276,544.32
Floating Rate Term Deposits	8,500,000.00	8,508,521.50
Managed Funds	15,048,995.82	15,048,995.82
Term Deposit	92,000,000.00	92,436,562.87
	<b>167,075,043.16</b>	<b>167,696,671.85</b>

**Investment Performance**

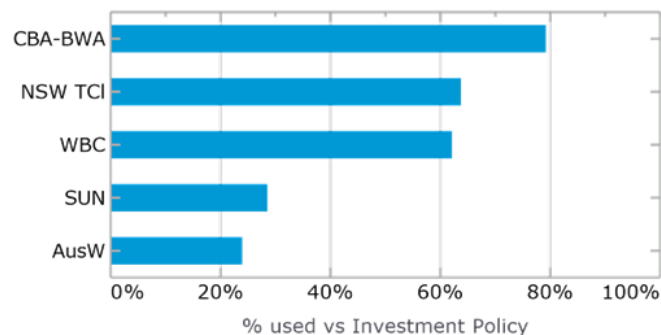
Portfolio Rolling 12 month return

AusBond BB Index Rolling 12 month Return

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

Portfolio Exposure

Investment Policy Limit

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

Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	144,075,043	86% 100%
Between 1 and 3 Years	15,950,000	10% 50%
Between 3 and 10 Years	7,050,000	4% 30%
	<b>167,075,043</b>	



## **Investment Summary Report February 2021**

**Waverley Council**

## Investment Holdings Report - February 2021

**Cash Accounts**

Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
17,320,583.31	0.3000%	Commonwealth Bank of Australia	A-1+	17,320,583.31	120789	24hr Call
4,397,822.83	0.0000%	Commonwealth Bank of Australia	A-1+	4,397,822.83	120794	General Funds
98,753.83	0.0000%	Commonwealth Bank of Australia	A-1+	98,753.83	120795	Trust Funds
1,204,921.87	0.0000%	Commonwealth Bank of Australia	A-1+	1,204,921.87	120796	Cemetery Funds
985,093.60	0.0000%	Commonwealth Bank of Australia	A-1+	985,093.60	120797	Depositor Funds
284,387.39	0.0000%	Commonwealth Bank of Australia	A-1+	284,387.39	120799	Library CP
629,387.75	0.0000%	Commonwealth Bank of Australia	A-1+	629,387.75	120800	Eastgate CP
467,522.41	0.0000%	Commonwealth Bank of Australia	A-1+	467,522.41	120801	Hollywood Av CP
37,574.35	0.0000%	Commonwealth Bank of Australia	A-1+	37,574.35	370151	Library Gift
<b>25,426,047.34</b>	<b>0.2044%</b>			<b>25,426,047.34</b>		

**Managed Funds**

Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,188,086.34	-0.0593%	NSW T-Corp (Cash)	TCC	Short Term Income Fund	2,188,086.34	411310	Builder Deposits
2,211,077.79	-0.0017%	NSW T-Corp (Cash)	TCC	Cash Fund	2,211,077.79	505262	
10,649,831.69	0.1677%	NSW T-Corp (LT)	TCI	Long Term Growth Fund	10,649,831.69	538089	
<b>15,048,995.82</b>					<b>15,048,995.82</b>		

**Term Deposits**

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
9-Mar-21	3,000,000.00	1.5500%	MyState Bank	P-2	3,000,000.00	13-Mar-20	3,044,971.23	539571	44,971.23	At Maturity	
16-Mar-21	3,000,000.00	1.7200%	Suncorp Bank	A-1	3,000,000.00	17-Mar-20	3,049,338.08	539581	49,338.08	At Maturity	
23-Mar-21	6,000,000.00	1.6000%	Suncorp Bank	A-1	6,000,000.00	19-Mar-20	6,091,265.75	539589	91,265.75	At Maturity	
8-Jun-21	6,000,000.00	3.1500%	Westpac Group	A-1+	6,000,000.00	6-Jun-18	6,043,495.89	536715	43,495.89	Quarterly	
22-Jun-21	3,000,000.00	0.8700%	Westpac Group	A-1+	3,000,000.00	24-Jun-20	3,004,790.96	539953	4,790.96	Quarterly	Green
13-Jul-21	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	19-Aug-20	3,000,616.44	540129	616.44	Quarterly	Green

**Waverley Council****Investment Holdings Report - February 2021****Term Deposits**

<b>Maturity Date</b>	<b>Face Value (\$)</b>	<b>Rate (%pa)</b>	<b>Institution</b>	<b>Credit Rating</b>	<b>Purchase Price (\$)</b>	<b>Purchase Date</b>	<b>Current Value (\$)</b>	<b>Deal No.</b>	<b>Accrued Interest (\$)</b>	<b>Coupon Frequency</b>	<b>Reference</b>
20-Jul-21	3,000,000.00	0.7500%	Westpac Group	A-1+	3,000,000.00	18-Aug-20	3,000,678.08	540126	678.08	Quarterly	Green
27-Jul-21	5,000,000.00	0.7900%	Westpac Group	A-1+	5,000,000.00	28-Jul-20	5,003,463.01	540066	3,463.01	Quarterly	Green
3-Aug-21	2,000,000.00	1.9000%	Bank of Queensland	A-2	2,000,000.00	6-Aug-19	2,021,550.68	538366	21,550.68	Annually	
10-Aug-21	3,000,000.00	0.7800%	Westpac Group	A-1+	3,000,000.00	6-Aug-20	3,001,346.30	540105	1,346.30	Quarterly	Green
18-Aug-21	5,000,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	5,000,000.00	2-Sep-20	5,018,000.00	540183	18,000.00	At Maturity	Green
24-Aug-21	4,000,000.00	0.7300%	Westpac Group	A-1+	4,000,000.00	31-Aug-20	4,000,240.00	540170	240.00	Quarterly	Green
24-Aug-21	2,500,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	2,500,000.00	2-Sep-20	2,509,000.00	540184	9,000.00	At Maturity	Green
31-Aug-21	2,000,000.00	0.7300%	Westpac Group	A-1+	2,000,000.00	31-Aug-20	2,000,120.00	540171	120.00	Quarterly	Green
31-Aug-21	2,500,000.00	0.7300%	Commonwealth Bank of Australia	A-1+	2,500,000.00	2-Sep-20	2,509,000.00	540185	9,000.00	At Maturity	Green
7-Sep-21	4,000,000.00	0.7300%	Westpac Group	A-1+	4,000,000.00	31-Aug-20	4,000,240.00	540172	240.00	Quarterly	Green
14-Sep-21	1,000,000.00	0.5500%	Auswide Bank	P-2	1,000,000.00	8-Dec-20	1,001,250.68	540813	1,250.68	At Maturity	
14-Sep-21	2,000,000.00	0.4300%	Credit Union Australia	A-2	2,000,000.00	23-Feb-21	2,000,141.37	540963	141.37	At Maturity	
21-Sep-21	2,500,000.00	2.8000%	Newcastle Permanent Building Society	A-2	2,500,000.00	25-Mar-19	2,565,397.26	537651	65,397.26	Annually	
28-Sep-21	3,000,000.00	0.7000%	Commonwealth Bank of Australia	A-1+	3,000,000.00	2-Oct-20	3,008,630.14	540359	8,630.14	At Maturity	Green
1-Oct-21	3,000,000.00	0.7000%	Commonwealth Bank of Australia	A-1+	3,000,000.00	2-Oct-20	3,008,630.14	540360	8,630.14	At Maturity	Green
2-Nov-21	3,000,000.00	0.5400%	Westpac Group	A-1+	3,000,000.00	30-Oct-20	3,001,375.89	540481	1,375.89	Quarterly	Green
23-Nov-21	3,000,000.00	0.5400%	Commonwealth Bank of Australia	A-1+	3,000,000.00	24-Nov-20	3,004,305.21	540595	4,305.21	At Maturity	Green
30-Nov-21	3,000,000.00	0.5200%	Commonwealth Bank of Australia	A-1+	3,000,000.00	1-Dec-20	3,003,846.58	540632	3,846.58	At Maturity	Green
11-Jan-22	2,000,000.00	0.5500%	Auswide Bank	P-2	2,000,000.00	12-Jan-21	2,001,446.58	540819	1,446.58	At Maturity	
25-Jan-22	3,000,000.00	0.5500%	Auswide Bank	P-2	3,000,000.00	25-Jan-21	3,001,582.19	540888	1,582.19	At Maturity	
1-Feb-22	2,500,000.00	0.4100%	Commonwealth Bank of Australia	A-1+	2,500,000.00	10-Feb-21	2,500,533.56	540937	533.56	At Maturity	Green
8-Feb-22	3,000,000.00	3.0500%	Newcastle Permanent Building Society	A-2	3,000,000.00	19-Feb-19	3,002,506.85	537553	2,506.85	Annually	
8-Mar-22	2,000,000.00	1.7000%	Auswide Bank	Baa2	2,000,000.00	5-Mar-20	2,033,627.40	539531	33,627.40	Annually	
8-Nov-22	2,000,000.00	0.8000%	Auswide Bank	Baa2	2,000,000.00	3-Nov-20	2,005,172.60	540548	5,172.60	Annually	
<b>92,000,000.00</b>		<b>1.1461%</b>			<b>92,000,000.00</b>		<b>92,436,562.87</b>		<b>436,562.87</b>		



**Waverley Council**

## Investment Holdings Report - February 2021

**Floating Rate Term Deposits**

Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
10-Jun-21	3,000,000.00	1.1000%	Commonwealth Bank of Australia ¾yr@4% then BBSW+1.08%	A-1+	3,000,000.00	10-Jun-16	3,007,323.29	535380	7,323.29	10-Mar-21	
16-Nov-21	3,000,000.00	.8500%	Westpac Group 3moBBSW+0.82%	A-1+	3,000,000.00	28-Nov-18	3,000,209.59	537360	209.59	28-May-21	Green
16-May-22	2,500,000.00	1.1103%	Westpac Group 3moBBSW+1.10%	AA-	2,500,000.00	16-May-17	2,500,988.62	535241	988.62	17-May-21	
<b>8,500,000.00</b>		<b>1.0148%</b>			<b>8,500,000.00</b>		<b>8,508,521.50</b>		<b>8,521.50</b>		

**Floating Rate Notes**

Maturity Date	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
12-Apr-21	1,500,000.00	1.3932%	SUN Snr FRN (Apr21) BBSW+1.38%	A-1	1,500,000.00	12-Apr-16	1,504,876.42	533415	2,748.23	12-Apr-21	
16-Apr-21	2,500,000.00	1.2800%	ME Bank Snr FRN (Apr21) BBSW+1.27%	A-2	2,500,000.00	17-Apr-18	2,506,942.37	536513	3,682.19	16-Apr-21	
18-May-21	2,000,000.00	1.4900%	BoQ Snr FRN (May21) BBSW+1.48%	A-2	2,000,000.00	18-May-16	2,006,549.42	533605	898.08	18-May-21	
2-Jul-21	2,100,000.00	1.3800%	TMB Snr FRN (Jul21) BBSW+1.37%	A-2	2,100,000.00	2-Jul-18	2,112,804.25	536787	4,446.25	6-Apr-21	
30-Aug-21	1,500,000.00	1.3300%	BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	A-2	1,500,000.00	30-Aug-18	1,506,838.97	536983	163.97	31-May-21	
28-Oct-22	2,400,000.00	0.9099%	TMB Snr FRN (Oct22) BBSW+0.90%	BBB	2,400,000.00	28-Oct-19	2,417,682.53	538616	1,914.53	28-Apr-21	
2-Dec-22	3,000,000.00	0.9184%	BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	BBB	3,000,000.00	2-Dec-19	3,013,408.16	538825	6,718.16	2-Mar-21	
25-Jan-23	1,250,000.00	1.0603%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,268,745.91	536145	1,270.91	27-Apr-21	
6-Feb-23	1,100,000.00	1.4098%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,118,184.23	536174	892.23	6-May-21	
21-Feb-23	1,700,000.00	0.9127%	CUA Snr FRN (Feb23) BBSW+0.90%	BBB	1,700,000.00	21-Feb-20	1,716,653.54	539454	297.57	21-May-21	
30-Jul-24	2,500,000.00	0.7900%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	2,500,000.00	30-Jul-19	2,533,802.40	538331	1,677.40	30-Apr-21	
24-Oct-24	1,000,000.00	1.1303%	CUA Snr FRN (Oct24) BBSW+1.12%	BBB	1,000,000.00	24-Oct-19	1,019,073.85	538604	1,083.85	26-Apr-21	
2-Dec-25	2,250,000.00	0.5384%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	2,250,000.00	2-Dec-20	2,250,861.32	540603	2,953.82	2-Mar-21	
24-Feb-26	1,300,000.00	0.4602%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	1,300,000.00	24-Feb-21	1,300,120.95	540958	81.95	24-May-21	
<b>26,100,000.00</b>		<b>1.0515%</b>			<b>26,100,000.00</b>		<b>26,276,544.32</b>		<b>28,829.14</b>		

**Waverley Council****Accrued Interest Report - February 2021****Accrued Interest Report**

<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
<b><u>Floating Rate Note</u></b>									
SUN Snr FRN (Apr21) BBSW+1.38%	533415		1,500,000.00	12-Apr-16	12-Apr-21		28	1,603.13	1.39%
ME Bank Snr FRN (Apr21) BBSW+1.27%	536513		2,500,000.00	17-Apr-18	16-Apr-21		28	2,454.79	1.28%
BoQ Snr FRN (May21) BBSW+1.48%	533605		2,000,000.00	18-May-16	18-May-21	7,561.64	28	2,295.34	1.50%
TMB Snr FRN (Jul21) BBSW+1.37%	536787		2,100,000.00	02-Jul-18	02-Jul-21		28	2,223.13	1.38%
BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	536983		1,500,000.00	30-Aug-18	30-Aug-21	4,773.70	28	1,520.14	1.32%
TMB Snr FRN (Oct22) BBSW+0.90%	538616		2,400,000.00	28-Oct-19	28-Oct-22		28	1,675.21	.91%
BOz 'SRI' Snr FRN (Dec22) BBSW+0.90%	538825		3,000,000.00	02-Dec-19	02-Dec-22		28	2,113.58	.92%
BEN Snr FRN (Jan23) BBSW+1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23		28	1,016.73	1.06%
NPBS Snr FRN (Feb23) BBSW+1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23	4,026.08	28	1,192.04	1.41%
CUA Snr FRN (Feb23) BBSW+0.90%	539454		1,700,000.00	21-Feb-20	21-Feb-23	3,891.66	28	1,195.65	.92%
SUN Snr FRN (Jul24) BBSW+0.78%	538331		2,500,000.00	30-Jul-19	30-Jul-24		28	1,515.07	.79%
CUA Snr FRN (Oct24) BBSW+1.12%	538604		1,000,000.00	24-Oct-19	24-Oct-24		28	867.08	1.13%
BEN Snr FRN (Dec25) BBSW+0.52%	540603		2,250,000.00	02-Dec-20	02-Dec-25		28	929.29	.54%
SUN Snr FRN (Feb26) BBSW+0.45%	540958		1,300,000.00	24-Feb-21	24-Feb-26		5	81.95	.46%
<b>Floating Rate Note Total</b>						<b>20,253.08</b>		<b>20,683.13</b>	<b>1.08%</b>
<b><u>Floating Rate Term Deposits</u></b>									
Commonwealth Bank of Australia	535380		3,000,000.00	10-Jun-16	10-Jun-21		28	2,531.51	1.10%
Westpac Group	535380	Green	3,000,000.00	10-Jun-16	10-Jun-21	6,075.62	28	1,935.62	.84%
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22	7,057.53	28	2,139.30	1.12%
<b>Floating Rate Term Deposits Total</b>						<b>13,133.15</b>		<b>6,606.43</b>	<b>1.01%</b>
<b><u>Managed Funds</u></b>									
Short Term Income Fund	411310	Builder Deposits	2,188,086.34	01-Dec-15			28	-1,299.25	-.77%

**Waverley Council****Accrued Interest Report - February 2021****Accrued Interest Report**

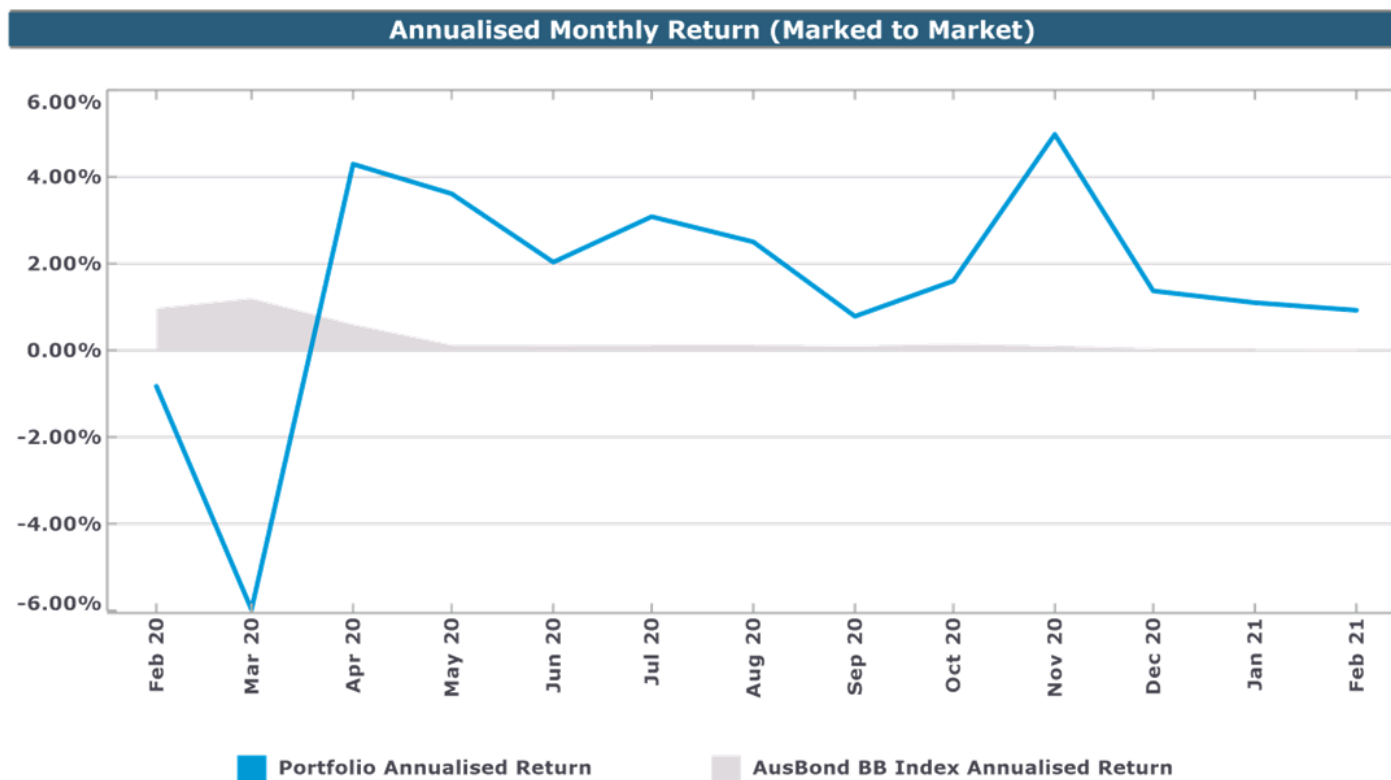
<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
Cash Fund	505262		2,211,077.79	30-Jul-15			28	-37.86	-.02%
<b>Managed Funds Total</b>								<b>-1,337.11</b>	<b>-.40%</b>
<b><u>Term Deposits</u></b>									
Commonwealth Bank of Australia	540073	Green	3,000,000.00	31-Jul-20	02-Feb-21	11,160.00	1	60.00	.73%
Newcastle Permanent Building Society	537536		2,500,000.00	11-Feb-19	09-Feb-21	73,547.95	8	1,616.44	2.95%
Rural Bank	540474		3,000,000.00	27-Oct-20	16-Feb-21	5,063.01	15	678.08	.55%
Credit Union Australia	537565		2,000,000.00	26-Feb-19	23-Feb-21	57,682.19	22	3,495.89	2.90%
MyState Bank	539571		3,000,000.00	13-Mar-20	09-Mar-21		28	3,567.12	1.55%
Suncorp Bank	539581		3,000,000.00	17-Mar-20	16-Mar-21		28	3,958.35	1.72%
Suncorp Bank	539589		6,000,000.00	19-Mar-20	23-Mar-21		28	7,364.38	1.60%
Westpac Group	536715		6,000,000.00	06-Jun-18	08-Jun-21		28	14,498.63	3.15%
Westpac Group	539953	Green	3,000,000.00	24-Jun-20	22-Jun-21		28	2,002.19	.87%
Westpac Group	540129	Green	3,000,000.00	19-Aug-20	13-Jul-21	5,671.23	28	1,726.03	.75%
Westpac Group	540126	Green	3,000,000.00	18-Aug-20	20-Jul-21	5,671.23	28	1,726.02	.75%
Westpac Group	540066	Green	5,000,000.00	28-Jul-20	27-Jul-21		28	3,030.13	.79%
Bank of Queensland	538366		2,000,000.00	06-Aug-19	03-Aug-21		28	2,915.06	1.90%
Westpac Group	540105	Green	3,000,000.00	06-Aug-20	10-Aug-21	6,026.30	28	1,795.07	.78%
Commonwealth Bank of Australia	540183	Green	5,000,000.00	02-Sep-20	18-Aug-21		28	2,800.00	.73%
Westpac Group	540170	Green	4,000,000.00	31-Aug-20	24-Aug-21	7,040.00	28	2,240.00	.73%
Commonwealth Bank of Australia	540184	Green	2,500,000.00	02-Sep-20	24-Aug-21		28	1,400.00	.73%
Westpac Group	540171	Green	2,000,000.00	31-Aug-20	31-Aug-21	3,520.00	28	1,120.00	.73%
Commonwealth Bank of Australia	540185	Green	2,500,000.00	02-Sep-20	31-Aug-21		28	1,400.00	.73%
Westpac Group	540172	Green	4,000,000.00	31-Aug-20	07-Sep-21	7,040.00	28	2,240.00	.73%

**Waverley Council****Accrued Interest Report - February 2021****Accrued Interest Report**

<b>Investment</b>	<b>Deal No.</b>	<b>Ref</b>	<b>Face Value (\$)</b>	<b>Settlement Date</b>	<b>Maturity Date</b>	<b>Interest Received (\$)</b>	<b>Days</b>	<b>Interest Accrued (\$)</b>	<b>Percentage Return</b>
Auswide Bank	540813		1,000,000.00	08-Dec-20	14-Sep-21		28	421.91	.55%
Credit Union Australia	540963		2,000,000.00	23-Feb-21	14-Sep-21		6	141.37	.43%
Newcastle Permanent Building Society	537651		2,500,000.00	25-Mar-19	21-Sep-21		28	5,369.86	2.80%
Commonwealth Bank of Australia	540359	Green	3,000,000.00	02-Oct-20	28-Sep-21		28	1,610.96	.70%
Commonwealth Bank of Australia	540360	Green	3,000,000.00	02-Oct-20	01-Oct-21		28	1,610.96	.70%
Westpac Group	540481	Green	3,000,000.00	30-Oct-20	02-Nov-21		28	1,242.74	.54%
Commonwealth Bank of Australia	540595	Green	3,000,000.00	24-Nov-20	23-Nov-21		28	1,242.74	.54%
Commonwealth Bank of Australia	540632	Green	3,000,000.00	01-Dec-20	30-Nov-21		28	1,196.72	.52%
Auswide Bank	540819		2,000,000.00	12-Jan-21	11-Jan-22		28	843.84	.55%
Auswide Bank	540888		3,000,000.00	25-Jan-21	25-Jan-22		28	1,265.75	.55%
Commonwealth Bank of Australia	540937	Green	2,500,000.00	10-Feb-21	01-Feb-22		19	533.56	.41%
Newcastle Permanent Building Society	537553		3,000,000.00	19-Feb-19	08-Feb-22	91,750.68	28	7,019.17	3.05%
Auswide Bank	539531		2,000,000.00	05-Mar-20	08-Mar-22		28	2,608.22	1.70%
Auswide Bank	540548		2,000,000.00	03-Nov-20	08-Nov-22		28	1,227.39	.80%
<b>Term Deposits Total</b>						<b>274,172.59</b>		<b>85,968.58</b>	<b>1.20%</b>
						<b>307,558.82</b>		<b>111,921.03</b>	<b>1.11%</b>

**Waverley Council**

## Investment Performance Report - February 2021

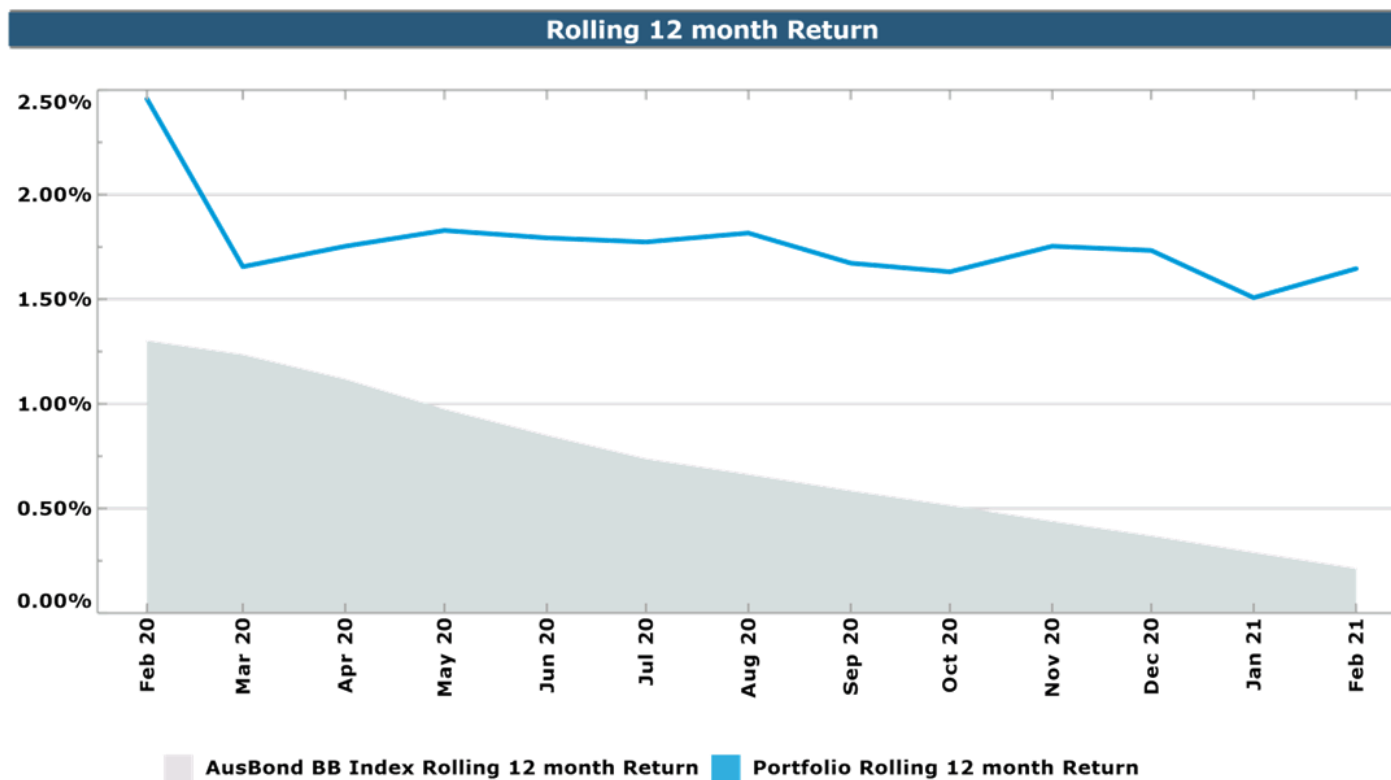
**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Feb 2021	0.92%	-0.01%	0.93%
Last 3 Months	1.14%	0.01%	1.13%
Last 6 Months	1.78%	0.06%	1.72%
Financial Year to Date	2.04%	0.07%	1.97%
Last 12 months	1.65%	0.21%	1.44%



**Waverley Council**

## Investment Performance Report - February 2021

**Historical Performance Summary (actual)**

	Portfolio	AusBond BB Index	Outperformance
Feb 2021	0.07%	-0.00%	0.07%
Last 3 Months	0.28%	0.00%	0.28%
Last 6 Months	0.88%	0.03%	0.85%
Financial Year to Date	1.35%	0.05%	1.30%
Last 12 months	1.65%	0.21%	1.44%

# Waverley Council

## Environmental Commitments Report - February 2021

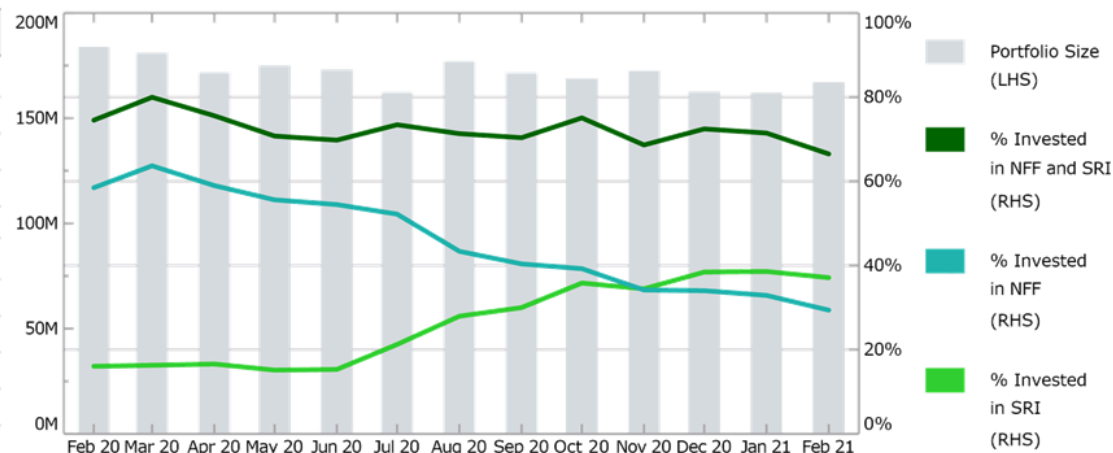


### Current Breakdown

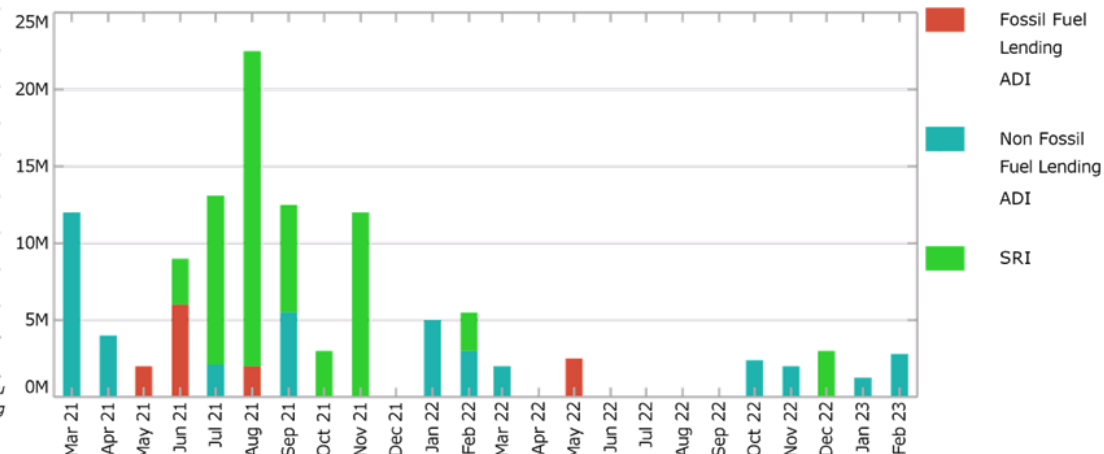
ADI Lending Status *	Current Month (\$)	Previous Month (\$)
<b>Fossil Fuel Lending ADIs</b>		
Bank of Queensland	4,000,000	4,000,000
Commonwealth Bank of Australia	28,426,047	18,722,481
Westpac Group	8,500,000	8,500,000
	<b>40,926,047 24.5%</b>	<b>31,222,481 19.3%</b>
<b>Non Fossil Fuel Lending ADIs</b>		
Auswide Bank	10,000,000	10,000,000
Bendigo and Adelaide Bank	3,500,000	6,500,000
Credit Union Australia	4,700,000	4,700,000
Members Equity Bank	2,500,000	2,500,000
MyState Bank	3,000,000	3,000,000
Newcastle Permanent Building Society	6,600,000	9,100,000
Suncorp Bank	14,300,000	13,000,000
Teachers Mutual Bank	4,500,000	4,500,000
	<b>49,100,000 29.4%</b>	<b>53,300,000 32.9%</b>
<b>Other</b>		
NSW T-Corp (Cash)	4,399,164	4,400,501
NSW T-Corp (LT)	10,649,832	10,632,001
	<b>15,048,996 9.0%</b>	<b>15,032,502 9.3%</b>
<b>Socially Responsible Investments</b>		
Bank Australia (Sustainability)	4,500,000	4,500,000
CBA (Green TD)	24,500,000	25,000,000
Westpac Group (Green TD)	33,000,000	33,000,000
	<b>62,000,000 37.1%</b>	<b>62,500,000 38.6%</b>
	<b>167,075,043</b>	<b>162,054,983</b>

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

### Historical Portfolio Exposure to NFF Lending ADIs and SRIs

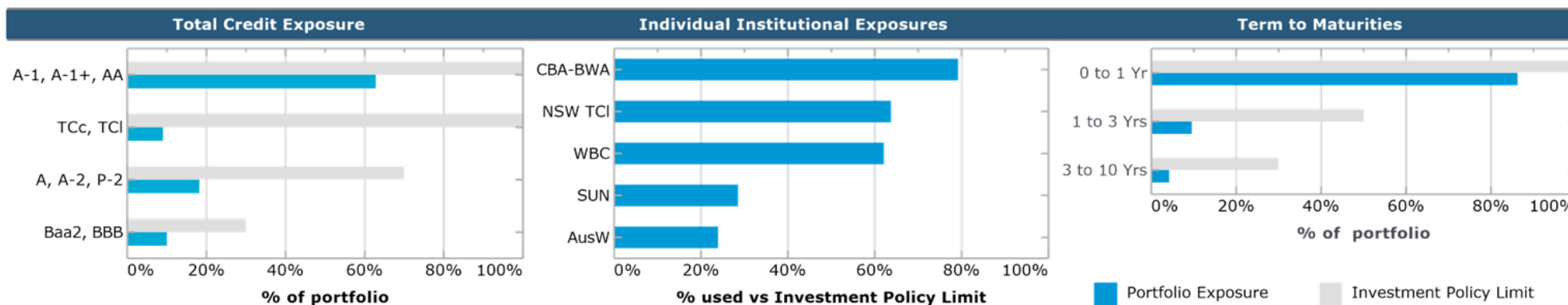


### Upcoming maturities



## Waverley Council

## Investment Policy Report - February 2021



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	10,500,000	
Short Term	A-1+	91,926,047	
Long Term	AA	2,500,000	
		<b>104,926,047</b>	<b>63%</b> <b>100%</b> <b>a</b>
Short Term	TCc	4,399,164	
Short Term	TCI	10,649,832	
		<b>15,048,996</b>	<b>9%</b> <b>100%</b> <b>a</b>
Short Term	A-2	17,600,000	
Short Term	P-2	9,000,000	
Long Term	A	3,800,000	
		<b>30,400,000</b>	<b>18%</b> <b>70%</b> <b>a</b>
Long Term	Baa2	4,000,000	
Long Term	BBB	12,700,000	
		<b>16,700,000</b>	<b>10%</b> <b>30%</b> <b>a</b>
		<b>167,075,043</b>	<b>100%</b>

**a** = compliant  
**r** = non-compliant

	% used vs Investment Policy Limit
Commonwealth Bank of Australia (A-1+, AA-)	79% <b>a</b>
NSW T-Corp (LT) (TCI)	64% <b>a</b>
Westpac Group (A-1+, AA-)	62% <b>a</b>
Suncorp Bank (A-1, A+)	29% <b>a</b>
Auswide Bank (P-2, Baa2)	24% <b>a</b>
Newcastle Permanent Building Society (A-2, BBB)	16% <b>a</b>
Bendigo and Adelaide Bank (A-2, BBB+)	14% <b>a</b>
Credit Union Australia (A-2, BBB)	11% <b>a</b>
Bank Australia (A-2, BBB)	11% <b>a</b>
Teachers Mutual Bank (A-2, BBB)	11% <b>a</b>
Bank of Queensland (A-2, BBB+)	10% <b>a</b>
MyState Bank (P-2, Baa2)	7% <b>a</b>
Members Equity Bank (A-2, BBB)	6% <b>a</b>

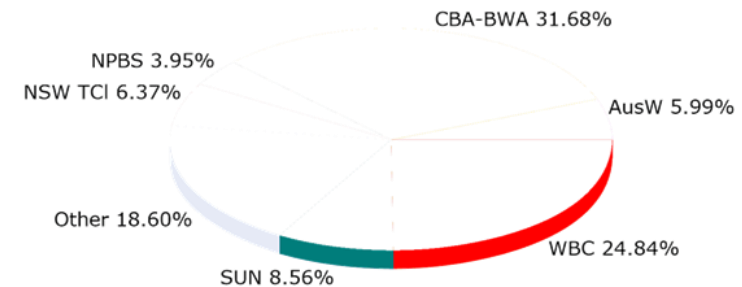
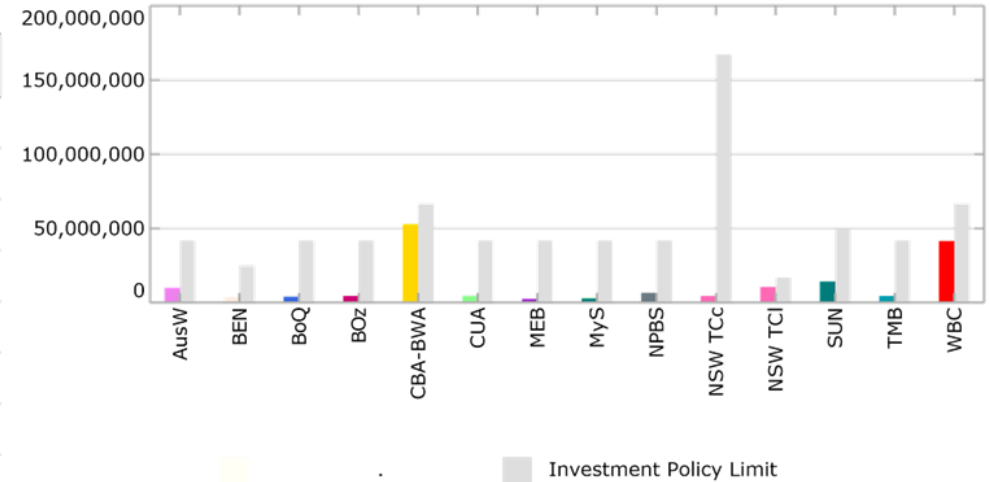
	Face Value (\$)	Policy Max
Between 0 and 1 Year	144,075,043	86% 100% <b>a</b>
Between 1 and 3 Years	15,950,000	10% 50% <b>a</b>
Between 3 and 10 Years	7,050,000	4% 30% <b>a</b>
	<b>167,075,043</b>	

Detailed Maturity Profile	Face Value (\$)
00. Cash + Managed Funds	40,475,043 24%
01. Less Than 30 Days	12,000,000 7%
02. Between 30 Days and 60 Days	4,000,000 2%
03. Between 60 Days and 90 Days	2,000,000 1%
04. Between 90 Days and 180 Days	41,600,000 25%
05. Between 180 Days and 365 Days	44,000,000 26%
06. Between 365 Days and 3 Years	15,950,000 10%
07. Between 3 Years and 5 Years	7,050,000 4%
	<b>167,075,043</b>



**Waverley Council****Individual Institutional Exposures Report - February 2021****Individual Institutional Exposures**

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
Auswide Bank	P-2, Baa2	10,000,000	41,768,761
Bank Australia	A-2, BBB	4,500,000	41,768,761
Bank of Queensland	A-2, BBB+	4,000,000	41,768,761
Bendigo and Adelaide Bank	A-2, BBB+	3,500,000	25,061,256
Commonwealth Bank of Australia	A-1+, AA-	52,926,047	66,830,017
Credit Union Australia	A-2, BBB	4,700,000	41,768,761
Members Equity Bank	A-2, BBB	2,500,000	41,768,761
MyState Bank	P-2, Baa2	3,000,000	41,768,761
Newcastle Permanent Building Society	A-2, BBB	6,600,000	41,768,761
NSW T-Corp (Cash)	TCc	4,399,164	167,075,043
NSW T-Corp (LT)	TCI	10,649,832	16,707,504
Suncorp Bank	A-1, A+	14,300,000	50,122,513
Teachers Mutual Bank	A-2, BBB	4,500,000	41,768,761
Westpac Group	A-1+, AA-	41,500,000	66,830,017
		<b>167,075,043</b>	

**Individual Institutional Exposure Charts**

**Waverley Council**

## Cashflows Report - February 2021

**Current Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<b>2-Feb-21</b>	540073	Commonwealth Bank of Australia	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Commonwealth Bank of Australia	Term Deposits	Interest - Received	11,160.00
				<u>Deal Total</u>	<u>3,011,160.00</u>
				<b>Day Total</b>	<b>3,011,160.00</b>
<b>8-Feb-21</b>	536174	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	4,026.08
				<u>Deal Total</u>	<u>4,026.08</u>
	540105	Westpac Group	Term Deposits	Interest - Received	6,026.30
				<u>Deal Total</u>	<u>6,026.30</u>
				<b>Day Total</b>	<b>10,052.39</b>
<b>9-Feb-21</b>	537536	Newcastle Permanent Building Society	Term Deposits	Maturity Face Value - Received	2,500,000.00
		Newcastle Permanent Building Society	Term Deposits	Interest - Received	73,547.95
				<u>Deal Total</u>	<u>2,573,547.95</u>
				<b>Day Total</b>	<b>2,573,547.95</b>
<b>10-Feb-21</b>	540937	Commonwealth Bank of Australia	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
				<b>Day Total</b>	<b>-2,500,000.00</b>
<b>16-Feb-21</b>	535241	Westpac Group	Floating Rate Term Deposits	Interest - Received	7,057.53
				<u>Deal Total</u>	<u>7,057.53</u>
	540474	Rural Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Rural Bank	Term Deposits	Interest - Received	5,063.01
				<u>Deal Total</u>	<u>3,005,063.01</u>
				<b>Day Total</b>	<b>3,012,120.55</b>
<b>18-Feb-21</b>	533605	Bank of Queensland	Floating Rate Note	Coupon - Received	7,561.64
				<u>Deal Total</u>	<u>7,561.64</u>
	540126	Westpac Group	Term Deposits	Interest - Received	5,671.23

**Waverley Council****Cashflows Report - February 2021****Current Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<u>Deal Total</u>					<u>5,671.23</u>
<b>Day Total</b>					<b>13,232.88</b>
<b>19-Feb-21</b>	537553	Newcastle Permanent Building Society	Term Deposits	Interest - Received	91,750.68
<u>Deal Total</u>					<u>91,750.68</u>
	540129	Westpac Group	Term Deposits	Interest - Received	5,671.23
<u>Deal Total</u>					<u>5,671.23</u>
<b>Day Total</b>					<b>97,421.92</b>
<b>22-Feb-21</b>	539454	Credit Union Australia	Floating Rate Note	Coupon - Received	3,891.66
<u>Deal Total</u>					<u>3,891.66</u>
<b>Day Total</b>					<b>3,891.66</b>
<b>23-Feb-21</b>	537565	Credit Union Australia	Term Deposits	Maturity Face Value - Received	2,000,000.00
		Credit Union Australia	Term Deposits	Interest - Received	57,682.19
<u>Deal Total</u>					<u>2,057,682.19</u>
	540963	Credit Union Australia	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
<u>Deal Total</u>					<u>-2,000,000.00</u>
<b>Day Total</b>					<b>57,682.19</b>
<b>24-Feb-21</b>	540958	Suncorp Bank	Floating Rate Note	Settlement Face Value - Paid	-1,300,000.00
<u>Deal Total</u>					<u>-1,300,000.00</u>
<b>Day Total</b>					<b>-1,300,000.00</b>
<b>26-Feb-21</b>	536983	Bank Australia	Floating Rate Note	Coupon - Received	4,773.70
<u>Deal Total</u>					<u>4,773.70</u>
	537360	Westpac Group	Floating Rate Term Deposits	Interest - Received	6,075.62
<u>Deal Total</u>					<u>6,075.62</u>
	540170	Westpac Group	Term Deposits	Interest - Received	7,040.00
<u>Deal Total</u>					<u>7,040.00</u>

**Waverley Council**  
Cashflows Report - February 2021



### Current Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
				<u>Deal Total</u>	<u>7,040.00</u>
	540171	Westpac Group	Term Deposits	Interest - Received	3,520.00
				<u>Deal Total</u>	<u>3,520.00</u>
	540172	Westpac Group	Term Deposits	Interest - Received	7,040.00
				<u>Deal Total</u>	<u>7,040.00</u>
<b>Day Total</b>					<b>28,449.32</b>
<b>Net Cash Movement for Period</b>					<b>5,007,558.84</b>

### Next Month Cashflows

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<b>2-Mar-21</b>	538825	Bank Australia	Floating Rate Note	Coupon - Received	6,793.64
				<u>Deal Total</u>	<u>6,793.64</u>
	540603	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	2,987.01
				<u>Deal Total</u>	<u>2,987.01</u>
<b>Day Total</b>					<b>9,780.66</b>
<b>5-Mar-21</b>	539531	Auswide Bank	Term Deposit	Interest - Received	34,000.00
				<u>Deal Total</u>	<u>34,000.00</u>
<b>Day Total</b>					<b>34,000.00</b>
<b>8-Mar-21</b>	536715	Westpac Group	Term Deposit	Interest - Received	47,120.55
				<u>Deal Total</u>	<u>47,120.55</u>
<b>Day Total</b>					<b>47,120.55</b>
<b>9-Mar-21</b>	539571	MyState Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		MyState Bank	Term Deposit	Interest - Received	45,990.41
				<u>Deal Total</u>	<u>3,045,990.41</u>
<b>Day Total</b>					<b>3,045,990.41</b>
<b>10-Mar-21</b>	535380	Commonwealth Bank of Australia	Floating Rate Term Deposits	Interest - Received	8,136.99
				<u>Deal Total</u>	<u>8,136.99</u>
<b>Day Total</b>					<b>8,136.99</b>
<b>16-Mar-21</b>	539581	Suncorp Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Suncorp Bank	Term Deposit	Interest - Received	51,458.63

**Waverley Council**

## Cashflows Report - February 2021

**Next Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<u>Deal Total</u>					<u>3,051,458.63</u>
<b>Day Total</b>					<b>3,051,458.63</b>
<b>23-Mar-21</b>	539589	Suncorp Bank	Term Deposit	Maturity Face Value - Received	6,000,000.00
		Suncorp Bank	Term Deposit	Interest - Received	97,052.05
<u>Deal Total</u>					<u>6,097,052.05</u>
<b>Day Total</b>					<b>6,097,052.05</b>
<b>24-Mar-21</b>	539953	Westpac Group	Term Deposit	Interest - Received	6,435.62
<u>Deal Total</u>					<u>6,435.62</u>
<b>Day Total</b>					<b>6,435.62</b>
<b>25-Mar-21</b>	537651	Newcastle Permanent Building Society	Term Deposit	Interest - Received	70,000.00
<u>Deal Total</u>					<u>70,000.00</u>
<b>Day Total</b>					<b>70,000.00</b>
<b>Net Cash Movement for Period</b>					<b>12,369,974.90</b>

## REPORT

### CM/7.2/21.03



**Subject:** Reconciliation Action Plan (RAP) Advisory Committee - Establishment

**TRIM No:** A14/0173

**Author:** Rebecca Rodwell, Manager, Community Planning and Partnerships  
Annette Trubenbach, Executive Manager, Community Programs

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

#### RECOMMENDATION:

That Council:

1. Establishes a Reconciliation Action Plan Advisory Committee.
2. Adopts the Terms of Reference for the Committee attached to the report.

#### 1. Executive Summary

The Waverley Innovate Reconciliation Plan (RAP) 2019–2021 was launched in December 2019. One of the key deliverables in the document was to establish an external Aboriginal and Torres Strait Islander Advisory Group to provide cultural advice and guidance around the implementation and tracking of the RAP.

#### 2. Introduction/Background

During the development of the RAP, Council engaged a group of local Aboriginal and Torres Strait Islander stakeholders. One of their requests was that Council establish an Aboriginal and Torres Strait Islander Advisory Committee to ensure Aboriginal and Torres Strait Islander people were actively heard, involved and engaged in Council activities and decisions. Although an Aboriginal and Torres Strait Islander Advisory Committee is not mandatory, Reconciliation Australia support the establishment of consultative groups as part of the RAP process.

‘Relationships’ is one of the three priority areas of the RAP document. Our commitment to building relationships is captured in the statement below and the establishment of the RAP Advisory Group will actively support this process:

*‘We aim to build and strengthen our relationships with our Aboriginal and Torres Strait Islander residents, colleagues, key stakeholders, community members, peak bodies and community organisations through practicing respect, reciprocity, consistency, trust and good will to ensure Council listens to the diverse voices within Aboriginal and Torres Strait Islander communities and provides the best services we can to the Waverley community.’*

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 10 October 2019	CM/7.1/19.10	That Council adopts the Innovate Reconciliation Action Plan 2019–2021 attached to this report, noting that forwards from

		the Mayor and RAP Champion are still to be included.
Council 20 August 2019	CM/7.6/19.08	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the draft Innovate Reconciliation Action Plan 2019–2021 (RAP) attached to this report for public exhibition.</li> <li>2. Notes that the draft RAP has been endorsed by Reconciliation Australia.</li> <li>3. Notes that a further report summarising consultation feedback will include a resourcing strategy to enable implementation of the RAP.</li> <li>4. Notes that preliminary costing of cross organisation delivery of proposed RAP actions is estimated to be \$79,000.</li> <li>5. Calls for expressions of interest for an artwork from an Indigenous artist to be featured on the cover of the RAP, and that the Public Art Committee review and choose the successful applicant and artwork.</li> </ol>
Council 14 October 2014	CM/7.6/14.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the consultation feedback Council has received on the draft RAP together with Council officers' suggested responses included in the Consultation Summary (Attachment 1).</li> <li>2. Endorses the Reconciliation Action Plan as detailed in Attachment 3.</li> <li>3. Uses its professional photographs of the representatives of La Perouse Local Aboriginal Land Council in compiling the final version of the RAP, with any relevant permissions obtained.</li> </ol>
Operations Committee 6 May 2014	OCRD.13/14	<p>That the Committee endorses the Draft Reconciliation Action Plan for consultation, subject to the following:</p> <ol style="list-style-type: none"> <li>1. The last paragraph of the section headed 'Background and Definitions' be amended to read: <p>"Waverley Council acknowledges that the La Perouse Local Aboriginal Land Council is the elected body under the NSW Aboriginal Land Rights Act 1983 for Aboriginal Land, culture, heritage and housing in the Waverley LGA. The La Perouse Local Aboriginal Land Council extends from Dover Heights to the Sutherland Shire."</p> </li> <li>2. The following paragraph being added to the end of the section headed 'About Waverley':</li> </ol>

		<p>“In 2013 11 staff members, or 2% of Council’s workforce of 583 people, identified themselves as being from Aboriginal or Torres Strait Islander background. Waverley Council has had one Indigenous Councillor since 1999. Indigenous staff members are entitled to one day leave during NAIDOC week to enable them to participate in National Aboriginal and Islander Day (NAIDOC) celebrations and four staff used their 2013 NAIDOC entitlement as a public holiday.”</p>
--	--	---

#### 4. Discussion

Waverley is an area rich in Aboriginal cultures—both past and present. The Waverley local government area (LGA) has a relatively small number of Aboriginal and Torres Strait Islander people living in the area (less than 300 at the last census), many of whom are passionate, creative, connected and engaged with community members who come from across Australia. Their contribution to a RAP Advisory Committee would be invaluable in supporting the implementation of the Waverley RAP.

Along with Aboriginal and Torres Strait Islander community members living within the Waverley LGA who have cultural connections from elsewhere in Australia, it is also crucial that we have representation from the Bidjigal and Gadigal Elders and knowledge holders, who are the traditional custodians of the Waverley area. Their contribution is crucial in Waverley’s understanding of local cultures, protocols, needs and history.

Local Aboriginal and Torres Strait Islander community groups/organisations will also be invited to participate.

Establishing a balance of people representing these three groups will be important when recruiting for the advisory committee. A range of strategies will be used to promote the opportunity including through Council media channels, Aboriginal and Torres Strait Islander media channels and local networks.

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

The draft ToR propose that the Committee meets quarterly and that community members and community organisations/groups are paid a fee of \$200/meeting. This is to acknowledge the significant demands placed on Aboriginal and Torres Strait Islander people to share their knowledge, information, expertise and culture on an ongoing basis. A budget of up to \$5,000 has been requested for this purpose in the draft 2021–22 operational budget. Once the draft ToR is adopted by Council, recruitment for a new RAP Advisory Committee can commence as soon as possible.

#### 6. Conclusion

This report updates Council on the proposed establishment of the Reconciliation Action Plan (RAP) Advisory Committee and seeks endorsement of the draft Terms of Reference.

#### 7. Attachments

1. RAP Advisory Committee - Draft Terms of Reference [📄](#)





WAVERLEY  
COUNCIL

# **Reconciliation Action Plan Advisory Committee**

## **Terms of Reference**

## RAP Advisory Committee Terms of Reference

Policy owner	Executive Manager, Community Programs
Approved by	Council
Date approved	
Commencement date	
TRIM Reference	A14/0173
Next revision date	2023
Relevant legislation/codes	Waverley Code of Conduct for Council Committee Members and Other Council Officials.  Waverley Code of Meeting Practice
Related policies/procedures/guidelines	Waverley Reconciliation Action Plan
Related forms	

## Table of Contents

<b>1. Acknowledgement.....</b>	<b>4</b>
<b>2. Vision for Reconciliation .....</b>	<b>4</b>
<b>3. Background .....</b>	<b>4</b>
<b>4. Objective.....</b>	<b>4</b>
<b>5. Authority.....</b>	<b>5</b>
<b>6. Membership.....</b>	<b>5</b>
6.1 Appointment of Councillor members .....	5
6.2 Appointment of community members .....	5
6.3 Chair of the Committee.....	6
6.4 Non-voting Invitees .....	6
6.5 Vacancies.....	7
<b>7. Term of Office .....</b>	<b>7</b>
<b>8. Role and Responsibilities .....</b>	<b>7</b>
<b>9. Responsibility of Committee Members.....</b>	<b>8</b>
9.1 Code of Conduct.....	8
9.2 Conflict of Interests .....	8
9.3 Confidential and Personal Information.....	8
9.4 Media Protocol.....	8
9.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors.....	9
<b>10. Establishment of Working Groups .....</b>	<b>9</b>
<b>11 Review of the Terms of Reference.....</b>	<b>9</b>
<b>12. Administrative Arrangements .....</b>	<b>9</b>
12.1 Committee Support.....	9
12.2 Meetings .....	9
12.3 Agendas and Minutes .....	10
12.4 Quorum .....	11
12.5 Voting.....	11
12.6 Induction .....	11
12.7 Remuneration .....	11

## **1. Acknowledgement**

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

Council also acknowledges all the Aboriginal and Torres Strait Islander Elders, community members, and service providers who support our work in Reconciliation.

## **2. Vision for Reconciliation**

The Committee supports Waverley Council's vision for reconciliation where Waverley is to be a vibrant, resilient, caring, and inclusive community where Aboriginal and Torres Strait Islander peoples:

- Practice and celebrate their culture and heritage proudly
- Are honoured for their survival and resilience, and supported to continue to overcome adversity
- Are respected and acknowledged as First Nations peoples with the right to determine their own futures

The Committee supports Waverley Council's commitment to continue to value and protect our environment with respect to Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land and waters.

## **3. Background**

Council adopted its current Reconciliation Action Plan (RAP) in November 2019. The RAP strives to further strengthen and build on the progress and achievements Waverley has made since adopting a Statement of Commitment to Reconciliation in 2000 and its first Reconciliation Action Plan in 2014.

A key deliverable in the current RAP is to establish a collaborative group of external stakeholders, the Reconciliation Action Plan Advisory Committee ('the Committee').

## **4. Objective**

The objective of the Committee is to provide cultural advice, guidance, feedback and support around implementation and monitoring of actions, projects and commitments identified in the RAP.

## 5. Authority

The Committee is an advisory body to Council that assists the Council to fulfil the actions and deliverables in the RAP. The Committee does not have any delegated authority to act on behalf of Council. The advisory status of the Committee means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The Committee is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

## 6. Membership

Committee membership will comprise:

- The Mayor and three Councillors.
- Up to eight community members (a community member may be an individual from the community or a representative of a community organisation).

Should the Mayor decline membership of the Committee, a Councillor nominated by the Mayor shall be appointed to the Committee for the councillor term.

### 6.1 Appointment of Councillor members

The Mayor, or the Mayor's nominee, and the three councillor members must be appointed by resolution of the Council.

The Council may resolve to appoint an alternate Councillor member to the Committee to attend meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

### 6.2 Appointment of community members

The community members may only be appointed to the Committee by resolution of the Council.

The community members shall be sought by way of public advertisement inviting expressions of interest for assessment by a selection panel comprising the Mayor (or the Mayor's delegate) and the Director or officer assigned by the General Manager.

The selection panel will evaluate candidates against the following criteria:

- Traditional Custodians and Elders of the Waverley area
- Aboriginal Peoples and Torres Strait Islander Peoples who live, work or have a connection to the Waverley and surrounding areas.

- Representatives from Aboriginal and Torres Strait Islander community groups and organisations that operate and/or are located within the jurisdiction of the La Perouse Local Aboriginal Land Council.

The selection panel will recommend the community membership to Council for its determination.

### **6.3 Chair of the Committee**

The Mayor (or the Mayor's nominee) is the Chair of the Committee.

The Chair is to have precedence over the control and management of the meetings. In relation to any procedural matter, the ruling of the Chair shall be final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Chair be unable to chair a meeting or part of a meeting, prior to the meeting the Chair will nominate a councillor member of the Panel to chair the meeting. In the case that the nominated Chair does not attend, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting as the case may be.

### **6.4 Non-voting Invitees**

The Committee will issue a standing invitation to the following people to attend meetings of the Committee as non-voting invitees:

- All non-member Councillors
- The General Manager
- All Directors
- The Chief Financial Officer
- The General Counsel

Other Council staff may be invited by the Chair of the Committee to attend meetings as observers, advisors or to provide information and presentations as required.

The Committee may also invite other external parties to provide expert advice, information or presentations as the Committee deems necessary.

Councillors who are not Committee members may attend meetings of the Committee. However, they are not entitled to:

- Give notice of business for inclusion on the agenda of the meeting;
- Move a motion at the meeting; or
- Vote at the meeting.



## **6.5 Vacancies**

A vacancy for a community member of the Committee will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 7 of this Terms of Reference, failure to attend without cause for three consecutive meetings, or removal of the member by resolution of the Council.

Following an expression of interest process for community membership of the Committee, Council may establish a pool of suitable candidates to fill vacancies on the Committee. A candidate may be a member of the pool for a maximum period of 12-months.

Where no pool of suitable candidates is established, vacant community member positions on the Committee must be filled by way of public advertisement inviting expressions of interest for assessment by the selection panel, who will recommend a new member to Council. This will occur as soon as practical within the period of two Panel meetings.

## **7. Term of Office**

Councillor members of the Committee shall hold office for a 12-month term, as determined by Council in September each year.

Community members (individuals and representatives of community organisations) shall hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

Representatives of community organisations are members of the Committee while they are assigned by their organisation and hold their position with the organisation.

Community members may reapply for a second two-year term through the expression of interest process outlined in section 6.2 of this Terms of Reference, provided the total time served on the Committee does not exceed four years.

An individual member will cease to be a member of the Committee if the member has been absent from three consecutive meetings without having given reasons acceptable to the Chair for their absence.

## **8. Role and Responsibilities**

The role of the Committee is to support the implementation of Council's RAP by:

- Providing support to engage the community and facilitate connections.
- Providing cultural advice (where appropriate).
- Promoting a shared knowledge and understanding of Council's commitment to Reconciliation.
- Providing feedback and suggestions around events, activities, projects and documents.

- Identifying suitable funding sources and potential partnership opportunities
- Providing input into the development of Council's Reconciliation Action Plans.

The General Manager may also place before the Committee such other matters as they think fit where the Committee's input may add value.

## **9. Responsibility of Committee Members**

### **9.1 Code of Conduct**

Members of the Committee must comply with Council's *Code of Conduct for Council Committee Members and Other Council Officials* in carrying out their functions as Committee members.

It is the personal responsibility of each Committee member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

### **9.2 Conflict of Interests**

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Committee members at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Committee are not 'designated persons'.

### **9.3 Confidential and Personal Information**

In the course of their work on the Committee, Committee members may be entrusted with sensitive or confidential information about Council's operations.

Committee members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct for Council Committee Members and Other Council Officials*.

Should a Committee member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

### **9.4 Media Protocol**

Committee members must not make public comment, including to the media and on social



media, on any matter related to Waverley Council.

### **9.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors**

All non-voting invitees, observers and non-member Councillors must comply with sections 9.1-9.4 of this Terms of Reference.

## **10. Establishment of Working Groups**

Working groups may be established at the direction of the Chair to address specific issues, or work out the detail of specific initiatives. The Committee may develop briefs for working groups and co-opt people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Committee about action taken, progress made, and recommendations to Council where relevant.

## **11 Review of the Terms of Reference**

The Committee will review its Terms of Reference at least once every two years to ensure it remains current, relevant, and accurately reflects the Committee's composition, role, and responsibilities.

The Committee may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

## **12. Administrative Arrangements**

### **12.1 Committee Support**

The Committee and its Working Groups will be supported by relevant Officers assigned by the General Manager.

### **12.2 Meetings**

The Committee will meet four times per year. The meeting dates for the year shall be set at the beginning of each year.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Committee are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Committee at the discretion of the Chair.

Meetings may be held in person, by telephone or video conference.

Meetings of the Committee will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 12.5 of this Terms of Reference).

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

### **12.3 Agendas and Minutes**

Council officers will provide agenda items and reports for committee meetings in consultation with the Chair of the Committee.

Members may raise other matters within the terms of reference for the Committee for consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Committee of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda. Agenda items put forward must be aligned with the Reconciliation Action Plan.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Committee members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that full and accurate minutes of the proceedings of Committee meetings are kept. The minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The confirmation of the minutes from previous the meeting.
- The Committee's recommendation on each item.
- The time the meeting closed.

The draft minutes must be approved by the Chair of the Committee. The assigned support officer will then circulate the draft minutes to all Committee members, Councillors and relevant staff within 10 business days of the meeting being held.

Draft minutes are not publicly available.

The draft minutes must be confirmed by the Committee at the next available Committee meeting, and subsequently reported to Council for noting and published on Council's website.

If the Committee wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Committee's recommendation for Council's consideration.

## **12.4 Quorum**

A quorum for a meeting of the Committee will be a majority of Committee members, at least two of whom must be a Councillor.

## **12.5 Voting**

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Committee members, by means of a vote, at a meeting of the Committee at which a quorum is present is a recommendation of the Committee.

Voting at a Committee meeting is to be by a show of hands or on the voices.

A member of the Committee is entitled to one vote only on each matter.

In the case of an equality of votes, the Chair of the Committee has a casting vote. Where the Chair decides not to exercise their casting vote, the motion being voted upon is lost.

Whether or not the Chair used their casting vote shall be recorded in the minutes.

## **12.6 Induction**

New members will receive information packs and briefings upon their appointment to assist them to meet their Committee responsibilities.

## **12.7 Remuneration**

Community members of the Committee shall be remunerated for participating on the Committee on a per meeting attended basis at the remuneration level adopted by Council.

## REPORT CM/7.3/21.03



**Subject:** Access and Inclusion Advisory Panel

**TRIM No:** A21/0096

**Author:** Annette Trubenbach, Executive Manager, Community Programs

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

---

### RECOMMENDATION:

That Council:

1. Thanks the following members of the Access Advisory Committee 2014–2021 for their contribution:
  - (a) Nicola Sellman.
  - (b) Mary Doyle.
  - (c) Rachel Lazarov.
  - (d) Ben Alexander.
  - (e) Meredith Coote.
  - (f) Ben Whitehorn.
2. Adopts the Terms of Reference for the Access and Inclusion Advisory Panel (formerly Access Advisory Committee) attached to the report.
3. Notes that the development of the 2022–2026 Disability Inclusion Action Plan will be integrated into engagement activities of the new Community Strategic Plan.

### 1. Executive Summary

The Waverley Access Committee Terms of Reference were developed in 2012 and require review. In partnership with the Committee, Council officers have reviewed the Committee model and Charter in consultation with Committee members to explore options for its future operations. The purpose of the review was to ensure the Committee has a clear strategic purpose and is strengthened in its role of providing meaningful input into Council's planning and decision-making processes.

The Charter, which will now be referred to as the Terms of Reference (ToR), has been updated to provide a contemporary framework and consistent structure which brings it into line with other Council Committees. It will support community and expert provision of advice with improved outcomes for people with a disability in Waverley and for Council.

The name of the Committee will be changed to the *Waverley Access and Inclusion Panel*, to reflect the changes.

## 2. Introduction/Background

Since its inception, the Access Advisory Committee has advised Council on access-related matters to advance the inclusion of people with disability in community life and strengthen the community through diversity actions. The Access Advisory Committee provides strategic advice in the development, implementation and review of Council's policies and practices as outlined in the *Regional Framework – An Inclusive Community for Everyone 2017-2021* and the *Waverley Disability Inclusion Action Plan 2017-2021*.

The current Charter was adopted in 2014 and since this time the Committee has had input into a wide range of Council initiatives, including the development and implementation of Council's first *Disability Inclusion Action Plan 2017-2021* (DIAP). The *Community Development Officer Access and Inclusion* provides administrative support to the Committee.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Operations Committee 1 April 2014	OCRD.8/14	That the Committee:  1. Approve the draft revised Charter for the Waverley Access Advisory Committee, as attached; and  2. Note that an expression of interest process will be advertised to give community members opportunity to apply to participate on the Access Committee.

## 4. Discussion

After reviewing various options and the ToR of other, similar committees, it is proposed the Committee model be replaced with an Advisory Panel that meets three times per year. The Panel is to be made up of four Councillors, including the Chair, and up to eight community members.

It is proposed that Community Panel members are paid a nominal fee for their contribution. Community members may have experience of disability personally, professionally, academically or through a carer/support role.

Updating the ToR provides clear guidance around the purpose and function of the Panel and the role and responsibilities of Panel members.

The updated document provides:

- A clear objective and purpose statement.
- A clear explanation on the key functions and operations of the Panel, including meeting protocol, minutes, agendas and staff resourcing.
- Selection criteria for community members.
- Updated term of office for community members.
- Inclusion of standardised information about:
  - Limited authority.
  - Conflicts of interest.
  - Confidential and personal information.
- Time frames for the review of the ToR.

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

Effective advisory mechanisms support Councils to make informed decisions in the best interests of the community they serve. Attracting knowledgeable and experienced Panel members is vital in ensuring a strong and effective advisory group. Compensating Panel members by way of a nominal fee, helps to attract and retain members by acknowledging the value of their contribution.

It is recommended that a nominal fee of \$200 be paid to each Panel member to attend each of the three Access and Inclusion Advisory Panel meetings in a calendar year. It is also recommended that a small budget be allocated to sustenance for meetings and workshops. It is estimated that the Access and Inclusion Advisory Panel will cost \$6,250 per year. This has been accommodated in the draft 2021–22 operational budget.

Council may also be asked to support individual members with a lived experience of disability to ensure their full participation is enhanced. This, as well as officers' involvement in administering and supporting meetings as described in the document, will be covered in operational budgets.

### **Time frame**

The new Access and Inclusion Advisory Panel Terms of Reference will take effect upon adoption by Council.

### **Consultation**

The updated draft ToR are based on the template developed by Council's Governance team and have been prepared in consultation with current Access Advisory Committee members and Chairperson; the Director, Community, Assets and Operations; and staff in Community Programs. Feedback from Committee members received has been positive.

## **6. Conclusion**

In partnership with the Committee, Council officers have reviewed and updated the Committee model and Terms of Reference to explore options for its future operations. The outcome is an improved framework and structure for a stronger and more meaningful Advisory Panel moving forward.

## **7. Attachments**

1. Access and Inclusion Advisory Panel - Draft Terms of Reference [↓](#)



WAVERLEY  
COUNCIL

# **Access and Inclusion Advisory Panel**

## **Terms of Reference**

## Access and Inclusion Advisory Panel Terms of Reference

Policy owner	Executive Manager, Community Programs
Approved by	Council
Date approved	
Commencement date	
TRIM Reference	A21/0096
Next revision date	2023
Relevant legislation/codes	Waverley Code of Conduct for Council Committee Members and Other Council Officials  Waverley Code of Meeting Practice
Related policies/procedures/guidelines	Randwick and Waverley Regional Disability Inclusion Framework 2017-2021  Waverley Council Disability Inclusion Action Plan 2017-2021
Related forms	Waverley Access and Inclusion Panel Expression of Interest Form



## Table of Contents

<b>Acknowledgement .....</b>	<b>4</b>
<b>1. Objective.....</b>	<b>4</b>
<b>2. Purpose Statement .....</b>	<b>4</b>
<b>3. Authority.....</b>	<b>4</b>
<b>4. Membership.....</b>	<b>4</b>
4.1 Appointment of Councillor members .....	5
4.2 Appointment of community members .....	5
4.3 Chair of the Panel.....	6
4.4 Non-voting Invitees .....	6
4.5 Vacancies.....	6
<b>5. Term of Office .....</b>	<b>7</b>
<b>6. Member Responsibilities .....</b>	<b>7</b>
6.1 Code of Conduct.....	7
6.2 Conflict of Interests .....	8
6.3 Confidential and Personal Information.....	8
6.4 Media Protocol.....	8
6.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors.....	8
<b>7. Establishment of Working Groups and Workshops .....</b>	<b>8</b>
<b>8. Review of the Terms of Reference.....</b>	<b>9</b>
<b>9. Administrative Arrangements .....</b>	<b>9</b>
9.1 Administrative Support .....	9
9.2 Meetings .....	9
9.3 Agendas and Minutes .....	10
9.4 Action Tracking Report.....	10
9.5 Quorum .....	11
9.6 Voting .....	11
9.7 Induction .....	11
9.8 Remuneration .....	11

## Acknowledgement

The Panel acknowledges the Bidjigal and Gadigal people who traditionally occupied the Sydney Coast, and Aboriginal Elders both past and present.

### 1. Objective

The aim of the Panel is to promote an inclusive community and enhance the inclusion and participation of people of all abilities in community life.

### 2. Purpose Statement

The role of the Panel is to:

- Provide input into policy development and review and planning
- Provide input to enhance the inclusion and accessibility of Council infrastructure, facilities, services, events, programs, systems, and information
- Provide advice to Council on how to identify barriers to people's full participation in community life
- Provide input into helping Council keep the broader community informed and engaged in initiatives that promote inclusion
- Assist in the development, implementation and review of the Disability and Inclusion Access Plan, and related actions within the Waverley Community Strategic Plan.

### 3. Authority

The Panel is an advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the Panel means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The Panel is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

### 4. Membership

Panel membership will comprise:

- The Mayor and three Councillors.
- Up to eight community members who have a direct experience of disability either personally, professionally, academically or through a care/support role.

Should the Mayor decline membership of the Panel, a Councillor nominated by the Mayor shall be appointed to the Panel for the councillor term.

A community member is to be appointed as an individual member of the community and not as a representative of an organisation, business, advocacy body, or stakeholder group.

#### **4.1 Appointment of Councillor members**

The Mayor, or the Mayor's nominee, and the three councillor members must be appointed by resolution of the Council.

Council may resolve to appoint an alternate Councillor member to attend Panel meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

#### **4.2 Appointment of community members**

The community members may only be appointed to the Panel by resolution of the Council.

The eight community members shall be sought by way of public advertisement inviting expressions of interest for assessment by a selection panel comprising the Mayor (or the Mayor's delegate), the three councillor members and the Director Community, Assets and Operations or officer assigned by the General Manager.

Applicants may request assistance to submit their expression of interest to become a Panel member. Council's Community Development Officer Access and Inclusion will be available to provide support to interested community members.

An Easy Read version of the Expression of Interest form will be made available.

The selection panel will evaluate the candidates against the following criteria:

- Live, work or have a connection to Waverley of the surrounding area
- Have a direct experience of disability, either personally, professionally, academically or through a care or support role
- Have capacity to contribute views and perspectives that represent, as far as is possible, a diverse range of disability
- Have interest in and the capacity to provide advice on one or more of the following:
  - The built environment and urban planning
  - Social inclusion and civic participation
  - Economic participation
  - Promotion of inclusive attitudes and behaviours
  - The development, implementation and review of Council's strategies, policies and practices.
- Be available to attend meetings out of business hours.

The selection panel will recommend the community membership to Council for its determination.

#### **4.3 Chair of the Panel**

The Mayor (or the Mayor's nominee) is the Chair of the Panel.

The Chair is to have precedence over the control and management of the meetings. In relation to any procedural matter, the ruling of the Chair shall be final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Chair be unable to chair a meeting or part of a meeting, prior to the meeting the Chair will nominate a councillor member of the Panel to chair the meeting. In the case that the nominated Chair does not attend, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting as the case may be.

#### **4.4 Non-voting Invitees**

The Panel will issue a standing invitation to the following people to attend meetings of the Panel as non-voting invitees:

- All non-member Councillors
- The General Manager
- All Directors
- The Chief Financial Officer
- The General Counsel

Other Council staff may be invited by the Chair of the Panel to attend meetings as observers, advisors or to provide information and presentations as required.

The Panel may also invite other external parties to provide expert advice, information or presentations as the Panel deems necessary.

Councillors who are not Panel members may attend meetings of the Panel. However, they are not entitled to:

- Give notice of business for inclusion on the agenda of the meeting;
- Move a motion at the meeting; or
- Vote at the meeting.

#### **4.5 Vacancies**

A vacancy for a community member of the Panel will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 5 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.



Following an expression of interest process for community membership of the Panel, Council may establish a pool of suitable candidates to fill vacancies on the Panel. A candidate may be a member of the pool for a maximum period of 12-months.

Where no pool of suitable candidates is established, vacant community member positions on the Panel must be filled by way of public advertisement inviting expressions of interest for assessment by the selection panel, who will recommend a new member to Council. This will occur as soon as practical within the period of two Panel meetings.

## **5. Term of Office**

Councillor members of the Panel shall hold office for a 12-month term, as determined by Council in September each year.

Community members shall hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

Community members may reapply for a second two-year term through the expression of interest process outlined in section 4.2 of this Terms of Reference, provided the total time served on the Panel does not exceed four years.

An individual member will cease to be a member of the Panel if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

## **6. Member Responsibilities**

It is the responsibility of Panel members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Panel.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Panel.
- Perform tasks agreed by the Panel that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Panel e.g. site visits.

### **6.1 Code of Conduct**

Members of the Panel must comply with Council's *Code of Conduct for Council Committee Members and Other Council Officials* in carrying out their functions as Panel members.

It is the personal responsibility of each Panel member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

## **6.2 Conflict of Interests**

Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Panel members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Panel deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Panel are not 'designated persons'.

## **6.3 Confidential and Personal Information**

In the course of their work on the Panel, Panel members will be entrusted with sensitive or confidential information about Council's operations.

Panel members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct for Council Committee Members and Other Council Officials*.

Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

## **6.4 Media Protocol**

Panel members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

## **6.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors**

All non-voting invitees, observers and non-member Councillors must comply with sections 6.1-6.4 of this Terms of Reference.

# **7. Establishment of Working Groups and Workshops**

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Panel may develop briefs for working groups and co-opt people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Panel about action taken, progress made, and recommendations to Council where relevant.

## **8. Review of the Terms of Reference**

The Panel will review its Terms of Reference at least once every two years to ensure it remains current, relevant, and accurately reflects the Panel's composition, role, and responsibilities.

The Panel may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

## **9. Administrative Arrangements**

### **9.1 Administrative Support**

The Panel and its Working Groups will be supported by relevant Officers assigned by the General Manager.

Council's main contact for the Panel will be the Executive Manager Community Programs, who will initiate communication on behalf of Council with regard to Panel recommendations, maintain a record of advice, and prepare an update for each meeting.

### **9.2 Meetings**

The Panel will meet three times per year in March, June, and September.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Panel are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Panel at the discretion of the Chair.

Meetings may be held in person, by telephone or by video conference.

With the consent of the Chair, a member of the Panel may attend a meeting by electronic means if physically getting to a meeting is difficult.

Meetings of the Panel will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 9.6 of this Terms of Reference).

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

### **9.3 Agendas and Minutes**

Council officers will provide agenda items and reports for Panel meetings in consultation with the Chair of the Panel.

Members may raise other matters within the parameters of the Terms of Reference for Panel consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Panel of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda. Agenda items put forward must be aligned with the Waverley Disability Inclusion Action Plan and Waverley Community Strategic Plan.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Panel members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that full and accurate minutes of the proceedings of Panel meetings are kept. The minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The confirmation of the minutes from previous the meeting.
- The Panel's recommendation on each item.
- The time the meeting closed.

The draft minutes must be approved by the Chair of the Panel. The assigned support officer will then circulate the draft minutes to all Panel members, Councillors and relevant staff within 10 business days of the meeting being held.

Draft minutes are not publicly available.

The draft minutes must be confirmed by the Panel at the next available Panel meeting, and subsequently reported to Council for noting and published on Council's website.

If the Panel wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Panel's recommendation for Council's consideration.

### **9.4 Action Tracking Report**

An Action Tracking Report is to be maintained by Council's Community Programs team. The report will be a standing item on the Panel's agendas. As an item is completed and reported to a Panel meeting, it will be removed from the list of actions in the report.



## **9.5 Quorum**

A quorum for a meeting of the Panel will be a majority of Panel members, at least two of whom must be a Councillor.

## **9.6 Voting**

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Panel members, by means of a vote, at a meeting of the Panel at which a quorum is present is a recommendation of the Panel.

Voting at a Panel meeting is to be by a show of hands or by voices.

A member of the Panel is entitled to one vote only on each matter. In the case of an equality of votes, the Chair of the Panel has a casting vote. Where the Chair decides not to exercise their casting vote, the motion being voted upon is lost.

Whether or not the Chair used their casting vote shall be recorded in the minutes.

## **9.7 Induction**

New members will receive information packs and briefings upon their appointment to assist them to meet their Panel responsibilities.

## **9.8 Remuneration**

Community members of the Panel shall be remunerated for participating on the Panel on a per meeting attended basis at the remuneration level adopted by Council.

## REPORT CM/7.4/21.03



**Subject:** Coronavirus (COVID-19) Business Support Package - Review and Conclusion

**TRIM No:** A20/0258

**Author:** John Coudounaris, Manager, Economic Development

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

### RECOMMENDATION:

That Council:

1. Notes the review of the COVID-19 Business Support Package and measures that have been delivered from 1 March 2020 through to 31 March 2021.
2. Concludes the Business Support Package on 31 March 2021.

#### 1. Executive Summary

The impact of COVID-19 and resulting pandemic restrictions were broadly evident across Waverley's economy throughout 2020. Delivery of the COVID-19 Business Support Package provided both financial and non-financial measures that supported the local business community and assisted in softening the sharp drop in economic activity throughout 2020. Over 1,300 customers benefited from the support, either via direct request to Council or indirectly via fee waivers. While a public health order remains in place across NSW and low-level pandemic restrictions, a range of economic and business activity measures indicate economic recovery has strengthened significantly since a low point of April 2020. The effectiveness of any remaining support measures are no longer considered essential.

Should circumstances change with a localised outbreak, a new COVID-19 variant or the reintroduction of extensive long-term lockdowns via a Public Health Orders, Council can quite swiftly reintroduce a new business support package to support any sudden drops in economic activity.

#### 2. Introduction/Background

The COVID-19 pandemic restrictions resulted in many challenges for Waverley's local economy and local business community. All levels of government, federal, state and local, have worked to support businesses to enable a continuance of vital services to the community and offered financial support to protect as many businesses and jobs as possible. A summary of Federal and State Government support offered to all businesses (small, medium or large) is outlined below.

*Table 1. Federal and State Government support.*

Federal Government	
Job Keeper	Businesses impacted by COVID-19 can access funds to continue paying employees.
Job Seeker	Financial help for those between 22 and Age Pension age looking for

	work.
Job Maker	Up to new \$250 million targeted at jobs in Australia's arts industry will be backed with a package to help restart the creative economy and get the entertainment, arts and screen sectors back to work.
Job Trainer	\$2 billion to give access to new skills by retraining and upskilling in key sectors.
Boosting cash flow for employers	Up to \$100,000 to eligible small and medium-sized businesses, and not-for-profits (including charities) that employ people, with a minimum payment of \$20,000.
Coronavirus SME Guarantee Scheme	A 50% guarantee to small and medium enterprise (SME) lenders for new unsecured loans up to the value of \$250,000 to be used for working capital.
Apprentices & trainees	A wage subsidy of 50% of an apprentice or trainee's wage.
Instant Asset write-off	Threshold of \$150,000 for new or second-hand assets.
Backing Business Investment	A time limited 15-month investment incentive to support investment and economic growth over the short term, by accelerating depreciation deductions.
<b>State Government</b>	
Working for NSW	\$1 billion fund to sustain business, create new jobs and retain employees
Payroll tax deferral	Businesses with payrolls of \$10 million or less received a three-month waiver on payroll tax in the first package.
Rent deferral	Six-month deferral for commercial and not-for-profit tenants with less than 20 employees in all Government-owned properties
Small Business Recovery Grant	Provided up to \$3K to eligible businesses to help rebuild and recover.
Free mental health programs	Training and advice are available for workers, managers and business owners of private sector businesses with less than 200 employees.
COVID-19 land tax relief	Land tax relief for those landlords who have reduced tenants' rent due to COVID-19.
Tax relief	\$1.6 billion in tax relief for small businesses

### Overview of national and regional economy

Australia's economic recovery has emerged faster than previously expected. The unexpectedly fast (yet partial) recovery has been consistent with the pattern seen globally after lockdown measures were lifted, and Australia's relatively better health outcomes. Australia's GDP is expected to grow by around 3.5% over each of 2021 and 2022 as the recovery progresses (source: Reserve Bank of Australia, February 2021).

Consumer confidence as measured across Australia has returned in recent months as heightened restrictions were eased in 2020. Changes in the national retail and hospitality sector (including food and recreation) do have repercussions through Waverley's local economy. These industry sectors currently contain a large proportion of jobs and businesses and thus national consumer confidence indicators are an accurate reflection on consumer confidence locally.

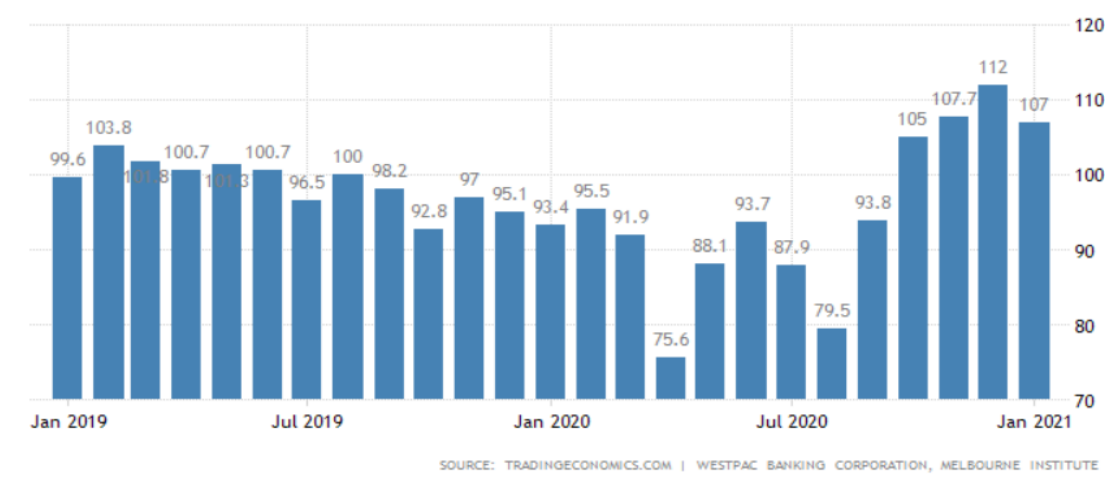


Figure 1. Consumer confidence across Australia (source: Westpac & Melbourne Institute).

### Overview of Waverley economy

The impact of pandemic restrictions was evident across Waverley's economy through a range of indicators. The local business community is predominantly made up of small businesses dominated by industries including retail and hospitality, healthcare and social assistance, professional, scientific and technical services and accommodation and food services. During the height of pandemic restrictions, Waverley's commercial centres experienced a sudden decline in activity—visitation and spending. This was evident through various data sources and indicators that are summarised below:

#### Waverley Gross Regional Product and employment

Waverley continues to improve as pandemic restrictions are eased further. Gross Regional Product has shown strong signs of recovery when comparing the June and September quarters between 2019 and 2020.

April – June 2019 vs 2020	<b>GRP change</b> <b>-24.6%</b> <small>(New South Wales: -13.6%)</small>	<b>Local job change</b> <b>-12.0%</b> <small>(-26.0% including JobKeeper recipients)</small>	<b>Employed resident change</b> <b>-12.2%</b> <small>(-19.8% including JobKeeper recipients)</small>
July – September 2019 vs 2020	<b>GRP change</b> <b>-2.1%</b> <small>(New South Wales: -3.9%)</small>	<b>Local job change</b> <b>-5.4%</b> <small>(-5.9% without the JobKeeper scheme)</small>	<b>Employed resident change</b> <b>1.9%</b> <small>(-1.3% without the JobKeeper scheme)</small>

Figure 2. Waverley Economic Indicators (GRP, Jobs, Employed residents (source: Economy ID)

The estimated number of jobs in Waverley declined sharply in industries impacted by COVID-19 until June 2020 yet showed signs of recovery by September 2020. While most recent data remains unavailable at the time of compiling this report, other indicators support the idea that job losses in these industries would have begun to reverse.

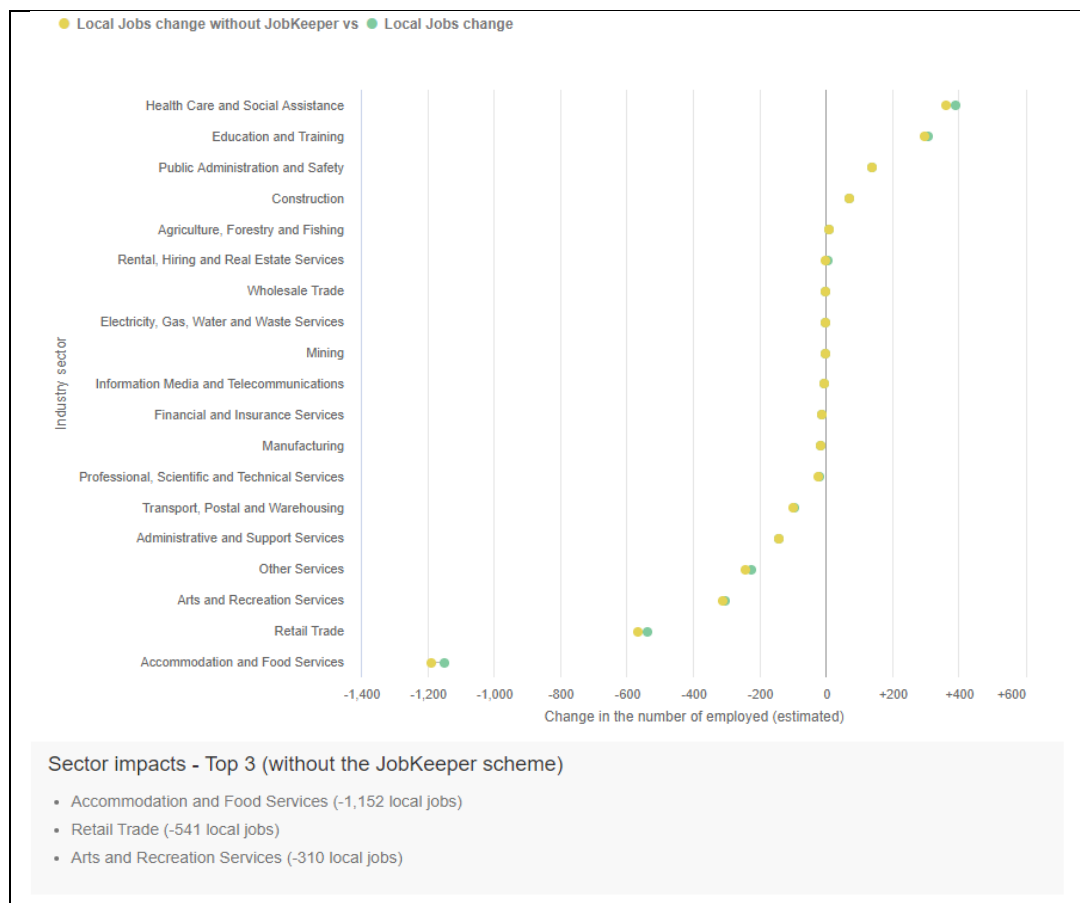


Figure 3. Waverley jobs losses and gains September 2020 vs September 2019 (source: ID – National Institute and Industry Research).

### Waverley visitation

Visitation to Waverley's key commercial centres declined once pandemic restrictions were introduced however, recovery has begun emerging strongly. The analysis below relies on numerous smart sensors and data sources which were grouped to monitor changes and measure daily activity in public spaces and commercial centres alike. The sources included, pedestrian foot traffic measured through our public Wi-Fi system, volume of waste measured through our public smart bins, and vehicular movements across Council owned car parks measured through our smart parking sensors.

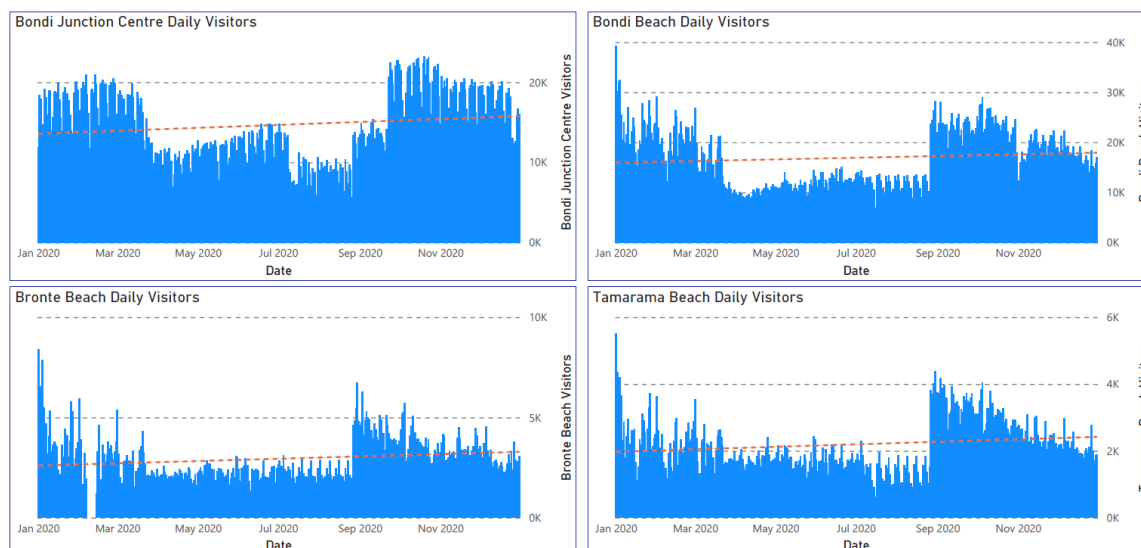


Figure 4. Daily visitor statistics (source: Waverley Council).

### Commercial centre spending

Spending across Waverley's commercial centres has recovered since April 2020 when the sharpest decline was recorded. A key indicator in determining the health of Waverley's economy and commercial centres is through consumer spending. Data analysis over 24 months from January 2019 to December 2020 indicates a recovery across most industry sectors. It is noted however that information was unavailable as to the number of businesses that have already closed during this period and a small number further closures are forecast once the federal Government concludes the business support package.

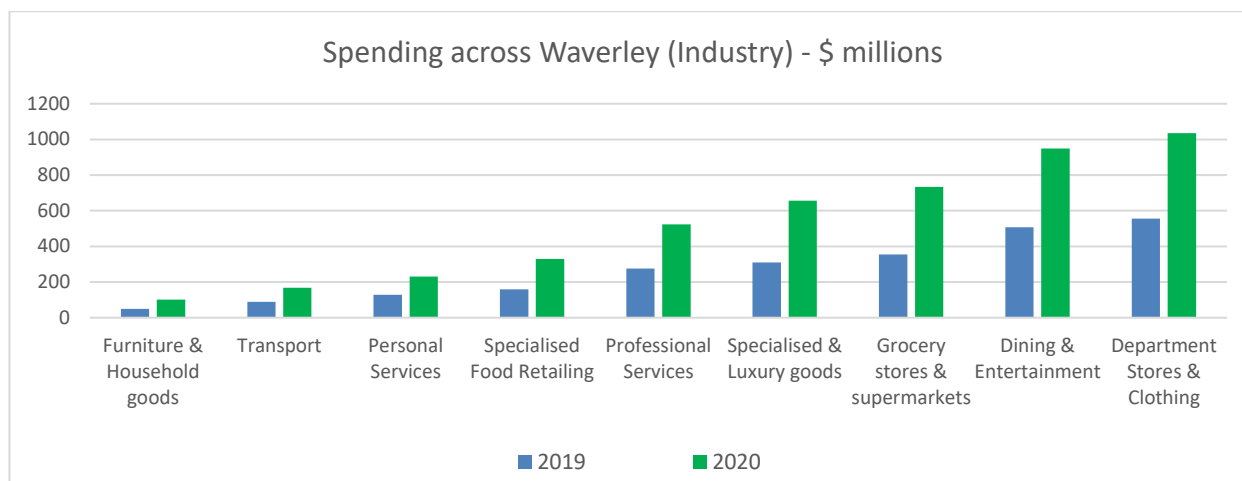


Figure 5. Total local spend – All categories (source: Spendmapp).

Every single industry category recorded a significant rise in spending between 2019 and 2020. Multiple factors contributed including increase in local spending due to pandemic restrictions and closed national and state borders.

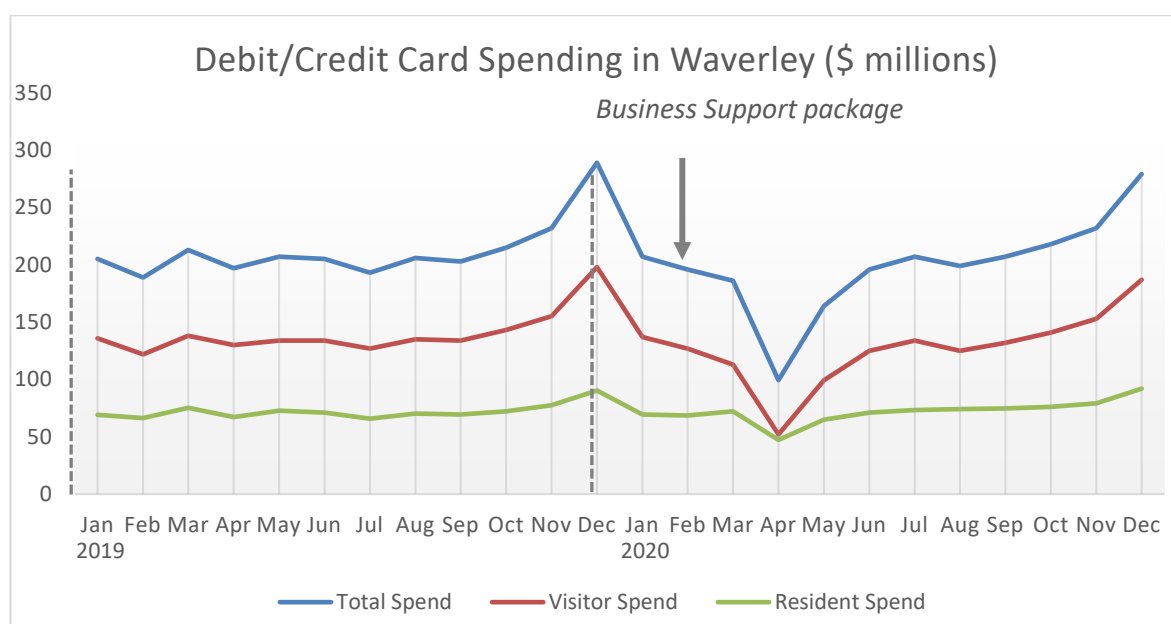


Figure 6. Total local spend – Dining and entertainment (source: Spendmapp).

## Occupancy

An audit of ground level tenancies across all commercial centres in Waverley was undertaken to determine occupancy levels. Results indicate that on average Waverley commercial centres have experienced a marginal decline from 92.7% in August 2020 down to 91.2% in February 2021. Local real estate agents have indicated a significant amount of activity occurring in relation to vacating and re-leasing tenancies. The amount of market demand however is not enough to fill the supply of vacancies emerging. Analysis has not been undertaken in the decrease of commercial rents observed or volume of new tenancies signed.

Table 2. Occupancy (source: Waverley Council).

Commercial Centre	Occupancy % August 2019	Occupancy % February 2020	Occupancy % August 2020	Occupancy % February 2021
Charing Cross	89.6	88.0	89.2	86.4 ↓
Macpherson St	94.3	91.3	92.0	88.1 ↓
Bondi Rd	94.1	94.7	94.6	93.1 ↓
Bronte Beach	100	100	100	100
Rose Bay	94.1	95.2	94.1	92.6 ↓
Bondi Junction	89.2	90.0	88.8	86.3 ↓
Bondi Beach	93.1	92.2	90.2	91.7 ↑
Waverley (average)	93.8	93.0	92.7	91.2 ↓

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 September 2020	CM/7.7/20.09	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the review of the short-term COVID-19 Business Support Package and measures that have been delivered from 1 March 2020 through to 30 September 2020.</li> <li>Continues the Business Support Package as amended in this report from 1 October 2020 to 31 March 2021, or until such earlier time as determined by Council.</li> <li>Delegates authority to the General Manager to suspend any measures in the Business Support Package, other than those relating to the Fees and Charges, in response to changes in the status of the COVID-19 pandemic situation.</li> <li>Notes the continued suspension of rent for community tenants until 31 December 2020.</li> <li>Discounts rent for community tenants by 50% from 1 January 2021 to 31 March 2021.</li> </ol>

		<ol style="list-style-type: none"> <li>6. Discounts the licence fees for the Oxford Street Mall markets and the Roscoe Street markets by 50% from 1 January 2021 to 31 March 2021.</li> <li>7. Introduces a 50% discount COVID-19 Small Business Support category into Council's Fees and Charges to apply to the following fee from 1 January 2021 to 31 March 2021, with the same criteria as the \$0 (fee waiver) COVID-19 Small Business Support category: <ol style="list-style-type: none"> <li>(a) Footpath seating.</li> </ol> </li> <li>8. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges as follows from 1 October 2020 to 31 March 2021: <ol style="list-style-type: none"> <li>(a) Remove the following fee from the category: <ol style="list-style-type: none"> <li>(i) Mobile vendor licences.</li> </ol> </li> <li>(b) Retain the following fee in the category: <ol style="list-style-type: none"> <li>(i) Fitness permits.</li> </ol> </li> </ol> </li> </ol>
Council 21 July 2020	CM/7.5/20.07	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the review of the short-term COVID-19 Business Support Package and measures that have been delivered from 1 March through to 30 June 2020.</li> <li>2. Notes the continuation of the COVID-19 Business Support Package and amended measures over the medium term from 1 July through to 30 September 2020.</li> <li>3. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to add the following fee category: <ol style="list-style-type: none"> <li>(a) Footpath dining fees.</li> </ol> </li> <li>4. Amends the \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to remove the following fee category: <ol style="list-style-type: none"> <li>(a) All fees for licence inspections.</li> </ol> </li> </ol>
Council 5 May 2020	CM/7.1/20.05(1)	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that, as a result of the <i>Local Government (General) Amendment (COVID-19) Regulation 2020</i> ('Regulation'), Council is not required to publicly exhibit a proposed category in its Fees and Charges that waives or reduces fees if the category relates to a</li> </ol>



		<p>response to the COVID-19 pandemic.</p> <ol style="list-style-type: none"> <li>2. Notes that Council has recently resolved to exhibit a COVID-19 Small Business Support category.</li> <li>3. Does not exhibit the COVID-19 Small Business Support category.</li> <li>4. Introduces the \$0 (fee waiver) COVID-19 Small Business Support category into Council's Fees and Charges to apply to the following fees: <ol style="list-style-type: none"> <li>(a) All fees for licence inspections.</li> <li>(b) Fitness permits fees.</li> <li>(c) Mobile vendor licence fees.</li> </ol> </li> <li>5. Adopts the following criteria for the COVID-19 Small Business Support category: <ol style="list-style-type: none"> <li>(a) Recipients must be small businesses (according to the ATO definition) or registered not-for-profit organisations.</li> <li>(b) The Business Support Package is in effect.</li> </ol> </li> </ol>
Extraordinary Council 7 April 2020	CM/4.2/20.04E2	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the short-term COVID-19 Business Support Package and the measures contained therein as outlined in this report.</li> <li>2. Notes that a review of the operation of the package will be carried out by staff on or before 30 June 2020.</li> <li>3. In accordance with sections 610E and 610F of the <i>Local Government Act 1993</i>, publicly exhibits for 28 days: <ol style="list-style-type: none"> <li>(a) The introduction of a \$0 (fee waiver) COVID-19 Small Business Support category in Council's Fees and Charges to apply to the following fees: <ol style="list-style-type: none"> <li>(i) All fees for licence inspections.</li> <li>(ii) Fitness permits fees.</li> <li>(iii) Mobile vendor licence fees.</li> </ol> </li> <li>(b) The following criteria for the COVID-19 Small Business Support category: <ol style="list-style-type: none"> <li>(i) Recipients must be small businesses</li> </ol> </li> </ol> </li> </ol>

		(according to the ATO definition) or registered not-for-profit organisations.
		(ii) The Business Support Package is in effect.
		4. Notes that it has resolved to turn off the on-street parking meters throughout the Waverley local government area from Wednesday, 8 April 2020, to 30 June 2020.
		5. Authorises the operation of the Business Support Package until 30 September 2020 or until such earlier time as determined by Council.
		6. Notes that Table 2 of the report contains a summary of the Business Support Package as follows: ...

#### 4. Discussion

Council has implemented a range of financial and non-financial measures to support the local business community, specifically small businesses since March 2020. The COVID-19 Business Support Package has included fee waivers and billing cessation for services that cannot be used, flexible billing and extended credit terms, and contract and service reductions. Alongside this, a buy-local campaign was been introduced in conjunction with the Chamber of Commerce and Council has also provided support, in addition to measures such as accelerated payment and rent relief for relevant suppliers and tenants. Customer service and support mechanisms were established to deliver the Council's package and help steer businesses toward NSW and Commonwealth Government assistance. The measures Council introduced were based on consultation with the Chamber of Commerce and were realistic when assessing that many businesses were unable to use or pay for several of the services Council provides to businesses. It was considered that in the circumstances, billing and collection action by Council was unlikely to be helpful or effective. The measures provided are outlined in the table below.

*Table 3. Long-term package review.*

Measure	Revenue of Council	Review	Responsible Team
<b>Financial</b>			
Licence inspections	< 1% of revenue	Fee waivers were applied and reinstated from 21 July 2020	Compliance
Fitness permits	< 1% of revenue	Fee waivers were applied to outdoor fitness permits	Events
Mobile vending	< 1% of revenue	Fee waivers were applied to mobile vendor permits	Property & Facilities
Footpath seating	-	Fees suspended as businesses have been unable to trade on the footpath.	Property & Facilities
Markets	-	Fees suspended as markets were suspended.	Property & Facilities

Community tenants	-	Community tenants that had ceased operating had their rent suspended.  NB Randwick community transport continuing to operate essential service.	Property & Facilities
Commercial, retail and strata (small business)	-	Rent was suspended for small businesses on case by case basis.	Property & Facilities
Pavilion tenants	-	No support offered as building closed on 4 May; Except for one tenant assisted as they were unable to trade as a result of beach closure.	Property & Facilities
Residential leases	-	Support granted on a case-by-case basis.	Property & Facilities
External hirers of community venues	-	All hirers have ceased operation and no fees are payable.	Property & Facilities
Licensed sporting groups	-	Fees suspended to sporting clubs under a license, due to closure of sporting facilities	Property & Facilities
On-street parking	15% of revenue	On-street parking in commercial centres has focused on infringements where community safety access is a risk.	Compliance
Commercial waste	2% of revenue	Commercial waste fees and charges have been adjusted to reflect level of service or granted extended credit terms.	Waste & Cleaning
Council suppliers	Reduces councils cash holdings	Council has been paying small business suppliers promptly within 15 days payment terms.	Finance
Credit extensions	32% of revenue	Extended credit on certain fees and charges granted to small businesses with a suspension of interest charges.	Finance
Hardship policy	Reduces Council's cash holdings	Financial hardship policy granted applicants with varying forms of assistance on case by case basis.	Finance
<b>Non-financial</b>			
Take-away trade	N/A	Relaxed conditions of consent for restaurants to enable trade as takeaway-only services.	Compliance
Relaxed hours of operation	N/A	Relaxed operating hours for all supermarkets and grocers to ensure a continual supply and restock of products (now a Govt. requirement)	Compliance
Public works	N/A	Continuation of Council's current capital works program to support employment in the construction sector.	Major Projects

Buy local	N/A	The free online directory has to date enabled over 250 local businesses to register, list and promote their revised business offerings during restrictions. Over 6,000 people visited the website.	Economic Development and Chamber of Commerce
Procurement	N/A	Council procurement from local suppliers if consistent with statutory procurement regulations and prescribed delegations.	Procurement
Business Response Support Group and issues register	N/A	Local businesses have had the opportunity to contact Council via dedicated business email. Between March and September 2020, approximately 130 different enquires were received. They related to existing permit obligations, fees, referral to other government agencies, grants, rental assistance and legal advice and financial hardship opportunities.	Economic Development and Chamber of Commerce

Waverley's local economy and local business community have shown strong signs of recovery. Evidence of this recovery is indicative in data analysis in previous sections and reinforced by the Federal Governments intentions to conclude the job keeper stimulus package. Recovery is expected to continue as Australia has begun a country wide vaccination some level of normality is expected by the end of 2021. While the recovery continues, Waverley is fortunate that the local business community have not experienced further economic strain from restrictions introduced in Sydney's Northern Beaches or across Melbourne.

It is therefore considered reasonable based on the available information and subsequent analysis, that the business support package has served its purpose and supported the Waverley business community, particularly small businesses through one of the most difficult periods. Conclusion of this support package does not limit the reintroduction of any new business support packages in the future should unforeseen circumstances arise.

#### **Short-term (0-3 months) – 1 March to 21 July 2020**

The short-term phase of the COVID-19 Business Support Package provided both financial and non-financial measures. Over 1,140 customers have benefited from the support either via direct request to Council or indirectly via fee waivers.

Council also turned off parking meters and eased parking enforcement for a period until it was apparent that such measures were no longer supporting businesses.

#### **Medium-term (3–6 months) – 22 July to 30 September 2020**

The medium-term phase of the COVID-19 Business Support Package provided ongoing both financial and non-financial measures. These measures offered ongoing support to key industries in Waverley that were most impacted by Covid-19 pandemic restrictions. Over 1215 customers have now benefited from the support either via direct request to Council or indirectly via fee waivers since March 2020.

#### **Long Term (6-12+ months) – 1 October 2020 to 31 March 2021**

The long-term phase of the COVID-19 Business Support Package maintained both financial and non-financial measures as was offered in the short and medium-term periods. The amount of support was gradually declined as economic indicators have improved and focused on key industries in Waverley that were most impacted by Covid-19 pandemic restrictions including food dining and health and well-being.

Over 1,300 customers have now benefited from the support, either via direct request to Council or indirectly via fee waivers since March 2020.

A summary of assistance provided between March 2020 and March 2021 is outlined below:

*Table 4. Total customers supported and revenue foregone 1 March 2020 to 31 March 2021.*

Category	No. of customers	Revenue Forgone \$
Parking meters	-	1,800,990
Outdoor seating	146	766,062
Rent relief	34	542,958
Reduced commercial waste services	300	496,203
Parking stations	-	377,579
Cancelled commercial waste services	57	79,475
Sports club licence	9	75,939
Other fee waivers (venue hire and public health licence)	155	54,983
Affordable housing	6	46,564
Fitness permits	26	33,643
Credit extension applied	253	0
Suppliers access early payment scheme	315	0
<b>Total</b>	<b>1301</b>	<b>\$4,274,396</b>

A majority of local businesses capable of trading appear to have now recommenced trading as normal while minor restrictions still remain. Spending in the local economy has begun indicating a recovery, numerous hospitality and retail-based businesses remain limited in the volume of people permitted in a premise at any time albeit more people. While some challenges remain, these are considered minor by comparison to those faced during the first initial lockdown. Customers no longer face extensive queues which is attributed to a relaxation of social distancing measures.

As part of the State-Government-mandated local response and recovery arrangements, Council staff continue working with police, NSW Health and Woollahra Council representatives on recovery planning. This work may be used to inform NSW Government planning and recovery arrangements. Any matters requiring Council sign off will be reported as the work continues to take shape based on the evolving needs of the community.

The degree of uncertainty which remains in relation to the scaling back of pandemic restrictions is diminishing as a significant resurgence of COVID-19 cases seems less likely as vaccinations continue to rise. Longer-term solutions are continually being considered and implemented. These measures work to support small businesses most impacted by COVID-19.

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

No further financial impacts are anticipated to the organisation as the business support package is recommended to conclude 31 March 2021.

A breakdown of the financial impacts has been outlined in the previous section.

The conclusion of the support package was consulted with the Bondi and Districts Chamber of Commerce and the Financial Hardship Assessment Committee. It was agreed that ongoing support would be best

focused on recovery planning in the months and years ahead depending on the evolving needs of the local business community, in addition to health and well-being of the community.

## **6. Conclusion**

The local business community continue to move through recovery, remaining only marginally impacted by the pandemic restrictions compared to pre-COVID baseline data analysis. The short-term and medium-term business support packages have provided some relief alongside the Federal and State government stimulus packages and addressed some of the immediate needs of local businesses who requested help from Council. The purpose of the package to economically support the local business community through a sudden downturn was considered successful. Council will continue offering ongoing support through recovery planning to enable businesses to position themselves towards ongoing recovery over the longer-term.

## **7. Attachments**

Nil.

**REPORT**  
**CM/7.5/21.03**

**Subject:** Venue Hire Grant Application - Eastern Suburbs Branch of the NSW Justices Association

**TRIM No:** A20/0561

**Author:** Chris Giles, Co-ordinator, Community Venues

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

---

**RECOMMENDATION:**

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2020–21, grants \$523 in financial assistance to the Eastern Suburbs Branch of the NSW Justices Association for the hire of a meeting room at Waverley Library for the period up to 31 December 2021.

**1. Executive Summary**

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

A grant application has been received from the Eastern Suburbs Branch of the New South Wales Justices Association, which has applied to hold a monthly two-hour meeting to allow branch members to meet and discuss matters affecting the provision of Justice of the Peace services and to allow desk volunteers to share their experiences. This also provides a forum for discussion and training requests.

Officers have assessed the current application for a Venue Hire Grant and recommend that a grant be approved to the total value of \$523.

**2. Introduction/Background**

Council provides a range of community venues and meeting spaces that support a diverse range of community services and activities. The Venue Hire Grant Program aims to support groups that provide identifiable social, recreational and cultural benefits to Waverley's community.

Council supports not-for-profit organisations whose work in the community fosters positive relationships within the local government area by providing activities and programs that improve people's quality of life.

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

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 12 April 2017	CM/7.10/17.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>Introduces a Venue Hire Grant Program under s 356 of the <i>Local Government Act</i> to provide financial assistance to community groups to support the cost of hiring Council's community venues, commencing 1 July 2017.</li> <li>Under s 356 of the <i>Local Government Act</i>, provides the financial assistance as set out in Attachment 1 to this report to support those listed organisations with venue hire costs until 30 June 2017.</li> </ol>

### 4. Discussion

A Venue Hire Grant application has been received from Eastern Suburbs Branch of the New South Wales Justices Association, which has applied to use Waverley Library's Theatrette for its regular hire throughout 2021. The group meet for a two-hour booking, once a month. Historically, the Eastern Suburbs Branch of the New South Wales Justices Association has been successfully awarded an annual Venue Hire Grant since the program was introduced in 2017.

The group is a not-for-profit organisation that provides a community service through the provision of Justice of the Peace services to the local Waverley community, by operating Justice of the Peace Desks at the Customer Service Centre and Waverley Library.

The monthly branch meeting held in the Waverley Library Theatrette allow branch members to meet and discuss matters affecting the provision of Justice of the Peace services and allows desk volunteers to share their experiences, and also provides a forum for discussion and training. This forum is also open to members of the community.

Council officers have assessed the grant application received against a set of qualifying criteria, which to provide consistency of approach has been closely aligned to the criteria used by the Council's Small and Community Grants Programs.

#### Eligibility

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

#### What activities won't be supported?

Council will not consider applications for activities:

- With an exclusive religious or political purpose.
- That are part of the core responsibilities of schools or tertiary education institutions.
- That duplicate existing programs.
- That directly contravene Council policy.



- Proposed by applicants who have outstanding debts or have overdue grant acquittal requirements to Waverley Council. Other grants and support being received by applicants will be considered in assessments.
- Proposed by for-profit groups/organisations.

### **Assessment criteria**

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

- Evidence of financial hardship provided.
- Provide critical support services, such as services for frail aged residents.
- Evidence that the activity will benefit Waverley residents.
- Evidence that the group can carry out the planned activity, e.g. relevant experience.
- Suitability of the proposed activity for, and in keeping with, the primary purpose of the venue requested.
- Description of the community benefits the applicant expects the activity will provide and its alignment with Council's Community Strategic Plan 2018–29.

### **Conditions**

- Groups are required to acknowledge Council support in any promotional materials for their activities.
- Groups acknowledge that the grant constitutes in kind support and no funds are directly payable.

After assessing the Eastern Suburbs Branch of the New South Wales Justices Association application against the above criteria, it is recommended that Council provides assistance of \$523 to cover Venue Hire fees in full.

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

The total value of financial assistance for Eastern Suburbs Branch of the New South Wales Justices Association is \$523 up to the 31 December 2021.

If approved, the applicant will be notified of the outcome of their application by letter.

### **6. Conclusion**

This report recommends that Council approves a Venue Hire Grant for the Eastern Suburbs Branch of the New South Wales Justices Association to the value of \$523 for the period up to 31 December 2021.

### **7. Attachments**

Nil.

## REPORT CM/7.6/21.03



**Subject:** Venue Hire Grant Application - Pound Paws

**TRIM No:** A20/0561

**Author:** Shaun Munro, Manager, Events

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

---

### RECOMMENDATION:

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2020-21, grants \$6,195 in financial assistance to Pound Paws Incorporated for venue hire for its one-off market event in Bondi Park (North) on 16 May 2021.

#### 1. Executive Summary

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

Pound Paws Incorporated has submitted a grant application, requesting support for a three-hour community-focused market event to educate the community about pet adoption and responsible pet ownership, providing a fun day out, and supporting local business.

Officers have assessed the current application for a Venue Hire Grant and recommend that a grant be approved to the total value of \$6,195.

#### 2. Introduction/Background

Council provides a range of community venues and meeting spaces that support a diverse range of community services and activities. The Venue Hire Grant Program aims to support groups that provide identifiable social, recreational and cultural benefits to Waverley's community.

Council supports not-for-profit organisations whose work in the community fosters positive relationships within the local government area by providing activations and programs that improve people's quality of life.

Venue Hire Grant applications can be submitted at any time throughout the year. This allows Council to support one-off community events that utilise venues, as well as assist regular hirer groups that intend to use the venues on an ongoing basis.

Pound Paws is a well-established and highly regarded animal care and welfare organisation that undertakes a range of work with domestic dogs and dog owners. The Pound Paws Day market events are their major community-facing/outreach events.

A 2019 event was held in Bondi Pavilion. A 2020 event was also scheduled to be held in Bondi Pavilion in April but was cancelled due to the onset of the COVID-19 pandemic.

Pound Paws Incorporated received a Small Grant of \$4,250 for the 2020 event through Council's Small Grants Program 2019–20 (Round 1). The event was intended to take place in the Bondi Pavilion. Now that the Bondi Pavilion is no longer available for use, Bondi Park (North) is the most suitable alternative venue.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 10 October 2019	CM/7.1/19.10	That Council, under the Small Grants Program 2019–20 (Round 1), grants \$43,350 to the individuals and organisations set out in Table 1 of this report, with conditions where specified in Attachment 1 to this report.
Council 12 April 2017	CM/7.10/17.04	That Council: <ol style="list-style-type: none"> <li>Introduces a Venue Hire Grant Program under s 356 of the <i>Local Government Act</i> to provide financial assistance to community groups to support the cost of hiring Council's community venues, commencing 1 July 2017.</li> <li>Under s 356 of the <i>Local Government Act</i>, provides the financial assistance as set out in Attachment 1 to this report to support those listed organisations with venue hire costs until 30 June 2017.</li> </ol>

### 4. Discussion

Pound Paws Incorporated has submitted a Venue Hire Grant application for the use of Bondi Park (North) for a 2021 Pound Paws Day market event.

A not-for-profit organisation, Pound Paws has previously been awarded a Venue Hire Grant to support its 2019 event in Bondi Pavilion Amphitheatre. Following a successful event in 2019, Pound Paws applied for, and was awarded, a Small Grant from Council for a 2020 event. This was cancelled due to COVID-19. Given the current closure of Bondi Pavilion for restoration and conservation, Bondi Park (North) has been deemed the most suitable replacement venue for a 2021 event.

Due to the hire fees being higher for Bondi Park, the Small Grant awarded will no longer cover the hire fees. Pound Paws has now applied for a Venue Hire Grant to cover these costs.

To maintain a consistent approach, Council officers have assessed the application received against a set of qualifying criteria closely aligned to those used by Council's Small and Community Grants Programs.

#### Eligibility

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

#### What activities won't be supported?

Council will not consider applications for activities:

- With an exclusive religious or political purpose.
- That are part of the core responsibilities of schools or tertiary education institutions.

- That duplicate existing programs.
- That directly contravene Council policy.
- Proposed by applicants who have outstanding debts or have overdue grant acquittal requirements to Waverley Council. Other grants and support being received by applicants will be considered in assessments.
- Proposed by for-profit groups/organisations.

### **Assessment criteria**

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

- Evidence of financial hardship provided.
- Provide critical support services, such as services for frail aged residents.
- Evidence that the activity will benefit Waverley residents.
- Evidence that the group can carry out the planned activity, e.g. relevant experience.
- Suitability of the proposed activity for, and in keeping with, the primary purpose of the venue requested.
- Description of the community benefits the applicant expects the activity will provide and its alignment with Council's Community Strategic Plan 2018–29.

### **Conditions**

- Groups are required to acknowledge Council support in any promotional materials for their activities.
- Groups acknowledge that the grant constitutes in kind support and no funds are directly payable.

Assessing the Pound Paws application against the above criteria, it is recommended that Council provides assistance to Pound Paws to cover venue hire fees in full.

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

### **Financial impact**

The value of the venue grant does not represent an actual cost to Council's operational budget.

### **Consultation**

Parks and Open Spaces staff have been consulted and no issues have been identified with holding this event.

If approved the applicant will be notified of the outcome of their application by letter.

## **6. Conclusion**

It is recommended that Council approves a Venue Hire Grant for Pound Paws Incorporated to the value of \$6,195 for the period up to 31 December 2021.

## **7. Attachments**

Nil.

**REPORT  
CM/7.7/21.03**

**Subject:** NSW Shark Management Strategy Consultation

**TRIM No:** A09/0347

**Author:** Sam McGuinness, Executive Manager, Environmental Sustainability

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

---

**RECOMMENDATION:**

That Council:

1. Supports shark management options that reduce or eliminate impacts on marine biodiversity.
2. Endorses the response to the NSW Shark Management Strategy survey attached to the report.

**1. Executive Summary**

In October 2015, the NSW Government commenced a \$16 million Shark Management Strategy in response to increased human-shark interactions, particularly on the NSW North Coast. This report recommends that Council endorses a survey response for shark mitigation strategies that minimise or limit the harm on the marine environment.

**2. Introduction/Background**

As part of the NSW Government Shark Management Strategy, a range of options have been trialled and researched on how to ensure beach goes safety while minimising impacts on marine biodiversity. These include:

- Drones.
- SMART drumlines.
- Shark listening stations.
- Shark meshing/nets.
- Helicopters.
- Personal protection.
- Clever Buoys.
- Barriers.

In the Waverley local government area (LGA), there are two main shark management strategies in place. The shark meshing program was introduced in 1937 and currently involves the positioning of two separate nets at Bondi and Bronte that are 150 m long, 6 m high and sit in a depth of around 10 m. These nets are not comprehensive in their coverage, as Bondi Beach is approximately 1000 m long, Bronte is 220 m long and Tamarama is 90 m long. There is also a shark listening buoy at Bondi Beach. The device can detect a shark that has been tagged as part of the NSW SMART drumline program, whereby target sharks (White sharks, Bull sharks and Tiger sharks) are tagged and released. When a shark is detected, an electronic alert is sent out.

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

Nil.

### **4. Discussion**

The outcomes of the NSW Shark Management Strategy have provided significantly more research and understanding of shark behaviour and movement. The research presented from the NSW Shark Management Strategy shows that the number of sharks detected at Bondi is significantly lower when compared to locations on the North Coast of NSW. For example, the Bondi listening buoy detected 10 White sharks and 14 Bull sharks between April 2019 and March 2020 compared with 140 White sharks at South West Rocks. This reflects the number of shark interactions that have occurred in NSW with multiple interaction on the North Coast of NSW, while in the Waverley LGA the most recent incident was a very serious but non-fatal interaction at Bondi Beach.

A major development of the Shark Management Strategy is the introduction of SMART Drumlines, which have provided the NSW Department of Primary Industries with valuable data on the enormous range that sharks travel in NSW and beyond. The continuation of this research is supported although due to the lower shark numbers it is not supported in the Waverley area.

The use of drones has been found to be able to detect the presence of sharks. While the Council submission supports some use of drones, this must be considered as part of their limitations in terms of weather, use near people and aerospace, expense and time limitation. If drone use is expanded, their use in the Waverley area should be integrated as part of the professional lifeguard program where they can be utilised as required year-round.

Potentially the most contentious aspect is the use of shark meshing at NSW beaches in Sydney, the Hunter and Wollongong. While there is a perception that shark meshing improves bather or surfer safety, it is unlikely that this is the case. The outcomes of research show that from 2009 to 2019 in the Sydney South region, 19 sharks dangerous to humans were caught (14 died) while 140 non-target sharks were caught as well as six marine mammals, including one dugong and 15 turtles. Most animals caught died. Council sees this as unacceptable. Many of the species are listed as threatened species such as the Grey Nurse shark, which is commonly sighted in the area. For this reason, the Council response to the survey is that shark meshing is no longer supported.

Council officers have drafted a survey response, which is attached to this report. This response is proposed to be submitted via the online survey.

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

There is no financial impact in responding to this survey.

The online survey needs to be submitted by 28 March 2021.

The Executive Manager, Cemetery and Lifeguards, and the Manager, Lifeguard Services and Beach Safety, have been consulted in preparing this response.

### **6. Conclusion**

The NSW Department of Primary Industries (DPIE) is consulting on the five-year Shark Management Strategy completed in 2015. Council officers have drafted feedback that supports shark mitigation options that minimise impacts on marine biodiversity. This includes not supporting the continuation of shark meshing at Bondi and Bronte Beach.

**7. Attachments**

1. Survey response [↓](#)

# Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW

---

## Q1

### Preferred Shark Mitigation Measures in NSW Survey

This survey is being conducted by the University of Wollongong and Charles Sturt University on behalf of the NSW Department of Primary Industries (**DPI**).

You are invited to complete a survey and share your views on shark mitigation measures in NSW.

#### **Researchers:**

**Dr Clifford Lewis, Charles Sturt University**

**Associate Professor Peter Simmons, Charles Sturt University**

**Dr Michael Mehmet, University of Wollongong**

**Mr Kane Callaghan, Charles Sturt University**

It is important for you to understand the purpose of the survey and what it will involve, please take the time to read the following information carefully and discuss with others if you wish.

---

## Q3

1. Why have I been invited to participate in this survey? On 30 June 2020, **DPI** came to the end of a five-year program of trialling world-class technology and researching shark behaviour in NSW waters to increase protection of beachgoers from shark interactions. This program was called the 'NSW Shark Management Strategy' (visit [www.sharksmart.nsw.gov.au](http://www.sharksmart.nsw.gov.au)). Following this work, the NSW Government is sharing the results with local councils and communities and using this survey to listen to what the preferred shark mitigation measures are. This will help guide future decisions on shark bite mitigation measures across NSW.

2. What is the purpose of this survey? The purpose of the survey is to identify local government and community preferences for shark mitigation in NSW to help inform future decisions related to sharks and beach safety. We define shark mitigation as the public and personal protection measures to increase the safety of beachgoers to reduce the chance of a shark-human interaction occurring.

3. What does this survey involve? You will be asked to answer questions about shark mitigation measures. For some questions, you will be provided with videos and fact-sheets to review



before you provide an answer. If you agree to participate by proceeding to the survey, this will be regarded as consent to participate in the research.

4. Are there risks and benefits to me in taking part in this study? You may find the questions interesting but there will be no personal benefit to you in participating in this research. The benefit is for the NSW Government to understand local council and community preferences to shark mitigation measures to guide decision making.

---

Q4

**5. How is this study being paid for?**

The research is being funded by the **DPI**.

**6. Will taking part in this study cost me anything, and will I be paid?**

There is no cost to you to participate, apart from your time in completing the survey. Participation is voluntary.

**7. What if I participate and want to withdraw later?**

a) **Organisations** Those who are responding to this survey on behalf of an organisation will be able to withdraw from the survey at any time before the end of the survey, or within three weeks following the survey at which point the analysis process will commence. If you choose to withdraw, any information collected pertaining to the organisation you are affiliated with will be deleted and not included in the analysis.

b) **Individuals** Those responding to this survey in an individual capacity can decide to withdraw from the survey at any time before the end of the survey. Because all information is anonymous, we cannot remove your answers after you submit the completed survey.

**8. How will confidentiality be addressed?**

You will be asked if you are responding as an organisation or as an individual.

a) **Organisations** If you are responding on behalf of an organisation you will be asked to provide us with a contact name, the name of the organisation you are representing, and an email/postal address. Your responses will be published in the final report along with the name of your organisation, but not the contact name.

b) **Individuals** If you reply as an individual any information collected by the **researchers** as part of the survey (gender, age, ocean interests and postcode) will not identify you. It will be

stored securely and only accessed by the **researchers**, except as required by law. There are limits on assurances of confidentiality as law may subpoena research data/records. Data will be retained for at least 5 years in a secure premise and on a password protected computer at Charles Sturt University.

**9. What will happen to the information that I give you?**

The **researchers** will prepare a report for the **DPI**. The report and any papers will not be sold, and the research will not be used for commercial gain. Individual participants will not be identified in any reports arising from the project.

**10. What should I do if I want to discuss this study further before I decide?**

If you would like further information please contact Dr Clifford Lewis on [cllewis@csu.edu.au](mailto:cllewis@csu.edu.au) or 02 6338 6364.

**11. Who should I contact if I have concerns about the conduct of this study?**

Charles Sturt University's Human Research Ethics Committee has approved this project. If you have any complaints or reservations about the ethical conduct of this project, you may contact the Committee on (02) 6933 4213 or [ethics@csu.edu.au](mailto:ethics@csu.edu.au).

Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

---

1. To start off with, please indicate if you are making this submission as:

- ☒ An organisation (representing the view of a council, NGO, or other community group)
- ☐ An individual (representing your personal opinion)

---

2.1

In the space below, please provide us with the following details of the organisation you are representing:

- ☐ Name of organisation: Waverley Council
- ☐ Contact name: Sam McGuinness
- ☐ Email/postal address: sam.mcguinness@waverley.nsw.gov.au
-

2.2 Please select from the list below which local government area you live in:

- ☐ Ballina Shire Council
- ☐ Bega Valley Shire Council
- ☐ Bellingen Shire Council
- ☐ Byron Shire Council
- ☐ Central Coast Council
- ☐ City of Newcastle
- ☐ Clarence Valley Council
- ☐ Coffs Harbour City Council
- ☐ Eurobodalla Shire Council
- ☐ Kempsey Shire Council
- ☐ Kiama Council
- ☐ Lake Macquarie City Council
- ☐ MidCoast Council
- ☐ Nambucca Shire Council
- ☐ Northern Beaches Council
- ☐ Port Macquarie-Hastings Council
- ☐ Port Stephens
- ☐ Randwick Council
- ☐ Richmond Valley Council
- ☐ Shellharbour City Council
- ☐ Shoalhaven City Council

- ☐ Sutherland Shire Council
  - ☐ Tweed Shire Council
  - ☒ Waverley Council
  - ☐ Wollongong City Council
  - ☐ Woollahra Council
  - ☐ Other Council
- 

2.2.1 You selected 'Other Council' in the previous question, please type your local council into the space below:

---

3.2 When do you think shark mitigation measures should be deployed?

*Please select all that are relevant*

- ☒ All year
- ☐ September-April when people swim in the ocean
- ☐ Winter
- ☐ Summer
- ☐ Spring
- ☐ Autumn
- ☐ Never



4 The list below includes different **community education and shark-alert measures**. Which, if any, do you support in your local government area (or NSW in general)?

You can watch the 1.09 min [video](#) or view this [fact-sheet](#) on community education before you respond to this question.

	Yes, supported	No, do not support
Beach signage informing beachgoers about how to avoid the chance of a shark encounter	<input checked="" type="radio"/>	<input type="radio"/>
Community education forums (e.g. information nights at surf clubs, community meetings)	<input checked="" type="radio"/>	<input type="radio"/>
Pop-up Mobile SharkSmart Education (e.g. DPI SharkSmart education trailer attends beaches, schools and surfing events)	<input checked="" type="radio"/>	<input type="radio"/>
SharkSmart App (using alerts from shark listening stations)	<input checked="" type="radio"/>	<input type="radio"/>
Digital communications (through social media or special interest websites)	<input checked="" type="radio"/>	<input type="radio"/>
SharkSmart Education 'packages' for different beach user groups (videos or FAQs relevant to surfers, divers, surf life savers)	<input checked="" type="radio"/>	<input type="radio"/>

We are now going to ask you about **shark mitigation measures**, many of which DPI has trialled over the last five years under the NSW Shark Management Strategy. This includes public and personal protection measures to increase the safety of beachgoers to reduce the chance of a shark-human interaction occurring.

Before you respond to the question, you are encouraged to click on the videos or read the fact sheets to find out more about these trials and the results.

You can watch the two 1.20 min videos [Here](#) and [Here](#) or view this fact-sheet before you

respond to this question.



5 The list below includes different **aerial surveillance measures** like helicopters and drones. Which, if any, do you support in your local government area (or NSW in general)?

	Yes, supported	No, do not support
Helicopters <a href="#">helicopter surveillance fact sheet</a>	<input checked="" type="radio"/>	<input type="radio"/>
Drones <a href="#">drone surveillance fact sheet</a>	<input checked="" type="radio"/>	<input type="radio"/>



6.1

The list below includes different **in-water measures**. Which, if any, do you support in your local government area (or NSW in general)?

You can view the [Shark Listening Station](#) (1.07 min); and [Personal Deterrent](#) (1.20 min) video below or review the fact sheets.

	Yes, supported	No, do not support
Shark Listening stations linked to the SharkSmart app (detection tracking notifications) <a href="#">Shark listening stations fact sheet</a>	<input checked="" type="radio"/>	<input type="radio"/>
Personal shark deterrent devices <a href="#">Personal deterrent devices fact sheet</a>	<input type="radio"/>	<input checked="" type="radio"/>



6.2

You can view the [SMART Drumline](#) (1.40 min) and [Traditional Shark Net](#) (1.50 min) video below or review the fact sheets.

	Yes, supported	No, do not support
SMART drumlines <a href="#">SMART drumlines fact sheet</a>	<input checked="" type="radio"/>	<input type="radio"/>
Shark mesh nets <a href="#">Shark mesh nets fact sheet</a>	<input type="radio"/>	<input checked="" type="radio"/>

-----



7 And, which of the following **research** topics, should the government focus on in your local government area (or in NSW in general) to increase protection of beachgoers?

	Yes, supported	No, do not support
Shark movement patterns and behaviour	<input checked="" type="radio"/>	<input type="radio"/>
Role of sharks in the marine ecosystem	<input checked="" type="radio"/>	<input type="radio"/>
Drone technology improvements	<input checked="" type="radio"/>	<input type="radio"/>
Patterns in human-shark interactions	<input checked="" type="radio"/>	<input type="radio"/>
Monitoring of shark populations	<input checked="" type="radio"/>	<input type="radio"/>

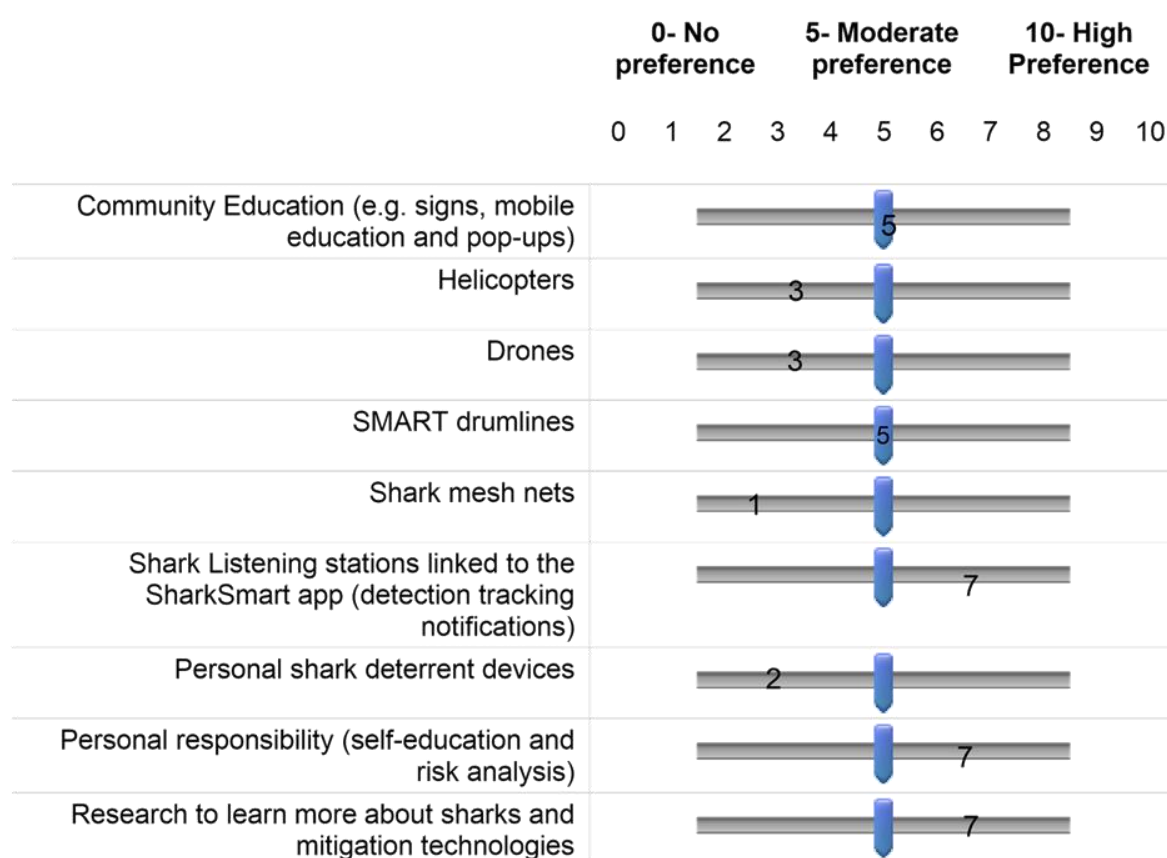




8.1 Please indicate which (if any) of the shark mitigation measures listed below you would prefer for your region (or NSW in general).

For each option, please use the slider bar to indicate your preference on a scale of 0 to 10 where 0=No preference and 10=High preference. **If you have no preference for a measure, please click on the slider and ensure it is at 0.**

NOTE. We have also included personal responsibility as a mitigation option. This refers to the responsibility of individuals for their own safety when deciding to enter the ocean and includes self-education and assessing possible risk factors (e.g. bait fish, diving birds).





8.2 In 2000 characters or less (approximately 300 words), can you tell us why you selected those options the way you did based on the needs in your local area (or NSW in general)?

Naverley Council understands that there is a very small swimmer safety risk to bather safety and that this risk is from the research presented, the very significant impact of shark meshing on marine biodiversity, including dolphins. Naverley Council considers SMART drumlines to be a moderate preference option, although they are not supported. The use of drones to detect the presence of sharks is noted. Council sees the use of drones as complementary to other measures.



8.3 In 1200 characters or less (approximately 200 words), can you tell us why you selected those options the way you did based on the needs in your local area (or NSW in general)?

This question is for individual responses (not Councils)

---

---

---

---

---

---

Page Break

9 Do you have any further comments or suggestions for the NSW Government regarding shark mitigation in your region (or NSW in general), including any local factors that you feel should be considered?

☒ Yes  
Type text here  
☐ No



10 In 600 characters or less (approximately 100 words), please provide your additional comments/suggestions based on the needs in your local area (or NSW in general):

The research provided by DPIE shows that there are fewer sharks tagged in the Sydney region than in other areas such as the NSW mid-North and North Coast. Council supports the use of permanent SMART drumlines in these areas but not in the Sydney region, except for research purposes.

---

11 Thank you for participating in the survey. Before you submit your responses, we would like to know how satisfied you were overall with the information provided to you in this survey.

- ☐ Extremely satisfied
- ☒ Moderately satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Somewhat dissatisfied
- ☐ Extremely dissatisfied

---

END

**We thank you for your time spent taking this survey.**

If you would like further information please contact - Dr Clifford Lewis on [cllewis@csu.edu.au](mailto:cllewis@csu.edu.au) or

02 6338 6364. To contact NSW DPI please email [nsw.sharkprogram@dpi.nsw.gov.au](mailto:nsw.sharkprogram@dpi.nsw.gov.au)

---

## Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW

**8.2 In 2000 characters or less (approximately 300 words), can you tell us why you selected those options the way you did based on the needs in your local area (or NSW in general)?**

*Waverley Council understands that there is a very small swimmer safety risk to bather safety from sharks and that this risk is lower in Sydney than on the North Coast of NSW. This is reflected in the comparatively low number of sharks detected at Bondi by the listening station.*

*From the research presented, the very significant impact of shark meshing on marine biodiversity, including dolphins, a dugong and a diverse number and quantity of rays and sharks is unacceptable. Shark meshing is identified as a key threatening process under the NSW Threatened Species Act, with impacts on threatened species such as Grey Nurse sharks and impacts on other species such as seals could be avoided by their removal. It also appears that the effectiveness of this management option is very limited in improving bather safety. The lack of actual beach protection provided by the meshing and the migratory nature of White, Tiger and Bull sharks and the significant impact on marine biodiversity mean that DPIE should strongly consider discontinuing shark meshing in future shark management options.*

*Waverley Council considers SMART drumlines to be a moderate preference option, although they are not supported in the Waverley coast. Options to minimise impact on sharks caught on drumlines should be pursued. The listening station at Bondi is supported and relies on shark tagging from the SMART drumlines.*

*The use of drones to detect the presence of sharks is noted. Council sees the use of drones as complementary to other management options. They could be a useful tool for Waverley lifeguards who would be able to utilise them year-round for a range of uses. They are limited in terms of weather conditions, aerospace, launching from crowds, and not as a permanent observation control but may be useful on as needs basis.*

**10 In 600 characters or less (approximately 100 words), please provide your additional comments/suggestions based on the needs in your local area (or NSW in general):**

*The research provided by DPIE shows that there are fewer sharks tagged in the Sydney region than in other areas such as the NSW mid-North and North Coast. Council supports the use of permanent SMART drumlines in these areas but not in the Sydney region, except for research purposes.*

**REPORT  
CM/7.8/21.03**

**Subject:** Voluntary Planning Agreement - 80 Bronte Road, Bondi Junction

**TRIM No:** DA-435/2016/B

**Author:** Emma Rogerson, Strategic Planner

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

---

**RECOMMENDATION:**

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 80 Bronte Road, Bondi Junction. The draft Planning Agreement offers a total monetary contribution of \$149,682.00 with \$112,261.50 (75%) to go towards the Complete Streets Program and \$37,420.50 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

**1. Executive Summary**

This report seeks Council's endorsement to execute the attached draft Planning Agreement associated with the approved development application DA-435/2016 (and modification applications DA-435/2016/A and DA-435/2016/B) at 80 Bronte Road, Bondi Junction. The application was approved for significant alterations and additions to the existing building (retaining side party walls and front façade) to create a mixed-use building of 4 storeys, as modified. The application was approved with a floor space exceedance of 38.38 sqm (total floor space ratio of 2.23:1); 11.2% over the permissible floor space ratio of 2.1:1.

The draft planning agreement associated with the development application was placed on public exhibition in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The draft Planning Agreement offers a total monetary contribution of \$149,682.00 with \$112,261.50 (75%) to go towards the Complete Streets Program and \$37,420.50 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

**2. Introduction/Background**

The draft Planning Agreement offers a total monetary contribution of \$149,682.00 with \$112,261.50 (75%) to go towards the Complete Streets Program and \$37,420.50 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

**3. Relevant Council Resolutions**

Nil.

#### 4. Discussion

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

Section 7.4 of the EP&A Act requires that the monetary contribution from a planning agreement be allocated to a public purpose. The draft Planning Agreement offers a total monetary contribution of \$149,682.00 with \$112,261.50 (75%) to go towards the Complete Streets Program and \$37,420.50 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

The contribution could support improvements within Bondi Junction outlined in the Complete Streets Program. The decision to allocate funding is based on a review of feedback received from consultation to confirm community needs and wants and target additional funding to maximise benefit to the community.

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

The draft Planning Agreement was drafted in accordance with section 7.5 of the EP&A Act, which requires an agreement to be exhibited for a period of 28 days. The draft Planning Agreement and Explanatory Note were exhibited from Wednesday, 20 January 2021 to Wednesday, 18 February 2021, and included:

- Notice in the Wentworth Courier.
- Advertising on Council's Have Your Say website.

##### **Submissions**

Two submissions were received during the exhibition period. One provided comment on the built form of the development only, which is not relevant to this exhibition as the development application has been approved. The second submission asked that VPA contribution funds should go towards 'planting beautiful canopy trees on both sides of Bronte Road to make it a shady, pedestrian friendly artery'. This request aligns with the Waverley Complete Streets program, of which \$112,261.50 (75%) of the total monetary contribution from this Planning Agreement is going towards.

#### 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 \$149,682.00 with \$112,261.50 (75%) to go towards the Complete Streets Program and \$37,420.50 (25%) to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.

#### 6. Conclusion

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

#### 7. Attachments

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

---

**WAVERLEY COUNCIL**

**(Council)**

**AND**

**PATCHY CUSTODY PTY LIMITED**  
**ACN 603 342 516**

**(Developer)**

---

## **PLANNING AGREEMENT**

**(Development Contribution)**

---

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

---



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

2020

**PARTIES**

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

**PATCHY CUSTODY PTY LIMITED (ACN 603 342 516)** of Level 1, 68 Alfred Street South,  
Milsons Point NSW 2061 (**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 13 October 2016 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 consent was granted on 25 May 2017.
- E.** The Developer subsequently sought to modify the development consent.
- F.** On 4 June 2020 the Developer offered to enter into a Planning Agreement to make a development contribution towards a public purpose in accordance with Council's Planning Agreement Policy if development consent was granted. The offer was clarified and confirmed on 19 November 2020.
- G.** The Development Consent was granted on 14 October 2020.
- H.** This Agreement is consistent with the Developer's offer referred to in Recital F.

**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 the Development Consent becomes operational.

3.2 The parties must execute and enter into this Agreement as soon as possible following any Construction Certificate and prior to any Occupation Certificate.

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

In this Agreement unless the context otherwise requires:

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

“**Agreement**” means this agreement;

“**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 14 October 2020 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 or electronic funds transfer 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 that in the event the Development Contribution is not paid by the Development Contribution Date or otherwise at the request of Council, the Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 If registration is to be effected pursuant to clause 8.1:
  - (a) the Developer warrants that it will do everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
  - (b) Without limiting clause 8.2(a), the Developer warrants that it will obtain the express written consent to the registration of this Agreement under section 7.6 of the Act from:
    - (i) 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
    - (ii) 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.
  - (c) the Developer will at its cost promptly arrange and effect registration of this Agreement under s7.6 of the Act upon the title to the Land and will:
    - (i) 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 8.2(b);
- (ii) lodge or cause to be lodged the title deed with NSW Land Registry Services and advise Council of the production number;
  - (iii) provide the Council with a cheque in favour of NSW Land Registry Services for the registration fees for registration of this Agreement;
  - (iv) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement; and
  - (v) 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.
- (d) Upon compliance with clause 8.3(c) by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
  - (e) The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
  - (f) 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.
- 8.3 Should payment of the Development Contribution occur upon the date of this Agreement and before the Development Contribution Date, then there will be no obligation to register this Agreement in accordance with this clause.
- 8.4 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 INTENTIONALLY DELETED**

## **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 Patchy Custody Pty Limited (ACN 603 342 516)
2	Land Lot 2 in Deposited Plan 828697 and known as 80 Bronte Road, Bondi Junction
3	Development Application DA-435/2016 (and modification applications DA-435/2016/A and DA-435/2016/B)
5	Development (description) Significant alterations and additions to the existing building (retaining side party walls and front façade) to create a mixed use building of 4 storeys, as modified
6	Development Contribution \$149,682
7	Public Purpose To be applied towards the Complete Streets Program and 25% towards Waverley's Affordable Housing Program
8	Development Contribution Date (Payment date for the Development Contribution) Within six (6) weeks of entering into the Planning Agreement and also prior to the issue of any Occupation Certificate for the Development
9	Developer Address Level 1, 68 Alfred Street South, Milsons Point NSW 2061  Developer Fax Developer Email <a href="mailto:ruperthentry@allmen.com.au">ruperthentry@allmen.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 PATCHY CUSTODY PTY  
LIMITED (ACN 603 342 516)**

in accordance with section 127 of the  
Corporations Act 2001

---

**SARAH NICKOLLS**

Director

---

**RUPERT HENRY**

Director/Secretary



## Explanatory Note

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

### Draft Planning Agreement

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

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

#### 1 Parties:

**Waverley Council** (Council) and

**Patchy Custody Pty Limited (ACN 603 342 516)** of Level 1, 68 Alfred Street South, Milsons Point NSW 2061 (Developer)

#### 2 Description of subject land:

The whole of the land being Lot 2 in Deposited Plan 828697 and known as 80 Bronte Road, 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 significant alterations and additions to the existing building (retaining side party walls and front façade) to create a mixed use building of 4 storeys, 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-435/2016. Development consent was granted on 25 May 2017. The developer subsequently sought to modify the development consent and 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 14 October 2020. 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 and caveat and to pay the monetary contribution to Council in the amount of \$149,682 within six weeks of entering into the Planning Agreement and also prior to the issue of any Occupation Certificate 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 section 7.11 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 infrastructure construction, improvements and maintenance 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 registration and caveat and to enforce payment of the monetary contribution within six weeks of entering into the Planning Agreement and also prior to the issue of any Occupation Certificate for the Development.

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

**REPORT  
CM/7.9/21.03**

**Subject:** Petition - Beaumont Street, Rose Bay - Installation of Speed Humps

**TRIM No:** A03/0569

**Author:** Al Johnston, Governance Officer

**Director:** Karen Mobbs, General Counsel

---

**RECOMMENDATION:**

That Council:

1. Refers the petition to install speed humps in Beaumont Street, Rose Bay, to the Acting Director, Community, Assets and Operations, for appropriate action.
2. Officers report back to Council on the action taken on the petition.

**1. Executive Summary**

Council has received a petition containing 28 signatures of residents of Beaumont Street, Rose Bay.

It is recommended that the petition be forwarded to the Director, Community, Assets and Operations for consideration and that a report come back to Council on the outcome.

**2. Introduction/Background**

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, business people or in some other capacity. Petitions must concern matters that Council is authorised to determine.

**3. Relevant Council Resolutions**

Nil.

**4. Discussion**

The petition states:

*'To increase the road safety of 25 Beaumont Street by installing low profile asphalt speed humps. Beaumont Street is a very narrow street with narrow verges. It serves as a thoroughfare from Dover Heights going down to OSH Road and vice versa. It is too narrow to serve the current amount of traffic, let alone any future developments. Speed humps will dramatically reduce the speed of traffic and will deter some cars from using this very narrow street as a thoroughfare. It will also make it safer for children, the elderly and pets crossing the road as well as for residents trying to exit their driveways. This petition indicates the number of residents in favour of speed humps. It also indicates how many times their cars have been damaged by cars speeding through Beaumont Street.'*

The petition complies with the Petitions Policy.

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

There is no financial impact in Council receiving the petition.

**6. Conclusion**

It is recommended that the petition be forwarded to the Acting Director, Community, Assets and Operations, for consideration and that a report come back to Council on the outcome.

**7. Attachments**

Nil.

**REPORT**  
**CM/7.10/21.03**

**Subject:** Use of Contractors Supporting Adani

**TRIM No:** A20/0453

**Author:** Karen Mobbs, General Counsel

**Director:** Karen Mobbs, General Counsel

---

**RECOMMENDATION:**

That Council considers the options contained within the report.

**1. Executive Summary**

At its meeting on 20 October 2020, Council deferred item CM/7.8/20.10 – Use of Contractors Supporting Adani to a workshop to be held in the near future to consider the motion, the proposed amendments and the advice from the General Counsel. The workshop has now been conducted and the purpose of this report is to present the item for consideration of Council.

**2. Introduction/Background**

At the Council meeting on 20 October 2020, the following motion was moved by Councillors Copeland and Wy Kanak, and upon being put to the vote was lost.

That Council:

1. Notes that Council has proactively put in place environmental and social sustainability criteria that are specific to the category of goods or services being procured, with these criteria included in requests for tenders, requests for quotes and expressions of interest when released to market.
2. Notes that the evaluation criteria referred to clause 1 and associated weightings directly address environmental responsibility as part of the selection process.
3. Notes that the environmental and social sustainability criteria were approved by Council's Executive Leadership Team in December 2019, and these have been utilised to evaluate suppliers' responses to tenders and quotes since then.
4. Notes that the report findings indicate that there were two suppliers providing goods or services to Council from The Adani List, as follows:
  - (a) KPMG – Has been engaged to provide services relating to the development of Council's Information, Communication and Technology (ICT) Strategy. The Adani List indicates that KPMG also provides strategic assistance to Adani.
  - (b) Commonwealth Bank (CBA) – Provides banking services to Council. The Adani List indicates that CBA has lent to fossil fuel companies globally since 2016.

5. Notes that Council's Investment Policy contains the following criteria in section 4(e):

'Council invests in alternatives by observing quadruple bottom line accounting principles over both short-term and long-term outlooks—society, environment, economic/financial, civic leadership/governance—and where financial institutions are offering an equal or better return on investment, and within the prevailing legislation and current Investment Policy risk management guidelines. More specifically, a commitment to (including but not limited to): investments that provide for the ethical treatment of both shareholders and stakeholders, support development of co-operative ownership and control of the work place, high quality products and services, local ventures, appropriate technology, ecologically sustainable practices, social and economic justice, peace and non-violence and the use of renewable resources. And avoiding investments that create pollution (such as fossil fuel industries), that are speculative, that exploit workers, customers and/or the environment, that are engaged in alcohol, tobacco and arms manufacture, that inhibit human rights and that damage non-renewable resources.'

6. Notes that Council is a signatory to the Climate Emergency Declaration that declares that we are in a State of Climate and Biodiversity Emergency that requires urgent action by all levels of government, that human-induced climate change and biodiversity loss represents existential threats to human civilisation, other species and the life-supporting capacity of air, water, soil, and ecosystems, and that it is still possible to prevent the most catastrophic economic, social and environmental impacts if, and only if, societies take emergency action.
7. Investigates modifying its procurement policies, procedures and documentation and any other relevant policy to allow for the implementation of a potential resolution for the purpose of assisting with the reduction of carbon emissions and mitigating climate change, and that when deciding on the award of a contract, where all other factors are equal, prefers an entity that is not itself identified as supplying goods or services, or having supplied goods and services, to the Adani Coal Project.
8. Writes to all Australian Councils that are signatories to the Climate Emergency Declaration informing them of this motion.
9. Writes to Stop Adani organisation informing them of this motion

No proposed amendments were recorded.

It was subsequently resolved that this matter be deferred to a workshop to be held in the near future to consider the motion, the proposed amendments and advice from the General Counsel.

A Councillor workshop was held on 9 February 2021 and General Counsel provided advice in relation to this matter.

Following the workshop, this report is to present the item for the further consideration of Council.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 October 2020	CM/7.8/20.10	That this matter be deferred to a workshop to be held in the near future to consider the motion, the proposed amendments and advice from the General Counsel.
Council 5 May 2020	CM 8.1/20.05(1)	That Council:  1. Notes that:



		<p>(a) In passing a Climate Emergency declaration last year, Council joined over 30 other councils in NSW and over 90 across the country in recognising the potentially devastating impact of continued global warming, and committed itself to take action to reduce carbon emissions.</p> <p>(b) Climate change is already having a damaging impact on local governments across Australia; that burning coal is the biggest driver of climate change and that Australia needs to stop building proposed coal mines to avoid driving further dangerous global warming.</p> <p>(c) The biggest proposed coal mine in Australia is the Adani Carmichael Coal Mine, and that the rail line which is part of that project will help enable other large proposed coal mines in the Galilee Basin.</p> <p>(d) A list of companies working on the Adani Carmichael Coal Mine and Rail Project is on The Adani List which is managed by the independent research organisation Market Forces, and notes that many companies on the Adani List also work with local governments in Australia.</p> <p>(e) A number of local governments have aligned their procurement policies with their values and with their obligations to minimise risk and costs to local government caused by global warming, which is already having an influence on how companies wishing to secure contracts with local government are conducting themselves across their entire business.</p> <p>2. With regard to current contracts, compiles a list of companies that are both on the Adani List and that also currently have contracts with Council.</p> <p>3. Investigates how Council's procurement selection criteria could be modified to support contractors that are not providing services to Adani and that are within legal requirements and procurement guidelines. As part of the investigation, Council requests information from Inner West, Lismore and Byron Bay Councils regarding their experience with any legal issues.</p>
--	--	---

#### 4. Discussion

On 5 May 2020, Council resolved to investigate how Council's procurement selection criteria could be modified to support contractors that are not providing services to Adani and that are within legal

requirements and procurement guidelines. As part of the investigation, Council requested information from Inner West, Lismore and Byron Bay Councils regarding their experience with any legal issues.

A report was provided to Council at its meeting on 20 October 2020 responding to that resolution. Confidential and privileged legal advice was circulated to Councillors by General Counsel. Council subsequently resolved that this matter be deferred to a workshop to consider the motion, the proposed amendments and advice from the General Counsel. A workshop was held on 9 February 2021 and General Counsel provided advice.

In view of the complexities raised in relation to this matter, Council could consider taking one of the following options:

1. That Council takes no further action
2. That Council seeks a further report in relation to the processes and timeframes required to modify Council's procurement policies, procedures, documentation and any other relevant policy to allow for the implementation of a potential resolution that, for the purpose of assisting with the reduction of carbon emissions and mitigating climate change, when deciding on the award of a contract, where all other factors are equal, Council prefers an entity that is not itself identified as supplying goods or services, or having supplied goods and services, to the Adani Coal Project.

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

Nil.

**6. Conclusion**

This matter was deferred from the October 2020 Council meeting to a workshop to consider the motion, the proposed amendments and advice from the General Counsel. Following the workshop conducted on 9 February 2021, and the advice from General Counsel, Council could consider taking one of the options outlined above.

**7. Attachments**

Nil.

## REPORT CM/7.11/21.03



**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:** Shane Smith, Acting Director, Community, Assets and Operations

### RECOMMENDATION:

That Council

1. Receives and notes the progress report on the Stronger Communities Fund.
2. Notes that the North Bondi Surf Life Saving Club, Clarke Reserve, Waverley Park cricket facilities and Bondi Beach playground projects are now complete and were finalised within agreed timelines and approved budgets.
3. Notes that the Marlborough Reserve, Bronte Surf Club and Community Facilities Building Upgrade (concept design) and Varna Park projects are in progress and due for completion by 30 June 2021.

#### 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 at 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:  1. Receives and notes the outcomes from the two stages of community consultation undertaken for Varna Park.

		<ol style="list-style-type: none"> <li>2. Endorses the attached concept design plan to be detailed and documented for construction.</li> <li>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 proposed, or emailed to Councillors prior to tender if only minor changes are proposed, in accordance with Council's new standard Councillor consultation approach.</li> </ol>
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</li> </ol> </li> </ol>

		of \$250,000.
		(c) The upgrade of the Reserve is due to commence in the second half of 2019.
		2. Writes to the Member for Vacluse, Gabrielle Upton MP, thanking her for the contribution of the grant, which will be used to improve local amenity.
		3. Officers consult the Diamond Bay/Vacluse Precinct and nearby residents within the Diamond Bay/Vacluse Precinct catchment area, notifying them of the additional funding being provided and seeking feedback.

#### 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, Vacluse – 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 involved 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 being prepared for submission 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 funded \$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 was completed 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 and will be reported back to Council once endorsed by project control group.

*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.*

Funding source	Funding amount
Waverley Council	\$4,625,000
Bronte Surf Club	\$2,030,000
Federal Government	\$2,000,000
State Government	\$345,000
Total	<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 has now been removed and turfed.

*Next steps*

A final report is being prepared for submission 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**

Design concept plans have been developed for the improvement of the park and playground in Marlborough Reserve. Plans were made available for public consultation in May 2019. Feedback was received through an online survey and a 'Have a Say Day'. A total of 31 responses were received; 24 online surveys and seven written submissions via email. Some amendments were made to the plan accordingly and the community was consulted for a second time in September and October 2019. The feedback from this consultation has allowed Council to attain a better understanding of how people use the park, what they like about the park and what they would like to see in the future. The design has been finalised accordingly and Council has approved the concept plan. The design was documented in preparation for construction. A tender process has taken place with a preferred contractor engaged. Construction works have begun on site.

*Next steps*

Construction for the playground to be completed mid-year.

*Budget*

The anticipated cost of the proposed works is within the allocated budget.

**Varna Park, Waverley – Upgrade to playground**

To date, Council officers have identified works in the park requiring repair and replacement. As this project provides opportunities for both upgrade facilities and possibly new works, Council has undertaken consultation with the community on draft plans.

Detailed design and documentation have been completed, tenders for construction have been returned and Council has engaged contractor for delivery of works. The contractor has begun works on site.

*Next steps*

Construction for the playground to be completed mid-year.

*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**

To date Council officers have audited the existing equipment to prioritise repairs and replacement works. Officers have also met with Councillors and residents on site seeking feedback on the existing playground and ideas for improvements. Repairs to existing equipment and softfall are complete. Further consultation has taken place on proposed new play equipment.

Detailed design and documentation have been completed, tenders for construction have been returned and Council engaged a contractor. Works are complete.

In addition, Council will explore design option for a full playground upgrade to take place following the completion of the Bondi Pavilion restoration.

#### *Next steps*

Construction of the playground is complete.

#### *Budget*

The 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 or complete.

**7. Attachments**

Nil.

## REPORT CM/7.12/21.03



**Subject:** Tender Evaluation - Tamarama Surf Life Saving Club Building Upgrade

**TRIM No:** SF20/763

**Author:** Robert Sabato, Senior Project Manager

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

---

### RECOMMENDATION:

That Council:

1. Treats the Tender Evaluation Matrix attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Lloyd Group Pty Ltd as the preferred tenderer for the supply of head contractor services for the Tamarama Surf Life Saving Club Building Upgrade for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] excl. GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Lloyd Group Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

### 1. Executive Summary

The purpose of this report is to seek Council's approval for the appointment of Lloyd Group Pty Ltd as the principal contractor for construction services for the Tamarama Surf Life Saving Club (SLSC) Building Upgrade project as recommended by the Tender Evaluation Committee (TEC).

### 2. Description of Service or Product being Tendered

The Tamarama SLSC Building Upgrade project is a reconstruction of the Club premises. The improvements include:

- Increasing the storage shed for lifesaving equipment.
- Providing female members with adequate amenities.
- New change rooms with better natural light and ventilation.
- Improving the overall internal layout for users.
- Providing accessible amenities.

These major assets are past or near the end of their asset lifecycle and are now not fit for purpose, which presents potential risks to public safety.

### 3. Scope of Tender

The scope of the principal contractor construction services of the Tamarama SLSC Building project is to be reconstructed as per the architect Chrofi's documentation package.

### 4. Reason for Tender

There is no suitable panel in place for delivery of these works, hence a tender was required.

### 5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 8 December 2020	CM/11.2/20.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(g) of the <i>Local Government Act 1993</i>. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</li> <li>2. Endorses the updated Heads of Agreement (HOA) attached to the report (Attachment 4), which reflects the capital contribution proposed between Council and Tamarama Surf Lifesaving Club (TSLSC).</li> <li>3. Notes the DA-approved drawings attached to the report (Attachments 1 and 2).</li> <li>4. Notes the project update provided in the report, including the draft tender plans attached to the report (Attachment 3).</li> <li>5. Endorses the project proceeding to open tender, with construction to commence at the earliest in late April 2021.</li> </ol>

### 6. Discussion

#### Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Sharon Cassidy – Executive Manager, Major Projects.
- Robert Sabato – Senior Project Manager, Major Projects.
- Terry Kallis – Facilities Manager, Property and Facilities.

An RFT Evaluation and Probity Plan was developed and approved by the Evaluation Panel in March 2020.

Tenders for Tamarama SLSC Building Upgrade project were called on 27 January 2021. Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald and Wentworth Courier on 3 February 2021.

Tenders closed on 24 February 2021.

The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tenders offered the best value for money in the provision of Tamarama SLSC Building Upgrade to Council.

### **Tenders received**

The following tenders were received:

- Belmadar Pty Ltd.
- Flexem Construction.
- Grindley Constructions Pty Ltd.
- Hibernian Contracting Pty Ltd.
- Lloyd Group Pty Ltd.
- Momentum Built Pty Ltd.
- Murphys Group Services.
- Patterson Building Group Pty Ltd.
- Peloton Constructions Pty Ltd.
- Pipe Up Plumbing Pty Ltd.
- Prime Projects NSW Pty Ltd.
- Restorial Pty Ltd.

### *Late tenders*

- Donrose Building.

Received by email on 1 March 2021 at 2.02 pm. Closing time noted at 12 pm.

### *Non-conforming tenders*

The tenders submitted by Pipe Up Plumbing and Restorial Pty Ltd were deemed to be non-conforming due to the fact they did not address mandatory criteria and were not considered further.

### *Alternative tenders*

No alternative tenders were received.

### **Tender evaluation**

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following criteria to be used against the advertised selection criteria

<b>Advertised Evaluation Criteria</b>
Demonstrated previous experience in similar works
Proposed program and methodology
Personnel and sub-contractors

Environmental and sustainability
----------------------------------

<b>Mandatory Evaluation Criteria</b>
Tender Lodged before Close
Returnable Schedules Completed
Financial and Commercial Trading Integrity Including Insurances
Work Health and Safety

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

### **Evaluation Panel's recommendation**

Following evaluation of the tenders the Evaluation Panel recommends that the services/product offered by Lloyd Group Pty Ltd provides the best value to Council. Overall, Lloyd Group Pty Ltd demonstrated thorough project understanding and methodology, and completed successful projects of similar scale and types of works.

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

### **Financial impact statement**

The budget for Tamarama SLSC Building Upgrade is from Tamarama SLSC Building Upgrade Project in the Capital Works Program and LTFP.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

There are sufficient funds to cover the price tendered by the recommended tenderer.

### **Time frame**

The construction program is 12 months with a plan to commence late April 2021.

### **Consultation**

Consultation has been undertaken throughout the development of this project. The project is now at the implementation stage. Council Officers will continue to provide regular communication updates throughout the construction period.

## **8. Conclusion**

The Tender Evaluation Panel recommends Council enter into contract with Lloyd Group Pty Ltd for Tamarama SLSC Building Upgrade project.

## **9. Attachments**

1. Tender Evaluation Matrix (confidential)

**REPORT  
CM/7.13/21.03**

**Subject:** Tender Evaluation - Bondi Lifeguard Facilities Upgrade

**TRIM No:** A20/0231

**Author:** Ava Acharya, Project Manager  
Robert Sabato, Senior Project Manager

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

---

**RECOMMENDATION:**

That Council:

1. Treats the Tender Evaluation Matrix attached to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Hibernian Contracting Pty Ltd as the preferred tenderer for the supply of head contractor services for the Bondi Lifeguard Facilities Upgrade for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING] excl. GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Hibernian Contracting Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
5. Increases the project budget by \$250,000 to be funded from the Centralised Reserve to cover the shortfall in the current budget for the upgrade of the Bondi Lifeguard Facilities.

**1. Executive Summary**

The purpose of this report is to seek Council's approval to:

- Appoint Hibernian Contracting Pty Ltd as the head contractor for the Bondi Lifeguard Facilities Upgrade – Construction Services following the completion of the tender evaluation process.
- Increase the project budget by \$250,000 required to deliver the full scope of works. Undertaking the refurbishment of the Lifeguard Tower and Tunnel 2 along with the construction of a new First Aid Facility will provide Council with a better value for money outcome.

## 2. Description of Service or Product being Tendered

The request for tender (RFT) was issued inviting tenderers to submit a lump sum price for head contractor services for the construction of a new First Aid Facility, refurbishment of the Lifeguard Tower and refurbishment of Tunnel 2 on Bondi Beach.

## 3. Scope of Tender

The project incorporates the following scope of works including but not limited to:

- First Aid Facility:
  - Installation of new partition walls.
  - Supply and install new joinery items.
  - Supply and install new furniture items.
  - Installation of new acoustic and general ceilings.
  - Installation of LED light fittings throughout.
  - Installation of new floor finishes.
  - Reinstatement of new services throughout.
  - Extend existing amenities to include shower and additional toilets.
  - Installation of new sashless windows.
  - Commissioning of all associated works.
- Tunnel 2
  - Services investigation.
  - Shotcreting and repair works.
- Lifeguard Tower
  - Windows replacement.
  - Replacement of roof and awning.

The above scope forms part of an approved integrated DA for additional amenities at Bondi Beach including Lifeguard Facilities under the promenade and Bondi Park Southern (Skate Park) Amenities. Bondi Park Southern Amenities and Lifeguard Amenities were removed from the current scope due to budget re-allocation in the Long Term Financial Plan.

## 4. Reason for Tender

There is no suitable panel in place for delivery of these works, hence a tender was required.

## 5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 10 December 2019	CM/7.8/19.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes this update on the Bondi Park Southern Amenities and Lifeguard Facilities projects.</li> <li>2. Notes the outcomes of the consultation completed in April 2019.</li> <li>3. Endorses the updated design for the Lifeguard Facilities project attached to this report.</li> </ol>

		4. Progresses to a request for tender following receipt of integrated development application approval.
--	--	---

## 6. Discussion

### Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Robert Sabato – Senior Project Manager.
- Jordan Laverty – Project Manager.
- Iain Colley – Facilities Officer.

In addition, Council's Procurement and Contracts Officer, Maria Sun, chaired the tender evaluation meeting. Maria Sun did not participate in the scoring and evaluation of the tender submissions.

An RFT Evaluation Criteria was developed and approved by the evaluation Panel on 2 February 2021.

Tenders for Bondi Lifeguard Facilities Upgrade – Construction Services were called on Tenderlink on 4 February 2021.

Tenders closed at 2 pm on 25 February 2021.

The Evaluation Panel used the RFT Evaluation Criteria to determine which tenders offered the best value for money in the provision of Bondi Lifeguard Facilities Upgrade – Construction Services to Council.

### Tenders received

The following tenders were received:

- AWS Services Pty Ltd.
- Duratec Ltd.
- Hibernian Contracting Pty Ltd.
- Mainserve Australia Pty Ltd.
- Orana Services Pty Ltd.
- Patterson Building Group Pty Ltd.
- Renfay Projects Pty Ltd.
- Rogers Construction Group Pty Ltd.

#### *Late tenders*

No late tenders were received.

#### *Non-conforming tenders*

The following tenders were deemed to be non-conforming due to the incomplete returnable schedules and were not considered further.

- Mainserve Australia Pty Ltd.
- Orana Services Pty Ltd.



### Alternative tenders

No alternative tenders were received.

Six tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

<b>CONFORMING TENDERS EVALUATED</b>
AWS Services Pty Ltd
Duratec Ltd
Hibernian Contracting Pty Ltd
Patterson Building Group Pty Ltd
Renfay Projects Pty Ltd
Rogers Construction Group Pty Ltd

### Tender evaluation

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following evaluation criteria:

<b>Advertised Evaluation Criteria</b>
Proposed Program
Proposed Methodology
Demonstrated Capability and Capacity of Construction Team
Demonstrated Experience and Past Performance on similar projects
Environmental and Social Sustainability

<b>Mandatory Evaluation Criteria</b>
Tender Lodged before Close
Returnable Schedules Completed
Financial and Commercial Trading Integrity Including Insurances
Work Health and Safety
Quality Management System

Tenders were given a score on each of the evaluation criteria and ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

### Evaluation Panel's recommendation

Following evaluation of the tenders the Evaluation Panel recommends that the services/product offered by Hibernian Contracting Pty Ltd provides the best value to Council. Overall, Hibernian Contracting Pty Ltd demonstrated thorough project understanding and methodology, and completed successful projects of similar scale and types of works.

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

### **Financial impact statement**

The budget for Bondi Lifeguard Facilities Upgrade – Construction Services is from Bondi Lifeguard Facilities Upgrade project in the 2020-21 Capital Works Program (C0867) and Long Term Financial Plan.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total project budget is \$1,000,000. With additional costs for construction including contingency, consultancy and project management fees, the total anticipated funding required is \$1,250,000.

The total budget allocation for the Bondi Lifeguard Facilities is currently \$1,000,000. \$500,000 is included in 2021 Capital Works Program Budget and a funding offer has been received for \$500,000 from the Federal Government Local Roads and Community Infrastructure Program, which is included in the draft 2021–22 Capital Works budget.

There are insufficient funds to cover the price tendered by the recommended tenderer.

It is proposed to fund the \$250,000 shortfall from the Centralised Reserve.

### **Time frame**

It is estimated that the construction duration will be approximately six months and will run from April 2021 to September 2021.

### **Consultation**

Consultation has been undertaken throughout the development of this project. The project is now at the implementation stage. Council officers will continue to provide regular communication updates throughout the construction period.

## **8. Conclusion**

The Tender Evaluation Panel recommends Council enter into contract with Hibernian Contracting Pty Ltd for Bondi Lifeguard Facilities Upgrade – Construction Services and make the required funding adjustment in the 2020–21 Capex program.

## **9. Attachments**

1. Tender Evaluation Matrix (confidential)

**REPORT  
CM/7.14/21.03**

**Subject:** Randwick Waverley Community Transport Group - Licence for Parking Spaces at Hollywood Avenue Car Park

**TRIM No:** A02/0249

**Author:** John Andrews, Property Manager

**Director:** Shane Smith, Acting Director, Community, Assets and Operations

---

**RECOMMENDATION:**

That Council:

1. Licenses six parking spaces at Hollywood Avenue Car Park to Randwick Waverley Community Transport Group Inc. on the terms and conditions contained in the report.
2. Authorises the General Manager to do all things necessary to finalise the documentation.

**1. Executive Summary**

Randwick Waverley Community Transport Group Inc. has been tenants of Council operating from office space located at the Mill Hill building Level 2, 31–33 Spring Street, Bondi Junction, for over two decades. They also have under licence the use of two car spaces in the Officeworks building and more recently the use of six car spaces in Council's Hollywood Avenue Car Park.

As the result of the imminent commencement of the Boot Factory and Mill Hill building upgrade project, Randwick Waverley Community Transport Group Inc. has recently relocated their office to Little Bay.

The relocation of the office will not impact the service the organisation offers to Waverley residents. The organisation has previously enjoyed an informal arrangement whereby it uses six parking spaces for its vehicles in Hollywood Avenue Car Park, which is conveniently located in Bondi Junction.

This report seeks Council approval to formalise the parking arrangement under a licence agreement under a peppercorn rent of \$1.00 per annum to support the continued delivery of the organisations services to Waverley residents going forward.

**2. Introduction/Background**

Randwick Waverley Community Transport Group Inc. are a registered not-for-profit organisation that provides transport for seniors and other clients in and around the Waverley local government area (LGA) and through adjoining Council areas.

They have leased approximately 100 sqm of office space within the Mill Hill building for over two decades on leases and licences granted under the Community Tenancy Policy.

Council has provided subsidised rental under the community Tenancy Policy to support the organisation in the delivery of its services, with the previous year's rent being \$16,570 (excluding GST) per annum.

While its management office can operate outside the Waverley LGA, operationally it would be difficult to store company vehicles elsewhere and then have their staff travel to that location to pick up the vehicle and then head back to clients with Waverley LGA. The use of these six car spaces at a peppercorn rent in the Hollywood car park assists Randwick Waverley Community Transport Group Inc. both operationally and financially.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 16 June 2015	CM/10.6/15.06	That Council: <ol style="list-style-type: none"> <li>1. Treats the report as confidential in accordance with Section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in Section 10A(2) of the <i>Local Government Act 1993</i>.</li> <li>2. Formally agrees to enter into lease agreements with the community tenant groups and the respective rental calculations listed in Attachment 1 of the report.</li> <li>3. Authorises the General Manager to finalise and execute the leases with all community tenants.</li> </ol>
Council 22 April 2014	CRD.24/14	That: <ol style="list-style-type: none"> <li>1. Council considers the feedback received during the exhibition of the Draft Waverley Tenancy Policy and summarised in this report.</li> <li>2. Council endorses the draft Community Tenancy Policy, subject to the proposed amendments in Table 1 contained in this report.</li> <li>3. Business Services and Property (BSP) commences a staged implementation program to enter into new lease agreements, prioritizing community tenants expecting a reduction of the community rental.</li> <li>4. Table 1 Recommended Amendments in the report, at page 147 of the agenda, under the heading titled Proposed changes Transition Period is changed to read from over a certain period to over a reasonable period defined by Council.</li> </ol>
FESP 3 June 2008	F-0806.6	That: <ol style="list-style-type: none"> <li>1. Council approve the leases for Randwick Waverley Community Transport Group Inc. and Computer Pals for seniors, Eastern Suburbs in line with the proposed terms and conditions outlined in this report.</li> <li>2. The Mayor and General Manager be authorized to finalize any negotiations, sign and execute necessary documentation and affix the Council seal to the leases.</li> </ol>

#### 4. Discussion

The organisation has been parking six of its vehicles in the car park overnight for some time, with the vehicles parked randomly within the car park.

Hollywood Avenue Car Park has the capacity to accommodate the vehicles without impacting other patrons' ease of parking.

If Council approves the use of the six car spaces, Council officers will determine whether the spaces should be dedicated spaces and sign-posted or its best to continue with the parking remaining in random spaces.

*Table 1. Proposed terms and conditions of licence.*

<b>Licence term</b>	Three years
<b>Licence commencement</b>	1 April 2021
<b>Permitted use</b>	The parking of company cars owned and operated by Randwick Waverley Community Transport Group Inc. These cars must be identified with company signage or logo.
<b>Licence fee</b>	\$1.00 per annum if requested
<b>Termination provision</b>	Three months' written notice.

The inclusion of a three-month termination provision will allow Council some flexibility if car park occupancy were to dramatically increase in the future and the spaces be required for fee paying patrons.

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

The granting of a licence at an annual fee of \$1.00 means there is a potential loss of \$20,159 income per annum based on the current Fees and Charges for six spaces.

However, due to the relatively low occupancy rate, the granting of this licence is not jeopardising full fee-paying patrons using the car park as at the date of this report.

#### 6. Conclusion

It is recommended that Council approve the award of a three-year licence to Randwick Waverley Community Transport Group Inc. for the use of six parking spaces in the Hollywood Avenue Car Park at an annual fee of \$1.00.

#### 7. Attachments

Nil.

## NOTICE OF MOTION CM/8.1/21.03



**Subject:** Waverley Mall Lighting

**TRIM No:** A16/0292

**Submitted by:** Councillor Burrill

---

### MOTION:

That Council officers report on:

1. How the implementation of recommendations from both the Bondi Junction Evening Strategy and Creative Lighting Strategy have been incorporated into capital works and public domain improvements in Bondi Junction and Waverley respectively over the last two years.
2. Whether Voluntary Planning Agreement money generated in Bondi Junction in the future can be used to implement urban interventions as recommended by the strategies.
3. Possible permanent urban installations or temporary urban interventions in Waverley Mall, as recommended by both these strategies, and an estimated cost for such proposals.
4. How any temporary urban interventions or pop-ups for Waverley Mall could appropriately mitigate noise and light impacts on adjoining residents and be tested as temporary urban interventions before any permanent options are implemented.

### Background

Great cities provide activity, culture and convenience, day and night. A key aspiration of the Bondi Junction community is for more activity and things to do in the evening. Activating a night economy is a crucial component of ensuring Bondi Junction is a safe, productive and well-loved place. With this vision in mind, two strategies were developed:

- The Creative Lighting Strategy establishes an overall vision for the night-time journey and sets technical and design parameters for the creation of a holistic, sustainable and legible night-time environment that is vibrant and engaging after dark.
- The Evening, Culture and Entertainment Strategy provides the strategic means to develop Bondi Junction over the next 10 years as an evening destination that is economically viable, culturally exciting and safe.

Both these adopted Council strategies promote a connected, inviting and memorable night-time environment in Waverley's public spaces at night time. In particular, the Creative Lighting Strategy focuses on how application of light can enhance social gathering, public health and safety, in the urban environment after dark.

Waverley Mall is an attractive courtyard that bustles during the day yet becomes dark and quiet come evening. This public plaza in the centre of Bondi Junction is mentioned in both strategies as a key space to be activated at night.

Among the recommendations of the Evening, Culture and Entertainment Strategy include actions such as the introduction of fairy lights to aid in the creation of an attractive and intimate atmosphere; Extending trading hours for small wine bars and cafes and the introduction of early evening pop-up events such as live acoustic music or other related couples with food, drinks and performances.

The Creative Lighting Strategy proposes to create a distinct night experience in Waverley Street Plaza to encourage after hours trading. It focuses on improvements to the public domain urban lighting environment through pedestrian scale typologies and encouraging businesses to improve their façade and alfresco lighting and retail frontage lighting. In addition, it proposes a light intervention to provide a layer that reflects upon the history of Waverley Street being the site of the first house built in Waverley in 1827. As such a lighting intervention could draw focus and enhance the seating areas to encourage people to gather, linger and relax as an extension of their own terrace or living space. New seating elements and tree lighting may support this concept in the longer term.

#### **General Manager's comment**

Using voluntary planning agreement funds for existing works already confirmed and budgeted for is risky given the voluntary nature of the contribution. In the event that the developer no longer proceeds with the development application (DA), delays the commencement of the DA or modifies the DA by reducing the amount of floor space to reduce the contribution amount, the expected funds may never be delivered. There is also a possibility that, upon public exhibition, the local community ask that the contribution be used for something else. These outcomes would render existing, already budgeted projects unfunded. The proposed motion has no budgetary implications and is an alternative way of delivering urban interventions such as the one proposed in Waverley Street Mall.

**Tony Pavlovic**

**Director, Planning, Environment and Regulatory**

## NOTICE OF MOTION CM/8.2/21.03



**Subject:** Electric Vehicle Target

**TRIM No:** A11/0853

**Submitted by:** Councillor Keenan

---

### MOTION:

That Council:

1. Notes that corporate and government fleets have the potential to drive the electric vehicle revolution in Australia, making up 52% of annual new vehicle sales.
2. Notes that commitments to fleet electrification are important as they can demonstrate vehicle demand to car makers, are an important source of supply to the second-hand market and provide impetus for the roll-out of charging infrastructure.
3. Notes the benefits of electric fleets:
  - (a) Environmental: fleet decarbonisation shows a commitment to sustainable practices and dedication to action on climate change. It is also a way to meet sustainability commitments such as the 2015 Paris Agreement on Climate Change.
  - (b) Economical: total cost of ownership calculations improve the business case for electric vehicles due to their lower operating costs.
  - (c) Social and health: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations.
  - (d) Reputational: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies.
4. Sets a target of 100% of pool cars in Council's passenger fleet be transitioned to electric vehicles (not hybrid) by 2025 and this target be included as part of Council's new Environmental Action Plan.
5. Develops an electric vehicle policy by December 2021 that considers:
  - (a) Increasing the number of charging stations and placing them in highly visible areas to alert residents to their availability for community use.
  - (b) Placing charging stations at car share parking spaces.
  - (c) EV-only parking bays.
  - (d) Ensuring all of Council's EV passenger fleet is highly branded identifying it as an EV, as this will show leadership in our commitment to reduce carbon emissions in our local government area.



7. Develops fact sheets and other materials to promote EV use to the community.
8. Investigates amending the Waverley Local Environmental Plan to include the requirement to provide charging stations in new strata buildings (80% of current charging is done at home).
9. Reduces the staff vehicle selection list from 22 options to five hybrid/EV vehicles and four small vehicles only.

## Background

In 2016, Council was part of 'Enabling the Uptake of EVs charging project' with Woollahra and Randwick Councils.

The tri-Council Enabling the Uptake project aimed to make the Eastern Suburbs 'EV-ready' and support the transition to zero emissions vehicle transport by addressing two main barriers to EV uptake: access to charging infrastructure and range anxiety.

The journey started with the Eastern Suburbs Low Carbon Future Plan. The Plan set out the commitments and actions needed to reduce the communities' impact on climate change and limit warming to less than 1.5 degrees. Encouraging the uptake of electric vehicles in the community was identified as one of the key actions on the low carbon future pathway.

The result of this project was that two EV charging stations were installed: one in Bondi Beach and one in Eastgate shopping centre. But we can do more.

<https://electricvehiclecouncil.com.au/reports/local-government-resource-pack/>

Currently, Council has a fleet of 16 pool cars (two are EV) and 38 leaseback passenger vehicles. We are therefore in a good position to transition these vehicles to EVs and become leaders in EV driving while reducing our carbon footprint.

When residents see local governments installing chargers in public places, driving electric vehicles, conducting information sessions, and updating building codes, it familiarises and normalises electric vehicles and their associated technologies.

Providing tangible experiences for residents will create opportunities for them to sit in the driver's seat of the changing shape of transport. For local governments, electric vehicles provide several direct benefits. Electric vehicles in fleets will save money on fleet operations and maintenance, charging infrastructure will provide an additional source of revenue, and future-proofing buildings will alleviate the burden of retrofitting in future decades.

Implementing electric vehicle policies and projects will demonstrate leadership in the fight to reduce carbon emissions and satisfy communities who have asked for action to protect the environment. Where electric vehicle transition is coupled with renewable energy initiatives, local governments can make leaps in reducing carbon emissions and move to fleet operations that are more economical.

Integrating electric vehicles into Climate Action Plans is an important way to drive uptake in local governments and communities.

[https://www.wattblock.com/uploads/4/4/9/8/44984189/electric\\_vehicle\\_recharging\\_in\\_apartment\\_buildings\\_report\\_for\\_city\\_of\\_sydney\\_26-07-18\\_approved\\_by\\_ceo\\_wattblock\\_310718.pdf](https://www.wattblock.com/uploads/4/4/9/8/44984189/electric_vehicle_recharging_in_apartment_buildings_report_for_city_of_sydney_26-07-18_approved_by_ceo_wattblock_310718.pdf)

**General Manager's comment**

Electric vehicles are able to reduce Council's greenhouse gas emissions (GHG) and enable Council to meet ambitious GHG targets and will be a necessity to become net zero. Council officers are currently working on a draft Sustainable Fleet Strategy and will begin preparing the Environmental Action Plan 5 in the coming months. The intent of this motion is in alignment with the strategic intent of these policies; namely, to increase the uptake of electric vehicles, reduce the overall fleet size and reduce greenhouse gas emissions. Should Council endorse this motion, there would be changes made to these draft documents.

It is important to note that there is a price differential between our current approach with an increased uptake of fully electric vehicles. However, it is expected that this cost would be offset over time by a reduction in vehicle cost and ongoing maintenance.

**Shane Smith**

**Acting Director, Community, Assets and Operations**

## NOTICE OF MOTION CM/8.3/21.03



**Subject:** Bondi Sand Body Excavation

**TRIM No:** A02/0787-02

**Submitted by:** Councillor Wy Kanak  
Councillor Keenan

---

### MOTION:

That Council:

1. Notes the repeated problems of building collapses following excavation on adjacent sites.
2. Includes provisions in the Waverley Local Environmental Plan that consider the structural integrity of adjoining buildings.
3. Reviews its conditions of consent relating to excavation.

### Background

Over many years, excavation for underground car parking on construction sites in the Bondi sand body has resulted in damage to adjacent property. There are multiple examples of the problem in the unconsolidated sands, from the recent Curlewis Street and Gilgandra Road, North Bondi, collapses in December 2020, to the Monster in Lamrock Avenue in the early 2000s. In Lamrock Avenue, a beautiful original neighbouring Art Deco residential flat building had to be demolished following extreme cracking caused by the Monster. In Curlewis Street, a neighbour awoke to blue sky, and in Gilgandra Road a worker was seriously injured by a collapsing wall. Poor building practices are largely responsible for these accidents, but the fundamental problem is one of natural sand movement.

Bondi sand body excavation also impacts and potentially damages Aboriginal archaeological remains high within the Bondi sand body. Historically, the Bondi Basin's freshwater lagoons, sandy soils and tea trees supported Aboriginal occupation over many millennia. The famous Bondi Points were produced nearby.

Residents are concerned there could be more instances like Mascot Towers and Opal Tower due to the lack of control and supervision surrounding building work.

Waverley and other councils have less control due to the State planning law, which has created a private certification system that excludes council regulatory officers from the capacity to oversee standards.

And it's not the big buildings that have come under the spotlight. The recent partial collapse of a home in Curlewis Street, Bondi, highlighted the lack of supervision on the site, as there was no effective support on the existing building prior to excavation.

There were also incidents on sites in nearby Lamrock Avenue and Gilgandra Road.

We seek Council in its forthcoming revision of the Local Environmental Plan (LEP) to prohibit basement excavation in the sands of the Bondi Basin.

There have been many too many collapses of buildings adjacent to excavations.

There are no mandatory qualifications for certifiers or engineers and Council can only intervene at a site when safety issues are involved.

Prohibiting excavation in dangerous grounds is the only solution until certification is independent, preferably public, and there is a rigorous professional standards body that can hear complaints without the expense of legal action.

The NSW Government Public Accountability Committee inquiry into the regulation of building standards, quality and disputes had amended its terms of reference including case studies on Mascot Towers and Opal Tower.

There was a recommendation that the State Government establish a Professional Engineers Registration Scheme for the building industry, which resulted from community, local council and expert submissions to the Committee about unregulated building practices.

The Committee also recommended the NSW Government speed up its response to the recommendations about refining the building and construction practices.

Problems resulting for the house collapse in Curlewis Street may well have been avoided if the Parliamentary Committee's safeguarding recommendations were in place sooner.

The land on which the Curlewis Street house stands is part of the original sand belt that ran from Bondi through to Rose Bay before the suburb had literally emerged for the sand hills. And most of the original houses on the sand belt have stood the test of time mainly due to the strict building practices Council had in place at the time of construction.

The Curlewis Street location is also on the border of the Bondi-Rose Bay sand body identified in the 2009 Waverley Aboriginal Heritage Study as having the potential to unearth significant artefacts and even remains, as Aboriginal burials have been found on nearby Royal Sydney Golf Course.

### **General Manager's comment**

Council has provided several submissions to relevant government departments noting the deficiencies with privately certified developments. It is anticipated with the introduction of the Design and Building Practitioners Regulation from July 1 2021 that the registration of key practitioners will assist with improving building compliance.

Both the current and draft Waverley Local Environmental Plan consider excavation and the disruption or detrimental effect on adjoining premises. Conditions of consent have recently been reviewed and are also applied to protect adjoining premises.

Recent building collapses are in part due to inappropriate shoring practices that are currently under full investigation by SafeWork NSW.

**Tony Pavlovic**

**Director, Planning, Environment and Regulatory**

**URGENT BUSINESS**  
**CM/10/21.03****W A V E R L E Y**  
COUNCIL**Subject:** Urgent Business**Author:** Emily Scott, Acting General Manager

---

In accordance with clause 9.3 of the Waverley Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to councillors. However, this can happen only if:

1. The business to be considered is ruled by the chair to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary meeting of Council, and
2. A motion is passed to have the business considered at the meeting.

Such a motion can be moved without notice.

Only the mover of the motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent, it must require a decision by Council before the next scheduled ordinary meeting of Council.

The mover of the motion must, when speaking to the motion, explain why he or she believes it requires a decision by Council before the next scheduled ordinary meeting of Council.

**CLOSED SESSION**  
**CM/11/21.03**

**Subject:** Moving into Closed Session

**Author:** Emily Scott, Acting General Manager

**RECOMMENDATION:**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/11.1/21.03      CONFIDENTIAL REPORT - Surfish Cafe, Shop 1A, Bondi Pavilion - Lease - Post-exhibition

This matter is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.2/21.03      CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 1/DP 270785

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.3/21.03      CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 15/DP 270785

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

CM/11.4/21.03      CONFIDENTIAL REPORT - Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid - Lot 18/DP 270785

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to

the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

### **Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it; or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION CM/12/21.03**

**Subject:** Resuming in Open Session  
**Author:** Emily Scott, Acting General Manager



---

### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

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