



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

## **OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING**

A meeting of the OPERATIONS AND COMMUNITY SERVICES COMMITTEE  
will be held by video conference at:

**7.00 PM, TUESDAY 6 JULY 2021**

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

Emily Scott  
**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)

## Delegations of the Waverley Operations and Community Services Committee

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

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

## Live Streaming of Meetings

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

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

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

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

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

#### 1. Apologies/Leaves of Absence

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

#### 3. Addresses by Members of the Public

#### 4. Confirmation of Minutes

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#### 6. Urgent Business

#### 7. Meeting Closure

## **CONFIRMATION OF MINUTES**

### **OC/4.1/21.07**



**Subject:** Confirmation of Minutes - Operations and Community Services Committee Meeting - 8 June 2021

**TRIM No:** SF21/280

**Author:** Al Johnston, Governance Officer

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#### **RECOMMENDATION:**

That the minutes of the Operations and Community Services Committee Meeting held on 8 June 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 Operations and Community Services Committee meeting must be submitted to Operations and Community Services Committee for confirmation, in accordance with clause 20.23 of the Waverley Code of Meeting Practice.

#### **Attachments**

1. Operations and Community Services Committee Meeting Minutes - 8 June 2021



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 8 JUNE 2021**

**Present:**

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

**Staff in attendance:**

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer

*At the commencement of proceedings at 7.03 pm, those present were as listed above.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

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

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

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

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Cr Lewis.

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

The Chair called for declarations of interest and none were received.

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Confirmation of Minutes**

**OC/4.1/21.06                      Confirmation of Minutes - Operations and Community Services Committee Meeting - 13 April 2021 (SF21/280)**

**MOTION / DECISION**

Mover:        Cr Copeland  
Seconder:    Cr Masselos

That the minutes of the Operations and Community Services Committee Meeting held on 13 April 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**5. Reports****OC/5.1/21.06 Draft Cultural Diversity Strategy (A15/0517)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Wy Kanak

That Council:

1. Publicly exhibits the draft Cultural Diversity Strategy and associated documents attached to the report for 28 days.
2. Notes that a further report summarising consultation feedback will include a resourcing strategy to enable implementation of the Cultural Diversity Strategy.

**OC/5.2/21.06 Reconciliation Action Plan (RAP) Advisory Committee - Councillor Membership (A14/0173)****MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. Council appoints the Mayor, Cr Masselos, and Cr Wy Kanak as co-chairs of the Reconciliation Action Plan Advisory committee.
2. Council appoints Cr Lewis and a Liberal Councillor to the Committee.
3. The Mayor will chair the Committee, except in the Mayor's absence or in the case of the Mayor deferring to Cr Wy Kanak to chair the Committee.

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

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

**UNANIMOUS DECISION:**

That:

1. Council appoints the Mayor, Cr Masselos, and Cr Wy Kanak as co-chairs of the Reconciliation Action Plan Advisory committee.
2. Council appoints Crs Lewis and Goltsman to the Committee.
3. The Mayor will chair the Committee, except in the Mayor's absence or in the case of the Mayor deferring to Cr Wy Kanak to chair the Committee.

**6. Urgent Business**

There were no items of urgent business.

**8. Meeting Closure**

**THE MEETING CLOSED AT 7.18 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**6 JULY 2021**

**REPORT**  
**OC/5.1/21.07**

**Subject:** Draft Waste in Public Places Policy - Exhibition

**TRIM No:** A20/0397

**Author:** Beth Kasumovic, Manager, Sustainable Waste

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

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**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Waste in Public Places Policy attached to the report for a minimum of 28 days.
2. Officers prepare a report to Council following the exhibition period.

**1. Executive Summary**

This report proposes the exhibition of a new Waste in Public Places Policy to support the Waverley community to correctly present waste in a public place which will improve amenity and litter issues.

This Policy is a result of a review of similar policies and best practice at other councils.

**2. Introduction/Background**

Council has ongoing issues with bins and excess waste left in public places that are frequently not able to be solved within existing Council Policies or legislative framework. To overcome this, the preparation of a policy for waste in public places was identified as the preferred solution during a 2017 review by Waverley Council's legal counsel. This will support and enable Council to meet the Environmental Action Plan and Community Strategic Plan goal of Council to 'Keep our streets, beaches and parks clean and free of litter, rubbish and pollution'.

The Policy will increase the ability of Council to respond to issues related to waste presented in the public place by providing clear direction to residents, businesses and commercial waste operators around acceptable waste presentation in public places for the purposes of collection. It will also:

- Enable compliance actions around non-compliant waste presentation in public places.
- Raise awareness in the community of Council's commitment to keep litter and excess waste out of our streets
- Address Council resolution CM/7.12/19.11 (Illegally Dumped Waste – Removal and Investigation).

The Policy was developed in accordance with the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979* and relevant regulations and guidelines and supports Council's Community Strategic Plan 2018–2029 and Environmental Action Plan 2018-2030.

Activities related to waste presentation impacts the community in several ways. The uncontrolled presence of waste and recycling in public places can negatively impact the amenity of Council's streets, lanes and

footpaths and present an environmental pollution and human health risk, which may impact our community's quality of life. This Policy addresses these impacts in a clear, sustainable, and practical way. The draft Policy is attached to the report.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 19 November 2019	CM/7.12/19.11	<p>That Council:</p> <ol style="list-style-type: none"><li>1. Notes the success of the 12-month illegal dumping removal program in removing illegally dumped material within two business days.</li><li>2. Continues the trial illegal dumping removal program within the Cleansing team for the remaining financial year, with funding to be provided from the Domestic Waste Charge.</li><li>3. Considers making the illegal dumping program permanent as part of the 2020–21 budget planning process.</li></ol>

### 4. Discussion

Council experiences high levels of litter and excess waste in the public place. This is often caused by bins left out, or overfull, inadequate clean up services, excessive waste and results in complaints about street cleanliness. Customer service reports indicate that the community has expressed frustration with the lack of a process to deal with these issues. Waste stored or left in public places can lead to a variety of issues, including:

- Infestations of vermin, flies and birds.
- Obstacles for pedestrian and cars.
- Odour problems.
- Attracting litter and dumping.
- Environmental pollution.
- Unattractive streetscapes.

The main public waste issues experienced in the local government area (LGA) include:

- Bins or containerised waste being presented on public land earlier than instructed. This can result in bin tipping, vandalism, windblown litter, additional dumped rubbish, obstruction for pedestrians, impact to amenity and health hazards.
- Bins being stored permanently in the public place or left out for extended periods.
- Bins that are overfilled and result in windblown litter.

The remediation of the above issues is resource intensive on Council. In 2019–20, 30% of all Customer Service Centre calls was invested in addressing complaints or queries about bins left out, excess waste, non-compliant clean-up bookings, and other waste issues. Moreover, 80% of waste enforcement activities are in response to bins left out for extended periods, or inappropriately presented (overfull) and clean up services 'gone wrong'.

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

There is no financial impact related to the drafting and approval of this Policy. The implementation of the Policy requires the establishment of procedures and amendments to current resources, but it is not expected to require additional resources or finances. The benefits of keeping our streets clean and clear of bins and rubbish may lead to financial savings as less reactive cleaning may be required.

The draft Policy has been consulted on internally with relevant staff and with the Executive Leadership Team. Council's legal counsel has reviewed the Policy and is satisfied with the legislative and regulatory implications.

**6. Conclusion**

It is recommended that Council exhibits and subsequently adopts the Waste in Public Places Policy to improve amenity and litter issues in the LGA.

**7. Attachments**

1. Draft Waste in Public Places Policy [📄](#)



WAVERLEY  
COUNCIL

# Waste in Public Places Policy - *Draft*

## Waste in Public Places Policy

Policy owner	Executive Manager, Planning, Environment and Regulatory
Approved by	Pending
Date approved	Pending
Commencement date	TBD
TRIM Reference	A20/0397
Next revision date	2 years from date of commencement
Relevant legislation/codes	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Food Act 2003</li> <li>• Impounding Act 1993</li> <li>• Roads Act 1993</li> </ul>
Related policies/procedures/guidelines	<ul style="list-style-type: none"> <li>• Waverley Council's <a href="#">Compliance and Enforcement Policy</a></li> </ul>
Related forms	<ul style="list-style-type: none"> <li>• <a href="#">APPLICATION TO STAND</a>: To place a skip bin, storage container on a public road</li> </ul>

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## 1. Background

Waverley Council (Council) is committed to promoting and implementing responsible and sustainable management practices for waste presented for collection on land that is under the care and control of Council to improve the environmental amenity of its land and reduce pollution, litter, dumped or abandoned waste.

## 2. Purpose

The Waste in Public Places Policy establishes the framework for the use and placement of commercial and domestic waste/recycling and bins on land under the care and control of Waverley Council. This Policy is in accordance with the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations 1997*, and relevant regulations and guidelines.

This policy applies to residents and businesses that place waste/recycling on land under the care and control of Council for collection and is to be read in conjunction with Council's *Waste in Public Places Guidelines*.

This policy does not apply to waste/recycling on private property. Waste on private property is guided by the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the *Waverley Local Environment Plan 2012* and the *Waverley Development Control Plan 2012*.

## 3. Policy Content

This policy outlines:

- Responsibilities for use of Council's waste/recycling services by residents
- Responsibilities for businesses in managing and presenting commercial waste/recycling for collection
- Conditions for the safe and lawful use of Public Places for managing waste/recycling
- The basis for Council to make orders in relation to waste/recycling placed in Public Places; and
- The implications of non-compliance with this policy, the *Local Government Act 1993* and other relevant laws and regulations on the management of Waste in Public Places

The following activities may be carried out without the prior approval of Council if they are carried out in accordance with the requirements set out in the *Waste in Public Places Guidelines*.

- Placing domestic waste or placing a bin in a Public Place
- Placing commercial waste or placing a bin in a Public Place

The placing of waste or placing a bin in a Public Place, if that activity includes Skip Bins, is not to be carried out without the prior approval of Council and approval is governed in accordance with information provided on Council's website:

[https://www.waverley.nsw.gov.au/building/compliance\\_and\\_regulations/building\\_waste..](https://www.waverley.nsw.gov.au/building/compliance_and_regulations/building_waste..)

## 4. Non-compliance with this policy

Authorised Council Officers may issue penalty notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with relevant legislation identified in this policy. Serious incidents of pollution may also be prosecuted by State agencies such as the NSW Environment Protection Authority.

If a person puts waste/recycling or a bin in a Public Place in contravention of this policy and the related guidelines or any approval issued by Council, Council may take enforcement action in accordance with the relevant legislative provisions.

Council may also take action under the *Protection of the Environment Operations Act 1997* for noise, disposal of waste (harm to the environment) and litter offences.

Food businesses must comply with their obligations under the *Food Act 2003* and the accompanying *Food Standards Code* and ensure that they have adequate facilities and services in place for the storage and disposal of garbage and recyclable matter.

The requirement of this policy must be met in addition to any requirements contained within the Conditions of Consent for any approved development application *in accordance with the Environmental Planning and Assessment Act 1979*.

Any parties not acting in accordance with this policy may be given up to seven (7) days written notice to comply before the commencement of enforcement action. Council reserves the right to take immediate action if circumstances warrant.

Council may order the removal of any bin placed in a Public Place or the termination of any activity associated with it, which causes public amenity, safety concerns or environmental pollution risks. Upon receipt of such order, the recipient must comply with the terms of the order.

## 5. Review of Policy

The policy will be reviewed every year and updated with relevant legislation changes.

## 6. Definitions

Term	Definition
<b>Authorised Council officer</b>	An employee of the Council authorised by Council to deal with, or to act regarding any Acts or related matters. It has the same meaning as Authorised Person in the dictionary to the <i>Local Government Act 1993</i> .
<b>Bin</b>	A container for the storage of waste including recyclables and general solid waste (putrescible) This definition includes mobile garbage bins with close-fitting lids. It does not include other types of storage like plastic bags, boxes, cartons or crates.
<b>Commercial waste</b>	Business or commercial waste (including recyclable and putrescible materials) generated as part of ordinary business activities. It does not include construction and demolition waste, or the types of waste defined by the NSW EPA <i>Waste Classification Guidelines 2009</i> for special waste (such as clinical and related waste including pharmaceutical, sharps, asbestos and tyres), liquid waste and restricted solid waste (such as contaminated soil).

## Waste in Public Places Policy

<b>Domestic waste</b>	All waste (including recycling and organics) generated by the ordinary use of residential premises and collected by Council.
<b>Public Place</b>	Has the same meaning as in the dictionary for the <i>Local Government Act 1993</i> . 'Public Place' means one of the following: a) a public reserve, public bathing reserve, public baths or public swimming pool b) a public road, public bridge, public wharf or public road-ferry c) a Crown reserve comprising land reserved for future public requirements d) public land or Crown land that is not: (i) a Crown reserve (other than a Crown reserve that is a Public Place because of paragraph (a), (b) or (c)), or (ii) a common, or (iii) land subject to the <i>Trustees of Schools of Arts Enabling Act 1902</i> , or (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or e) land declared by the regulations to be a Public Place.
<b>Skip bin</b>	A large open-topped waste container, also called a building waste bin, designed for storage of waste which is then loaded onto a special type of collection vehicle for transport.
<b>Waste</b>	All refuse other than trade waste and effluent, defined as 'waste' in the <i>Local Government Act 1993</i> . It also includes any other substance defined as waste under the <i>Protection of the Environment Operations Act 1997</i> . A substance is not precluded from being waste merely because it can be refined or recycled.

**REPORT**  
**OC/5.2/21.07**

**Subject:** Draft Public Gardening Policy and Verge Garden Guidelines - Exhibition

**TRIM No:** A21/0191

**Author:** Rebecca Rodwell, Manager, Community Planning and Partnerships

**Director:** Sharon Cassidy, Acting Director, Community, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Publicly exhibits the draft Public Gardening Policy and draft Verge Garden Guidelines attached to the report for 28 days.
2. Officers prepare a report to Council following the exhibition period, including a resourcing strategy to enable implementation of the policy and guidelines.

**1. Executive Summary**

This report seeks Council endorsement to commence formal consultation on the draft Public Gardening Policy and Verge Garden Guidelines for a period of 28 days. At the conclusion of the consultation period, Council will receive a summary of the consultation feedback, as well as a resourcing strategy for implementation. The draft documents attached to this report will have improved design and layout before being placed on public exhibition.

**2. Introduction/Background**

Council's 2017 resolution requested officers to report on progress with updating Council's public gardening policy and street garden guidelines; improved and faster application processes; better promotion; and consultation with residents prior to removal of any gardens in the public domain.

Recognising the many social, environmental and aesthetic benefits, Council and the community share a strong interest around gardening in public spaces. Well maintained plantings outside residents' homes also potentially reduce Council's responsibility for maintaining/mowing verges.

The Council endorsed Public Place Gardening Policy and the Street Garden Guidelines have been in place since 2013. Since that time, Council has received multiple requests from residents to establish a garden on the verge directly outside of their property. The formal process required residents to complete a comprehensive checklist and submit a detailed plan together with a community engagement form to demonstrate neighbourhood support.

While there is clear evidence of increasing Council supported neighbourhood gardening projects as well as individual gardening activities (e.g. verge gardens), internal and external feedback tells us that current application and assessment processes are too complex, time consuming and inconsistent. A project control group (PCG) has recently been formed to review Council's resolutions, policies and procedures in relation to public gardening and recommend improvements.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 10 October 2017	CM/8.5/17.10	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Updates the Public Gardens Policy and Street Garden Guidelines to make it easier and quicker for residents to apply for a verge garden outside their property.</li> <li>2. Assesses its current measures to promote street gardens and identifies ways to improve uptake by residents, including a process for faster approvals.</li> <li>3. Notes that there is no street garden application fee to the resident.</li> <li>4. Ensures that existing street gardens in the public domain are not removed without first consultation with adjacent residents.</li> <li>5. Prepares a report on the above matters for consideration, including progress and achievements to date from the Council resolution CM/7.7/16.09 on street gardens and residential verges.</li> </ol>

### 4. Discussion

Gardening on public land is complex, involving many different stakeholders with competing interests. It connects with many Council plans, strategies and policies and requires management of risk and safety issues. Over recent years, partly due to Council's changed organisational structure, staff turnover and resourcing issues, there has been uncertainty over ownership, management and oversight of application/assessment pathways for the different types of public space gardening. Some residents, dissatisfied with the long turnaround time or lack of response, have escalated complaints and internally information has not been managed consistently.

Council receives requests for simple verge gardens that are directly in front of a resident's property, which have been supported by the Street Garden Guidelines. However, Council also receives requests to establish gardens in public spaces that do not fall within the existing guidelines due to their location, technical expertise required and/or number of residents involved in the proposal. A new/updated framework and process for managing these often very complex applications with multiple internal and external stakeholder is needed to facilitate assessment.

There are also many unapproved and non-compliant public gardens throughout the local government area, which are assessed if/when a complaint is lodged. In these circumstances, the residents are provided the opportunity to make the garden compliant, or have the garden removed.

This review and update of the Public Place Gardening Policy and Street Garden Guidelines (now Verge Garden Guidelines) has sought to address these issues, alongside growing community interest and continued Council investment in public gardening activities. The Executive Leadership Team has reviewed the draft guidelines in April 2021 and endorsed the recommendations for improved processes, including the establishment of the PCG/internal working group of relevant experts.

The Public Gardening Policy (Attachment 1) provides a broad framework for public gardening in Waverley. The new Verge Garden Guidelines (Attachment 2) offer a streamlined process for simple verge garden applications, supporting residents through a self-assessment guided by detailed information and checklist.

Applications outside the scope of the verge garden guidelines will come to the PCG for consideration and assessment. The expression of interest form (Attachment 3) has been developed to support this process.

The policy provides Council with the scope necessary for adding and/or modifying procedures and standards in response to new developments or emerging community issues.

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

Once the draft policy and guidelines have been endorsed for public exhibition, they will be exhibited for a 28-day consultation period. During the exhibition period, officers will seek feedback through:

- Have Your Say.
- Promote engagement opportunities in Council communication channels including social media, e-news, website.
- Engaging with community members who are involved in public gardening.

A further report will be prepared for Council to summarise community feedback and present resourcing requirements.

## **6. Conclusion**

The updated Public Gardening Policy and Verge Garden Guidelines will improve the process for residents who are interested in public gardening, which will contribute to social, environmental and aesthetic benefits for the local community.

This report recommends that the draft Public Gardening Policy and Verge Garden Guidelines are endorsed for public exhibition to allow for feedback from stakeholders.

## **7. Attachments**

1. Draft Public Gardening Policy [↓](#)
2. Draft Verge Garden Guidelines [↓](#)
3. Draft Expression of Interest - Gardening in Public Spaces [↓](#)

## Attachment 1



# Public Gardening Policy

Policy Name

Policy owner	
Approved by	
Date approved	
Commencement date	
TRIM Reference	
Next revision date	
Relevant legislation/codes	
Related policies/procedures/guidelines	
Related forms	

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DRAFT

## 1. Background

Community interest in all types of gardening in the public domain is steadily increasing - individual resident activities as well as group or neighbourhood projects. The challenges of living in high density environments, concerns about climate change adaptation and food security, streetscape aesthetics, neighbourhood amenity and social cohesion are all contributing factors. The recent Pandemic, local shocks and stresses and a sense of increasing global uncertainty have combined to fuel a resurgence of community gardens and interest in 'home grown' foods.

Recent work involving consultation across the LGA on 'Our Liveable Places' has also demonstrated strong community interest in increased planting and improved greenery such as planter boxes, community gardens, pocket parks, roof gardens/green walls and verge gardens.

Council supports public place gardening as a valuable activity that contributes to health and well-being, positive social interaction, community development, and environmental education, protection and enhancement of the environment. Specifically, the environmental benefits include increased urban biodiversity, reduced heat and air pollution (car exhaust fumes) and reduced stormwater runoff. Council is committed to ensuring that public place gardening contributes to and enhances sustainable and connected public spaces.

## 2. Purpose

This policy replaces Council's 2013 Public Place Gardening policy and aims to

- enable the community to continue to engage in public domain planting activities in the Waverley Local Government Area (LGA)
- ensure the public domain is safe and accessible for all
- balance the competing interests and activities taking place in the public domain (pedestrian movements, landscaping, recreation and vehicle access and parking)
- Facilitate public gardening activities in accordance with key strategies and plans

Implementation of this broader policy framework will be supported by a range of specific and more detailed strategies, plans, guidelines and checklists to ensure the diversity of public place gardens conforms to agreed objectives and outcomes.

## 3. Scope

This Policy will apply to planting activities in the public domain of Waverley Local Government Area (LGA). The following areas are excluded from this policy:

1. Bondi Beachfront Area
2. Bondi Junction Commercial Area
3. Local Village Centres
4. State Roads
5. Median strips and roundabouts.

## 4. Policy Content

### 4.1. Council Responsibilities

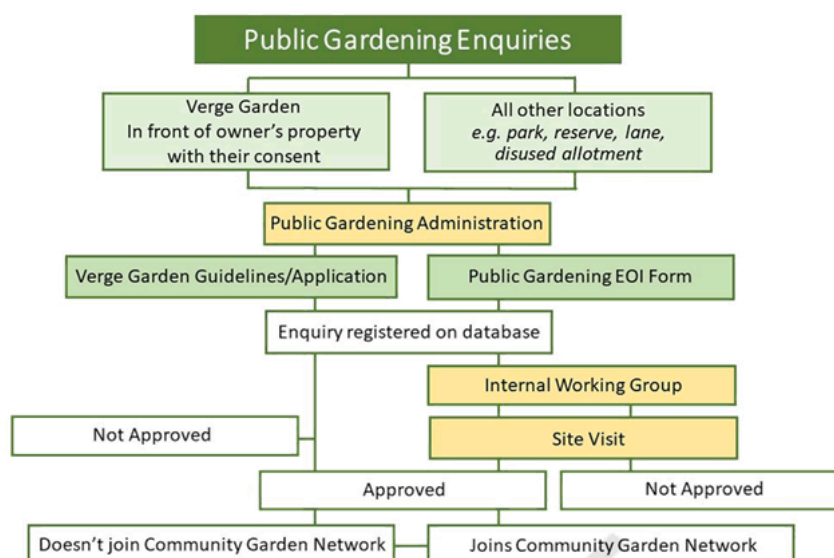
The public domain is a dynamic and fast changing environment. Individual or group planting activities in public spaces require careful management of often conflicting stakeholder interests and expectations. This Policy commits Council to:

- Support streamlined and efficient public gardening application, assessment and approval processes - where projects fall outside guidelines or are of a complex nature, an internal panel representing relevant technical expertise will assist decision making and follow up.
- Help residents identify appropriate sites for gardening activities.
- Assist interested individuals and groups to join existing sites or establish new sites.
- Promote and raise awareness through council's website, newsletters, publications, workshops and events.
- Provide information to the public about the operation of groups and activities.
- Provide information about potential grant funding opportunities for eligible groups.
- Host presentations and workshops on practical skills, including group management.
- Provide information about appropriate native plant species for Waverley.
- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information, resources and experiences.
- Prioritise resourcing to projects with greatest community benefit.
- Periodically review guidelines or checklists in consultation with key stakeholders where gaps have been identified.
- Assist with site risk assessments, site safety briefings and garden audits

#### 4.2 Policy Implementation & Guidelines

Public gardening can potentially take place across a range of settings and locations (verges, reserves, disused allotments, 'pocket parks', laneways), some more suitable than others. Council's Public Place Gardening Policy is supplemented by various guidelines detailing requirements for different types of public gardening activities, including specific criteria, application forms and checklists on establishment and ongoing use of public place garden types. These guidelines form the basis of public garden implementation and management in the Waverley LGA.

- Individual verge garden applications that comply with Council's guidelines with evidence provided as part of a completed checklist do not require an assessment process.
- Applications for other types of gardens with higher levels of complexity will be assessed and approved based on a set of criteria relating to the location, project viability, risk, suitability, and degree of community support provided.
- The complexity of the approval process will depend on the nature of the request, type and scope of project (individual or group) and expertise/resources needed to respond to the specifics of public gardening requests. This involves input from officers across Council departments, with approvals informed by key strategies, policies and plans (e.g. Open Space and Recreation Strategy; Our Liveable Spaces Strategy; Street Design Manual).



#### 4.3 WHS, Risk and Insurance

Safety is a high priority of Council. Depending on the type of gardening activity, Council's induction, site risk assessment and risk management processes seek to ensure the safety of gardeners and their potential impact on other public domain users are well managed.

Council will take out public liability insurance to cover individuals and community groups in relation to gardens covered under this policy where approval has been granted and complies with the policy. However, this indemnity does not prevent a third party from making a claim against the owner.

Any business, commercial enterprise must have and keep current a minimum of \$20,000,000 public liability insurance.

#### 4.4 Compliance

Waverley Council may revoke an approval and reserves the right to remove a garden where the public gardener or group or activity is not meeting the terms of this policy; related guidelines and conditions of approval. An example of this is no longer being able to keep up maintenance on the garden. Compliance will be assessed on a case by case basis. Gardeners will be advised in writing of the non-compliance, and given an opportunity to reinstate the garden to the approved standards.

#### 4.5 Public Place Garden Controls

All public place gardening activities covered by this Policy must satisfy the following requirements to allow establishment and ongoing use.

##### ACCESS

Public place gardening sites must maintain community safety. Access to existing footpaths and walkways must be maintained. Refer to relevant guidelines for information about specific requirements for plants and planter boxes.

**CONSULTATION**

Gardening in public spaces preserves, enhances and creates green spaces that will benefit the greater community and requires community support to succeed in the long term. This policy requires consultation with and endorsement from neighbours or nearby property owners for new activities. The type of consultation required is outlined in relevant guidelines.

**BIODIVERSITY PROTECTION**

Waverley's pockets of remnant vegetation are protected under the Waverley Land Environment Plan 2012. Areas containing remnant vegetation or bushland are devoted entirely to conservation and habitat enhancement activities. The only public gardening type permissible in these areas is bushcare. See Waverley LEP 2012 Terrestrial Biodiversity Maps. These maps show the location of all remnant vegetation or bushland within the Waverley LGA. Land adjacent to remnant vegetation is protected through the Waverley Development Control Plan 2012 - Part B3 - Biodiversity.

**HABITAT CORRIDORS**

Linkages between our remnant vegetation, and identified habitat are known as habitat corridors. Habitat can be created by vegetation in all types of public gardening activities, but any new public gardening plantings within the Waverley identified habitat corridors must include a minimum of 50% local native species. This is a requirement of the Waverley Development Control Plan 2012 - Part B3 - Biodiversity which shows the locations of Waverley's habitat corridors.

**TREE MANAGEMENT**

The management of our urban trees must always be taken into consideration as the provision of shade for cooling our city is an important environmental benefit. Trees are vulnerable to root and soil disturbance. When tree roots are cut and soil hydrology is altered the impact on the health and appearance of a tree may not be visible for many months afterwards. All trees in Waverley including those in streets, parks and reserves are protected under the provisions of the Development Control Plan 2012, Part B5 - Vegetation Preservation.

**PLANS OF MANAGEMENT**

Council has Plans of Management (POM) for many parks and open space areas in the area. Public Place Gardening activities that occur in an area with an existing POM must be consistent with this Plan.

**PUBLIC LAND MANAGEMENT** Council manages public land located in the Waverley Local Government Area in accordance with relevant legislation and guidelines. Use of public land for 'gardening activities' is subject to Council approval. Council reserves the right to withdraw approval to individuals or groups to participate if terms of agreed use are breached. Use of public land for gardening activities does not assign or imply rights to individuals or organisations for use of the land other than the terms set out in user agreements or Site Action Plans, and specific operational guidelines.

**PUBLIC GARDEN COMPOST FACILITIES**

On-site composting facilities may be permissible where the size, and type of compost facility, location and ongoing maintenance have been approved by Council. Any facilities that are not maintained to the required standards may be removed or relocated at Council's discretion.

**SOIL CONTAMINATION**

A range of chemicals occur in urban soils, including trace elements and heavy metals. Their distribution and concentrations are largely unknown. Lead could occur in high levels alongside major roads due to our past use of lead based fuels. Other contaminants may also be present depending

on past uses. Lead does not readily move from soil through to the edible parts of the plant such as leaves and fruits.

- Non-edible and low maintenance plants are generally preferred such as local native species.
- If residents are concerned about lead and other contaminants, they should carry out soil testing to confirm levels or only garden with non-edible plants.
- Personal protective equipment should always be used.

#### **WEED MANAGEMENT**

All public gardens must manage and control noxious and environmental weeds. See Waverley Council Weed Management Policy 2012.

## **5. Related Documents**

- Relevant public gardening guidelines & checklists
- Verge Garden Guidelines 2021
- Public Gardening Expression of Interest
- Our Liveable Places Centres Strategy 2020
- Street Design Guidelines 2020
- Public Domain Technical Manual 2020
- Sustainability Plans
- Volunteering Policy
- Volunteering Handbook
- Tree Policy

## **6. Review of Policy**

This Policy will be updated every three years.

## **7. Definitions**

### **Public Place Gardening Types**

Public Place Gardening in the Waverley Local Government Area (LGA) includes a range of 'gardening' activities carried out on public land. Public Place Gardening may be an individual activity, such as a single resident wanting to plant out the verge or request a street tree in front of their home. Public Place Gardening may also be carried out as a group activity working to an agreed plan. Examples of group Public Place Gardening include Waverley's bushcare groups, working to conserve and rehabilitate remnant bushland, a shared garden where members come together to care for a small designate verge or pocket park, or a community garden dedicated to growing food plants.

Policy Name

Term	Definition
Community Garden	Community gardens are non-profit, community based gardens primarily growing food for members. They are usually multi-functional garden spaces that can provide demonstration sites for education of sustainable practices for gardening, food production and resource and waste efficiency, as well as other environmental, social and economic benefits.
Shared Garden	Shared gardens are groups formed within small 'pockets' of parkland or green spaces Council supports local neighbourhood groups with resources, educational workshops, access to funding, working bees, linking to the network of shared and community gardeners.
Verge Garden	Verge gardens are gardens on council land, generally on publicly visible areas of green within the streetscape. They are planted and maintained for native habitat, ornamental, food or other green infrastructure purposes. Verge Gardens are small in size and mostly located on verges next to footpaths. In-ground gardens and planter boxes may be installed in some areas as long as they meet the requirements of specific guidelines including checklists and approval processes.
Laneway Garden	Laneways are a versatile street typology that offer access, storage? articulation and adaptability. Balancing the functional requirements of all users, laneways can offer a safe, inviting and inclusive environment for pedestrians and attractive public spaces through the inclusion of street furniture, temporary uses, verge planting, raised beds or wine barrels, public art and adequate lighting.
Cemetery Garden	Volunteer gardeners maintain commemoration sites increasing biodiversity corridors.
Bushcare	Bushcare groups maintain areas of remnant vegetation or bushland and create and maintain habitat. Volunteers work alongside trained bush regeneration supervisors and meet regularly.

# Attachment 2

## Verge Garden Guidelines

DRAFT

# CONTENTS

**Introduction and Definition**

**Location and Access**

**Design, Materials, Soil and Plants**

**Safety when working on a verge garden**

**Plant List**

**Checklist**

DRAFT

## Introduction and Definition

Waverley Council supports public place gardening as a valuable activity that contributes to the health and well-being of community members, cools the streets, reduces fossil fuels and increases biodiversity and habitat in Waverley.

There are various types of public gardening in Waverley. The Waverley Community Garden, situated in the heart of Bondi Junction is managed by Waverley Council under a membership allotment system with 40 kitchen garden plots. Waverley's Shared Garden program supports local community groups self-manage gardens in a range of parks, reserves, laneways and disused allotments.

Verge Gardens are plantings on the Council land between the private property boundary and the road kerb. This area is usually grassed and contains street trees, footpaths, driveways and other above and below ground infrastructure. While verges are public land, residents are expected to contribute to their upkeep, through mowing or maintenance of a planted garden.

These Verge Garden Guidelines detail the requirements for gardening on the verge directly in front of a property. Gardening projects in laneways, parks or reserves are not included in the scope of this document and will need to be considered on a case-by-case basis.

## Location and Access

The verge garden guidelines are intended to help residents establish a garden directly in front of their property. A site's suitability for verge gardening and the location of any planting depends on factors such as existing trees and other structures above and below the ground.

The location of the garden will depend on the width of the verge, what else is there and how it is used. The most important consideration will be that a clear pedestrian travel path can be provided or maintained.

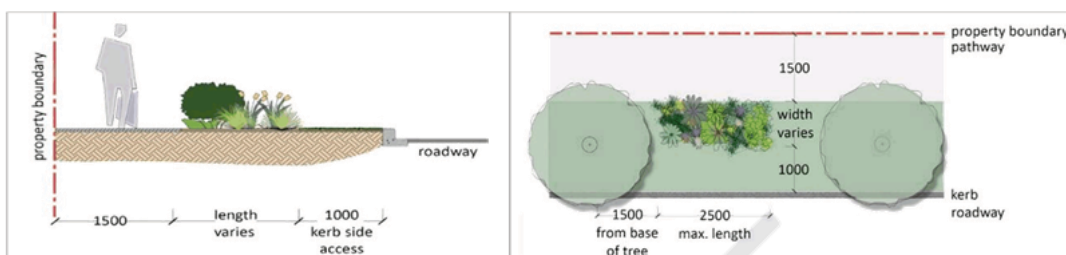
The best place for a verge garden, in-ground or planter box will usually be closest to the property boundary, because the majority of public utilities run along the kerb-side area of the verge. It is also important to maintain clear lines of sight in this area.

There are exclusion zones for gardens being situated on main roads or in shopping districts. A register listing the locations of Verge Gardens for which approval has been issued by Council will be maintained to monitor compliance.

*Consider the following assessment of site suitability:*

- Access to sunlight in both summer and winter and how this will influence the garden location and plant species selected.
- How the movement of water surface flow will affect the verge garden.
- Waverley's street trees are owned and managed by Council. They are green infrastructure and must not be damaged by any gardening (or other) activity.

- Contact a Council Officer if in doubt about the proximity of garden to street trees.
- Pedestrians, cyclists and vehicular traffic share our public spaces. Consider how many people use or walk by the proposed verge garden location, how they may be impacted and how impacts may be reduced.
- The stormwater drains of some properties may be at shallower depths therefore planting must be limited to a shallow depth to avoid infrastructure damage.
- Permanent fixtures or structures are not permitted in verge gardens.
- Garden edging, retaining walls, paving and seating are not permitted.



## Design, Materials, Soil and Plants

Gardens that use existing site soil are preferred by Council, rather than those needing new materials. Plants should be selected that are suited to local soil conditions so that soil additives, such as fertilisers, are not needed.

Practice sustainable gardening. The use of synthetic fertilisers, herbicides and pesticides is not permitted.

The soil or growing medium next to the footpath should be level with, or slightly below the top surface of the footpath. This will ensure that surface water can flow into the garden bed, and that soil, mulch or other garden materials do not spill out.

It is important to select the right plants for the location and consider how they will grow over time. Research is recommended before choosing the species, see local plant list included for guidance. Ensure there is enough space for the future growth of plants. Plants that are spiky, have sharp edges or points, such as cacti are not suitable for verge gardens.

*Consider the following:*

- Keep plants and soil clear of utility covers such as fire hydrants, phone and stormwater pits.
- Choose drought-tolerant plants and plants suited to coastal conditions.
- Monitor the sun, shade, damp, dry conditions of the site before selecting plants.
- Choose perennial plants over those that last for one growing season to minimise garden maintenance.
- Native and edible plants are encouraged.
- Edible plants that require soil cultivation and regular replacement are not recommended.

- Make sure plants do not overhang the pathway or roads, or into gutters.
- Avoid planting weeds or allowing them to grow.
- Trees are not allowed. This includes frangipani.
- Eating produce grown on the verge is at your own risk.
- Consider low growing plants at corners.

*Planter box considerations:*

- Planter boxes are permitted in verge gardens and recommended in areas with hard, level surfaces.
- Planter boxes should be constructed from wood sustainably sourced or produced. Recycled wood can be used as long as it meets the requirements below. If you are growing food in your planter box, do not use treated pine. Alternatively, corrugated iron can be used providing there are no sharp edges. Wine barrels are also acceptable.
- Planter boxes should be square or rectangular in shape, with four sides and a fixed bottom, with the exception of wine barrels.
- Planter boxes must be durable enough to survive outdoors, stable after planting out, resistant to toppling, waterproof and UV resistant.
- The planter boxes must be free of sharp edges, protrusions or features, which may damage the footpath or injure passing pedestrians.
- The planter boxes must be regularly maintained to ensure they are safe, tidy and visually appealing.

## **Safety when working on a verge garden**

*Always consider the following when working on a verge garden:*

- How the garden and related activities will affect others.
- Always work from the footpath or verge, never from the road.
- Watch out for passing cars and keep clear of cyclists and pedestrians.
- Wearing high visibility clothing is recommended.
- Corners are to be unplanted for a 45degree splay from the property.

### Working safely on verge gardens

Residents are responsible for their own safety while working on a verge garden. This means following basic safety precautions around wearing appropriate clothing and protective equipment, sun safety and utilising and handling tools and materials.

Work safe. Use the right tool for the right job, use tools safely and do not store tools or materials on the footpath. Wear high visibility clothing working next to roads or busy places. Wear gloves and any other personal protective equipment.

### Insurance

Council will provide public liability to individuals working on a verge garden directly outside their property that comply with these guidelines. However, Council's indemnity does not

prevent a third party from making a claim against the owner for any injury, loss or damage caused by the verge garden.

#### Compliance

If Council receives complaints about the verge garden, a Council staff member will make contact with the applicant.

Verge gardens that have been neglected, abandoned, are unsafe or untidy will be considered to be non-compliant with these guidelines. Council may issue instructions to restore the garden to a satisfactory standard within 28 days or reinstate the site to turf. If Council does not receive a response within this time period, the verge garden will be removed by Council and associated costs will be transferred to the resident.

Council will acknowledge receipt of a checklist. Council can advise if there are any potential or immediate development plans for the intended site.

### PLANT LIST

#### Local Native and Bushtucker Plants

GENUS SPECIES SHRUBS. SMALL - MEDIUM	COMMON NAME	GENUS SPECIES CLIMBERS/ GROUNDCOVERS	COMMON NAME
<i>Acacia myrtifolia</i>	Myrtle Wattle	<i>Billardiera scandens</i>	Hairy Apple Berry
<i>Acacia suaveolens</i>	Sweet Wattle	<i>Carpobrotus glaucescens</i>	Pig Face
<i>Atriplex semibaccata</i>	Berry Saltbush	<i>Centella asiatica</i>	Gotu Cola
<i>Austromyrtus delcis</i>	Midjim Berry	<i>Clematis aristata</i>	Travellers Joy
<i>Baeckea imbricata</i>	Heath Myrtle	<i>Commersonia scandens</i>	Wrinkled Kerrawang
<i>Banksia spinulosa</i>	Hairpin Banksia	<i>Dichondra repens</i>	Kidney Weed
<i>Banksia robur</i>	Swamp Banksia	<i>Eustrephus latifolius</i>	Wombat Berry
<i>Bauera rubioides</i>	River Dog Rose	<i>Geranium homeanum</i>	Cranesbill
<i>Boronia ledifolia</i>	Sydney Boronia	<i>Gonocarpus teucroides</i>	Germander Raspwort
<i>Bossiaea heterophylla</i>	Variable bossiaea	<i>Goodenia hederacea</i>	Ivy Goodenia
<i>Brachyloma daphnoides</i>	Daphne Heath	<i>Hardenbergia violacea</i>	False Sarsaparilla
<i>Citrus australasica</i>	Finger Lime	<i>Hibbertia dentata</i>	Toothed Guinea Flower
<i>Correa alba</i>	White Correa	<i>Hibbertia scandens</i>	Golden Guinea Flower
<i>Correa reflexa</i>	Native Fushsia	<i>Mirbelia rubiifolia</i>	Mirbelia
<i>Crowea saligna</i>	Crowea	<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Darwinia fascicularis</i>	Darwinia	<i>Oplismenus sp.</i>	Basket Grass
<i>Dillwynia retorta</i>	Heathy Parrot Pea	<i>Pandorea pandorana</i>	Wonga Wonga Vine
<i>Einadia hastata</i>	Berry Saltbush	<i>Pelargonium australe</i>	Native Geranium
<i>Grevillea speciosa</i>	Red Spider Grevillea	<i>Persicaria decipiens</i>	Slender Knotweed
<i>Isopogon anemonifolius</i>	Drumsticks	<i>Plectranthus parviflorus</i>	Cockspur flower
<i>Leucopogon ericoides</i>	Pink Beard-heath	<i>Scaevola aemula</i>	Fairy Fan Flower
<i>Lomatia silaifolia</i>	Crinkle Bush	<i>Scaevola calendulacea</i>	Dune Fan Flower
<i>Melaleuca thymifolia</i>	Thyme Honey-Myrtle	<i>Tetragonia tetragonioides</i>	Warragal Greens
<i>Micromyrtus ciliata</i>	Fringed Heath-myrtle	<i>Viola hederacea</i>	Native violet
<i>Olearia tomentosa</i>	Toothed Daisy -Bush		
<i>Petrophile pulchella</i>	Conesticks		
<i>Phebalium squamulosum</i>	Scaly Phebalium		
<i>Philotheca buxifolia</i>	Box-leaf wasflower		
<i>Philotheca myoporoides</i>	Long leaf wax flower		
<i>Pimelea linifolia</i>	Slender Rice flower		

<i>Platysace lanceolata</i>	Native Parsnip		
<i>Plectanthrus parviflorus</i>	Little Spurflower		
<i>Pultenaea linophylla</i>	Halo Bush Pea		
<i>Rhagodia spinescens</i>	Creeping Saltbush		
<i>Westringia fruticosa</i>	Coastal Rosemary		

GENUS SPECIES NON-NATIVE PERENNIAL HERBS	COMMON NAME	GENUS SPECIES FERNS	COMMON NAME
<i>Beta vulgaris</i>	Perpetual spinach	<i>Doodia aspera</i>	Rasp Fern
<i>Borago officinalis</i>	Borage	<i>Histiopteris incisa</i>	Bats Wing Fern
<i>Capsicum sp.</i>	Chilli	<i>Hypolepis muelleri</i>	Harsh Ground Fern
<i>Chamaemelum nobile</i>	Chamomile	<i>Pellaea falcata</i>	Sickle fern
<i>Cymbopogon citratus</i>	Lemongrass	<i>Pteridium esculentum</i>	Common Bracken
<i>Echinacea sp.</i>	Coneflower	<i>Sticherus flabellatus</i>	Umbrella Fern
<i>Lactuca sativa</i>	Perpetual lettuce		
<i>Melissa officinalis</i>	Lemon Balm		
<i>Origanum majorana</i>	Marjoram		
<i>Origanum vulgare</i>	Oregano		
<i>Persicaria odorata</i>	Vietnamese Mint		
<i>Petroselinum crispum</i>	Parsley		
<i>Rosemarinarius officinalis</i>	Rosemary		
<i>Rumex acetosa</i>	Sorrel		
<i>Salvia elegans</i>	Pineapple Sage		
<i>Salvia officinalis</i>	Sage		
<i>Sanguisorba minor</i>	Salad Burnet		
<i>Tanacetum parthenium</i>	Feverfew		
<i>Thymus serpyllum</i>	Creeping Thyme		
<i>Zingiber officinale</i>	Ginger		

# VERGE GARDEN CHECKLIST



Date \_\_/\_\_/\_\_\_\_

First Name ..... Surname .....

Phone ..... Email .....

Address .....

All applicants need to complete the checklist and submit a sketch of the proposed garden design/layout, indicating the measurements of the footpath and kerb side zones, any access ways as well as the type and dimension of any planter box. Checklists will be stored on a Waverley Council register.

Please return form and submit any enquiries to [streetgardens@waverley.nsw.gov.au](mailto:streetgardens@waverley.nsw.gov.au).

DISTANCES & CLEARANCES	PLANTER BOXES	INGROUND GARDENS	TICK IF AGREE
1. Maximum depth of mulch around tree roots		10cm	
2. Maximum depth for digging into verge		30cm	
3. Maximum height of plants along driveways and pathway edges		50cm	
4. Maximum height of plants at maturity		2m	
5. Minimum height and maximum width of planter box	60cm		
6. Maximum length of a planter box	1.5m		
7. Maximum height of plants in planter box	60cm		
8. Minimum access between garden beds or planter boxes	80cm	80cm	
9. Minimum clearance from street furniture, power poles and signs	80cm	80cm	
10. Minimum area along kerb to remain unplanted	80cm	60cm	
11. Minimum distance from driveways	1.5m	1.5m	
12. Minimum width of pedestrian footpath	1.5m	1.5m	
13. Maximum distance for garden beds or planters without access break	2.5m	2.5m	
14. Minimum clearance from the trunk of street trees	2m	2m	
15. Set back from edge of property at street corners and junctions	2m	2m	
16. Minimum clearance from a pedestrian crossing	10m	10m	

OTHER ADHERENCES	TICK IF AGREE
17. The verge is located directly in front of my property	
18. I have attached a letter of support from the property owner if this is not the applicant	
19. My neighbours have been consulted and agree to the garden design	
20. The site is located outside exclusion zones listed in the Public Place Gardening Policy	
22. Sketch of the verge garden is included	
23. The top level of soil in the garden will be level with or below the top of the kerb and pathway	
24. Materials used will be low hazard e.g. no sharp edges, protrusions, bamboo or hardwood stakes, steel pickets or guide wires that might injure a pedestrian or cause irritation and toxicity	
25. The garden will remain free from raised edgings such as bricks, loose stones, materials and fence, which may cause a trip hazard to pedestrians or vehicles	
26. The garden will be regularly maintained to keep it tidy, safe and in an attractive condition as well as pedestrian pathways clear and planters free of noxious and environmental weeds	
27. Planter boxes to be stable, waterproof and UV resistant	
28. Planter boxes positioned away from access points e.g. taxi stand, bus stop, accessible parking	

## Attachment 3

## Draft Expression of Interest – Gardening in Public Spaces



Contact Details	
Date	
Name	
Phone	
Email	
Address	

Garden Site Information	
Garden address	
Garden location (circle)	Park Reserve Laneway Verge Cul-de-sac Disused Allotment Other (please add details)
Garden type (circle all relevant)	Inground Raised beds Native plants Edible plants Other (please add details)
Is the site suitable for gardening?	<i>E.g. access to water, sunlight.</i>
Do you envisage any site safety issues?	<i>E.g. proximity and visibility to passing traffic, working on a steep incline, high pedestrian traffic.</i>
Neighbours consulted?	Yes No <i>Note: If the garden impacts neighbours, they need to be consulted and agree to plans in advance of the garden construction.</i>
What plants are being considered?	<i>Note: Waverley Council has a recommended plant list of native and edible species to use in public spaces.</i>
What infrastructure (if any) is planned?	<i>E.g. raised beds, tool shed, tap, signage, compost bin.</i>
Photos of site included	Yes <i>Note: Sketches must be presented on 1 – 2 A4 pages with captions.</i>
Sketch of plans included	Yes <i>Note: Photos must be presented on 1 – 2 A4 pages with captions.</i>

Community Interest, Access & Engagement	
What is your motivation to start a public garden?	
Who is involved?	
Name of the garden/group	
What skills and experience does the group have to manage the garden?	
How will the garden be funded and maintained?	
Is the garden accessible to a range of users?	<i>E.g. consider ease of access for prams, wheelchairs etc.</i>
Do you want to join our existing community garden network?	

Email completed form to the Coordinator Local Connections at [connected@waverley.nsw.gov.au](mailto:connected@waverley.nsw.gov.au)  
 All attachments must include your name as the file identification e.g. 'John Smith – photos of site' and the combined file size must not exceed 10mb. Links to saved online documents also accepted.

**REPORT**  
**OC/5.3/21.07**

**Subject:** Strata Parking Enforcement Trial

**TRIM No:** A16/0667

**Author:** Colin Handsaker, Manager, Parking Patrol  
Mark Featherstone, Executive Manager, Compliance

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

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**RECOMMENDATION:**

That:

1. Council officers develop guidelines for strata/community parking area agreements, including the basis and process for establishing fees.
2. Following the preparation of the guidelines, Council officers prepare a report to Council on the draft guidelines, noting that any fee to be implemented through such arrangements would be required to be publicly exhibited.

**1. Executive Summary**

In August 2017, Council resolved to conduct a trial of strata/community parking area agreements for a period of up to six months with owners' corporations and to receive a report on the outcome of the trial.

This report informs Council of the outcome of the six-month strata parking agreement trial and recommends that Council establishes criteria and documents a process to assess applications for strata parking area agreements, as well as an appropriate fee, for Council's consideration.

**2. Introduction/Background**

In November 2016, the *Strata Schemes Management Act 2015* commenced, permitting councils to enter into agreements with strata and community schemes to enforce parking restrictions on common property. This legislation was incorporated into the *Local Government Act* under section 650A.

The owners corporation of a strata scheme under the *Strata Schemes Management Act 2015* or the association of a community, precinct or neighbourhood scheme under the *Community Land Management Act 1989* may enter into an agreement with a council as long as the agreement is approved by special resolution of the owners corporation or community association.

Under strata/community parking area agreements, part of the common property of the scheme is set aside as a parking area and the council exercises its enforcement functions in that area.

Section 650A of the *Local Government Act 1993* (as amended in November 2016) outlines the matters that may be covered by any strata/community parking area agreement, including the restrictions and offences that can be enforced. These are:

- The time during which residents or visitors may use the parking area.

- The maximum period for which a vehicle may be parked in the parking area (or in any part of the parking area).
- The designation of a parking space within the parking area as a space for the sole use of persons with disabilities.

At the Council meeting on 15 November 2016, Council resolved to further investigate the new provisions of the *Strata Schemes Management Act 2015* and the *Local Government Act 1993* as they apply to the management of unauthorised parking on private property through a commercial arrangement between Council and an owners corporation.

In March 2017, 35 strata managers were invited to participate in an online survey. The seven strata managers who completed the survey manage 70 buildings throughout the local government area and approximately 500 parking spaces.

In June 2017, these respondents were invited to take part in a focus group to further explore the implications and expectations of a parking agreement.

At its meeting on 8 August 2017, Council considered a report detailing the results of the investigation and consultation. Council resolved to conduct a trial of strata/community parking area agreements for a period up to six months.

On 1 December 2018, Council entered into a trial with the owners corporation of 29–31 Paul Street, Bondi Junction, for the common property, which comprised eight visitor parking spaces. One infringement was issued during the six-month trial period.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 8 August 2017	CM/7.12/17.08	That Council: <ol style="list-style-type: none"> <li>1. Conducts a trial of strata/community parking area agreements for a period of up to six months with owners corporations.</li> <li>2. Receives a report on the outcomes of the strata/community parking area agreement trial.</li> </ol>
Council 15 November 2016	CM/8.2/16.11	That Council: <ol style="list-style-type: none"> <li>1. Investigates the new provisions of the Strata Schemes Management Act 2015 and the Local Government Act 1993 as they apply to the management of unauthorised parking on private property through a commercial arrangement between a local council and an Owners' Corporation.</li> <li>2. Identifies the feasibility of whether it should and can provide this service to Owners Corporations, and how the service could operate, considering staff resources and priorities.</li> <li>3. Identifies how a similar service could operate for Company Title Home Units.</li> </ol>

		4. Receives a report on the above matters.
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#### 4. Discussion

Following the Council meeting on 8 August 2017, the strata managers who had participated in the initial investigations and focus group were invited to participate in the trial. A notification was also published in the *Wentworth Courier* calling for expressions of interest from strata managers in general.

Limited responses were received as most strata managers did not submit formal expressions of interest, unable to accept key requirements such as:

- Council officers requiring independent access to secure parking areas.
- Bearing the cost of the regulatory signage.
- All vehicles being treated equally regardless of ownership.
- Officers unable to issue infringements based on third party evidence e.g photographs, CCTV etc.

The owners corporation of 29–31 Paul Street was the only owners corporation to agree to enter into a free parking agreement with Council.

Officers inspected the site and, in consultation with the owners corporation, time limits were introduced to the eight visitor parking spaces. The owners corporation also agreed to:

- Council having full discretion to contract out any of its relevant functions if it wishes to do so, except its law enforcement function.
- Pay the Council any agreed fees, charges and or expenses incurred in respect of the agreement.
- Allow the Council complete discretion as to the extent of surveillance to be exercised over the property.

Council entered into a six-month trial agreement with the owners corporation of 29–31 Paul Street on 1 December 2018. The agreement within the common property, enabled enforcement of eight visitor parking spaces that had a four-hour time limit imposed.

As part of the agreement, all required signage was installed at the cost of the owners corporation. There was no fee charged by Council for the provision of patrols for the trial period.

During the trial period, Parking Officers attended up to four times per day to enforce the four-hour time limit within the eight visitor parking spaces.

The trial could be considered somewhat successful in that the owners corporation reported greater compliance once the signs were installed and officers undertook patrols. It was noted, however, that illegal parking taking place outside the Parking Officers' hours of operation (i.e. overnight) could not be addressed/enforced by the agreement.

From a financial perspective, only one infringement was issued for parking longer than the allowed time limit during the trial.

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

Parking agreements are a commercial arrangement that are not cost neutral. In consideration as to whether to enter into an agreement, Council must ensure that it is not diverting enforcement resources away from public parking areas. This is particularly important when considering strata community parking agreements when no additional public parking will result. Therefore, it is appropriate for Council to require

a fee for the servicing of a parking agreement. Work health and safety requirements would mean two officers would need to be in attendance for safety purposes due to the nature of the areas they would be patrolling being isolated and away from public view.

The cost of the manufacture and installation of new signage is covered by the owners corporation.

The trial area was attended at least four times per day by two Parking Officers. Assuming each visit would be on average 10 minutes, the cost to attend the site for the trial period was approximately \$7,000. This does not include the cost of the time taken in the initial investigation stages and administration of the agreement.

The cost cannot be reliably offset by infringement revenue as evidenced by only one infringement being issued during the trial period.

The trial location was comparatively small, with eight parking spaces on a single level. Larger locations with more spaces or multiple levels will take longer to patrol and therefore cost more to service. This increased cost would need to be reflected in any fee that would be charged if Council decides to continue to offer the service. This fee would need to take into account the cost of signage, patrolling the strata parking areas and the cost of establishing the agreement, such as inspections, advising on restrictions and signage etc.

## **6. Conclusion**

Whilst there was limited interest during the trial period, the establishment of guidelines for a strata parking area agreement should be developed, together with the appropriate levied fees being established within Council's fees and charges for a commercial arrangement.

Prior to entering into any agreement, serious consideration would need to be given to work health and safety requirements, as the majority of cases officers would need to patrol areas that are often isolated, without CCTV coverage and potentially without radio coverage.

This report recommends that Council officers establish criteria and document a process to assess applications for strata parking area agreements, and establish an appropriate fee, for Council's consideration.

## **7. Attachments**

Nil.

**REPORT**  
**OC/5.4/21.07**

**Subject:** Bondi Park Playground Upgrade

**TRIM No:** A19/0627

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

**Director:** Sharon Cassidy, Acting Director, Community, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Begins planning works for a new Bondi Park Playground upgrade during the 2021–22 financial year.
2. Notes that subsequent to planning works, the design, consultation, documentation and procurement will be undertaken in preparation for the construction of the new Bondi Park Playground in winter 2024, with construction budget included in the Long Term Financial Plan 5.3 in 2023–24 and 2024–25.

**1. Executive Summary**

This report provides an update on the implementation of the Play Space Strategy and upcoming priorities for play space upgrades and refurbishments including the Bondi Park Playground. The scope of works and more detailed timeline for the Bondi Park play space is also presented.

**2. Introduction/Background**

To assist in prioritising playground upgrade works, Council adopted the Play Space Strategy 2014-2029. This 15-year strategy was developed in consultation with the community and guides how and when Council upgrades the 39 play spaces in the local government area (LGA). In addition to the Play Space Strategy, Council commissions quarterly play space safety audits of all playgrounds to ensure play spaces remain safe and operational.

The Strategy sets the vision and provides an inspirational long-term view for how Play Spaces will be upgraded, managed, maintained, and operated in the future. It includes several overarching principles to guide play space development, set a hierarchy for play spaces across the LGA, nominates a target age range for each play space, and provides a priority listing for play space upgrades and action plan to guide specific upgrades at each play space.

The design of playgrounds seeks to expand the range of experiences in each of our play spaces where children's skills and creativity can be developed. The incorporation of different play experiences is guided by the Strategy, the context of the site, the desires and aspirations of the local community engaged during consultation process as each play space is designed.

The priority listing in the Strategy ensures a systematic and equitable approach to capital renewal of our playgrounds across the LGA. Each year, Council officers make recommendations for play space upgrades based on the strategy and safety audits for inclusions in the upcoming years Capital Works Program. These recommended works are then determined by the elected Councillors as part of the proposed Capital Works

Program for the following financial year. Bondi play space was not recommended for inclusion in next year's Capital Works Program, based on its recent refurbishment and other more urgent play spaces identified which are at the end of their asset life.

In December 2020, Council adopted the Inclusive Play Space Study, which is a supporting document to the Play Space Strategy 2014-2029, providing key guidance on access, inclusion, and equity in the design of new play spaces. This study identified Bondi play space as one of the fourteen inclusive play spaces in Waverley and provides checklists and further recommendations on how this can be achieved. The future planning and design of the Bondi playground will be closely guided by this document to provide a regional level inclusive play space for our LGA.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 8 December 2020	CM/8.2/20.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes that the upgrade to the Bondi Beach playground was identified as a high-priority, short-term action in the Waverley Play Space Strategy (2014–2029).</li> <li>Notes that 18.3% of Waverley's residents were under the age of 17 in the 2016 census with that number predicted to grow, with under 17s representing 14.1% of the population in Bondi, 12.3% in Bondi Beach and 23.5% in North Bondi.</li> <li>Notes that a minor upgrade is currently underway to replace dilapidated play equipment and infrastructure in the park.</li> <li>Notes that by bringing forward the design work will mean that funding may or may not be taken away from other playground designs and upgrades within the Waverley local government area, noting that there may be no impact on the 2021–22 financial year budget or playground works.</li> <li>Officers provide a report to the March 2021 Council meeting at the latest on the consequences of the following: <ol style="list-style-type: none"> <li>Officers commence design work for the full upgrade to the Bondi Park regional playground within the 2021–22 Capital Works Program.</li> <li>Funds the design work through the SAMP 5 Park and Playground Renewal and Upgrades program in 2021–22 allocation in the Long-Term Financial Plan 5.2.</li> </ol> </li> </ol>

#### **4. Discussion**

Bondi Playground has been classified as a short-term priority in the Play Space Strategy. On completion of Barracluff Park upgrade (currently under construction) and Belgrave Street Reserve, which is in design stage, all playgrounds identified as a short-term priority in the strategy will either be upgraded, replaced, or refurbished.

Bondi Park playground has recently been refurbished and was reopened in late 2020. The budget was \$243,276 and included:

- New fencing.
- New multi-play equipment for toddlers.
- New musical instruments.
- New nature play area.
- New bubblers.
- Refurbished swing set.
- Refurbished multi play pieces including a new slide.
- Refurbished picnic shelter.
- Repairs to rubber softfall.

It is expected that the refurbished works will have extended the lifespan of approximately four to five years, the new play elements (equipment and softfall) are expected to last at least ten years.

The intent is to upgrade Bondi play space to a regional level playground once the Pavilion works are completed and old equipment is at the end of its life. This will ensure the works recently completed are well utilised and the recent funding is put to good use.

#### **Program for play space upgrades**

Typically, the planning, community consultation, design, documentation, procurement, and construction for a play space would take 12 to 18 months for a pocket and neighbourhood park. For a larger district level play space, the process may take 18 months to two years. Bondi Park play space is Waverley's designated regional level play space; therefore, the works involved in planning, designing, and building are likely to take upward from two years. Bondi Park playground design also has to consider the site's national and state heritage status, which may trigger statutory approvals.

As mentioned, the Bondi play space is expected to be replaced in the four- to five-year time frame. If the design for the playground were to be brought forward, so to would community consultation, as these stages are interdependent. It is recommended that the construction lead directly on from design and consultation to ensure the community remain engaged and involved in the project process and not frustrated by long project timeframes.

#### **Impact of bringing forward Bondi play space project**

Furthermore, if the design and consultation are brought forward other park and playground projects would be put on hold to make available staff resources and budgets.

The upcoming play space works in the 2021–22 financial year includes the detailed design and construction of Onslow Street Reserve and Belgrave Street Reserves (both underway) and the design of Waverley Park play space. These assets are at the end of their useful life, furthermore there is an expectation from the community that these projects will take place as soon as practical. The Waverley Park playground has grant funding allocated, which is to be spent by a December 2022 deadline.

It is also recommended that planning and design works begin on the Biddigal Reserve and Hewlett Street Reserve play spaces which are due for replacement and upgrade. Biddigal Reserve is now reaching a critical point, with failing infrastructure such as the coppice log retaining walls in the park. It is recommended that these assets be renewed in the 2022–2023 financial year.

There are, however, planning works which can take place for Bondi play space in the 2021–2022 financial year in preparation for the play space upgrade without raising community expectation. For example, officers can begin to map the planning approval pathway with consideration to the heritage significance of the site. A detailed design brief can be drafted outlining the size, budget, types of play and functional analysis. This work can then be used to canvas grant funding opportunities for the construction of the playground. A well-considered design brief is essential to the success of the project.

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

### **Financial impact**

Planning works for the Bondi play space can be accommodated in the 2021–22 financial years design budget. The Long Term Financial Plan 5.3 has allocated funding for delivery in 2023–24 and 2024–25.

### **Time frame**

The following time frames are recommended in the planning, design, consultation, and construction of the Bondi play space.

- 2021: Planning approval pathway explored with functional design brief.
- 2022: Seek statutory approvals if necessary. Seek grant funding.
- 2023: Consultation and detailed design. Further seek grant funding.
- 2024: Construction during winter of 2024.

### **Consultation**

Council consults the community in the design development of our play spaces. Given the expected community interest in Bondi Park and the playground, as well as being a larger regional facility, it is proposed that two stages of consultation are undertaken to confirm initial design ideas and then take feedback and update the design as required to present a final design to the community for final feedback.

It is strongly recommended that community consultation take place in the lead up to the construction of the project which is within a four- to five-year time frame.

## **6. Conclusion**

Officers appreciate Councillors' continued support and patience as we progressively work our way through the asset renewal cycle of our play spaces. Planning works for the Bondi Park play space can begin in the 2021–2022 financial year. Officers will prepare a planning approvals pathway for the project and detailed project scope, deliverables, timeframes, and functional analysis to guide the playground design work. This process will ensure the project is expedited when the existing playground reaches the end of its life in approximately four years' time.

## **7. Attachments**

Nil.

**REPORT**  
**OC/5.5/21.07**

**Subject:** Petition - Waverley Woollahra Art School - Student Parking

**TRIM No:** A02/0750

**Author:** Sophie Benbow, Governance Officer

**Director:** Karen Mobbs, General Counsel

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**RECOMMENDATION:**

That Council:

1. Refers the petition to extend parking times around Waverley Woollahra Art School to the Acting Director, Community, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the action taken on the petition.

**1. Executive Summary**

Council has received a petition containing 146 signatures requesting the extension of day-time parking times around Waverley Woollahra Art School to three or four hours to accommodate students at the school.

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.

**2. Introduction/Background**

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, businesses 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:

*'Waverley Woollahra Art School runs 3-hour art classes on weekday mornings and afternoons.'*

*Parking around the school in Residential Parking Zones (RPZ) is limited to 2 hours. Daytime parking in these zones is usually available but difficult for art students to use requiring them to leave classes to move their cars. Proposed extension of RPZs south of Bondi Rd and in Angelsea St will make accessing the School harder for students unless these zones allow stays of 3 or 4 hours during the day.'*

The action requested is:

*'Increase the time limit in current and proposed RPZ, within walking distance of the School, be extended to 3 or 4 hours during the day.'*

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**  
**OC/5.6/21.07**

**Subject:** Petition - New Park in Castlefield Street, Bondi

**TRIM No:** A21/0300

**Author:** Sylvia Malicki, Governance Officer

**Director:** Karen Mobbs, General Counsel

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**RECOMMENDATION:**

That Council:

1. Refers the petition requesting a new park in Castlefield Street, between Bondi Road and Castlefield Lane, Bondi, to the Acting Director, Community, Assets and Operations, for consideration.
2. Officers prepare a report to Council on the action taken on the petition.

**1. Executive Summary**

Council has received a petition containing 71 signatures requesting a new park in Castlefield Street, between Bondi Road and Castlefield Lane, Bondi.

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.

**2. Introduction/Background**

Council accepts petitions from persons who have an interest in the Waverley local government area as residents, landowners, businesses 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:

*'The residents of Castlefield and surrounding streets in Bondi want to:*

- 1. Improve the wellbeing of residents and promote their mental and physical health.*
- 2. Support wildlife, especially native birds, by extending their habitat.*
- 3. Respond to the climate emergency – more vegetation means cooler suburbs and improved air quality.'*

The action requested is:

*‘...to create a new Castlefield Park on Castlefield Street, between Bondi Road and Castlefield Lane.’*

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

### OC/5.7/21.07



**Subject:** Fairy Wrens - Response to Petition

**TRIM No:** A17/0275

**Author:** Sue Stevens, Co-ordinator, Urban Ecology

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

#### RECOMMENDATION:

That Council:

1. Notes Council programs, such as Living Connections, that support residents to increase small bird habitat in Waverley.
2. Continues to increase habitat for small birds on public land by actively managing our bushland remnants, restoring areas of native bushland, through development controls and the provision of new native plantings that are suitable for small bird habitat.

#### 1. Executive Summary

This report responds to a petition calling for the culling of native Australian Ravens to increase the population of Superb Fairy-wrens. Council is not able to cull any native bird and it is doubtful that the culling of native Australian Ravens will result in any changes to Superb Fairy-wren populations.

#### 2. Introduction/Background

In May 2021, Council received and accepted a petition, which states:

*'Since the year 2000 the ravens have moved eastward from the country in search of food and now most of our beautiful fairy wrens, etc. have been eaten and the Council's response is that they are creating havens for them along the NSW Coast. But this is futile as the ravens have every street in every suburb of Sydney and coast line under surveillance and can spot prey from a long distance in the sky, so we have to find a way to cull these ravens to stop the killing of the fairy wrens and the further extinction of this species.'*

*Now that the small birds have been diminished they are going after pigeons. The conservation of this species of birds is paramount and we need your support. Please lobby the Government and as many people as appropriate, to support the sadly culling of these ravens, in order to avoid the extinction of this beautiful species of bird, and make it known so that the sighting of our wonderful birds will be restored hopefully within a few years.'*

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 21 May 2021	CM/7.5/21.05	That Council:  1. Refers the petition requesting action to avoid the extinction of fairy wrens to the Director, Planning,

		Environment and Regulatory, for consideration.
		2. Officers report back to Council on the action taken on the petition.

#### 4. Discussion

Urbanisation has resulted in enormous changes to biodiversity in the Waverley local government area. The loss of bushland due to development, the impact of roads and introduction of domestic animals has resulted in changes to fauna and birds. In the last few decades, large birds, such as Rainbow Lorikeets, Magpies, Pied Currawongs and Kookaburras have become more prevalent in urban landscapes. This has been due to a number of factors, including increased development that decreases backyard sizes, changed landscape conditions where shrubs and hedges are not present and lawns and trees are prevalent and choices of trees that often provide continual food sources for larger honeyeaters such as Rainbow Lorkieets and omnivores such as Pied Currawongs and Australian Ravens. The shrub layer is increasingly decreasing in both public and private areas which removes habitat for small birds and exposes these birds to predation. The use of pesticides to control garden insects on private property has also severely decreased food sources for insectivorous birds such as Superb Fairy-wrens.

To mitigate these impacts, Council:

- Maintains and improves our remnant vegetation and remnant buffer planting. These continue to be locations where Superb Fairy-wrens are abundant.
- Undertakes native bushland restoration in our reserves such as in Bronte Gully, Tamarama Gully and Thomas Hogan Reserve.
- Supports residents to improve small bird habitat on their property through the Living Connections program.
- Has development controls in our identified biodiversity habitat corridors to plants native groundcovers, shrubs and trees.

The petition requests that culls of native Australian Ravens be undertaken to support Superb Fairy-wren populations. NSW legislation does not permit Council to undertake culling of native birds. There may be circumstances where interventions are possible if this was part of a threatened species recovery plan, but in this instance Superb Fairy-wrens are not vulnerable or endangered and are relatively common in Waverley along the coast, although populations are likely to be in decline.

It should be noted that Australian Ravens are just one of a range of medium and larger sized bird species that are territorial and will outcompete small birds. Removing Australian Ravens without changing the habitat availability for smaller birds is likely to favour another carnivorous bird, such as Currawongs.

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

The Living Connections program has been part funded by a NSW Government Environmental Trust grant. Council allocated operational expenditure budget to maintain the remnant sites and remnant buffer planting and the restoration of Tamarama Gully and Bronte Gully.

#### 6. Conclusion

This report supports the continuation of Council programs to maintain and improve habitat for small birds on public and private land.

**7. Attachments**

Nil.

**REPORT**  
**OC/5.8/21.07**

**Subject:** Shops 2, 3 and 4, Bondi Pavilion - Lease - Post-exhibition

**TRIM No:** A20/0223

**Author:** Andrew Best, Executive Manager, Property and Facilities  
John Andrews, Property Manager

**Director:** Sharon Cassidy, Acting Director, Community, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. 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 lease for Shop 2, Bondi Pavilion, for a term of five years with one five-year option.
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 lease for Shop 3, Bondi Pavilion, for a term of five years with one five-year option.
3. 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 lease for Shop 4, Bondi Pavilion, for a term of five years with two five-year options.

**1. Executive Summary**

The Bondi Pavilion Conservation and Restoration project includes the provision of several commercial tenancies located on the ground floor on the beach facing façade of the building. The tenancies will provide a mix of food and beverage and retail offerings for the enjoyment of locals and visitors. Council has previously endorsed a two-step process to appoint new retail commercial tenancies at the Bondi Pavilion and it is anticipated that the reports relating to these tenders will come before Council in July 2021. This would allow Council to accept a tender in relation to each tenancy and to enter into a lease agreement with each of the successful tenderers.

As each of the tenancies relate to Crown land that is managed by Council as community land, and each proposed lease is for a period of greater than five years, Council is separately required to comply with section 47 of the *Local Government Act 1993*. This requires that if a council proposes to grant a lease in respect of community land for a period exceeding five years it must publicly notify and exhibit the proposal and before granting the lease, must consider all submissions duly made to it.

At its meeting on 25 May, Council approved putting on exhibition the intent to lease Shops 2, 3 and 4 at Bondi Pavilion. This report provides Council with details of the submissions received through the public exhibition period.

## 2. Introduction/Background

The upgrade of the Bondi Pavilion commenced in July 2020 with construction progressing well. The building is expected to reopen early in 2022.

At the March 2020 Strategic Planning and Development Committee meeting, Council endorsed a two-step process to appoint new retail commercial tenancies at the Bondi Pavilion, including associated outdoor dining areas. Step one of the leasing process being an open tender for the large southern tenancy to be known as Shop 4, with step two being an expression of interest for the two smaller northern tenancies, followed by a select tender process, to be known as Shops 2 and 3.

Following the conclusion of the tender processes it is proposed that Council grants the following leases:

- A lease for Shop 2 for a term of five years with a further five-year option for the use of the premises as a retail merchandise shop selling products and/or services relevant to the beach location (excluding food and beverage).
- A lease for Shop 3 for a term of five years with a further five-year option for the use of the premises as a café restaurant selling food and beverages (excluding alcohol).
- A lease for Shop 4 for a term of five years with a further two five-year options for the use of the premises as a café restaurant selling food and beverages with sale of liquor.

A longer lease term is being offered for the significantly larger southern tenancy as the tenant will require more time to recoup the higher capital outlay required to fit out a tenancy of this size, and to ensure a return on investment.

Council officers anticipate that the reports relating to these tenders will come before Council at the 20 July Council meeting 2021. This would allow Council to award a lease for each tenancy and to enter into a lease agreement with each of the successful tenderers subject to having separately complied with the requirements of section 47 of the *Local Government Act 1993* (the Act).

Bondi Pavilion is located on Crown land and is managed by Council as community land. Section 47 of the Act requires that if a council proposes to grant a lease in respect of community land for a period exceeding five years it must publicly notify and exhibit the proposal. Section 47(4) of the Act requires that before granting such a lease, Council must consider all submissions duly made to it.

At its meeting on 25 May 2021, Council endorsed placing the intent to lease Shops 2, 3 and 4 on public exhibition in accordance with the Act.

Council is required to consider all submissions received in relation to the proposal to grant leases for Shops 2, 3 and 4.

This report provides a summary of the submissions received through the public notification and exhibition period for the intent to lease Shops 2, 3 and 4.

## 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 25 May 2021	CM/7.17/21.05	That Council:  1. In accordance with section 47 of the <i>Local Government Act 1993</i> , publicly notifies and exhibits Council's proposal to grant a lease greater than five years in relation to each of Shops 2, 3 and 4 at Bondi Pavilion for a minimum of 28 days, with the

		<p>notification and exhibition commencing no earlier than 27 May 2021.</p> <p>2. Notes that, in accordance with section 47 of the <i>Local Government Act 1993</i>, a report will be prepared for Council at the end of the exhibition and notification period should any submissions to the proposals be received.</p>
Strategic Planning and Development Committee 3 March 2020	PD/7.1/20.03	<p>That Council:</p> <p>1. Treats this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(c) of the <i>Local Government Act 1993</i>. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</p> <p>2. Endorses the following two-step process to appoint new retail commercial tenancies at the Bondi Pavilion, including associated outdoor dining areas:</p> <p>(a) An open tender for the large southern tenancy.</p> <p>(b) An expression of interest for the smaller northern tenancies, followed by a select tender process.</p>

#### 4. Discussion

The public exhibition process set out in section 47 is separate and distinct from the evaluation of the procurement processes for each of the three tenancies.

Public notices advertising the intent to grant a lease for Shops 2, 3 and 4 were exhibited from the 2 June until the 30 June 2021 in accordance with section 47 of the Act.

Copies of all the submissions received through the public exhibition period have been circulated to Councillors separately.

Two submissions were received through the public exhibition period: one submission being replicated for each of the three leases and the second submission being in relation to the lease for Shop 4 specifically. Neither of the submissions received raised objections to the proposal for Council to grant leases for Shops 2, 3 or 4 at the Bondi Pavilion.

A summary of the submissions received is provided below:

##### Submission 1

A community member has made the same submission for Shops 2, 3 and 4 and is requesting to restrict the outdoor advertising, signage and incidental decor so it is tasteful and in keeping with the restored

architecture. They would like to see signwriting involving hand-lettering in traditional fonts used directly on the painted surfaces of the Pavilion.

#### *Officer comment*

It is the intention of the Bondi Pavilion Restoration and Conservation Project to address all heritage aspects of the Bondi Pavilion, which includes appropriate signage. The architects responsible for the building design Tonkin Zulaikha Greer are very experienced in heritage work and are proposing signage that responds to the architectural intent of the building as well as the Bondi Park, Beach and Pavilion Plan of Management. All lessees of the Bondi Pavilion will be required to adhere to the Bondi Pavilion Building Rules and Fit Out Guide which ensure signage is appropriate to the heritage of the building.

#### **Submission 2**

A community member has made comment that they would like the Shop 4 tenancy to reflect the Bondi community values and become a place where locals can meet, which visitors can enjoy too; that the venue be one that patrons can comfortably meet with other community members in a safe and open space. They would like to see entertainment of different kinds and a seasonal and quality food offering that includes options for all kinds of tastes and budgets.

#### *Officer comment*

The tender for Shop 4 specifically required that respondents address in their submission how they would meet community needs and expectations as well as those of visitors and tourists. A detailed concept and food and beverage offering was required as part of the submission, which addressed breakfast, lunch and dinner and a menu and indicative price list. As the location is unique and much loved by locals and visitors, the tender documentation was developed to draw out these aspects, so the premises have widespread appeal. It was also a requirement of the tender that respondents address operational issues, including external seating plans, patron behaviour, music and trading hours.

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

There is no financial impact to Council from the submissions received from the public notification and exhibition of the proposal to grant leases for Shops 2, 3 and 4 at Bondi Pavilion in under section 47 of the *Local Government Act*.

Following Council considering all submissions duly made to it in relation to Shops 2, 3 and 4 at Bondi Pavilion in accordance with section 47, Council will be in a position to accept a tender in relation to each tenancy and to enter into a lease agreement with each of the successful tenderers. It is anticipated that the reports relating to the tenders for each of these tenancies will come before Council at the July 20 Council meeting.

#### **6. Conclusion**

At its meeting on 25 May, Council resolved to publicly exhibit the intent to lease Shops 2, 3 and 4 at Bondi Pavilion in accordance with section 47 of the *Local Government Act 1993*. All required steps pursuant to sections 47 of the Act have been complied with and the process of notification and exhibition of the proposal to grant the leases has now been completed.

Before granting the leases, Council must consider all of the submissions duly made to it. A summary of the submissions is included in this report with all detailed submissions having provided separately to Councillors for their consideration.

It is anticipated that individual reports recommending the award of the three leases will be presented to Council at its meeting on 20 July 2021.

**7. Attachments**

Nil.

**REPORT**  
**OC/5.9/21.07**

**Subject:** Tender Evaluation - Local Village Beautification - Planter Boxes and Hanging Planters

**TRIM No:** SF21/1089

**Author:** Genevieve Wilson, Senior Project Manager

**Director:** Sharon Cassidy, Acting Director, Community, Assets and Operations

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**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 Plantabox as the preferred tenderer for the supply, installation and maintenance of planter boxes and hanging planters for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Plantabox for a term of five years, with two one-year options at Council's sole discretion.
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 to engage the contractor Plantabox to supply, install and maintain 78 permanent planter boxes and 22 hanging baskets in road reserves across the local government area as part of Council's Local Village Beautification project. This will enable Council to beautify streetscapes and improve amenity with year-round visually pleasing colourful plant displays provided in well maintained standardised planter boxes and hanging planters.

**2. Description of Service or Product being Tendered**

The tender seeks an appropriately qualified contractor to supply, install and maintain planter boxes and hanging planters.

**3. Scope of Tender**

The scope of the tender includes:

- Removal of existing planter boxes (with recycling and reuse where possible).

- Supply and installation of all planter box and hanging planter infrastructure, as well as growing medium, mulch and nominated plants (planted directly into planter boxes and hanging planters).
- Site restoration.
- Maintenance (of plants, planter boxes and hanging planters).

The tender includes the provision of ongoing servicing and maintenance of the planter boxes and hanging planters for a term of five years, plus two one-year extension options.

The locations for removal of 44 existing planters of various conditions and installations of 78 planter boxes and 22 hanging planters are summarised in Table 1 below. Local businesses will be given notification to enable them to remove any of their plants prior to removal of existing plants. The contractor will recycle the soil and check whether any of the planters and remaining plants are suitable for a community give-away via Council's Local Connections Program. The placement of new planter boxes and hanging planters within each location includes consideration of:

- Pedestrian and vehicle access.
- Clearance from bus stops.
- Loading zones and accessible parking.
- Footpath dining.
- Other existing infrastructure.
- Access to sunlight.

The planter boxes will be 1000 mm x 500 mm x 500 mm in a perforated stainless steel (coastal areas) or powder coated (non-coastal areas) finish to match Council's approved bin enclosures. The hanging planters will be 800 mm diameter and hung at either end of a structural engineer approved attachment fitted to selected existing poles in Oxford Street Mall.

*Table 1. Locations of planter boxes and hanging planters to be installed and/or removed.\**

Location	No. existing planter boxes to be removed	No. planter boxes to be installed	No. Hanging Planters to be installed
1. Bronte Village	0	6	0
2. Campbell Parade at North Bondi Bus Terminus	0	7	0
3. Charing Cross*	19	8	0
4. Grafton Street between Adelaide St to Newland St	0	8	0
5. Macpherson St at Lugar St	0	11	0
6. Macpherson St at St Thomas St	25	14	0
7. Murrivier Road at Mitchell St	0	4	0
8. Old South Head Road at Strickland St to Onslow St	0	12	0
9. Old South Head Road at Oceanview Ave	0	8	0
10. Oxford Street Mall	0	0	22
<b>TOTAL</b>	<b>44</b>	<b>78</b>	<b>22</b>

\*Removal and installation timing dependent on Charing Cross streetscape upgrade works. Hanging planters can be supplied and installed by the contractor post-completion of the Charing Cross Streetscape Upgrade works, which will include installation of poles and brackets to enable planters to be hung.

#### 4. Reason for Tender

Council's Community Strategic Plan strategy 8.3.3 seeks to 'Increase the quantity of trees and plants in public spaces, parks and streets'. Council subsequently passed a number of resolutions (CM/6.2/19.08 and CM/7.9/19.09) to improve greening and amenity in public spaces. A further resolution (CM/8.3/19.09) was passed to construct garden features and other beautifications in Oxford Street Mall.

Permanent display of plants in planter boxes and hanging planters were chosen as a quick and effective means to improve the amenity of public spaces. The project was scoped to include supply, install and maintenance by a contractor to ensure that the planters and plants are maintained in good condition and contribute to beautification of public spaces throughout the contract period.

#### 5. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 17 September 2019	CM/8.3/19.09	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council undertakes maintenance and a cosmetic short-term upgrade of Oxford Street Mall, as this is a strategic entry point into Bondi Junction and the Waverley local government area.</li> <li>2. Such short-term cosmetic upgrades and maintenance to include (but not be limited to): <ol style="list-style-type: none"> <li>(a) Replacement of 'sails' and/or cleaning, as appropriate.</li> <li>(b) Repair any broken/misplaced paving.</li> <li>(c) Neaten the areas directly under the trees in the Mall.</li> <li>(d) Design and construct garden features in various locations in the Mall.</li> <li>(e) Any other small beautifications deemed suitable and appropriate.</li> <li>(f) Addition of signage to provide an interpretation of the Tram History Walk.</li> </ol> </li> <li>3. Council notes that there is existing budget to cover the cost of the maintenance and cosmetic upgrade and, as such, the works be undertaken before the end of the 2019/20 financial year.</li> <li>4. Council notes that the Waverley LGA Restoration Program is allocated a total budget of \$10 million in the current LTFP with \$8.8 million allocated to a full upgrade of Oxford Street Mall in 2026/7 and 2027/28 financial years.</li> </ol>
Council 17 September 2019	CM/7.9/19.09	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives and notes the financial analysis for the</li> </ol>

		<p>establishment of a Neighbourhood Amenity Fund.</p> <ol style="list-style-type: none"> <li>2. Approves the establishment of the 'Neighbourhood Amenity Fund – Waverley's Local Climate Response.'</li> <li>3. Adjusts the Long Term Financial Plan Reserve Balances at the next available opportunity to incorporate the Neighbourhood Amenity Fund, to the amount of up to \$1 million per year.</li> <li>4. Proceeds to develop the criteria to be used for the allocation of monies from this Fund and a process for the optimum allocation of the Fund to achieve the goal of reducing concrete surfaces and increasing landscaping and tree canopy on footpaths, roads, traffic islands, blisters and other public spaces, as deemed appropriate.</li> <li>5. Determines that all traffic, road, footpath and landscaping works, including relevant SAMP projects, maintenance works and new capital projects, will have access to the Residential Amenity Fund and be assessed against the criterion of residential amenity improvement. Amenity improvement elements will include landscaping, pavement treatment, water sensitive urban design (WSUD) and lighting, as appropriate. The Neighbourhood Amenity Fund will only be used to top up base projects and not for full funding of projects.</li> <li>6. Makes reference to allocated use of the funds through specific projects as they occur and are reported to Council.</li> <li>7. Notes that Waverley has already received \$146,775 as part of the NSW Government Five Million Trees project in 2018/19, but has not yet utilised this funding in the York Road Green Links area.</li> </ol>
Council 20 August 2019	CM/6.2/19.08	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council notes the ongoing Strategic Asset Management Plan.</li> <li>2. Council notes the current preparation of a Tree Canopy Study.</li> <li>3. Council notes the Urban Forest Strategy.</li> <li>4. Council notes Theme 8, Sustainable Environment, of Council's Community Strategic Plan 2018–2029.</li> <li>5. Council notes 8.3.3 of the Community Strategic Plan: 'Increase the quantity of trees and plants in our public spaces, parks and streets.'</li> </ol>

		<p>6. Council notes that the measure of success is an increase in canopy and shrubs with a baseline of 23.9% increasing to 29.9% target in 2029</p> <p>7. Council investigates allocating up to \$1 million each year over the life of the current Long Term Financial Plan to a newly established Neighbourhood Amenity Fund.</p> <p>8. Council notes that Council was successful in two applications for funding under the Five Million Trees for Greater Sydney Grant program.</p> <p>9. The aim of the Neighbourhood Amenity Fund is to improve local urban and residential amenity, increase tree canopy and landscaping, capture and keep rain where it falls, and lower street level temperature while improving residential amenity in all areas of Waverley.</p> <p>10. Council establishes criteria to be used for the allocation of monies from this Fund and a process for the optimum allocation of the Fund to achieve the goal of reducing concrete surfaces and increasing landscaping and tree canopy on footpaths, roads, traffic islands, blisters and other public spaces, as deemed appropriate</p> <p>11. Amenity improvement elements will include landscaping, pavement treatment, water sensitive urban design (WSUD) and lighting, as appropriate.</p> <p>12. All traffic, road, footpath and landscaping works, including relevant SAMP projects, maintenance works and new capital projects, will have access to the Residential Amenity Fund and be assessed against the criterion of residential amenity improvement.</p> <p>13. The Neighbourhood Amenity Fund will be used to top up base projects and not for full funding of projects.</p> <p>14. A report will be prepared for the September 2019 Council meeting analysing the financial viability of this project.</p>
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## 6. Discussion

### Invitation to tender

A Tender Evaluation Panel (TEP) was established to evaluate the tenders. The Panel consisted of:

- Sam Samadian – Public Place Co-ordinator.
- Steve Gilchrist – Manager, Open Space and Sportsfield Maintenance.
- Genevieve Wilson – Senior Project Manager.

An RFT Evaluation and Probity Plan was developed and approved by the Evaluation Panel prior to the closure of the Tender.

Tenders were called on 14 May 2021. Tenders closed on 9 June 2021 at 2 pm.

The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tenders offered the best value for money.

### **Tenders received**

The following tenders were received:

- Citywide Service Solutions Pty Ltd.
- Plantabox Pty Ltd.

There were no late, non-conforming or alternative tenders.

The two received met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

<b>CONFORMING TENDERS EVALUATED</b>
Citywide Service Solutions Pty Ltd
Plantabox 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 submissions were evaluated against the following advertised selection criteria:

<b>Advertised Evaluation Criteria</b>
Methodology and program
Demonstrated experience and past performance in similar projects (organisation and project team)
Demonstrated and evidence of environmental and socially sustainable practices
Lump sum price and/or schedule of rates
Work Health and Safety
Environmental Management System
Insurances

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.

Clarifications were sought from Plantabox Pty Ltd. The company provided additional insurance information, which was assessed as being compliant. It provided confirmation of its fixed fee price inclusive of administration and planning costs, as well as supply in accordance with timeline. A reference check was also completed.

Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

### **Evaluation Panel's recommendation**

In the opinion of the TEP, Plantabox Pty Ltd submitted a detailed proposal. It demonstrated an excellent understanding of site challenges and methodology, and proposed utilising its relevant experience working

with Randwick and Blacktown Councils to achieve Council's project aims. Plantabox also submitted a competitive tender price.

Following evaluation of the tenders, the Evaluation Panel recommends that the services and products offered by Plantabox Pty Ltd provide the best value to Council.

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

### **Financial impact statement**

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

There are sufficient funds for the planter boxes and hanging planters project in the Local Village Beautification Capital Works Budget (project code C0887) for capital costs, including the price submitted by the recommended tenderer, and annual maintenance costs in the Operational Budget for street furniture (cost code 31058).

### **Time frame**

Subject to Council approval, it is anticipated that the supply and installation will be completed in October 2021.

### **Consultation**

City of Sydney provided valuable documents and advice based on its experiences managing public space greening programs. The tender documents for this project were further developed with input from the following Council teams: Asset Management and Systems; Open Space and Recreation Services; Asset Maintenance; and, Urban Design and Heritage. Council's Business Liaison and Local Connections teams have also been consulted and will participate in implementation.

## **8. Conclusion**

The Tender Evaluation Panel recommends that Council enter into contract with Plantabox Pty Ltd for the planter boxes and hanging planters project.

## **9. Attachments**

1. Tender Evaluation Matrix (confidential)